



COMPETITION COMMISSION OF INDIA

Suo-Motu Case No. 03/2021

In Re: Alleged bid rigging in Tenders invited by Assam Police Housing Corporation Limited for “Internal and External Electrification works in Police Station Buildings” across the State of Assam.

M/s Purbanchal Enterprise	Opposite Party No.1
M/s Kalita Electric Works	Opposite Party No.2
M/s Ramani Enterprise	Opposite Party No.3
M/s D.B. Electricals	Opposite Party No.4
M/s Horizon Enterprise	Opposite Party No.5
M/s Deys Electric	Opposite Party No.6
M/s Sri Krishna Electricals	Opposite Party No.7
M/s Satyajit Electricals	Opposite Party No.8
M/s R.M. Electricals	Opposite Party No.9
M/s Choudhury Engineering Works	Opposite Party No.10
M/s Sarmah Electricals	Opposite Party No.11
M/s B.N. Enterprise	Opposite Party No.12
M/s G.B. Enterprise	Opposite Party No.13
M/s Assam Engineering Electrical Construction	Opposite Party No.14
M/s Dee Dees Brilliance	Opposite Party No.15
M/s Ganesh Electricals	Opposite Party No.16
M/s Kamakhya Electricals	Opposite Party No.17



Appearance on behalf of the Opposite Parties

Advocate	Opposite Party
Mr. Debashish Deka and Mr. Mustafa Ali	M/s Purbanchal Enterprise (OP-1)
	M/s Ramani Enterprise (OP-3)
	M/s Sri Krishna Electricals (OP-7)
	M/s Satyajit Electricals (OP-8)
	M/s R.M Electricals (OP-9)
	M/s B.N. Enterprise (OP-12)
Mr. Rajesh Rathore	M/s Kalita Electric Works (OP-2)
	M/s Horizon Enterprise (OP-5)
Mr. Vishal Khari	M/s Choudhury Engineering Works (OP-10)
	M/s G.B. Enterprise (OP-13)
Mr. Vivek Pandey	
Ms. Shreya Kapoor	M/s Deys Electric (OP-6)
Mr.Sasthibrata Panda	
	M/s Sarmah Electricals (OP-11)
	Mr. Amiya Kumar Sarmah (<i>in person</i>)
Mr. M.S. Sharma	M/s Assam Engineering Electrical
Ms. Usha Das	Construction (OP-14)
Ms. Sangita	M/s D.B. Electricals (OP-4)
Tahbilda	M/s Ganesh Electricals (OP-16)
None	M/s Dee Dees Brilliance (OP-15)
	M/s Kamakhya Electricals (OP-17)



CORAM

Ms. Ravneet Kaur
Chairperson

Mr. Anil Agrawal
Member

Ms. Sweta Kakkad
Member

Mr. Deepak Anurag
Member

Order under Section 27 of the Competition Act, 2002

1. The present matter arose out of a complaint dated 10.08.2020 from the Office of the Accountant General (Audit), Assam, alleging bid rigging in tenders floated by the Assam Police Housing Corporation Limited ('APHCL') for '*Internal and External Electrification Works in the Police Station Buildings*' ('**Impugned Tenders**') under Mission of Overall Improvement of Thana for Responsive Image ('**MOITRI**') Scheme of Government of Assam ('**GoA**') across the State of Assam.
2. APHCL, established in 1980 as a State Public Sector Undertaking, functions under the administrative control of the Home and Political Department, GoA, and is stated to be engaged in the construction of police stations, barracks, residential quarters complex, *etc.*, for the State Police Forces.
3. The MOITRI Scheme was launched by GoA in July, 2016 with the aim of developing physical infrastructure in 345 Police Stations ('**P.S.**') in the State over a period of five years (2017-2022) to make them more citizen friendly. APHCL floated separate tenders for civil and electrical works for each of the identified 73 PS under the said scheme. The tenders for civil works were floated between February, 2017 and March, 2018 and the work was awarded by April, 2018 at a total cost of Rs. 97.36 crore. The tenders for electrical works were floated between January and March, 2018 and work was awarded by April, 2018 at a total cost of Rs. 37.40 crore.



