

Govt. of Punjab
Department of Public works
(B&R-I Branch)

ORDER

To recapitulate the facts, suffice it to mention that the petitioners had filed the CWP-25222-2015 for quashing a circular letter Memo no.7546 7582/General dated 09.09.2014 issued by respondent No.2 Chief Engineer(HQ), Punjab PWD (B&R), Patiala to all other respondents imposing unconstitutional condition that all the contracts including composite works in which the cost of Bitumen works is more than Rs.5.00 Crore Batch Type Hot Mix Plant shall be mandatory alleging that the same has been issued to benefit few at the cost of about 300 small scale contractors and such other grounds as mentioned in the writ petition.

The Hon'ble High Court had disposed of the writ petition vide its order dated 14/11/17 with the following directions:

"It appears, interests of justice would be met if an opportunity of hearing be afforded to them and decision is taken thereafter.

The petition is disposed with a direction that in case representative(s) of the petitioners appears before respondent No.1 within two weeks from today, their grievance may be heard and appropriate decision be taken."

In compliance of the aforesaid orders dated 14/11/17, the petitioners were called and due opportunity was afforded to them to raise their objections qua the use of Batch Type Hot Mix Plant for works having bitumen works more than Rs. 5 Crore as claimed in the writ petition. The petitioners agitated their demands for raising this limit of Rs. 5 Crore to Rs. 25 Crore as is being done by Government of India. The matter was further considered with the able assistance of Chief Engineer(HQ) and Chief Engineer(N) who have clarified that the limit of Rs. 5 Crore does not limit to the overall project cost but only the cost of bitumen work in the total project. It has been pointed out that there are various projects of link roads and some MDR/ODR where the bitumen component does not

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exists yet the department is still open to have a relook on the issue of increase of limit of Rs. 5 Crore after considering the letter issued by Government of India in this regard. Accordingly it was decided that the department shall consider and analyse the issue internally and intimate the petitioner for another personal hearing to decide the representation of the petitioners in light of the aforesaid directions issued by the Hon'ble High Court. Accordingly the Chief Engineer(HQ) was asked to procure the relevant letter issued by Government of India.

Meanwhile, the petitioners had filed another CWP No. 7327 of 2018 which has been disposed of by the Hon'ble High Court vide its order dated 28/03/18 directing the respondent department to take the action in view of the order passed on 14/11/17 in CWP No. 25222 of 2015 within a period of two weeks failing which Contempt proceedings will be initiated.

Chief Engineer (HQ) was asked to get a copy of the letter from Govt. of India, Ministry of Road Transport & Highways No. RW/CH/GEN/Tech/Circular/291-95, dated 03-06-2013. Subsequently, meeting with all the Chief Engineers of the Department was held and the said letter was also discussed in the meeting. The provisions as contained in the letter under reference are as under:-

Batch Type Hot Mix Plant is not mandatory for the following works:

"Works which are in nature of maintenance like periodic renewal (where the sanctioned cost does not exceed Rs. 25 Cr), special repair (where the sanctioned cost does not exceed Rs. 25 Cr), Flood damage e repair & ordinary repair."

The provisions as contained above were discussed and it was felt that depending upon the working conditions, the majority of the works being undertaken on Plan Roads/Rural Roads are in the nature of mid-size work costing around Rs. 10 to 15 Cr. only. The ends of justice shall be met if the condition of Batch Type Hot Mix Plant is pegged at Rs. 10 Cr instead of Rs. 5 Cr without compromising quality of the work. Needless to mention that quality of construction with Batch Type Hot Mix Plant is better to normal Hot Mix Plant as unanimously opined by all the Chief Engineers. However, the Department shall strive to maintain

the quality of construction even with normal Hot Mix Plant for works costing upto Rs. 10 Cr.

Therefore, in light of the decision taken as above, it is hereby ordered that now all Contracts including composite works in which the cost of Bitumen work is more than Rs 10.00 Crore, Batch Type Hot Mix Plant shall be mandatory. The cost of execution of bitumen work with Batch Type Hot Mix Plant shall be calculated in the estimate by considering the plant at centre of the reach. The condition of Batch Type Hot Mix Plant in contracts shall be applicable from 01/06/2018. The necessary provisions shall be made in estimates as well as in DNIT.


All the concerned be informed immediately for early action.


Secretary Public Works

Endst No. 16/50/2017-B&R1(3)/1222220/9

Dated: Chandigarh: 27/04/18

A copy is forwarded to the following for information and necessary action:

1. Advocate General, Punjab in reference to their Memo No. A-7/4181-2017/31537 regarding CWP 25222 of 2015 M/S Surinder Singh and Company and ors Vs. State of Punjab and ors.
2. Secretary, Punjab Mandi Karan Board, Sector 17, Chandigarh.
3. Chief Engineer (HQ), Punjab PWD (B&R), Patiala to also ensure a copy of above is sent to the petitioners.
4. Chief Engineer (North), Punjab PWD, Patiala
5. Chief Engineer (South), Punjab PWD, Patiala
6. Chief Engineer (Central), Punjab PWD, Patiala
7. Chief Engineer (National Highway), Punjab PWD, Chandigarh
8. Chief Engineer (Quality Control Cell), Punjab PWD, Mohali.
9.  Chief Engineer (PRBDB), Punjab PWD, Mohali to ensure a copy of above is uploaded on the website of the department.
10. The Hotmix Plant Owners Association- Punjab, room No. 521, IV Floor Block C, Mini secretariat, Patiala (Email- pvhmp1950@yahoo.in) in reference to their letter no.331 dated 08.03.2018.
11. M/S G.N.S. Contructions (I), 18/447, Sardar Nagar, Distt. Moga (Email- gnsмога@gmail.com) in reference to their letter No. GNS/201/2018 dated 08.03.2018.
12. M/S Surinder Singh & Company, Proprietor Concern through Shri Sandeep Singh, Proprietor age 28 years resident of Ward No. 14, Opposite Ratan Petrol Pump, G.T. Road, Mandi Dabwali, District Sira.


Under Secretary Public Works

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