



**ALL INDIA INSTITUTE OF MEDICAL SCIENCES
ANSARI NAGAR: NEW DELHI-110029
STORE SECTION (DO)**

F. No. XX-15/SO (DO)/Sanitation Services/2019-20/St. Dated: 10.06.2022

M/s Dusters Total Solutions Services Pvt. Ltd.

Reg. Office:

Business Address:

332/1, Corporate Miller, 3rd Floor,
Thimmalah Road, Vasanth Nagar,
Bengaluru - 560 052

Plot No. 11, First Floor, DDA Community
Centre, Okhla Industrial Area, Phase-I,
New Delhi - 110 020
Ph: 7033512187
Email: sudhir.singh@dtss.in

Subject: Abeyance of debarment and forfeiture/encash of Bank Guarantee orders of M/s Dusters Total Solutions Services Pvt. Ltd.-reg.

Ref.:

1. Rate Contract No. XX-15/SO (DO)/Sanitation Services/2019-20/St. dated 09.06.2021.
2. Our cancellation, debarring and forfeiture of PBG letter bearing no. XX-15/SO (DO)/Sanitation Services/2019-20/St. dated 26.05.2022 in favour of M/s Dusters Total Solutions Services Pvt. Ltd.


Sir,

This is with reference to the above reference order issued by AIIMS, New Delhi and subsequent writ petition bearing no. O.M.P.(I)(COMM.) 177/2022 filed by M/s Dusters Total Solutions Services Pvt. Ltd., the Hon'ble High Court of Delhi has ordered on 31.05.2022 after having heard learned counsel for the parties, "the impugned termination order is kept in abeyance until the next date of hearing i.e. 30.08.2022".

Hon'ble High Court of Delhi further ordered that reply may be filed within four weeks and rejoinder thereto, if any, be filed within two weeks thereafter.

In view of the orders of the Hon'ble High Court of Delhi and as per approval of the Competent Authority, the letter bearing no. XX-15/SO(DO)/Sanitation Services/2019-20/St. dated 26.05.2022 is kept in abeyance until the next date of hearing i.e. 30.08.2022.

This is issued with the approval of the competent authority at AIIMS, New Delhi.


(Dr. Angel Rajan Singh)
Officer In-charge (Procurement)

Distribution:

1. Senior Manager,
Yes Bank Ltd., Bangalore Branch,
Ground Floor, Prestige Obelisk, Municipal No.3,
Kasturba Raod, Bangalore - 460 001
Email: yestouch@yesbank.in
mohit.gupta2@yesbank.in

With the request to hold the Performance Bank Guarantee bearing No. 022BG01211330001 dated 25.05.2021 issued by Yes Bank Ltd. Of Rs.95,47,841.00 vide our earlier letter bearing No. XX-15/SO(DO)/Sanitation Services/2019-20/St. Dated 26.05.2022 till further orders.

Copy for information and further necessary action: -

1. Chief, JPNATC
2. Chief, NDDTC, Ghaziabad
3. Medical Supdt. (AIIMS) for Burns & Plastic Surgery Block
4. Head, CCM for CRHSP Ballabgarh, PHC Chhainsa, PHC Sayalpur
5. Medical Supdt. (AIIMS) - **With the request to keep pending of engagement of agency through open tender on GeM for the areas catered by M/s Dusters.**
6. Professor In-charge, Computer Facility - With the request to upload this on AIIMS website

C.C. for information to: -

1. PPS / PS to Director / Dy. Director (Admn.)/Sr. Financial Advisor
2. Dy. Chief Labour Commissioner (Central)

3

अखिल भारतीय आयुर्विज्ञान संस्थान
अंसारी नगर, नई दिल्ली - 110029
भंडार अनुभाग (नि.का.)

फा.सं. XX-15/भं.का.(नि.का.)/स्वच्छता सेवाएं/2019-20/एस.टी.

