


<p><b>कोल् इंडिया लिमिटेड</b> (महारात्न कंपनी) कोयला भवन सामग्री प्रबंधन विभाग, परिसर संख्या ४, एक्शन एरिया १ए न्यू टाउन, राजरहाट, कोलकाता- ७००१५६. फोन : ०३३-२३२४ ४१२७, फैक्स : ०३३-२३२४ ४११७ वेबसाइट: www.coalindia.in, ई मेल: gmmm.cil@coalindia.in</p>		<p><b>COAL INDIA LIMITED</b> (A MAHARATNA COMPANY) Coal Bhavan, Materials Management Division Premises No.04, Action Area 1A, New Town, Rajarhat, Kolkata – 700 156 Phone: 033-2324 4127, Fax: 033-2324 4115 Website : www.coalindia.in, E mail : gmmm.cil@coalindia.in</p>
--	---	---

Ref. No. CIL/C2D/20 & 42 CuM ER Shovel/Banning of Business/385

Date : 12/08/2021

To,  
M/s Joy Global (India) Private Limited  
85/1, Topsia Road (South),  
Kolkata-700046

email: shib.bhowmik@mining.komatsu  
**By Speed Post**

**Sub: BANNING OF BUSINESS**

- Ref:** 1) CIL's global e-tender no. CIL/C2D/42 Cu. M. ER. Shovel/R-120/360 dated 23.06.2020 for procurement of 8 nos. of 42 Cu. M. Electric Rope Shovels.  
2) CIL's global e-tender no. CIL/C2D/20 Cu. M. ER. Shovel/R-121/361 dated 06.07.2020 for procurement of 11 nos. of 20 Cu. M. Electric Rope Shovels.  
3) CIL's Show Cause Notice for Banning of Business no. CIL/C2D/20 & 42 CuM ER Shovel/208 dated 21/06/2021  
4) Your letter no. JGI/CIL-Tenders/2020-21/11 dated 08.07.2021

Dear Sir,

CIL had issued two separate global e-tenders mentioned at Sl. Nos. 1 & 2 above. Against both the tenders, you had participated as Indigenous Manufacturing entity of foreign manufacturer, M/s Joy Global Surface Mining Inc., USA". In the "Annexure-4a", Manufacturer's Authorization Form (given by M/s Joy Global Surface Mining Inc, USA) and submitted by you along with your offer, it has been mentioned that you shall take up manufacturing activity in your manufacturing facility at Plot G10, MIDC Industrial Area, Hingna Road, Nagpur-440028.

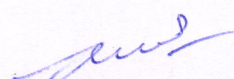
CIL had constituted two separate committee(s) one comprising of technical members of CIL and Subsidiary Co. and another comprising of Shri Rajeev Dubey, CA an External Auditor to verify your credentials and manufacturing capabilities for such high capacity Shovels.

The technical committee of CIL observed that as per minutes of meeting held on 07.06.2016 of your Board of Directors, provided to technical committee during inspection, the facility at Nagpur had been leased to set up a service center/ workshop. However, you have claimed the said facility as manufacturing facility and claimed to manufacture A-frame, ballast box, saddle block, machinery house, catwalk etc. items for the offered capacity ER Shovels at this facility as per check-list jointly signed by the CIL team and your representatives.

As per the inspection report of technical committee, your facility at Nagpur is not adequate to manufacture, test and quality control of either offered/ tendered ER Shovels or their Spare parts, Sub-assemblies and Major-assemblies for any size of ER Shovels.

Shri Rajeev Dubey, CA engaged for verification of your local content etc, in his report has inter alia mentioned that you are permitted by MIDC for "mining machinery repair" with the condition that the "activity permitted shall not be changed" whereas you had claimed the said facility as full-fledged manufacturing facility.

During the course of scrutiny, it has been observed that, as per the NIC (National Industrial Classification) code of Government of India, the factory license of your factory at Nagpur is for





"Repair and maintenance of mining, construction, and oil and gas field machinery; metallurgy machinery" whereas you have shown it as a manufacturing unit which is a wrong information.

It is evident from the above facts that you and your principal M/s Joy Global Surface Mining Inc., USA have willfully suppressed facts and furnished wrong information regarding your factory at Nagpur.

Hence, a Notice, as referred at sl no. 3, above, was issued to you asking you to Show Cause as to why you and your principal M/s Joy Global Surface Mining Inc., USA should not be banned for a period of 2 years as per Clause - 35.3(v) of NIT and Clause - 6.13.2(v) of CIL Purchase Manual for willful suppression of facts and furnishing wrong information.

Your reply to the Show Cause Notice, referred at Sl. No. 4 above, has been examined.

Regarding manufacturing capability of your Nagpur factory, your contention that it was never intended to undertake any significant manufacturing related works but only small fabrication, assembly of components etc, was not found tenable as M/s Joy Global Surface Mining Inc., USA had submitted Manufacturer's Authorisation stating that manufacturing activity shall take place at your Nagpur factory.

Regarding Factory License & MIDC Permission, your contention that the anomalies have been corrected by the respective statutory authorities, was not found tenable as these changes are post tender and post inspection activities.

Hence, it has been found that the charges of "willful suppression of facts and furnishing wrong information" stand against you.

Consequent to the above, the following decisions of the competent authority of CIL are hereby communicated to you:-

1. You are banned for award of any contract/order by CIL or its subsidiaries for a period of two years from the date of issue of this order. You are also banned to be part in any form/manner in any contract /order.
2. However, the banning order will not be applicable for supply of spares and consumables and rendering associated services in respect of the existing P&H make ER Shovels operating in CIL and its subsidiaries.

Yours faithfully,

(A. K. Mohanty)

General Manager (MM)-HOD

Copy to

1. Chairman, CIL
2. Director (Technical)/ Director (Marketing)/ Director (Personnel & IR)/Director (Fin), CIL
3. Chief Vigilance Officer, CIL
4. Chairman cum Managing Director, ECL/BCCL/CCL/CMPDI/WCL/SECL/MCL/NCL
5. Dir(T/Op)/Dir(T/P&P)/Dir(F)/Dir(P),ECL/BCCL/CCL/CMPDI/WCL/SECL/MCL/NCL
6. Chief Vigilance Officer, ECL/BCCL/CCL/CMPDI/WCL/SECL/MCL/NCL
7. ED(E&E), CIL
8. GM(EED), CIL/ GM(Fin)-I/C, CIL
9. ALL HOD, CIL
10. GM(MM)/ GM(Excv)/GM(Fin), ECL/BCCL/CCL/CMPDI/WCL/SECL/MCL/NCL
11. GM, NEC
12. All Officers, MM Department, CIL
13. M/s Joy Global Surface Mining Inc., 4400 West National Avenue, Milwaukee, WI 53214, USA- e-mail : john.koetz@mining.komatsu