ORDER

Subject: Grievance filed by Sanjay Industries, Korba, Chhattisgarh against the South Eastern Coalfields Limited, Bilaspur, Chhattisgarh-Reg.

Whereas M/s Sanjay Industries, Korba, Chhattisgarh has filed a Writ Petition (CIVIL) No. 1463/2014 in the Hon’ble High Court of Chhattisgarh at Bilaspur against the South Eastern Coalfields Limited, Bilaspur, Chhattisgarh, Coal India Ltd, Central Vigilance Commission, Union of India through Secretary of MSME, etc. for adopting restrictive practices in procurement of conveyor rollers of different type & size and other component.

And whereas Hon’ble High Court has directed in Order dated 27.10.2014 that the petitioner may represent this grievance before the Grievance Cell constituted by Ministry of MSME under the Public Procurement Policy and the Cell has to take a final decision by reasoned order within a maximum period of three months from the date of receipt and/or production of representation along with the copy of present order.

Accordingly, M/s Sanjay Industries, Korba, Chhattisgarh represented their grievance over restricted practices/eligibility criteria imposed by South Eastern Coalfields Ltd., Bilaspur vide letter dated 22.12.2014.

Both M/s Sanjay Industries and M/s South Eastern Coalfields Ltd. were issued communication for personal hearing before the grievance cell but both the parties did not turn up and requested for meeting in April, 2015.

Therefore, Director, Grievance Cell had a personal hearings of authorized representatives of Sanjay Industries and South Eastern Coalfields Limited, Bilaspur, Chhattisgarh on 15.04.2015 in his room. In hearing of 15.4.2015, officers from SECL could not come and views of M/s Sanjay Industries were heard.
Due to non-presence of any representative from SECL, it was decided to again call the representative of both the parties to present their case before the Grievance Cell on 5.5.2015.

Representatives of both the parties appeared before the Director, Grievance Cell in his Chamber on 5.5.2015 and presented their case.

After hearing both the parties and examining all the documents brought before the Grievance Cell including grievance submitted by the petitioner and the comments thereon furnished by the SECL and the various provisions of the Public Procurement Policy, the decision of the Grievance Cell is as under:

1. SECL will strictly comply with the provisions of the Public Procurement Policy and provide all the facilities/benefits to the MSEs:

   (a) Tender Set free of cost
   (b) Exemption from the payment of Earnest Money
   (c) In tender, participating MSEs quoting price within price band of L1 + 15% shall also be allowed to supply a portion of requirement by bringing down their price to L1 price in a situation where L1 price is from someone other than a MSE and such MSE shall be allowed to supply upto 20% of the total tendered value.
   (d) 358 items are exclusively reserved for procurement from MSEs

2. All tenders floated by SECL will be with the generic name of the product(s) only and not by brand name or usage based unpopular technical names as most MSEs may not be able to meet out experience criteria for the item as MSEs have work experience for item in terms of generic names.

3. SECL will develop a mechanism to invite New/ beginners MSEs with the trial tender method and give them opportunity to supply the sufficient quantity of material for SECL on performance basis.
4. SECL has agreed not to impose condition that MSEs having BIS licence for raw materials shall only be eligible to participate in tenders. The representative of SECL have also agreed during the hearing that they will consult with their higher authority and made necessary Generalize/ Uniform Eligibility Criteria for procurement of steel cogs and components for conveyor roller being manufactured at Area level/Area workshop.

5. Both SECL and the petitioner have agreed that all out efforts will be made to settle their local issues in Plant Level Committee (PLC) Meetings including the issue of Conveyor Roller.

Hence the representation of M/s Sanjay Industries, Korba, Chhattisgarh for the redressal of their grievance against SECL & others is disposed off.

(U.C.Shukla)
Director (Grievance Cell)

1. Shri S.K. Budhia, Sanjay Industries, 5 New Industrial Estate, Rajgamar Road, Korba (C.G.).

2. General Manager, South Eastern Coalfields Ltd., Seepat Road, Bilapur- 495006, Chhattisgarh.