दिनांक: 10.06.2022

मैसर्स इस्टर्स टोटल सोल्यूशन्स सर्विस प्राइवेट लिमिटेड

पंजीकृत कार्यालय:

कार्यालय का पता:

332/1, कॉर्पोरेट मिलर, तृतीय तल,
थिम्माला रोड़, वसंत नगर,
बैंगलुरु-560052

प्लॉट नंबर-11, प्रथम तल, डी.डी.ए.
कम्युनिटी सेंटर, ओखला औद्योगिक
क्षेत्र, चरण-I, नई दिल्ली-110020
मोबाइल नंबर : 7033512187
ई-मेल: sudhir.singh@dtss.in

विषय: मैसर्स इस्टर्स टोटल सोल्यूशन्स सर्विस प्राइवेट लिमिटेड के बैंक गारंटी आदेशों को जब्त करने/नकदीकरण पर रोक लगाने के संबंध में स्थगन संबंधी।

संदर्भ:

1. रेट कॉन्ट्रैक्ट संख्या XX-15/भं.का.(नि.का.)/स्वच्छता सेवाएं/2019-20/एस.टी. दिनांक 09.06.2021
2. मैसर्स इस्टर्स टोटल सोल्यूशन्स सर्विस प्राइवेट लिमिटेड के पक्ष में दिनांक 26.05.2022 के पी.बी.जी. पत्र संख्या XX-15/भं.का.(नि.का.)/स्वच्छता सेवाएं/2019-20/एस.टी. के संबंध में हमारा रद्दकरण, रोक एवं जब्ती

महोदय,

यह आदेश अ.भा.आ.सं., नई दिल्ली द्वारा उपर्युक्त संदर्भित विषय तथा मैसर्स इस्टर्स टोटल सोल्यूशन्स सर्विस प्राइवेट लिमिटेड द्वारा दायर की गई रिट याचिका संख्या ओ.एम.पी.(आई) (कॉम) 177/2022 के संबंध में है जिसके तहत माननीय दिल्ली उच्च न्यायालय ने दिनांक 31.05.2022 को दोनों पक्षों के विद्वान अधिवक्ताओं को सुनने के बाद

4

आदेश दिया है कि "विवादास्पद अंतिम आदेश को अगली सुनवाई अर्थात् दिनांक 30.08.2022 तक स्थगित रखा जाता है।"

माननीय दिल्ली उच्च न्यायालय ने आगे आदेश दिया है कि इस संबंध में चार सप्ताह के भीतर उत्तर दायर किया जा सकता है तथा उसके बाद दो सप्ताह के भीतर प्रत्युत्तर, दायर किया जा सकता है, यदि कोई है।

माननीय दिल्ली उच्च न्यायालय के आदेशों को ध्यान में रखते हुए तथा सक्षम प्राधिकारी के अनुमोदन के अनुसार, दिनांक 26.05.2022 के पत्र संख्या XX-15/भं.का.(नि.का.)/स्वच्छता सेवाएं/2019-20/एस.टी. को अगली सुनवाई की तारीख अर्थात् 30.08.2022 तक स्थगित रखा जाता है।

इसे सक्षम प्राधिकारी, अ.भा.आ.सं., नई दिल्ली के अनुमोदन से जारी किया जाता है।

ह./-

(डॉ. ऐन्जल राजन सिंह)
प्रभारी अधिकारी (प्रापण)

वितरण:

- वरिष्ठ प्रबंधक,
येस बैंक लि. बेंगलुरु शाखा
भूतल, प्रेस्टिज ओबेलिस्क, नगर निगम सं.03,
कस्तूरबा रोड, बेंगलुरु-460001
ई-मेल: yesouch@yesbank.in
mohit.gupta2@yesbank.in

हमारे दिनांक 26.05.2022 के पूर्व पत्र संख्या XX-15/भं.का.(नि.का.)/स्वच्छता सेवाएं/2019-20/एस.टी. के अनुसार अगले आदेश तक 95,47,841.00 रुपये की राशि येस बैंक लिमिटेड द्वारा दिनांक 25.05.2021 को बैंक गारंटी संख्या 022BG01211330001 के अनुपालन करने के अनुरोध सहित जारी की गई।

सूचना एवं आगामी आवश्यक कार्रवाई हेतु प्रति:

- प्रमुख, ज.प्र.ना.ए.ट्रां.के.
- प्रमुख, राष्ट्रीय औषध निर्भरता एवं उपचार केंद्र, गाज़ियाबाद
- चिकित्सा अधीक्षक (एम्स), बर्न एवं प्लास्टिक सर्जरी ब्लॉक

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4. अध्यक्ष, व्यापक ग्रामीण स्वास्थ्य सेवा परियोजना सामुदायिक चिकित्सा केंद्र, बल्लभगढ़, प्राथमिक स्वास्थ्य केंद्र छांयसा, प्राथमिक स्वास्थ्य केंद्र स्यालपुर
5. चिकित्सा अधीक्षक (एम्स) - मैसर्स डस्टर्स द्वारा संचालित क्षेत्रों हेतु जेम द्वारा प्रत्यक्ष निविदा के माध्यम से एजेंसी के कार्य को लंबित रखने के अनुरोध सहित।
6. प्रभारी आचार्य, कंप्यूटर संविधा - संबंधित सूचना को अ.भा.आ.सं. की वेबसाइट पर अपलोड करने के अनुरोध सहित

