

OFFICE OF THE EXECUTIVE DORECTOR(S&P)
CHHATTISGARH STATE POWER DISTRIBUTION COMPANY LIMITED,
(A Government of Chhattisgarh undertaking & Successor Company of CSEB)
4th Floor Vidyut Sewa Bhawan, Dargania, RAIPUR - 492 013
TEL-0771-2574970, 68, 92, 80 FAX - 0771-2574961

No.02-03/ED(S&P)/Call Center/TR-100/ 6270 Raipur, dt. 31/12/11

ORDER

Sub: Debarring and other punitive actions in matter of defaults made in order for establishment & operation of Central Call Centers (CCC) with integrated Fuse off Call Centers at Bilaspur City on turnkey basis against order No. CE/O&M/Tender/Tr-100/1730 dt. 02.03.09 placed on M/s Zoom Developers Pvt. Ltd; Indore

Whereas, M/s Zoom Developers Pvt. Ltd; Indore was awarded order for establishment & operation of Central Call Centers (CCC) with integrated Fuse off Call Centers at Bilaspur City on turnkey basis against order No. CE/O&M/Tender/Tr-100/1730 dt. 02.03.09.

The Income tax deptt. has given a letter to SE (City) Bilaspur vide letter no. nil dt. 09.03.2010 to make payment towards Income Tax to tune of Rs. 13,09,32,726.00. Accordingly, SE (BR) has advised you to clear this issue with income tax department. They have also requested for compliance of following shortcomings:

- (i) Compliance of Inspection notice under minimum wages act 1948 of Labour officer, Bilaspur and payment of less wages paid from minimum.
- (ii) To submit a statement of deposit of EPF (name wise) of worker/ employee of call centre, Bilaspur from the month of April 2009 to January 2010 and onwards.
- (iii) To give actual details of payment done to their employees, as they were reporting that the firm has not made payment to them from Feb'10 onwards.

On repeated persuasions, firm was intimated vide letter dated 18.05.10 that meetings are going on to settle the TDS matter with IT department and soon the settlement will happen. Further, vide letter dtd. 24.05.2010, it was intimated that they are going to close the operation of call centre w.e.f. 31.05.2010. On such intimation, SE(City circle), Bilaspur has served a notice to the firm vide letter No. SE/City/Pur/Zoom/524 dt. 28.05.10 that their action will be treated as a breach of contract and they will be held liable to pay damage in consequence of closing down of call center. The contract term was from 17.04.2009 to 16.04.2011.

As the firm has stopped the work before the contract term was over. Therefore, a show cause notice was served to M/s Zoom Developers Pvt, Ltd; Indore vide letter no. 1075 dt. 04.03.2011.

In response to our Show Cause Notice, the firm has submitted their reply vide letter No. LET/CG-08-RA-250/0120 dt. 29.03.2011. In the letter, they have shown their inability to clear the pending dues with the Income Tax and also requested to clear his outstanding & payment on the ground that the money was to be used for payment of the salary of the staff working at the call centre for which they had received the order from us. This has resulted in serious cash crunch in the project operations as the project work does not permit them to operate without receiving the payments on a regular basis in order to discharge the salaries and other associated costs linked to the project. They had informed extra ordinary circumstances beyond their control in the nature of force majeure, which had forced them to close the operations. The point-wise reply to the various short-coming is given by them as below:

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- i) As per the local labour law the minimum wage compliance is not applicable to Call Center & Customer Care Representative post as Call Center & Customer Care Representative post is not listed in the scheduled employment in Minimum Wages of the State Government.
- ii) The EPF payment till the date of payment of the salary and continuation of the call center is enclosed herewith for your kind perusal.
- iii) The payment to the staff from Feb'10 is enclosed herewith till the date the payment is made. The salary is pending of May'10 only due to non-clearance of their dues with us and can only be paid subject to receipt of the payment from our side.

The firm has further requested to release the outstanding amount pending with us so that they can clear the liabilities of project i.e. pending staff salaries, service tax etc. Alternatively they have requested to make the payment to the tax authorities as demanded by them in order to regularize the irregularities. They have requested to consider the submission made by them and the circumstances which has led to the present situation.

On scrutiny of reply and documents submitted by the firm, it is observed that:

- i) No list has been furnished by them in support of their statement that minimum wage law is not applicable to Call Centre as it is not listed in scheduled employment in minimum wages of State Govt.
- ii) EPF details for months 2/10 to 4/10 have been furnished.
- iii) They have now furnished payment detail for the month 3/10 & 4/10 stating that only payment of 5/10 is pending.

