

By Register A.D

GOVERNMENT OF MAHARASHTRA

DIRECTORATE OF INDUSTRIES

By Regd.Post A.D.

No. DI/CSPO/Blacklist/Enquiry/Maner/84/2013/ *DI 981100*

Date: **16 NOV 2013**

- Read: 1. उद्योग संचालनालयाची नोटीस - क्र. उस/भाख/शिम/सुत्रावे/तक्रार/18/2012/बी-6059, दिनांक 24.04.2012.
2. मे. मणेर यांनी नोटीसीला दिलेले उत्तर दिनांक 15.05.2012.
3. चौकशी अधिकारी नेमल्याचे शासनाचे पत्र क्र. भांखस 2012/प्र.क्र.96/12/उद्योग-4, दि. 04.12.2012.
4. चौकशी अधिकारी यांची नोटीस क्र. उस/भाख/काया चौकशी/मणेर-सोनी/84/2012/सी-10744, दि. 14.12.2012
5. मे. मणेर यांनी नोटीसीला दिलेले उत्तर - दिनांक 27.12.2012
6. मा.विकास आयुक्त (उद्योग) यांची चौकशी अधिकारी म्हणून नियुक्ती - शासनाचे गोपनीय पत्र क्र. भांखस 2012/प्र.क्र.96/12/उद्योग -4 दिनांक 19.01.2013 'व' समक्रमांक पत्र दिनांक 06.02.2013
7. मे.मणेर सायकल स्टोअर्स, रत्नागिरी यांचे 2011-2012 मध्ये बांधिल केलेले शिलाई मशिनचे दर करार क्र. SPC/RCT/Sewing Machine/09/2011-12/B-2941 dated 05.03.2012.
8. शासनाचे गोपनीय पत्र क्र. भांखस/2013/प्रक्र 121/13/उद्योग/4, दि. 01.07.2013.

Preamble:-

Directorate of Industries published a tender notice in newspaper and Govt. Gazette on dated 01.09.2011 for Rate Contract of various types of sewing machines for the year 2011-12 as follows. -

1. Sewing Machine (Household) ISI mark
 - a. Hand operated sewing machine
 - b. Foot operated sewing machine with stand and table with drawer.
 - c. Motor driven sewing machine with electric motor
2. ISI mark Zigzag/Picofall sewing machine or sewing machine confirming to IS.
 - a. Hand operated sewing machine
 - b. Foot operated sewing machine with stand and table with drawer.
 - c. Motor driven sewing machine with electric motor
3. Stand and table with drawer.

The tender was opened on 04.01.2012 wherein M/s. Maner Cycle Stores proprietor Shri Firoz Karim Maner, M/s. Muskan Traders proprietor Smt. Nilam Firoz Maner and M/s. National Stores, proprietor Shri. Sameer Karim Maner participated with other tenderers. On the basis of the technical documents and rate quoted M/s. Maner Cycle stores succeeded qualifying in the Rate Contract. Accordingly, Jt. Director of Inds. (JDI), CSPO issued Letter Of Intent Maner Cycle stores., on 10.02.2012 for sewing machine Household ISI Mark -i) Hand operated sewing machine ii) Motor

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on 10.02.2012 for sewing machine Household ISI Mark –i) Hand operated sewing machine ii) Motor driven sewing machine with electric motor with Stand and table with drawer and for ISI mark Zigzag/Picofall sewing machine or sewing machine confirming to IS i) Hand operated sewing machine with Stand and table with drawer and for Household ISI Mark Motor driven Sewing machine with electric motor and Stand and table with drawer.

M/s. Maner Cycle stores received letter of Intent and accordingly executed the agreement for the Rate Contract and also paid the security deposit to the Directorate of Industries. Accordingly the Directorate of Industries finalized the rate contract for all three categories as above.