सूचनार्थ प्रतिलिपि:-

1. निदेशक महोदय के प्र.नि.स./उप-निदेशक(प्रशा.)/वरिष्ठ वित्त सलाहकार के निजी सचिव।
2. उप-मुख्य श्रम आयुक्त (केंद्रीय)

6
MOST URGENT/TIME BOUND



**ALL INDIA INSTITUTE OF MEDICAL SCIENCES
ANSARI NAGAR: NEW DELHI-110029
STORE SECTION (DO)**

F. No. XX-15/SO (DO)/Sanitation Services/2019-20/St.

Dated: 26.05.2022

M/s Dusters Total Solutions Services Pvt. Ltd.

Reg. Office:

Business Address:

332/1, Corporate Miller, 3rd Floor,
Thimmalah Road, Vasanth Nagar,
Bengaluru - 560 052

Plot No. 11, First Floor, DDA Community
Centre, Okhla Industrial Area, Phase-I,
New Delhi - 110 020
Ph: 7033512187
Email: sudhir.singh@dtss.in

Subject: Cancellation of Rate Contract No. XX-15/SO (DO)/Sanitation Services/2019-20/St. of M/s Dusters Total Solutions Services Pvt. Ltd. w.e.f. 01.06.2022 and Debarment of M/s Dusters Total Solutions Services Pvt. Ltd. for two years - thereof.

Ref.:

1. Rate Contract No. XX-15/SO (DO)/Sanitation Services/2019-20/St. dated 09.06.2021.
2. Our Show Cause Notice dated 05.02.2022.
3. Your reply letter dated 09.02.2022

Sir,

This is with reference to information received from Jai Prakash Narian Apex Trauma Centre (JPNATC, AIIMS, New Delhi) wherein informed the discrepancy in the salaries disbursed to your employees was observed for the months of May, June & July, 2021 and the amount of salary mentioned in their pay slips. It was also informed that firm was failed to provide the transaction details of salaries disbursed to all your employees deployed at JPNATC, despite repeated reminders dated 28.09.2021, 07.10.2021 and 13.10.2021 issued by JPNATC.

Instead of providing the above information M/s Duster Total Solutions Services Pvt. Ltd. had claimed that they have made balance payment to individual employees who were paid less salary, but they have not provided the details of the reduced

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payment made initially to those employees. It was also informed that without bank transaction details of the salary/payment made for the months of May, June, & July, 2021, deficient amount cannot be calculated.

The JPNA Trauma Centre cannot verify details of payment made without proof of previous and newly claimed transactions, but firm did not give it despite repeated reminders.

M/s Duster Total Solutions Services Pvt. Ltd. was advised to provide bank transaction details from their bank for salary disbursed for May, June & July, 2021 and bank transaction details paid at variance from the amount claimed from AIIMS to the individuals working at JPNATC. Firm failed to provide the justify documentary evidence in respect of irregularities in salary/payment released for the months of May 2021 to July, 2021 to their employees.

M/s Duster Total Solutions Services Pvt. Ltd. was advised to stop the deductions immediately and returned the deducted amount of Rs.20/- and submit the documentary evidence by 15.01.2022 which were deducted in the month of May, 2021, June, 2021 and July, 2021. It is also informed that as per the information received from the State Bank of India, Ansari Nagar, it was clearly proven that the wages actually paid to Sanitation Attendant by M/s Duster Total Solutions Services Pvt. Ltd. were less than the wages mentioned in the respective pay slips. Many verbal opportunities along with two written notices were served to the firm as well as two personal hearing for rectifying the bills of May to July 2021. But every time, firm has escalated the time required for redressal of the issue and assured that discrepancies will be rectified as soon as possible. M/s Duster Total Solutions Services Pvt. Ltd. was given a final opportunity to clear the discrepancies with documentary evidence latest by 15.01.2022, failing which AIIMS will process the matter further for debarring/blacklisting the firm from AIIMS since they have already been given adequate opportunity to correct their deficiencies. However, the vendor has claiming that they have cleared all the dues in wages to their all staff, if by any chance found any deficiencies about wages in future then requested to let them know that will be cleared

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by their side in upcoming wages. But, M/s Duster Total Solutions Services Pvt. Ltd. was unable to justify alongwith documentary evidence till 15.01.2022 in respect of irregularities in salary/ payment released for the months of May, 2021 to July, 2021 to their employees.

