

BEFORE THE PROCUREMENT REDRESSAL COMMITTEE  
BRIHANMUMBAI MUNICIPAL CORPORATION, MUMBAI

CASE No. 004/PRC/2016.

M/s. Skyway Infraprojects Pvt. Ltd. .... Appellant.

V/s.

Municipal Corporation of Greater Mumbai. .... Respondent

**QUORUM** : 1. Hon'ble Dr. Justice F.I. Rebello (Retd) .... Chairman  
Chief Justice High Court of Allahabad  
2. Shri B.P.Patil .... Member  
3. Shri Sunil K. Railkar ... Member

**ORDER**

**(Dated this 2<sup>nd</sup> Day of May, 2016)**

The applicant has filed this application, contending that their application was held to be non-responsive on the wrong assumption by the Respondent that the work experience of the applicant did not satisfy the criteria of liner. It is the case of the applicant that the main contractor had sublet 49% of the contract work to them and this was approved by the Respondent. Under the 49% of the work they had done the entire work of liner. If that is considered, the claimant has completed more than 368 MT. It is submitted that the respondent wrongly calculated 49% of the total work including liner. The Applicant places reliance on the Certificate issued by the Engineer dated 15.02.2016, which shows the total quantity of the liner work executed by the claimant, which would show that they are responsive.

On the other hand, on behalf of the respondent, it is submitted that the main contractor was allowed to sub contract 49% of the work to the present applicant. There is no

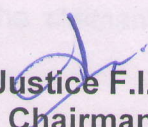



approval granted by the Respondent for the specific work but it was for the entire work. In these circumstances they had calculated 49% of the liner work.

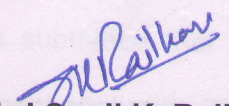
At the hearing, we called upon the applicant to produce the document between the main contractor and the applicant, which would show the nature of work what the main contractor had sublet the applicant. This document which would be the most relevant document has not been placed before the Committee by the Applicant.

In our opinion, even if the applicant has done the entire work of liner that by itself cannot result in holding that, when the Respondent had agreed to permit sub contract of 49% of the work it included the entire liner work. In respect of the document relied upon by the Applicant, on the very same day of the said document, the same Engineer issued another letter setting out that the performance certificate is limited to 49% quantum of the work. In these circumstances, the applicant cannot rely on the work of completion certificate issued under No. Dy.Ch.Eng./3767/SWD/City of date 15.02.2016. It is only the work, which was lawfully allowed to be subcontracted that has to be taken into consideration. That was 49% of the entire work. Therefore only 49% of the liner work should be considered. That does not meet the criteria.

In our opinion, considering the above, we do not find any merit in this application which is accordingly rejected.

  
Hon'ble Dr. Justice F.I. Rebello (Retd.)  
Chairman,  
Procurement Redressal Committee

  
Shri B.P. Patil  
Member  
Procurement Redressal Committee

  
Shri Sunil K. Railkar  
Member  
Procurement Redressal Committee