4. The Office of the Accountant General (Audit), Assam, conducted an audit of implementation of the MOITRI Scheme. Based on such audit, the Accountant General (Audit) was of the opinion that bid rigging took place in the Impugned Tenders, which led to higher cost of procurement by atleast Rs. 7.56 crore. It was mentioned in the complaint that the Impugned Tenders were rigged by 17 approved vendors of APHCL which are the Opposite Parties ('OPs') in the present matter. Notice inviting the tenders for the MOITRI Scheme was launched in two stages, initially, from 19.01.2018 (last date of bid submission was on 29.01.2018 for 39 P.S.) and the second phase on 27.03.2018 (last date for submission was on 06.04.2018 for 34 P.S.). The audit also provided detailed observations on how bid rigging took place in the aforesaid tenders.

Prima facie order of the Commission under Section 26 (1) of the Act dated 21.10.2021

5. On examination of the complaint filed by the Office of Accountant General (Audit), Assam, the Commission deemed it appropriate to take up the matter *Suo-Motu*. The 17 OPs in the present case are the suppliers of electrical equipment and related work.
6. The Commission, based on the averments contained in the complaint noted that the bidders managed to secure all bid positions *i.e.* L-1, L-2 and L-3 in different bids by quoting different prices for the same items. Further, 16 out of a total of 17 bidders, won at least one tender. Also, L-1 bids of 16 bidders had been placed within a very narrow range which indicated pre-determined behaviour of the bidders.
7. The Commission further noted that, for standard Schedule of Rates ('SOR') Items, when bidders emerged as L-1, they quoted the same rate as mentioned in Assam Public Works Department ('APWD') SOR. For non-SOR items (where the rates had been estimated by the consultants), L-1 bidders quoted exactly the same rate as had been estimated by the consultants. The Commission further noted that errors made by the consultants while preparing estimates were blatantly replicated by the bidders in bid submissions. There was also numerical similarity/pattern in the bids of L-2 and L-3 *vis-a-vis* L-1, wherein L-2 and L-3 bid rates differed by a single digit from the L-1 rate, leading to a gap of Rs. 10/- to Rs. 100/-, or its multiples. The same public IP address was used to submit bids by various bidders, indicating use of the same computer



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system. Based on the above, the Commission observed that, *prima facie*, there appeared to be meeting of minds amongst the 17 bidders, and these bidders seemed to have manipulated the bidding process in the Impugned Tenders by indulging in bid-rigging, more particularly, by adopting cover bidding and bid rotation, thereby, reducing the competitive intensity of the entire bidding process.

8. Accordingly, the Commission was *prima facie* of the view that a case of contravention of Section 3(3)(d) read with Section 3(1) of the Competition Act, 2002 ('Act') was made out against the OPs. *Vide* order dated 21.10.2021, the Commission directed the Director General ('DG') to cause an investigation to be made into the matter under the provisions of Section 26(1) of the Act. The DG was also directed to investigate the role of the persons/officers who were in charge of, and were responsible for the conduct of the activities of such entities, that may be found to have indulged in anti-competitive conduct, at the time the alleged contravention was committed as well as persons/officers with whose consent or connivance the alleged contravention was committed, in terms of the provisions of Section 48 of the Act.

Findings of the investigation

9. Thereafter, the DG submitted its Investigation Report on 24.11.2023 (in confidential and non-confidential versions) after seeking due extensions of time. On the basis of the order of the Commission dated 21.10.2021 passed under the provisions of Section 26(1) and material available on record, the following issues were identified for investigation:

Issue 1: Whether the OPs have entered into an agreement for directly or indirectly engaging in bid rigging or collusive bidding?

Issue 2: What was the role of persons who at the time of alleged contraventions were responsible under Section 48 of the Act?

10. During the investigation, the DG collected evidence from the OPs as well as third parties. The investigation found that out of 73 Impugned Tenders, in 71 tenders only 3 bidders who are OPs submitted bids. In the remaining 2 bids (tender of Teok P.S. and Jegraimukh P.S.), exactly 4 bidders submitted bids. Further, in tenders of Azara P.S.,



Barpeta P.S., Dudhnoi P.S., Ghagrapar P.S., Jagirod P.S., Dhupdhara P.S., Jorabat P.S., Khetri P.S., Mangaldoi P.S. and Morigaon P.S., a total of 4 bidders submitted bids. Although there are 17 bidders (who were registered class 1 contractor under APHCL) almost all bidders show a uniform pattern of participation indicating rotational bidding.