M/s Duster Total Solutions Services Pvt. Ltd. was also advised to submit evidence of wages paid in all areas under zone-II other than JPNA Trauma Centre (i.e. Burns & Plastic Surgery, NDDTC, Gaziabad, CRHSP, Ballabgarh, PHC Chainsa, PHC Dayalpur) within 3 days from the date of issuance of Show Cause Notice dated 05.02.2022 but not later than 10.02.2022 with instructions that failing which, it shall be considered that the firm is involved in fraudulent practices which is violation of tender clause no. 27 (GIB) under Section-II and deliberately desisting from submitting the requisite details, and have failed to honor their contractual agreement by indulging in financial irregularity for which administrative action was initiated as detailed below:

1. Debarred/Blacklisting of firm from AIIMS for a period of two years.
2. Forfeiture of Performance Security of Rs.95,47,841.00 submitted by M/s Duster Total Solutions Pvt. Ltd.

Firm submitted its reply bearing file No. 01-19/2021/JPNATC/DTSS dated 09.02.2022 alongwith documents wherein informed as under:

1. We would like to convey you that we are disbursing the wages every month to our staff deployed in Trauma Center as per the client verified attendance sheet. As we already mentioned this, it all happened due to the migration of our software from old to new version and the error occurred in the starting months due to the system error. In some cases wages being prepared and paid higher/lower than the required amount to all staff resulting mismatch of the wages paid during May-21 to July-21 which we have cleared in the month of December on 03.12.2021. We had disbursed all the differences amount of May, June & July month to our deployed staff in Trauma Centre and same is already submitted to the JPNA Trauma Centre authority with acknowledge

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sheet by our staff through our letters. Transfer details of disbursed amount was also submitted to the concern authority with the following documents:

- A. Transfer details of differences amount for the month of May, June & July 2021 with letter no. File no.-01-09/2021/JPNATC/DTSS on dated 02.12.2021. (Submission date 03/12/2021).
- B. Acknowledgement sheet of differences amount to our JPNA Trauma Center staff for the month of May, June & July Month with letter no.-No.-01-11/2021/JPNATC/DTSS on dated 13.12.2021 & letter no.-No.-01-12/2021/JPNATC/DTSS on 22.12.2021.
- C. The amount of Rs.20/- deducted from the salary of Trauma employees under the benefit of Sewa trust have been disbursed on dated 18.01.2022 to staff for the month of September, October & November-2021 and same is communicated to JPNATC Authorities with letter no.-No.-01/14/2021/JPNATC/DTSS on dated 19.01.2022.

Although, firm have cleared all the dues to their all staff and already confirmed in previous letters, still if AIIMS find any deficiencies in future about wages that will be cleared by firm in the coming months. We are hereby, submitting the Salary transfer details of JPNA Trauma Centre, Burns & Plastic Surgery, NDDTC Ghaziabad, CRHSP Ballabhgarh, PHC Chainsa and PHC Dayalpur from May 2021 to December 2021 for your reference.

Firm further committed that these errors will not repeat in future.

The reply of the firm with complete following recommendation of JPNATC were putup before competent authority for perusal and further orders.

- Financial irregularity on the part of the vendor is clearly proven.
- Despite assurances, the vendor has neither tabled the deficiencies, nor redressed these fully.
- In view of the same, as also the fact that adequate time has been given to the vendor to correct his deficiencies over the past 4 months, in the interest of the

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natural justice, but he has failed to do so in toto, it is proposed that the vendor may be debarred from AIIMS for a period of two years and their PBG liquidated to make deficient payments to its employees”.

In the meanwhile a letter has been received signed by several workers of M/s Duster Total Solutions Services Pvt. Ltd. about the deficient payment made to the workers.

The reply submitted by firm was put up to the Competent Authority wherein informed that M/s Duster has committed financial irregularity and has committed fraud under clause no. 6.1, 6.20, 6.21, 6.25 and 7.12 of the agreement. The case was also forwarded to Finance Division for examination. In response, Finance Division observed as under:

1. Short payment of wages by the firm is 'fraudulent practices' and is a breach of tender clause 27(a) of GIB of the agreement between AIIMS and M/s Duster Total Solutions Services Pvt. Ltd. Further, any omission or misrepresentation that may mislead or attempt to mislead so that financial or other benefit may be obtained or an obligation avoided fails under category of breach of code of integrity enshrined under Rule 175(b) of GFR 2017.
2. There are also several provisions in payment of wages Act, Contract labour (regulation and abolition) Act that mandates contractor for payments of wages in a timely and correct manner. Any deviation from the provisions is a breach of the ibid Act.
3. Section 7(2) (kkk) of the Payment of wages Act also suggests that any deductions from the wages of employer for the trust should be done only with the written authorization of employed person. However, it appears that the deductions of Rs.20/- from the wages in the name of Sewa Trust (As per reply of firm) was not done without proper authorization.

