



No. PCC/02/2017/ 366

9 SEP 2021

To

M/s Shree Pooshphans Chemicals

403/404, Dev krupa Premises Co Op Society Ltd

4th Floor, 28 Raichur Street,

Dana Bunder, Mumbai -400009

e-mail: info@slopsreception.com

**Sub: Tender No. PCC-02/2017- Reception Facilities for
sludge/waste oil/bilge oil and slop from ships calling at
Mumbai Port Trust.**

- Order of Termination of Contract and Blacklisting

Sir,

1. Your firm was empaneled in Mumbai Port Trust for providing Reception Facilities for sludge/ Waste Oil/ Balge Oil and Slop from ships calling at Mumbai Port Trust vide MbPT letter No. DPCC/PCC-02/2017/718 dated 03.11.2017 under above mentioned tender and agreement dated 14.12.2017.
2. MbPT administration received an information on 20.02.2020 about the incident of unauthorized discharge of Sludge Oil from a vessel and an alleged Reception Certificate issued by M/s Shree Pooshphans Chemicals to the vessel 'Asphalt II', which showed discharge of 33.2 cu.m. of sludge/Waste oil at E-1 anchorage between 26.12.2019 and 27.12.2019.
3. Based on initial assessment it was found that the breach is serious in nature and violated the set procedures and therefore your operations were suspended by Mumbai Port Trust on 24.02.2020 pending further investigations.
4. As per set out procedures, circulars, practice, rules and tender conditions the contractor is supposed to intimate and obtain prior permission from Customs Department and subsequently intimate Traffic and Marine Department of MbPT. You should have intimated, get the details entered into register maintained by Pollution Control Cell and obtained permission of Harbour Master/Director, Pollution Control Cell on the letter head of Vessel / Steamer Agent before exiting from the gate. You are well aware of this procedures and did not follow the above procedures and unilaterally received approximately 33.2 cum of Sludge/ Waste oil from Vessel Asphalt II on 26/27.12.2019 via Barge MT Mohamedi under your charter and transported/ disposed off the Sludge/ Waste oil.

(1)

5. In the above incident you failed to adhere to set out procedures which amounted to breach of terms and conditions under tender clause Nos. 2 (Scope of works), 27 (Compliance to Statutes, Regulations etc), 29 (Permissions), 31 (Termination of Agreement), 33 (Deficient Services) of Tender Conditions and Circulars in force.
6. Subsequently the matter was thoroughly investigated by Security Division of MbPT. Fair chance was given you to defend on various occasions in the intervening period and on 15.02.2021. There after the Enquiry was concluded in July 2021, which confirmed the involvement of your firm in the above incident for not observing Rules and Regulations, tender conditions for discharge and removal of sludge oil from foreign going vessel and Docks.
7. Your Justification/ Contention that you were not involved and your missing letterhead incident in 2018 etc. in the above incident is not accepted by the authorities in MbPT.
8. The breaches committed by you and the evidence before MbPT Authorities are sufficient to Terminate your contract with immediate effect and Black List your firm for a period of two years from taking up works in any Major Port Trusts including Mumbai Port Trust effective 24.02.2020, (since your operations were suspended from this date in MbPT).
9. Since you are already under suspension from 24.02.2020, the notice period of one month under clause 31 is subsumed in the suspension period.
10. MbPT took efforts to hear you at highest level and a thorough Internal Investigation/ Enquiry was carried so that Principle of Natural Justice is followed including Doctrine of Proportionality in meting out punitive action.
11. The above action is without prejudice to any other action or remedies available to MbPT under the Tender and applicable laws, which you may please note.
12. You are requested to deposit the Dock Entry Permits with this office.
13. Please acknowledge the receipt of this letter.


09.09.2024
Dy. Conservator