Letter Regarding Banning of Business
Without prejudice

Ref. No.: EESL/06/2019-20/SLNP/SQL/Odisha/Poles/LoA-1920036/Banning/5292
Date: 14.01.2025

To,
M/s Aastha Electricals,
Near Vijay Krishna Mandir,
Railway Road, Jind, Haryana - 126102
M: 9315458350
Email: aasthaelectrical@gmail.com

Subject: Order Banning M/s Aastha Electricals from Participation in Tendering Process for a Period of Two Years.

Ref:

i. LoA No.: EESL/06/2019-20/SLNP/SQL/Odisha/Poles/LoA-1920036/945 dated: 14.05.2019.
ii. Zone 5- LoA No- EESL/06/18-19/DIC-IDC/Odisha-Zone 5/1819204/7495 Dated: 28/12/2018 Kendrapada MC- MoM S. No 2.
iii. Zone 5- LoA No- EESL/06/18-19/DIC-IDC/Odisha-Zone 5/1819204/7495 Dated: 28/12/2018 – Patamundi MC- MoM S. No 3.
iv. Zone 2- LoA No: EESL/06/EZ-OD/17-18/SLNP/DIC&IDC-Odisha/004/1819051/1151 date: 14/05/2018 – Ranpur MC - MoM S. No. 4.
v. EESL's Show Cause Notice dated 08.07.2024.
vi. Reply of M/s Aastha dated 06.08.2024

Dear Sir,

WHEREAS, Energy Efficiency Services Limited (EESL) had issued various Letters of Award (LoAs) to M/s Aastha Electricals (hereinafter referred to as "the Agency") for the design, supply, erection, installation, and commissioning of poles and streetlights in Urban Local Bodies (ULBs) of Odisha, including Pattamundai, Kendrapada, and Ranpur ULBs;

AND WHEREAS, in the execution of the aforesaid contracts, allegations of fraudulent practices, including submission of forged and fabricated documents, were brought to the notice of EESL, necessitating the issuance of a Show Cause Notice (SCN) dated 08.07.2024 to the Agency to provide an explanation for such conduct;

AND WHEREAS, the Agency submitted its reply to the SCN on 06.08.2024, which has been duly considered by EESL in light of the relevant records, findings, and principles of natural justice;

WHEREAS, the first allegation pertains to the submission of a Daily Installation Report (DIR) dated 23.12.2019 by the Agency, claiming the installation of 20 poles at Pattamundai ULB. This DIR was supported by a purported signature of an EESL site engineer. Upon verification, it was found that the signature of the EESL site engineer on the DIR was not genuine and had been externally pasted onto the document. Furthermore, it was confirmed that the EESL engineer whose signature appeared on the DIR was never assigned to Pattamundai ULB or the associated district.

AND WHEREAS, as a contractor working under the agreed terms of the contract awarded by EESL, M/s Aastha was fully aware of the site engineer's assignment details, as evident from prior DIRs signed by the correct engineer and email communications by the agency. The claim of ignorance is therefore implausible and baseless.

AND WHEREAS, the deliberate copying and pasting of the engineer's signature, as observed in the forged documents, was done in a manner, which is not achievable through normal manual process and would require softwares tools to alter, cut and paste, clearly indicating a deliberate and willful act of forgery (The DIR sheet dated 23.12.2019 is attached showing the forged signature encircled) This fraudulent action cannot be dismissed as a procedural lapse.

AND WHEREAS, the Agency's argument that the DIR was verified by ULB representatives and EESL engineers does not hold, as these verifications were procedural and limited to the physical inspection of installations, not the authentication of signatures. Payment approvals by EESL were similarly procedural and do not validate the authenticity of the documents submitted.

WHEREAS, the second allegation pertains to claims submitted by the Agency for the installation of 305 streetlights at Kendrapada ULB and 263 streetlights at Pattamundai ULB, allegedly as part of Cyclone FANI recovery efforts. Verification with the respective ULBs revealed that the claimed installations were not related to Cyclone FANI but were routine maintenance activities. Additionally, prior communications from the Agency itself, such as emails dated 09.12.2019, letter dated 16.12.2019 and 09.01.2020, confirmed the installation of only 100 streetlights in each ULB, contradicting the later claims.

AND WHEREAS, the timing of these claims, submitted nearly a year after the alleged installations, coinciding with the reconciliation of records by the Housing and Urban Development (H&UD) Department of Odisha, raises significant suspicion of an attempt to fabricate records retroactively for financial gain.