One of the tenderer M/s. Suttraway Engineering Works Pvt. Ltd vide letter dt.26.03.2012, addressed to the DC(I), pointed out that M/s. Maner Cycle & M/s. Sony Cycle submitted fake & bogus technical documents (for the category of stand and table with drawer) in the name of M/s. Azad foundry, which is not in existence, in Ahmednagar. Both these tenderers submitted the dealership letter from M/s. Azad Foundry, Ahmednagar who is a manufacturer for stand and table with drawer for sewing machines, based on which Directorate (Inds) awarded them the contract for stand and table with drawer

After receipt of this complaint, Directorate of Industries issued notice to M/s Maner Cycle stores as referred at Sr.No. 2 and 5 and then the detailed enquiry process was completed and final show cause notice was issued No. DI/CSPO/blacklist/Enquiry/Sony/84/2013/B-12421, dated 02.08.2013 for blacklisting. This firm has not taken any cognizance of this show cause notice and hence the following order is passed.

ORDER:-


Shri. Firoz Karim Maner, Proprietor of M/s. Maner Cycle stores has not taken any cognizance of the show cause notice issued by Directorate. Hence it is assumed he has accepted all the charges framed against him and willfully misled and cheated the Govt. in the tender process by submitting fake documents of Azad Foundry, Ahmadnagar which is a fictitious unit.

It is also find that there are two other firms wherein the proprietors are related to Mr. Firoz Karim Maner of M/s. Maner Cycle Stores, who also participated in the tender for sewing machines by submitting the same fake documents in the name of Azad Foundry. They are –

- M/s. Muskan Traders, (Proprietor is Smt. Nilam Firoz Maner, Wife of Firoz Karim Maner) situated at Devrukh, Ratnagiri.
- M/s. National General Stores (Proprietor is Sameer Karim Maner, brother of Firoz Karim Maner) situated at Ratnagiri.

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After going through all evidence, documents during the enquiry, it is crystal clear that all these firms willfully submitted bogus/fake documents in the name of Azad Foundry in order to qualify in the tender process. The entire efforts of the Directorate of Industries to finalize the rate contract for sewing machine and bicycles has been wasted and procurement could not be done by various Govt. bodies due to the fraud committed by M/s. Maner Cycle Stores. Hence in the exercise and power confirmed at para 10(2) of the Govt. circular No. SPO -1097/ 33926/CR-2800/IND-6, dated 13.08.1997 Development Commissioner (Inds) and Central Purchasing Officer, Govt. of Maharashtra, Mumbai has decided to permanently blacklist the firms M/s. Maner Cycle Stores, Devrukh, Bazarpeth Devrukh, Tal- Sangmeshwar, Dist- Ratnagiri-415 804, M/s. Muskan Traders, (Proprietor, Smt. Nilam Firoz Maner, Wife of Firoz Karim Maner) situated at Devrukh, Ratnagiri and M/s. National General Stores(Proprietor, Sameer Karim Maner, brother of Firoz Karim Maner)situated at Ratnagiri with immediate effect and the firms are banned from participating in the tenders of Central Store Purchase Organization as well as all State Govt. Depts. Corporations, Semi-Govt. Organizations, Public Sector Undertaking, Autonomous Societies etc.


Development Commissioner (Inds)
Directorate of Industries,

To,

1. M/s. Maner Cycle Stores, Bazarpeth Devrukh, Tal- Sangmeshwar, Dist- Ratnagiri- 415 804
2. Principal Secretary (All) _____
3. Chief Executive officers (All Zhilla Parishad) _____
4. District Collectors (All) _____
5. Commissioner (All Municipal Corporations) _____

By Registrar A.D.

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DIRECTORATE OF INDUSTRIES

By Regd.Post A.D.

