



**OFFICE OF THE MISSION DIRECTOR,
NATIONAL HEALTH MISSION, ASSAM**

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No.NHM/C-CW/50 bedded Ayurveda Hospital/Majuli/3491/17/118

Dated Guwahati the 9th March' 2019

Speaking order

Perused the replies to the Show Cause notice issued to contractor Sri Dadu Hazarika vide order No. NHM/C-CW/50 bedded Ayurveda Hospital/ Majuli/3491/17/98 Dated 25/01/2019 against the anomalies found in “Construction of 50 Bedded Ayurveda Hospital at Majuli under NHM, Assam”.

Also perused the observations made by the Committee constituted to verify the replies as mentioned above.

Whereas, the committee has found the replies filed by the contractor Sri Dadu Hazarika not to be acceptable and tenable in law being inconsistent with the facts and circumstances of the matter.

Whereas, the contractor has repeated the same deviations on depth of foundation as per approved drawings which he was asked to redo vide No. No. NHM/C-CW/50 bedded Ayurveda Hospital/ Majuli/ 3491/17/58 Dtd 24th July' 2018.

Whereas, it is clear that the work has not been executed /re-executed as per the approved drawings and no such deviation had any approval from the competent authority.

Whereas, legal opinion from Senior Standing Counsel, NHM, Assam was also obtained confirming fundamental breach of contract by the contractor which invite termination of contract.

Therefore, I am of the considered opinion that contractor has defaulted in execution of the works as per direction and approved drawings which constitute fundamental breach of contract and so the work shall be terminated forthwith invoking clause 34.3 of award of contract of the tender agreement read with Clause 59 of GCC of the contract agreement between NHM & Contractor, Sri Dadu Hazarika and the Performance Security along with Security Deposit will stand forfeited.

Issued under my hand and seal on this 9th Day of March 2019.

Sd/-

Mission Director
National Health Mission, Assam