11. Also, all bidders, except OP-17, won at least one of the tenders which shows distribution of wins across the tenders. Despite the nature of work across 73 tenders being near identical, different bidders managed to secure all of the bid positions *i.e.*, L-1, L-2, L-3 by quoting different prices for the same items in different tenders. It appears that OP-17 participated in the tenders for the purpose of cover bidding. Two of the OPs (OP-1 and OP-15) also claimed during investigation that they were not aware of some tenders wherein they were found to have submitted bids (Bihubor P.S. and Sonari P.S., respectively) and were classified as L-2/L-3, which shows that cover bids were submitted on behalf of other OPs as well.
12. In all L-1 bids, identical rates were quoted by the OPs and in L-2 and L-3 bids, the OPs quoted higher rate in multiples of 10, 100, 1000 and so on. The bidding pattern adopted by the OPs show that the difference in price quoted was not due to factors like cost of transportation, tax *etc.*, but only under a scheme of collusive bidding. Such pattern emerged as majority of bids were prepared by a single person/ entity on behalf of all the bidders participating in the tender. The same was also confirmed during investigation from replies of the OPs and submission of Mr. Tapan Jyoti Borah. The bidders also managed to secure all bid positions *i.e.*, L-1, L-2 and L-3 in different bids.
13. It was observed that all the bidders had quoted a substantially higher rate for the item Diesel Generator, the average cost being Rs. 10,55,989/-. It seems that the anomaly in the price quoted for Diesel Generator occurred because the estimate prepared by the consultant had taken into account other additions and deductions, including the GST rate, after stating the estimated cost of each product. It was seen that the rate for each item was to be quoted inclusive of GST. Instead of incorporating these factors in each product, the OPs ended up exceeding the cost of only one item to reach the target price. All bidders increased the rate of only Diesel Generator to reach the total estimated amount. The OPs submitted that the rate of only Diesel Generator was quoted higher



because of high volatility in the rate and other associated costs with the Diesel Generator. The investigation revealed that the rate of Diesel Generator was only increased in order to reach the estimate total which the consultants arrived at after additions and deductions made by them.

14. The mistake with respect to rate of Solar Street Light and its installation and commissioning charges were repeated by all. In many tenders, it was noticed that the estimate prepared by the consultant, Noborooop Engineering, had taken into account the rate of Solar Power Plant, however, the tender documents show that the requirement was for Solar Street Light and not for Solar Power Plant. It was observed that all the OPs had written the rate for Solar Power Plant in place of Solar Street Light. The estimates prepared by Northeastern Drilling and Workover Services as well as Depanker Baruah Associates and Dimension Architects, were of Solar Street Light, however, they had written the rate for Solar Power Plant instead of Solar Street Light erroneously. This mistake had been blindly followed by all the OPs. There were only three tenders in which the rate of Solar Street Light was given correctly in the estimate prepared, *i.e.*, in tender of Hailakandi P.S., Haflong P.S. and North Lakhimpur P.S. As a result, all bidders participating in these three tenders had written the correct rate for installation and commissioning charges of Solar Street Light, but not in other tenders in which they participated. The OPs had repeated the errors made in the estimate and changed the rate in accordance with the estimate, wherever required. L-1 bids closely mirrored the estimated cost prepared by the consultant and L-2 and L-3 bids quoted slightly higher rate in a fixed pattern, which indicates collusive bidding by the bidders.

15. It was also observed that all the OPs submitted the bids using common devices. In few tenders, all the bids were submitted from the same IP address and within a gap of few minutes. The time gap between bids shows that all the bids were submitted by one person only. During the statement on oath, Mr. Dipak Kumar Deb (Proprietor of OP-15) and Mr. Swapan Dey (Proprietor of OP-6) stated that the cyber cafe belonged to one Mr. Tapan Jyoti Borah, who also confirmed that the online bids for the tenders were submitted by him. He stated that one person approached him on behalf of all bidders alongwith tender bid documents, digital signatures and filled Bill of Quantity ('BOQ'), requesting him to submit/upload all tender documents on behalf of the



bidders for a consideration of Rs. 2500/- per tender. Moreover, he stated that the person who approached him for submitting those bids had also stated that all contractors decided to submit their tenders from a particular place so that they do not have to worry about BOQ rate manipulation. Thus, it is established that bidders acted in concert and there was meeting of minds among them, which indicates that the OPs colluded and manipulated the entire bidding process to their advantage.

