



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated Under the Companies Act, 1956)

Corporate Identity No.U40100KL2011SGCO27424

Corporate Office (Supply Chain Management)

Vydyuthi Bhavanam, Pattom, Thiruvananthapuram- 695004, India,

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Abstract

Supply of 11kV, 3x300 sq.mm XLPE UG cable by M/s. Gupta Power Infrastructure Limited - Delivery extension granted - Price refixation done in Additional order clarified - Sanctioned - Orders issued.

Corporate Office(Supply Chain Management)

BO(FTD)No.178/2023(CE(SCM)/XH-AE1/2022-23/11kV XLPE UG Cable/Gupta/

Thiruvananthapuram, dated 04.04.2023

- Ref:-**
- 1) Original Purchase Order No. SCM.113/2019-20/6425 dated 30/11/2019 placed with M/s. Gupta Power Infrastructure Ltd. by the Chief Engineer (SCM)
 - 2) Additional purchase order No. SCM.38/2020-21/4235 dated 06.11.2020 placed with M/s. Gupta Power Infrastructure Ltd. by the Chief Engineer (SCM)
 - 3) Letter No. XH-AE/SCM.38/2020-21/11kV 3x300 sq.mm XLPE/Gupta/ 455 Dated 22.04.2021 of the Chief Engineer (SCM) addressed to the consignees
 - 4) Letter No. XH-AE/SCM.38/2020-21/11kV 3x300 sq.mm XLPE/Gupta / 1779 Dated 25.03.2022 of the Chief Engineer (SCM) & CSC addressed to M/s. Gupta Power Infrastructure Ltd.
 - 5) Remarks of the Financial Adviser dated 02.12.2022.
 - 6) Remarks of the Senior Law Officer in-charge of Legal Adviser & Disciplinary Enquiry Officer dated 11.01.2023.
 - 7) Note No. XH-AE/SCM.38/2020-21/11kV 3x300 sq.mm XLPE/Gupta Power/7998 dated 09.02.2023 of the Chief Engineer (SCM) & CSC submitted before the Full-Time Directors, through the Director (Distribution, IT & SCM) (Agenda No.31/3/23)

ORDER

As per the purchase plan 2018-19, the purchase order read as 1st above was placed with M/s. Gupta Power Infrastructure Limited for the supply of 231km of 11kV, 3 x 300sqmm XLPE UG cable on variable price basis. Later, as per the tender conditions, additional 25% quantity (57km) was placed with the supplier vide order read as 2nd above, with delivery schedule from 06.11.2020 to 05.01.2021. The firm had completed the supply.

Subsequently, basic price of supply made against the above additional order was refixed from Rs.11,27,376.36 to Rs. 8,81,900 per km by the Chief Engineer (SCM) as per letter read as 3rd above, since a fall in price occurred during the supply period of the additional order. The price refixation was done as per the clause No. 12 and clause No. 3 in Annexure V, Price Variation Formula of the Original purchase Order read as (1) above, considering the effective date for calculating the price refixation as the last date fixed for receipt of the new bid (i.e. 20.08.2020), which was invited on 08.07.2020 as per the purchase plan of the next financial year 2019-20.

The pre-qualification bids and price bids of the new bid were opened on 20.08.2020 and 22.01.2021 respectively. The total liability amount to be paid by M/s. Gupta Power Infrastructure Ltd with respect to the additional order due to price refixation was fixed as Rs.90,96,406/- (Rupees Ninety Lakhs Ninety Six Thousand Four Hundred and Six only). Hence the firm was asked by respective consignees to remit the excess amount paid to them due to price refixation. But the firm had not responded.

To proceed further, the Chief Engineer (SCM) & CSC, as per letter read as 4th above asked M/s. Gupta Power Infrastructure to remit the liability amount due to price refixation. Subsequently, status of the original purchase order and the additional purchase order were re-examined and the following are noted:-

(1) Delivery schedule of the original purchase order dated 30.11.2019 placed with M/s. Gupta Power Infrastructure Ltd

Consignee – Deputy Chief Engineer, Electrical Circle	Qty. (km)	Delivery schedule
Kottarakkara	56	Within two months from the date of the Purchase Order
	20	Within three months from the date of the Purchase Order
Kozhikode	39	
Perumbavoor	58	Within four months from the date of the Purchase Order
Kannur	58	Within five months from the date of the Purchase Order
TOTAL	231	

As per the office memorandum No. F 18/04/2020-PPD dated 19.02.2020 and 13.05.2020 issued by Ministry of Finance, Government of India, M/s. Gupta Power Infrastructure Limited is eligible for delivery extension for a period not less than 3 months and not more than 6 months invoking FMC without imposition of any cost or penalty.

(2) The price refixation procedures for the additional order read as (2) above

It is noted that the effective date for calculating the price refixation is mentioned in the original Purchase Order (clauses 12 & 32) and in its Annexure -V differently. As per the clauses (12 & 32), the date of opening of price bid of the new bid shall be treated as the effective date, while, as per the clause-3 of Annexure V, Price Variation formula, it is mentioned as the last date fixed for receipt of the new bid. Hence the remarks of the Financial Adviser and the Senior Law Officer in-charge of Legal Adviser & Disciplinary Enquiry Officer were sought, i.e. which clause shall prevail for price refixation.

The Senior Law Officer in-charge of the Legal Adviser & Disciplinary Enquiry Officer as per note read as 6th above remarked that "when there is a conflict between a general and a special provision, the latter shall prevail. In the given circumstance no reason is seen in deviating from the Purchase order conditions and it is stated accordingly." ie. with regard to the additional order read as (2) above, Price refixation is applicable only for the supply which was made after the date of price bid opening of new bid (i.e. 22.01.2021).

Having considered the matter in detail, the Full Time Directors in its meeting held on 13.03.2023 resolved to accord sanction to extend the delivery schedule of the original Purchase Order No. SCM.113/2019-20/6425 dated 30.11.2019 placed with M/s. Gupta Power Infrastructure Ltd as noted below as per the tender condition without penalty and with price variation considering that the supply period was on total lock-down period due to Covid-19 invoking FMC clause.

Delivery schedule as per the Original Purchase Order No.SCM.113/2019-20/6425/30.11.2019.	Delivery schedule
56 km by 31-01-2020	18/02/2020
59 km by 29-02-2020	20/08/2020
58 km by 31.03.2020	27/10/2020
58 km by 30.04.2020	

The Full Time Directors observed that the question of price refixation does not arise in this case. It is also observed that there is years of delay in processing the case. Hence resolved that the dealing officers shall submit the explanation for the delay within three days. Orders are issued accordingly.

BY ORDER OF THE FULL TIME DIRECTORS

Sd/-
LEKHA G.
Company Secretary

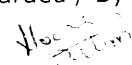
To

The Chief Engineer (SCM) & CSC

Copy to:-

1. The Financial Adviser/Chief Internal Auditor/Company Secretary/
Chief Engineer (IT & CR)/ Chief Engineer, Distribution, South/Central/North/
North Malabar
2. The TA to Chairman & Managing Director, KSEB Limited/ Director
(Transmission, SO, Planning, Safety & Gen. El.)/ Director (Distribution, SCM, REES,
Soura & IT)/Director (Gen-Civil).
3. The PA to Director (Finance).
4. The Senior CA to Secretary (Admn.).

Forwarded / By Order


Assistant Engineer