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Considering the aforesaid provisions, if it is established that the above irregularity/discrepancy of M/s Duster Total Solutions Services Pvt. Ltd. is deliberate with mala fide intention of pecuniary gain; finance may agree for the proposed administrative action including debarment as recommended by JPNATC.

In view of the above, it is found that M/s Duster Total Solutions Services Pvt. Ltd. has made short payment of wages to its employees is 'fraudulent practices' and is a breach of tender clause 27(a) of GIB of the agreement between AIIMS and M/s Duster Total Solutions Services Pvt. Ltd. at AIIMS, New Delhi. This has been considered as financial irregularity and committed fraud under clause no. 6.1, 6.20, 6.21, 6.25 and 7.12 of the agreement at AIIMS, New Delhi.

- 1) Further, any omission or misrepresentation that may mislead or attempt to mislead so that financial or other benefit may be obtained or an obligation avoided fails under category of breach of code of integrity enshrined under Rule 175(b) of GFR 2017.
- 2) This has also been considered as violation of provisions in payment of wages Act, Contract labour (regulation and abolition) Act that mandates contractor for payments of wages in a timely and correct manner. Any deviation from the provisions is a breach of the ibid Act.
- 3) M/s Duster Total Solutions Services Pvt. Ltd. also failed to prove that the deductions of Rs.20/- from the wages in the name of Sewa Trust (As per reply of the firm) was done with proper authorization as per provision in Section 7(2) (kkk) of the Payment of wages Act.

The above irregularity was seriously viewed the competent authority at AIIMS, New Delhi and ordered as under:


1. Since, M/s Dusters Total Solutions Services Pvt. Ltd. has failed to deliver the subject services and failed to perform contractual obligations as per contract, the agreement clause no. 8 (Termination of Default), Section-IV (GCC) of the contract agreement bearing no. XX-15/SO(DO)/Sanitation Services/2019-

Agreed
26/10/22

20/St. dated 09.06.2021 in favour of M/s Dusters Total Solutions Services Pvt. Ltd. for providing sanitation services at Zone-II has been invoked and decided to cancel the said contract w.e.f. 01.06.2022. The Performance Security of Rs.95,47,841.00 submitted by M/s Duster Total Solutions Pvt. Ltd. is also forfeited.

2. Since M/s Dusters Total Solutions Services Pvt. Ltd. has breached the code of integrity, considering the provisions of GFR-2017 Rule no. 151 (iii) and the agreement clause no. 27 (Corrupt and fraudulent practices), Section-II (GIB), M/s Dusters Total Solutions Services Pvt. Ltd. is debarred/blacklisted from AIIMS, New Delhi for participating in the tender for a period of two years from the date of issue of the debarring order from participating in any procurement process at AIIMS, New Delhi.

This is issued with the approval of the competent authority at AIIMS, New Delhi.


(Dr. Angel Rajan Singh)
Officer In-charge (Procurement)

Copy to: -

1. Chief, JPNATC
2. Chief, NDDTC, Ghaziabad
3. Medical Supdt. (AIIMS) for Burns & Plastic Surgery Block
4. Head, CCM for CRHSP Ballabgarh, PHC Chhainsa, PHC Sayalpur
5. Medical Supdt. (AIIMS)

With the request to kindly instruct the concerned officials to ensure smooth handing over of sanitation services of areas under Zone-II from M/s Dusters Total Solutions Services Pvt. Ltd. to M/s Rakshak Securitas Pvt. Ltd. w.e.f. 01.06.2022.

with the request to instruct the Stores officer (Hospital) to engage an agency through open tender on GeM for the areas catered by M/s Dusters alongwith the outer areas tender being finalized by Hospital Stores.

6. Professor In-charge, Computer Facility

With the request to upload this on AIIMS website

C.C. for information to: -

1. PPS / PS to Director / Dy. Director (Admn.)/Sr. Financial Advisor
2. Dy. Chief Labour Commissioner (Central)