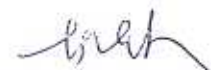
Matter along-with reply of the firm has been considered by the competent authority of the company. As the firm has stopped the work before completion of contractual period and, thus, responsible for breach of contract. It has been decided to take following action without prejudice to other actions to be taken under the terms & conditions of the contract:-

- i) To partially cancel the non-executed part of the contract as per Clause-19 "Termination" of contract.
- ii) To forfeit the Security Deposit BC amount of Rs. 6,22,790/- as per Clause-5 penalty for breach of contract of Schedule-III "General Condition of Contract".
- iii) To withheld pending payment, if any in view of pending liability against Income Tax Department.
- iv) To debar firm from future business with CSPDCL for one year from the date of issue of debarring order.

Particulars of M/s Zoom Developers Pvt. Ltd; Indore is given as under:-

M/s Zoom Developers Pvt. Ltd; 12/2, RNT Marg, 7th Floor Chetak Centre, INDORE-452 001	Phone No. 0731-2516568 - 70 Fax No. 0731-2516565 Mobile - 94250-82454
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EXECUTIVE DIRECTOR (S&P)
CSPDCL, RAIPUR

Copy to:-


1. M/s Zoom Developers Pvt. Ltd; 12/2, RNT Marg, 7th Floor Chetak Centre, Indore - 452 001 (**Reqd. A/D**)
2. The ED/CE (O&M, Commercial, F&A, EHT-C&M/Transmission, STRE/ ROC) CSPDCL/CSPTCL/CSPGCL.

3. The Regional Executive Director/ Chief Engineer, CSPDCL, Raipur/Bilaspur/ Jagdalpur/ Ambikapur/ Rajnandgaon.
4. The Executive Director/ Chief Engineer (O&M-Gen/ PRG/ S&P-Gen/ Gen-store/ LD CSPGCL, Raipur/ Bhilai/ Korba.
5. The Chief Engineer, CSPGCL, HTPS, Korba (East/ West).
6. The Addl. General Manager (HR), CSPHCL, Raipur.
7. The Addl. General Manager (F&A), CSPDCL, Raipur
8. The Superintending Engineer (O&M), CSPDCL, Raipur/Durg/Rajnandgaon/Bilaspur/ Ambikapur/Jagdalpur /Raigarh /Janjgir-Champa/Korba/Kanker/Mahasamund
9. The Superintending Engineer (Purchase)I,II,III O/o ED(S&P),CSPDCL, Raipur.
10. The Superintending Engineer (City Circle), CSPDCL, Raipur/Bilaspur/Durg
11. The Superintending Engineer Hydel Project, Minimata Bango Project, Machadoli.
12. The Executive Engineer (Purchase)-I / II /III/IV/V O/o ED(S&P), CSPDCL, Raipur.
13. The Executive Engineer (City), CSPDCL, Raipur / Bhilai / Bilaspur / Durg
14. The Sr. AO / RAO, CSPDCL, Raipur / Durg / Bilaspur / Jagdalpur / Ambikapur / Rajnandgaon/Janjgir-Champa
15. The Section Officer O/o ED(S&P), CSPDCL, Raipur.
16. The Audit Officer, A.G. Audit CSPDCL, Raipur
17. The Chief Law Officer, CSPDCL, Raipur
18. The PS to MD (CSP Distribution Com, Ltd), Raipur
19. The PS to MD (CSP Holding Com. Ltd), Raipur.
20. The PS to MD (CSP Trading Com. Ltd), Raipur
21. The PS to MD (CSP Transmission Com. Ltd.), Raipur
22. The PS to MD (CSP Generation Com. Ltd.), Raipur