No. DI/CSPO/Blacklist/Enquiry/Sony/84/2013/ली.१६६६६

Date: 6 NOV 2013

- Read: 1. उद्योग संचालनालयाची नोटीस - क्र.उसं/भांख/शिम/सुत्रावे/तक्रार/18/2012/बी-6059, दिनांक 24.04.2012.
2. मे. सोनी यांनी नोटीसीला दिलेले उत्तर दिनांक 22.05.2012.
3. उद्योग ऊर्जा व कामगार विभागाचे इंग्रजी परिपत्रक क्र. एसपीओ-1097/33926/सीआर-2800/ उद्योग-6, दि. 13.08.1997.
4. चौकशी अधिकारी नेमल्याचे शासनाचे पत्र क्र. भांखस 2012/प्र.क्र.96/12/उद्योग-4, दि. 04.12.2012
5. चौकशी अधिकारी यांची नोटिस क्र.उसं/भांख/काया चौकशी/मणोर-सोनी/84/2012/सी-10745, दि. 14.12.2012.
6. मे. सोनी यांनी नोटीसीला दिलेले उत्तर - दिनांक 27.12.2012 आणि 29.12.2012.
7. मा.विकास आयुक्त (उद्योग) यांची चौकशी अधिकारी म्हणून नियुक्ती - शासनाचे गोपनीय पत्र क्र. भांखस 2012/प्र.क्र.96/12/उद्योग - 4 दिनांक 19.01.2013 व समक्रमांक पत्र दिनांक 06.02.2013.
8. शासनाचे गोपनीय पत्र क्र. भांखस/2013/प्रक्र 121/13/उद्योग/4, दि. 01.07.2013.
9. मे. सोनी यांनी अंतिम नोटीसीला दिलेले उत्तर - दिनांक 03.09.2013.

Preamble:-

Directorate of Industries published a tender notice in newspaper and Government. Gazette on dated 01.09.2011 for Rate Contract of various types of sewing machines for the year 2011-12 as follows:-

1. Sewing Machine (Household) ISI mark
 - a. Hand operated sewing machine
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 - c. Motor driven sewing machine with electric motor
2. ISI mark Zigzag/Picofall sewing machine or sewing machine confirming to IS.
 - a. Hand operated sewing machine
 - b. Foot operated sewing machine with stand and table with drawer.
 - c. Motor driven sewing machine with electric motor
3. Stand and table with drawer.

The tender was opened on 04.01.2012 wherein M/s. Sony Cycle Co. proprietor Mr. Mahesh Demda, participated with other tenderers. On the basis of the technical documents and rate quoted M/s. Sony Cycle Co. succeeded qualifying in the Rate Contract. Accordingly, Jt. Director of Inds. (JDI), CSPO issued Letter Of Intent to M/s. Sony Cycle Co., on 10.02.2012 for Household ISI Mark Motor driven Sewing machine with electric motor and Stand and table with drawer.

One of the tenderer M/s. Suttraway Engineering Works Pvt. Ltd vide letter dt.26.03.2012, addressed to the DC(I), pointed out that M/s. Maner Cycle & M/s. Sony Cycle submitted fake & bogus technical documents (for the category of stand and table with drawer) in the name of M/s.

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• Azad foundry, which is not in existence in Ahmednagar. Both these tenderers submitted the dealership letter from M/s. Azad Foundry, Ahmednagar who is a manufacturer for stand and table with drawer for sewing machines, based on which Directorate(Inds) awarded them the contract for stand and table with drawer

After receipt of this complaint, Directorate of Industries issued notice to M/s Sony Cycle co. as referred at Sr.No. 2 and 5 and then the detailed enquiry process was completed and final show cause notice is issued No. DI/CSPO/blacklist/Enquiry/Sony/84/2013/B-12420, dated 02.08.2013 for blacklisting. In response to this show cause notice, answer given by Proprietor of M/s. Sony Cycle Co., Shri. Maheh L. Demda is received by this office on 07.09.2013. The explanation given by M/s. Sony Cycle Co. is examined and point-wise remarks of Directorate of Industries on the basis of enquiry report are as follows :-

