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PROCEEDINGS OF THE SUPERINTENDING ENGINEER P.W.D. ROADS, SOUTH CIRCLE, THIRUVANANTHAPURAM

(Present, Sudha.S)

Sub:- Inspection conducted by Kollam District Finance Inspection wing's squad at Kollam Roads Division and Sub Division-License cancellation of the contractor Sri.Anand Vinayak- reg.

- Read. 1. SR-2016-17 Providing 20mm bit CC to Anchalumoodu - Kureepuzha Road. Agreement No.46/EE/2018-19 dated.12/6/2018. Work Order No.1328/2017 dated. 28/5/2018.
2. B/W -2017-18 Improvements by Providing DGBM and BC to Neeravil Road and Achalumoodu-Kureepuzha Road ch.2/000 to-4/320.Agreement No. 07/SESC/2018 dated.08/2018.
3. Inspection Report of Finance Inspection Wing's squad in Office of the Executive Engineer, Roads Division, Kollam and Assistant Executive Engineer, Roads Sub Division, Kollam and Govt.Letter No.PWD-F1/114/2020-PWD dated.23/04/2021 received as per PWD Chief Engineer, Administration Letter No.CEI WD/4067/2021-Vig2-AD dated.23/06/2021
4. This Office Letter No. SE1/Vig/2021 dated.22/07/2021.
5. This Office Letter No. SE1/Vig/2021 dated.12/08/2021.
6. Hearing Note prepared at the time of hearing conducted for Sri.Anand Vinayak on 26/08/2021 in this office.
7. Hearing Note prepared at the time of hearing conducted for Sri.Anand Vinayak on 25/08/2021 by the Executive Engineer, PWD Roads Division, Kollam.
8. Letter No.A3-6771/2020 dated.31/8/2021 of Executive Engineer, Roads Division, Kollam.
9. This office letter No. SE1/Vig/2021 dated.03/09/2021.
10. Govt.Letter No.PWD-113/85/2021-PWD dtd.18/9/2021 through Chief Engineer, PWD Roads vide endorsement letter No.CEPWD/9162/2021-C4(W) RD dtd.01/10/2021.

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ORDER NO. SE1/Vig/1259/2021 DATED: 25.10.2021

As per reference 1st cited above, the work arranged by the Executive Engineer, Roads Division, Kollam and awarded to Contractor Sri.Anand Vinayak and another work awarded to very same contractor Sri.Anand Vinayak by the Superintending Engineer, PWD Roads South Circle, Thiruvananthapuram as per reference 2nd above. During the Inspection conducted by the Finance Wing they found mal practice in a fraudulent manner made by the contractor Sri.Anand Vinayak in executing agreement as well as execution on the work vide reference 1st cited and the Secretary to Government directed to take steps subjecting License of the contractor as per reference 3rd and 10th cited above.

In this regard vide matter referred as reference No. (3); a Notice was issued seeking contractor Sri.Anand Vinayak called up on to be present for hearing as on 12/08/2021 and to show cause against findings in the Report issued by the Finance Wing, but did not attend the office on that day, However submitted a Leave application through his authorized agent for excusing his absence due to Covid-19 Quarantine related in connection with his wife. There after as a part of Enquiry again this office issued another notice vide reference 5th cited to attend this office to answer in connection with above report. On 26/8/2021 contractor was present, I well explained the observations found against contractor by the Finance department as per referen

(3). Alleging serious ulterior motive with manipulation of material alteration of dates antedating for the purpose of executing the agreement on the stamp papers as reported by Finance department. The enquiry being done mainly focusing on the above said issue whether contractor Sri.Anand Vinayak had fabricated dates in stamp paper. However during the enquiry the contractor could give only evasive answers without countering the point on material alteration alleged in the Report of the Finance Department as per reference (3).

The stamp papers in question used by the contractor imposing with anterior date is a serious issue without bona-fides goes to the root of enforceability of valid agreement with Department and such document will result consequential comparative hardship. No legal enforceability is permissible on the strength of fraudulent manipulated Stamp papers which lack legal strength from its very inception. The repeated opportunity provided to the contractor before the Executive Engineer, Kollam as well as this office to explain the circumstances alleged vide reference (3) is not effectively or satisfactorily answered. Moreover contractor failed to produce any other relevant proof of Stamp papers to substantiate claim of genuineness of stamp paper used for the agreement. The Stamp papers in issue related to relevant date of issuance from treasury is a valid authentic material record. Therefore evasive and contradictory answers before the Executive Engineer, Kollam and before this office lacks merit hence claim of used genuine stamp papers without any manipulation or material alteration by the contractor cannot be accepted in the above circumstance. The contractor failed to depose with proper explanation to the averments in the Report of the Finance and not satisfactory or specifically denied and rebutted the findings vide Report issued by the Finance Wing.

In the above facts and circumstances, the contract License bearing No.8B/SESC/2012-13 issued in favour of contractor Sri.Anand Vinayak on 25/4/2012 by the Superintending Engineer, PWD Roads South Circle, Thiruvananthapuram which is valid upto 31.03.2023 is cancelled with effect from this date onwards for placing fabricated stamp papers ex-facie with material alteration of dates for executing agreement with Department by using such fabricated stamp papers as per reference (3).


SUPERINTENDING ENGINEER.

To

S i.Anand Vinayak
Kallas,Oorampallil Kesavan Nagar
H-22, Mundakkal House,Kollam-691 001

Copy to :

CE,PWD Roads,Thiruvananthapuram
CE, PWD Administration,Thiruvananthapuram
DCE,PWD Vigilance,Thiruvananthapuram
SE, R&B, Central Circle, Aluva/North Circle, Kozhikode
SE Buildings South Circle, TVPM/Central Circle, Thrissur/ North Circle Kozhikode/
SE Judicial Circle Ernakulam/NH South Circle, Tvp.
✓ The C.E LSGD Tvp
SE, Irrigation South Circle, TVM/Central Circle, Thrissur/North Circle, Kozhikode
EE, Roads Division TVM, KLM/KTM/ALPY/PTA
EE Buildings Division, TVM/KLM/KTM/ALPY/PTA