16. While the OPs, in their replies, had stated that they had not made any contact with each other, it was also stated by OP-5, OP-13 and OP-14 that they were aware of some bidders who participated in the Impugned Tenders. It was also seen that the L-1 prices quoted by all the bidders were identical for the same items. Further, during statement on oath, Mr. Swapan Dey (Proprietor of OP-6) stated that he knew 2-3 bidders who had participated in the tender. During statement on oath, Mr. Dipak Kumar Deb (Proprietor of OP-15) stated that he had made queries to other applicants who guided him to the cyber cafe at Sixmile, Guwahati. Therefore, it was not a mere coincidence that all the OPs approached the same cyber cafe for submitting their bids. Further, examination of Call Data Records ('CDR') also shows that some bidders were in contact with each other during the period of bid submission of the Impugned Tenders.
17. Investigation also found evidence of sequentially numbered Demand Drafts ('DDs') submitted, as the cost of documents/tenders, by the OPs. It was seen that in most of the tenders, all the DDs submitted, on behalf of the participating bidders, were sequentially numbered and tendered for all by a single person/entity. The OPs had procured the DDs on behalf of other members, thereby revealing the ultimate evidence of bid rigging. This indicated that, by way of cooperation, the OPs had determined and allocated the tenders amongst themselves prior to the submission of bids. Accordingly, the DDs were tendered by them. The sequentially numbered DDs were not only corroborative evidence of how the bidders had staged the whole process of bid rigging, but also conclusive evidence on how they colluded in the whole process, undermining fair competition.
18. The investigation found incriminating evidence in the form of bidding patterns, statements recorded on oath of related persons, information received from various



parties, CDR details and DDs submitted as cost of documents/bidding. The investigation presented precise, consistent and conclusive evidence which shows that all the OPs acted in violation of Section 3(3)(d) read with Section 3(1) of the Act by identifying the various bidding patterns that were followed by the OPs, including identical rates quoted by the OPs along with the use of common IP address, blind replication of the errors in the estimate of the tenders made by the consultants and errors made by other bidders, showing absolute awareness of the price quoted by all the bidders and other acts confirming their collusive bidding behaviour. Investigation also took note of reply submitted by Mr. Tapan Jyoti Borah, person who filled online tenders on behalf of the OPs, which discloses that the tender documents for all the OPs were handed over to him by one person. Also, the DDs submitted as cost of tender were sequentially numbered and in most cases DDs for all bidders in the tender were tendered by L-1 bidders or any one of the bidders.

19. All the OPs are engaged in identical trade of carrying out electrical works and contravened the provisions of Section 3(3)(d) read with Section 3(1) of the Act by entering into discussions with rival bidders while placing their bids, deciding rate to be quoted for various items by way of co-ordination, and allocating tenders floated by APHCL, thereby, indulging in bid rotation. The OPs have also indulged in cover bidding by submitting supporting bids for leading bid riggers, like OP-17. As per the provisions of Section 3(3) of the Act, actions of the OPs are presumed to have Appreciable Adverse Effect on Competition ('AAEC').

Issue 2: What was the role of persons who at the time of alleged contraventions were responsible under Section 48 of the Act?

20. The Commission, *vide* its order under Section 26(1) of the Act, had directed the DG to investigate the role of persons who at the time of such contravention, were in charge of and/or were responsible for the conduct of the business of the OPs so as to fix responsibilities of such persons under Section 48 of the Act. Individuals of the OPs who were found to be liable under Section 48 of the Act are stated hereunder:
- i. Mr. Prabin Saikia, Proprietor, OP-1
 - ii. Mr. Dwipen Kalita, Proprietor, OP-2



- iii. Mr. Ramani Mohan Deka, Proprietor, OP-3
- iv. Mr. Dinesh Bezbaruah, Proprietor, OP-4
- v. Mr. Riku Saikia, Proprietor, OP-5
- vi. Mr. Swapan Dey, Proprietor, OP-6
- vii. Mr. Gunajit Deka, Proprietor, OP-7
- viii. Mr. Dwijen Saikia, Proprietor, OP-8
- ix. Mr. Mukul Mahanta, Proprietor, OP-9
- x. Mr. Shailesh Choudhury, Proprietor, OP-10
- xi. Mr. Amiya Kumar Sarmah, Proprietor, OP-11
- xii. Mr. Mahat Lahakar, Proprietor, OP-12
- xiii. Mr. Debendra Patgiri, Proprietor, OP-13
- xiv. Mr. Mrinal Saikia, Proprietor, OP-14
- xv. Mr. Dipak Kumar Deb, Proprietor, OP-15
- xvi. Mr. Khanindra Bezbaruah, Proprietor, OP-16
- xvii. Mr. Manoj Kalita, Proprietor, OP-17