AND WHEREAS, the Agency's argument that the claims were supported by ULB endorsements is untenable as reliance on ULB representatives does not absolve the Agency of its responsibility to ensure the accuracy and integrity of all documents submitted. The contractor is the primary custodian of the authenticity of its submissions, and any deviation constitutes a breach of trust and contractual obligations.

WHEREAS, the third allegation pertains to the submission of another DIR bearing the signature of a Ranpur ULB representative, claiming the replacement of 88 streetlights. Upon verification, it was revealed that no replacements were actually made, and the ULB representative had erroneously signed the DIR under misrepresentation.

AND WHEREAS, the Agency's claim that EESL's lack of immediate action implied acceptance of their explanations is without merit, as there is no time bar during the currency of contract to uncover fraudulent practices by Contractors. Investigations and diligence in such matters require detailed verification, adherence to principles of natural justice, and cannot be construed as tacit acceptance of the Agency's explanations. Furthermore, the accountability for exacting erroneous ULB endorsements lies with the Agency, as it is their responsibility to ensure the accuracy of submitted documents and to prevent or report any discrepancies.

WHEREAS, the acts of copying and pasting the signatures of EESL engineers and the seal of EESL in the submitted documents indicate a clear act of forgery. Such actions demonstrate a systematic attempt to mislead EESL and undermine the integrity of its procurement processes. These repeated acts of forgery, fabrication, and misrepresentation constitute serious violations of contractual obligations and ethical standards.

WHEREAS, Clause 2.1(III)(v) of Section 4 of the Request for Proposal (RFP) and Clause C14.0 of EESL's Procurement Guidelines, empower EESL to impose penalties, including blacklisting or banning, for fraudulent practices and misrepresentation of facts.

AND WHEREAS, the process and decision of banning a contractor for business is distinct from any contractual disputes being adjudicated in arbitration proceedings. While arbitration pertains to the resolution of contractual claims and counterclaims, banning is an administrative action reflecting EESL's intent not to engage with a firm that has indulged in fraudulent and unethical practices.

NOW, THEREFORE, after taking into consideration the allegations, the findings of the investigation, the Agency's reply, and in exercise of the powers conferred under the relevant provisions of the contract and procurement guidelines, it is hereby ordered as follows:

1. **M/s Aastha Electricals is banned from participating in the tendering process of EESL for a period of two (2) years, effective from 14.01.2025 to 13.01.2027.**
2. **All bids submitted by M/s Aastha Electricals in ongoing tenders shall be summarily rejected.**
3. **This decision is without prejudice to any other legal or contractual remedies available to EESL.**

This order has been issued after following the principles of natural justice and taking into account all relevant facts and circumstances. EESL remains committed to maintaining the highest standards of probity and fairness in its procurement processes.

This is issued with the approval of the Competent Authority.

For and on behalf of EESL

(Alok Kumar Mittal)
Addl. General Manager (Contracts)

Enclosed: As above

Installation Report of Pole Erection and LED Street Light

ULB : Pattamundai Municiplity

Date : 23.12.2019

SR. NO	POLE NUMBER	WARD NO.	RODA NAME/ LANDMARK	NOS. OF PSC POLE 8 MTR.	NOS. OF TUBLER POLE 8 MTR.	LED WATTAGE	Pole Paint & Numbering	G.I BRACKET &CLAMP 32/40 MM	2C*2.5 SQ MM AL CABLE (METER)	LT AB CABLE 2C*25 SQ MM (METER)	PRC CONNECTOR	SUSPENSION CLAMP	I- HOOK	G. I CLAMP	REMARK
1	N 53	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
2	N 54	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
3	N 55	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
4	N 56	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
5	N 57	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
6	N 58	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
7	N 59	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
8	N 60	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
9	N 61	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
10	N 62	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
11	N 63	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
12	N 64	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
13	N 65	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
14	N 66	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
15	N 67	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
16	N 68	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
17	N 69	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
18	N 70	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
19	N 71	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
20	N 72	10	MATIA	1	0	0	Yes	0	0	0	0	0	0	0	0
GRAND TOTAL				**20**	**0**	**0**	**20**	**20**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

For Aastha Electricals
Rajesh
M/s aastha Electricals
(Sign &Stamp)

M/s Energy Efficiency Services Ltd (Sign & Stamp)
(Sign with Stamp)

Executive Officer
(Sign & Stamp)
19.3.2020
EXECUTIVE OFFICER
PATTAMUNDAI MUNICIPALITY