

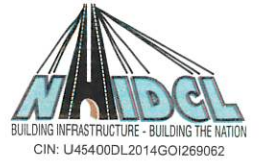
राष्ट्रीय राजमार्ग एवं अवसंरचना विकास निगम लिमिटेड

सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार
प्रथम तल, टावर ए, वर्ल्ड ट्रेड सेंटर, नौरोजी नगर, नई दिल्ली-110029,

National Highways & Infrastructure Development Corporation Limited

Ministry of Road Transport & Highways, Government of India

First Floor, Tower A, World Trade Centre, Nauroji Nagar, New Delhi-110029, Tel: +91 11 26768950, www.nhidcl.com



(भारत सरकार का उद्यम)

(A Government of India Enterprise)

TEMPORARY SUSPENSION ORDER

No. NHIDCL/Tripura/Mtc./ 2026-27/2148

Dated: 25.09.2026

To,

The Authorized Signatory
M/s AK Construction Company
Bhadewa, Post-Amba, Dist.-
Varanasi (UP) 221104

Subject: Temporary suspension of M/s AK Construction Company having registered office at village: Bhadewa, Post-Amba, Dist.-Varanasi (UP) 221104, EPC Contractor of Rehabilitation and up-gradation of road from design km 31.300 to km 45.300 (Total length: 14.000km) of Agartala-Khowai section on NH-108B to 2-lane with paved shoulder on EPC basis (Package-III), from participating in ongoing/future bidding - Reg.

Ref:

- a) Daily maintenance report by AE, M/s Lion Engineering Consultants Private limited.
- b) MoRT&H Circular No. RW/NH-33044/76/2021-S&R (P&B) dated 06.10.2021.
- c) Cure period notice NHIDCL/PMU-Tel/A-K (Pkg-III)/31(1)/2020-21/416-18 dt. 10.07.2026.
- d) NHIDCL/PMU-Tel/A-K (Pkg-III)/31(1)/2020-21/471-73 dated 30.07.2026.
- e) AE letter no. AE3020-LEC-2369 dated: 28.02.2025.
- f) AE letter no. AE3020-LEC-2381 dated: 08.03.2025.
- g) AE letter no. AE3020-LEC-2390 dated: 21.03.2025.
- h) AE letter no. AE3020-LEC-2407 dated: 15.04.2025.
- i) AE letter no. AE3020-LEC-2415 dated: 28.04.2025.
- j) AE letter no. AE3020-LEC-2421 dated: 05.05.2025.
- k) AE letter no. AE3020-LEC-2436 dated: 28.05.2025.
- l) AE letter no. AE3020-LEC-2448 dated: 17.06.2025.
- m) AE letter no. AE3020-LEC-2467 dated: 09.07.2025.
- n) AE letter no. AE3020-LEC-2500 dated: 09.08.2025.
- o) AE letter no. AE3020-LEC-2516 dated: 30.08.2025.
- p) AE letter no. AE3020-LEC-2517 dated: 30.08.2025.
- q) AE letter no. AE3020-LEC-2528 dated: 09.09.2025.
- r) AE letter no. AE3020-LEC-2538 dated: 18.09.2025.
- s) AE letter no. AE3020-LEC-2558 dated: 25.10.2025.
- t) AE letter no. AE3020-LEC-2562 dated: 30.10.2025.
- u) AE letter no. AE3020-LEC-2587 dated: 03.12.2025.
- v) AE letter no. AE3020-LEC-2637 dated: 19.01.2026.
- w) AE letter no. AE3020-LEC-2647 dated: 04.02.2026.
- x) AE letter no. AE3020-LEC-2681 dated: 02.03.2026.
- y) AE letter no. AE3020-LEC-2716 dated: 02.04.2026.
- z) AE letter no. AE3020-LEC-2739 dated: 30.04.2026.
- aa) AE letter no. AE3020-LEC-2781 dated: 02.06.2026.
- bb) PMU lt. no. NHIDCL/PMU-Tel/A-K (Pkg-III)/31(5)/2020-21/1884-86 dt: 05.03.2026.
- cc) PMU lt. no. NHIDCL/PMU-Tel/A-K (Pkg-III)/31(1)/2020-21/154-55 dt: 08.05.2026.
- dd) PMU lt. no. NHIDCL/PMU-Tel/A-K (Pkg-III)/31(1)/2020-21/211-12 dt: 19.05.2026.
- ee) PMU lt. no. NHIDCL/PMU-Tel/A-K (Pkg-III)/31(1)/2020-21/311-12 dt: 20.06.2026.
- ff) AE lt. no. AE3020-LEC-2381 dt: 08.03.2025.
- gg) Contractor lt. no. AKCC/NHIDCL/LION/AGT-KHW/M&R/26-27/606 dt: 28.05.2026.
- hh) Contractor lt. no. AKCC/NHIDCL/LION/25-26/590 dt: 27.01.2026.