Consideration of the Investigation Report by the Commission

21. The Commission considered the Investigation Report in its ordinary meeting held on 18.03.2024 and directed to forward an electronic copy of the non-confidential version of the Investigation Report to the OPs and their individuals liable under Section 48 of the Act for filing their respective objections/suggestions, if any, latest by 29.04.2024. The Commission also directed the OPs to furnish their financial statements along with relevant turnover/Income Tax Returns for the financial years 2014-15, 2015-16 and 2016-17, latest by 29.04.2024. Thereafter, *vide* orders dated 20.11.2024 and 29.01.2025, the Commission granted two more opportunities to the OPs and their individuals to file complete financial statements/turnover details as sought *vide* order dated 18.03.2024.

22. Thereafter *vide* order dated 06.08.2025, the Commission considered the matter and fixed the date of hearing on the Investigation Report on 08.10.2025 at 2:30 p.m. On 08.10.2025, the Commission heard some of the OPs who had appeared and directed them to file written submissions of their oral arguments within fourteen days from the date of hearing. Further, the Commission granted one more opportunity of hearing to



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the remaining OPs and accordingly, scheduled the hearing again on 29.10.2025 at 2:30 pm.

23. On 29.10.2025, the Commission heard the remaining OPs and directed them to file their written submissions within seven days from the date of hearing. The Commission also noted that OP-15 neither appeared in person nor through a counsel, citing health/other reasons and directed it to file its written submissions, if any, within seven days from the date of hearing. The Commission also noted that OP-17 neither appeared for hearing on 08.10.2025 nor on 29.10.2025 and decided to proceed *ex-parte* against it. Accordingly, the Commission concluded the hearing and decided to pass an appropriate order in due course.

Objections/suggestions/written submissions filed by the OPs

24. **OP-1:** OP-1 has not filed its objections/suggestions. In its written submission dated 29.10.2025, OP-1 has stated that in the 18 tenders floated by APHCL, there was no limitation to participation except one had to be eligible and registered under APHCL. It has stated that market conditions, standardized costs, infrastructure limitations, and business practices provide reasonable explanations for the observed patterns in the Investigation Report. It has averred that unlike established bid-rigging cases, this matter lacks crucial corroborating evidence of coordination. Further, on the issue of identical IP addresses, it has averred that in 2018, cyber city infrastructure in Guwahati was limited, with only a few establishments having the technical capability to handle online tender submissions. It has contended that multiple bidders using the same facility is a natural consequence of limited infrastructure and not evidence of collusion. Further, on the allegation of sequentially numbered DDs, it has averred that it is a well-known practice for cyber cafes and professional facilitators to assist small businesses in submitting tender documents, including obtaining DDs from a bank. It has stated that the sequence in which the bank issued the DDs is a matter of chance and does not imply any agreement between the bidders. Further, on the issue of L-2 and L-3 rates being in the multiples of 10, 100, *etc.*, it has averred that the rates were quoted based on APWD Schedule Electrical for 2013-14 and APDCL rates, which are publicly



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available documents. It has submitted that the variation was there depending on the remoteness of the places, availability of materials, labour cost and transportation.

25. **OP-2:** OP-2 has not filed its objections/suggestions. It has filed written submission dated 07.11.2025. On the issue of L-2 and L-3 rates being in multiples of 10, 100, 1000, etc., it has stated that the practice of increasing rates in multiples of 10,100,1000 are because of general algorithms adopted in tender biddings and are in itself not indicative of any collusion between the parties. On the issue of identical IP addresses, it has averred that, shared IP address can be due to multiple legitimate reasons such as common office network or service provider. On the use of the same cyber cafe for submission of bids, it has averred that it was only for the sake of convenience that all the tender documents including the DDs were prepared using services of the same cyber cafe which was located near to tender floating department and later uploaded from the same cyber cafe because its owner had a better understanding of tender documentation and online submission procedure. OP-2 has submitted that no knowledge of the estimated rates was available to it, therefore rates quoted by it was higher than the estimated rate. Furthermore, rates of all other items were quoted strictly as per the APWD schedule of 2013-14, which was lower than the market rate during 2018. Since no profit margin remained under those rates, a higher rate for the Diesel Generator was quoted. On the evidence in the form of CDR, it has averred that there is no written or oral agreement to show any kind of collusion between the parties. It has averred that any connection drawn between the parties on basis of CDR is only after the bidding was completed and is not suggestive of any planned collusion between the parties. Competitors may have many legitimate and non-anticompetitive reasons to communicate, such as business deals unrelated to the tender, subcontracting arrangements, or social interactions. Further, with respect to DG's claim that errors made by the consultant were replicated by the OP, it is stated that there is no corroborative evidence to prove that OP-2 had taken rates from the consultants, furthermore, if there was any suspicion in conduct of consultants hired by APHCL, it should have been reported to vigilance committee and that detail report must have been submitted after investigation, therefore the similarity in error is not suggestive of any bid rigging or collusion between the parties.