Remarks of D.I. on the basis of enquiry report

- Point No. 1 The say submitted here by Mr. Mahesh Demda is not acceptable. He is fully responsible for all the information and documents submitted by him while participating in tender and the veracity of the information there in.
- Point No. 2 It is not acceptable that Mr. Sachin Gupta was not in touch with Mr. Mahesh Demda. In the reply of show cause notice Mr. Demda mentioned that Mr. Sachin Gupta met him in his shop at Kolphaur and told Mr. Demda that he was authorized person of M/s. Azad Foundry, Ahmednagar. It means both have well in touch for business relation. It is also the responsibility of Mr. Demda to know his associates Mr. Sachin Gupta. He can't submit the documents frivolously without verification to Government
- Point No. 3 The claim made by Mr. Demda saying that he has not purchased or sold sewing machine with stand table to any Public, Private, Government or any semi-government agency is not acceptable. Mr. Demda is well aware about Mr. Sachin Gupta and the whereabouts the unit Azad Foundry which is fictitious unit and Mr. Sachin Gupta does not exist. With the help of these fake documents he tried to get the tender.
- Point No. 4 The report of National Test House, Mumbai establishes that the samples (stand and table with drawer) were submitted in the name of Azad Foundry but the fees for conducting the tests at National Test House were partly paid by the Vishal Cycle Ludhiana and M/s. Sony Cycle is the authorized distributor of Vishal Cycle in Maharashtra. It is clearly established in enquiry that the claim of M/s. Sony Cycle that they do not know whereabouts of the people behind the test report. The same test report was used by Sony Cycle Co. in the tender process of CSPO. It is clear that Mr. Mahesh Demda proprietor of M/s. Sony Cycle willfully mislead/cheated the Government. in the tender process by submitting the fake documents in the name of Azad Foundry, Ahmednagar.
- Point No. 5 From the report received by National Test House, Mumbai establishes that payment of test report was made on the name of Vishal Cycles.
- Point No. 6 Submission of fake & bogus documents and committing fraud on Government. in any

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case has implication for all other dealings with Government. Because all purchases by Government are for public purpose and poor qualities supplies adversely impacts the delivery mechanisms and services provided by Government.

- Point No. 7 In the enquiry it has been clearly established that M/s. Sony Cycle used fake letterhead in the name of Azad Foundry for submitting samples to National Test House. He knows the whereabouts of the people behind the test report.
- Point No. 8 M/s. Sony Cycle Can't shirks his responsibility for his actions. He has willfully committed this fraud for personal gain.
- Point No. 9 M/s. Sony Cycle is responsible for all consequences of his actions. Government, suffered losses as procurement could not be done by various Zillah Parishada / Government. departments due to R.C. not being finalized; public has been deprived of the benefit which wont.

On the basis of above findings reply given by Mr. Demda, proprietor, M/s. Sony Cycle co. in response to the show cause notice dated 2.08.2013 is not acceptable, hence the following order:-

ORDER:-

All the issues raised in the written explanation given by M/s. Sony Cycle Co. have been carefully examined. It is found that Shri. Mahesh L. Demda, Proprietor of M/s. Sony Cycle Co. willfully mislead and cheated the Government. in the tender process by submitting fake documents of Azad Foundry, Ahmadnagar which is a fictitious unit in order to qualify for Rate Contract. Also Shri. Mahesh L. Demda submitted the same fake documents for getting the tender orders for past two years. After going through all evidence, documents during the enquiry, It is crystal clear that Shri. Mahesh L. Demda Proprietor of M/s. Sony Cycle Co. willfully mislead and cheated the Government. in the tender process.

The entire efforts of the Directorate of Industries to finalize the rate contract for sewing machines and bicycles has been wasted and procurement could not be done by various Govt. bodies due to the fraud committed by M/s. Sony Cycle Co. Hence in the exercise and power confirmed at para 10(2) of the Govt. circular No. SPO -1097/33926/CR-2800/IND-6, dated 13.08.1997 Development Commissioner (Inds) and Central Purchasing Officer, Government. of Maharashtra has decided to permanently blacklist the firm M/s. Sony Cycle Co., E-ward, Prabhkar Plaza, Shop No.17, Station Road, Kolhapur, (Maharashtra)-416001 with immediate effect and the firm is banned from participating in the tenders of Central Store Purchase Organization as well as all State Government. Depts. Corporations, Semi-Government. Organizations, Public Sector Undertaking, autonomous societies etc.


Development Commissioner (Inds)
Directorate of Industries,

To,

1. M/s. Sony Cycle Co., E-ward, Prabhkar Plaza, Shop No 17, Station Road, Kolhapur- 416001.