Whereas, M/s A K Construction Company having registered office at village: Bhadewa, Post-Amba, Dist.-Varanasi (UP) 221104 the EPC Contractor for the work of Rehabilitation and up-gradation

[Signature]

1/3

of road from design km 31.300 to km 45.300 (Total length: 14.000km) of Agartala-Khowai section on NH-108B to 2-lane with paved shoulder on EPC basis (Package-III), in the State of Tripura, under EPC mode;

2. Whereas, the Appointed Date of the project was 22.10.2020 and the Scheduled Completion Date was 15.04.2022. The project was completed on 30.05.2024;

3. Whereas, during the Maintenance/DLP period, deficiencies in the Project Highway were observed/reported, including potholes, cracks, pavement distress, damaged road furniture and other maintenance deficiencies, affecting approximately 6.00 km of the project stretch;

4. Whereas, the aforesaid deficiencies were brought to the notice of the Contractor through the Authority/Authority's Engineer by way of inspection reports, communications, directions and other correspondence, requiring the Contractor to undertake necessary rectification and maintenance works within the stipulated period;

5. Whereas, despite the aforesaid directions and opportunities, the Contractor failed to adequately undertake/complete the required rectification and maintenance works. The works undertaken by the Contractor were also reported to be inadequate/not satisfactory in terms of progress, quality and/or effectiveness, resulting in persistence/reappearance of deficiencies on the Project Highway;

6. Whereas, a Cure Period Notice dated 10.07.2026 was issued to the Contractor under the relevant provisions of the EPC Contract Agreement, including applicable provisions of Article 23, providing the stipulated period for rectification of the identified deficiencies. However, the reported deficiencies have not been satisfactorily rectified within the prescribed period / the required rectification has not been completed to the satisfaction of the Authority;

7. Whereas, Article 14.1 of the EPC Contract Agreement requires the Contractor, inter alia, to ensure safe, smooth and uninterrupted flow of traffic on the Project Highway and to undertake routine maintenance including prompt repairs of potholes, cracks, joints, drains, embankments, structures, pavement markings, lighting, road signs and other traffic control devices. Article 14.2 further requires the Contractor to ensure that the Project Highway conforms at all times during the Maintenance Period to the maintenance requirements specified in Schedule-E of the EPC Contract Agreement;

8. Whereas, the continued existence of the aforesaid deficiencies, despite repeated directions for rectification, has adversely affected the condition and serviceability of the Project Highway and has raised concerns regarding the safety of road users;

9. Whereas, the condition of the concerned project stretch and the resultant concerns relating to public safety have also been brought before the Hon'ble High Court of Tripura in Suo Motu W.P.(C) (PIL) No. 06 of 2026, wherein judgment was pronounced on 08.09.2026;

10. Whereas, MoRT&H Circular dated 06.10.2021 provides for action against Contractors/Concessionaires in cases of specified deficiencies. The Circular provides, inter alia, for declaring a Contractor as a Non-Performer where the Contractor fails to complete rectification within the prescribed time and also in cases of failure to start/delay in maintenance and repair/overlay works;

11. Whereas, the aforesaid Circular further provides that, in cases where public safety is endangered by the behaviour/conduct/action of the Contractor/Consultant/Concessionaire, the Authority may temporarily suspend the concerned Contractor/Consultant/Concessionaire from participating in ongoing/future bidding for a period of up to one month, during which the regular process of debarment is to be concluded, subject to the conditions and procedure prescribed in the said Circular;

12. Whereas, based on the records and reports furnished by RO Agartala, the deficiencies and continuing non-compliance in respect of the subject project fall within the categories contemplated under the aforesaid MoRT&H Circular dated 06.10.2021, particularly relating to failure to complete rectification and failure to adequately undertake/progress maintenance and repair works and endangering public safety;

2/3

13. Whereas, considering the persistent nature of the deficiencies, non-rectification despite repeated directions and the reported concerns relating to public safety, it is considered necessary to take immediate action in terms of the provisions of MoRT&H Circular dated 06.10.2021, without prejudice to the regular proceedings for declaration of the Contractor as Non-Performer/debarment;

Now, therefore, in exercise of the powers conferred under the applicable provisions of MoRT&H Circular dated 06.10.2021 and subject to the conditions prescribed therein, it is hereby ordered as under:

Temporary Suspension:

M/s A K Construction Company having registered office at village: Bhadewa, Post-Amba, Dist.-Varanasi (UP) 221104, EPC Contractor of "of Rehabilitation and up-gradation of road from design km 31.300 to km 45.300 (Total length: 14.000km) of Agartala-Khowai section on NH-108B to 2-lane with paved shoulder on EPC basis (Package-III), in the State of Tripura, under EPC mode", is hereby temporarily suspended from participating in ongoing/future bidding of NHIDCL, MoRTH and its implementing agencies, as applicable under the aforesaid MoRT&H Circular dated 06.10.2021, for a period of up to one month from the date of this Order.

14. Nothing contained in this Order shall be construed as waiver of any right or remedy available to NHIDCL under the EPC Contract Agreement, applicable law, specifications, guidelines or instructions of MoRTH. All such rights and remedies are hereby expressly reserved.

This issues with the approval of the Competent Authority.



(Ralceme S.)
General Manager (Technical)
NHIDCL, HQ, New Delhi

Copy to:

1. Director General (RD) & SS, MoRT&H
2. Director General (Border Roads), Seema Sadak Bhawan, New Delhi
3. Chairman NHAI
4. Chief Secretaries (PWD/Roads) of all states Govt./UT with National Highways and Centrally Sponsored Schemes.
5. PS to MD NHIDCL
6. PS to Director (T)/Director (A&F), NHIDCL
7. All ED (T/P), GM (T/P), DGM(T/P), NHIDCL
8. Media relation/IT Division/Infracon cell with request to get it hosted on NHIDCL Website
9. Office Copy.