26. **OP-3:** In its objections/suggestions dated 06.02.2025 and written submission dated 29.10.2025, the submissions made by OP-3 are more or less the same as OP-1 and hence not reiterated for the sake of brevity.
27. **OP-4:** In its objections/suggestions dated 21.05.2024, OP-4 has stated that it has completed the works as per specifications and participated in the tender without engaging in bid rigging/collusive bidding.
28. **OP-5:** OP-5 has not filed its objections/suggestions. In its written submission dated 07.11.2025, the submissions made by OP-5 are more or less the same as OP-2, hence not reiterated for the sake of brevity.
29. **OP-6:** In its objections/suggestions dated 09.07.2024 and written submission dated 29.10.2025, OP-6 has averred that the examination of tenders does not reveal any discernible pattern which points towards existence of an agreement or meeting of minds amongst the OPs. It has stated that rates quoted by it are not identical with that of other bidders. It has stated that the errors in rates of Solar Street Light of Hailakandi P.S. are not identical. It is stated that the DG failed to investigate the consultants of the tendering authorities to find out what were the factors considered by them to reach their estimated rates. It is stated that the commonality of IP addresses arose on account of certain infrastructural issues because Mr. Tapan Jyoti Bora submitted all the bids through a single cyber cafe by obtaining internet connection from a local service provider which attributed to the commonality of IP addresses. Hence, the same cannot be attributed to collusion. It is averred that it is not possible to draw an inference of collusion merely based on the fact that bidders had submitted DDs bearing consecutive numbers and issued from the same banks. As per OP-6, it cannot be concluded that the tendering authority suffered any harm or paid an excessive amount. Hence, it is submitted that there is no AAEC in the market and the presumption is rebutted. It has stated that the penalty imposed ought to be proportionate to the offence committed and must take into consideration factors such as income derived from the infringing activity, nature, gravity and extent of contravention *etc.* It has also stated that Section 48 of the Act, is not applicable to Mr. Swapan Dey who is the sole proprietor of OP-6 because the word 'Company' explained in Section 48 of the Act does not include sole



proprietorship firms. OP-6 has requested the Commission to consider certain mitigating factors in the present facts and circumstances such as that it participated in the e-tender for the first time was not aware about the process and less profit was earned by it. OP-6 has stated to never have contravened the provisions of the Act and it is a small business enterprise, which would become economically unviable due to any monetary penalty.

30. **OP-7:** In its objections/suggestions dated 07.02.2025 and written submission dated 29.10.2025, the averments made by OP-7 are more or less the same as OP-1 and OP-3, hence not reiterated for the sake of brevity.
31. **OP-8:** OP-8 has not filed its objections/suggestions. In its written submission dated 29.10.2025, the averments made by OP-8 are more or less the same as OP-1, OP-3 and OP-7, hence not reiterated for the sake of brevity.
32. **OP-9:** In its objections/suggestions dated 21.02.2025 and written submission dated 29.10.2025, the averments made by OP-9 are more or less the same as OP-1, OP-3, OP-7 and OP-8, hence not reiterated for the sake of brevity.
33. **OP-10:** It has not filed objections/suggestions. In its written submission dated 07.11.2025, the submissions made by OP-10 are more or less the same as OP-2 and OP-5, hence not reiterated for the sake of brevity.
34. **OP-11:** OP-11 has not filed objections/suggestions. In its written submission dated 16.10.2025, it has averred that it has participated in the tender process, where it succeeded in attaining L-1 position in 2 tenders and was awarded works for two P.S. namely Dhubri P.S., in the district of Dhubri and Hojai P.S., in the district of Nagaon. OP-11 has stated that it had no knowledge about the other bidders that participated in the tender process as it was an online tender process. It has stated that it did not make any contact with other bidders prior to submitting of the bid as it was not aware of who would submit the bids thereof, and that it is the prerogative of the APHCL to select the bidders. It has submitted that it had analysed the cost of the materials and location of the site alongwith SOR 2013-14 as the basis for quoting the rates for various items. It