Copy forwarded to : 6270 dt 31/12/11

1. The Secretary, Assam State Electricity Board, Bijlee Bhawan, Paltan Bazaar Gowahati 78100.
2. The Chairman-cum-managing Director, Andhara Pradesh Power Generation Corporation Ltd., Vidyut Soudha, Hyderabad 500082.
3. The Secretary, Bihar State Electricity Board.Vidyut Bhawan ,Balley Road, Patna 800021.
4. The Secretary, Gujrat Urja Vikas Nigam, Sardar Patel Vidyut Bhawan, Race Course , Vadodara 390007.
5. The Secretary, Haryana Vidyut Prasaran Nigam Ltd., Shakti Bhawan, Sector- 6, Panchkula (Haryana).
6. The Secretary, Himachal Pradesh Electricity Board. Vidyut Bhawan, Simla-171004.
7. The Secretary, Karnatka Power Transmission Corporation Ltd., Corporate Office, Kala Bhawan, Banglore 560009.
8. The Executive Engineer (Store-X), C/o Technical Director (Store), Central Purchase Agency, Plot No. G-9, Prakashgad, Station Road, Maharashtra State Electricity Board, Bandra(East), Mumbai 400051.
9. The Secretary, Meghalya State Electricity Board, Lum Jingshal, Round Road, Shillong 793001.
10. The Secretary, Kerla State Electricity Board, Vaidhyuti, Bhavana, pattom, Thiruvanantha puram 695001.
11. The Secretary, Madhya Pradesh Electricity Board, Shakti Bhawan, Vidyut Nagar, Jabalpur 482008.
12. The Chairman & Managing Director, (EZ) N.O. Poorva Kshetra Vidyut Vitran Co. Ltd. Jabalpur
13. The Chairman & Managing Director (CZ), M.P. Madhya Kshetra Vidyut Vitran Co. Ltd. Jabalpur
14. The Chairman & Managing Director, M.P. Transmission Co. Ltd. Shakti Bhavan, Jabalpur
15. The Chairman & Managing Director , M.P. Power Generating Co. Ltd., Jabalpur
16. The Secretary, Grid Corporation of Orissa Ltd., Janpath, Bhubneshwar, 751022.
17. The Secretary, Rajasthan Rajya Vidyut Prasaran Nigam Ltd., Vidhyut Bhawan, Jyoti Nagar, RC Dave Marg, Jaipur 302 005

18. The Secretary, Tamilnadu Electricity Board, 9th Floor, NPKPR Malligal, 800, Anna Salai, Chennai 600 002
19. The Chairman Cum Managing Director, Uttar Pradesh Power Corporation, Shakti Bhawan, 14- Ashok Marg, Lucknow 226001.
20. The Secretary, West Bengal State Electricity Board, Vidyut Bhavan, 7th Floor, Bidhennagar, Kolkata 700 091.
21. The Chief Engineer (MM), Central Purchase Organisation, Punjab State Electricity Board, The Mall, Patiala 147 001
22. The Executive Engineer Store Purchase Officer/KESA House 14/17, Civil Lines, Kanpur Electricity Supply Co. Ltd., P.O. Box No.141, Kanpur 206001.
23. The Chief Engineer MM. Vidyut Sadan, Dakshin Haryana Bijli Vitran Nigam Ltd., Hisar, 125005
24. The Purchase Officer, Material Department, Bijlee House, Shahpur, Ahmedabad Electricity Co. Ltd., Ahadabad 380 001
25. The Chief Engineer Transmission, Vidyut Soudha, Transmission Corporation of Andhra Pradesh Ltd., Hyderabad 500 082.
26. The Chief Manager (S&P), Engg. Building HEC Dhurwan, Jharkand State Electricity Board, Ranchi 834 004
27. The Chief Manager (A&F), BSES Bhawan, Nehru Place, BSES Rajdhani Power Ltd., New Delhi 110009.
28. North Delhi Power Ltd., Grid Sub Station Building, Hudson Lines, Kings Way Camp, Delhi 110009
29. The Superintending Engineer (E), MIAO Electrical Circle, Department of Power, MIAO, Arunchal Pradesh.
30. The General Manager, P&MM, APNPDDI, H.No. 1-1-478 & 503, Opp. REC Petrol Pump, Chaitanyanpuri, Hanamkonda Warrangal 506004
31. The Chief General Manager, P&MM & Operation, APCPDDI, H.No. 11-04-660 3rd Floor, Singarani Bhavan, Adjacent to Hanuman Temple, Khairatabad, Hyderabad.500004
32. The Chief General Manager, Operation & Material, APEPDCL, H.No. 30-14-9, Near Sarawathi Park, Daba Gardens, Vishakhapatnam 530020
33. All Other SEBs and Power Utilities
- for information and needful action.


ADDL. CHIEF ENGINEER (P)
O/o ED (S&P), CSPDCL, RAIPUR