has averred that it had submitted its own online bids through a cyber cafe at Sixmile, Guwahati at the relevant time. However, due to the efflux of time, it does not recollect the identity of the cyber cafe as there are many such cyber cafes in the area.

35. **OP-12:** OP-12 has not filed its objections/suggestions. In its written submission dated 29.10.2025, the submissions made are more or less the same as OP-1, OP-3, OP-7, OP-8 and OP-9, hence not reiterated for the sake of brevity.
36. **OP-13:** OP-13 has not filed its objections/suggestions. In its written submission dated 07.11.2025, the averments are more or less the same as OP-2, OP-5 and OP-10, hence not reiterated for the sake of brevity.
37. **OP-14:** In its objections/suggestions dated 08.10.2025, OP-14 has stated that it had used the same IP address to submit tenders from the same cyber cafe as other bidders due to lack of technical knowledge and resources. The use of cyber cafe at Sixmile, Guwahati for uploading e- tenders does not itself prove collusion, especially when there is no evidence of exchange of bid details, no simultaneous logins recorded and multiple parties using the same cyber cafe is common and not prohibited. It is stated that all rates were derived based on APWD SOR 2013-14 and prevailing market rates. Similar rates arise when parties work under the same government standard rate schedule. Minor differences are due to locality, transportation, labour availability and other logistical concern. It is averred that participation in select tenders was based on convenience, proximity, availability of resources and financial feasibility. It has stated that the rates quoted were dependent on project- specific costs such as distance of site, material transport, installation needs and repair liability. Moreover, it has averred that no communication or agreement existed between bidders regarding rates. It is also contended that mere designation as proprietor does not create personal liability under Section 48(1) of the Act unless involvement is established.
38. **OP-15:** In its objections/suggestions dated 17.02.2025 and written submission dated 04.11.2025, OP-15 has submitted that there is no cause of action for filing the case against it. It is contended that the suit is barred by law of limitation and bad for non-joinder/ mis-joinder of necessary parties. It is stated that OP-15 is a registered



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proprietorship firm and has carried out contractual works as per Government and semi-Government work orders in the electrical segment for the last many years. It has stated that the bids were submitted through one cyber cafe in Guwahati and all the submissions were made with due diligence to prevent bid-rigging.

39. **OP-16:** In its objections/suggestions dated 29.04.2024, OP-16 has averred that it has completed the tender work allotted to the firm successfully and received the due payments from the concerned department and there is no irregularity in the process. The work was completed as per specifications and it participated in the tender process without engaging in bid-rigging/collusive bidding.

40. **OP-17:** It has neither filed objections/suggestions nor written submissions.

Analysis of the Commission

41. The Commission has carefully perused the Investigation Report, the objections/suggestions thereto received from the OPs, respective submissions made by the OPs during the hearings held on 08.10.2025 and 29.10.2025 and the written submissions filed subsequent thereof.

42. The issues which require consideration in the present matter are as under:

- i) ***Whether the OPs have entered into an agreement for directly or indirectly engaging in bid rigging or collusive bidding?***
- ii) ***What was the role of persons who at the time of alleged contraventions were responsible under Section 48 of the Act?***

Issue 1: Whether the OPs have entered into an agreement for directly or indirectly engaging in bid rigging or collusive bidding?

43. The DG has concluded that all the OPs, engaged in identical trade of carrying out electrical works had contravened the provisions of Section 3(3)(d) of the Act read with Section 3(1) of the Act by entering into discussions with rival bidders while placing their bids, deciding rates to be quoted for various items by way of coordination, and allocating tenders floated by APHCL, thereby, indulging in bid-rotation.



44. The said OPs have refuted the findings of the investigation and stated that there exists no cogent or concrete evidence against them to be made liable for contravention of the provisions of the Act. The Commission proceeds to analyse the evidence as against each of the OPs in each of the 73 P.S. For the sake of convenience, the details are tabulated as under:

Table-1

Sr. No	Tenders (Police Station wise)	OPs/bidders	Status	Evidences
1.	Sonari	OP-1	L1	All the DDs used for payment of cost of this tender were drawn on the same date <i>i.e.</i> 29.03.2018 from the same bank and were sequentially numbered. Further, all the DDs were tendered by OP-1. OP-1 and OP-3 have submitted the bids from the same IP address, <i>i.e.</i> ,103.215.243.102 on 31.03.2018 within a gap of one hour. Thus, OP-1, OP-3 and OP-15 have acted in concert and manipulated the process of bidding in this tender.
		OP-15	L2	
		OP-3	L3	
2.	Pulibor	OP-1	L1	In this tender, OP-1 tendered DDs for OP-6 and OP-9 and the said DDs were drawn on the same date, <i>i.e.</i> 20.01.2018 and from the same bank. Further, OP-1 and OP-9 submitted bids from the same cyber cafe but within one day, <i>i.e.</i> , 26.01.2018 and 25.01.2018, respectively. Thus, OP-1, OP-6 and OP-9 have manipulated the process of bidding with respect to this tender.
		OP-6	L2	
		OP-9	L3	
3.	Lahowal	OP-5	L1	In this tender, OP-5 tendered DDs for other OPs, <i>i.e.</i> OP-1 and OP-3. These DDs were drawn from the same bank and on the same date, <i>i.e.</i> , 29.03.2018 and were sequentially numbered. Further, OP-1 and OP-5 had used the same IP address, for submission of bids on 31.03.2018 within a gap of one and a half hour, which shows collusion between OP-1, OP-3 and OP-5 with respect to this tender.
		OP-3	L2	
		OP-1	L3	
4.	Tengakhat	OP-2	L1	In this tender, the DDs for all the OPs were issued from the same bank on 28.03.2018 and were sequentially numbered. Further, even
		OP-7	L2	



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		OP-1	L3	though different IP addresses were used by these OPs, these were submitted from the same cyber cafe. During the course of investigation, OP-1 submitted that no contact was made with the bidders prior to the submission of bids. CDR details, however, reveal that OP-1 contacted OP-2 prior to the submission of bids. The period for submission of bids for this tender was between 28.03.2018 and 06.04.2018.
5.	Bihubor	OP-13	L1	In this tender, OP-13 tendered DDs for OP-1 and OP-5. These DDs were drawn on same bank and on the same date, <i>i.e.</i> , 30.03.2018 and were sequentially numbered. Further, all the three bidders in this tender, <i>i.e.</i> OP-1, OP-5 and OP-13 had submitted their bids from the same IP address on 01.04.2018. Thus, OP-1, OP-13 and OP-5 have manipulated the process of bidding in this tender.
		OP-1	L2	
		OP-5	L3	
6.	Joypur	OP-2	L1	All DDs for OP-2, OP-6 and OP-5 were issued from same bank on 28.03.2018 and sequentially numbered. The IP address from which these OPs submitted their bids is the same and the bids were submitted on 31.03.2018 within a gap of two hours. There is also evidence of CDR between the proprietors of OP-2 and OP-5 on 29.03.2018, which points out to collusion between these OPs. Thus, OP-2, OP-6 and OP-5 have acted in concert and manipulated the process of bidding in this tender.
		OP-6	L2	
		OP-5	L3	
7.	Jengraimukh	OP-2	L1	DDs for all the OPs participating in the said tender were drawn from the same bank on 19.01.2018 and were sequentially numbered. The Commission also notes that OP-2 and OP-13 had submitted the bids from the same IP address and on the same date <i>i.e.</i> on 27.01.2018, within a gap of two hours. Further, the bids submitted by OP-9 and OP-17 were submitted from a different IP address but on the same date, <i>i.e.</i> , 25.01.2018 from the same cyber cafe. Thus, OP-2, OP-9, OP-13, OP-17 have acted in concert and manipulated the process of bidding with respect to this tender.
		OP-9	L2	
		OP-17	L3	
		OP-13	L4	
8.	Teok	OP-2	L1	

		OP-6	L2	DDs for all the OPs participating in the said tender were drawn from same bank and were sequentially numbered. For OP-5 and OP-17, the DD was drawn on 19.01.2018 and for OP-6 and OP-2, the DDs were drawn on 24.01.2018. Further, the Commission notes that OP-5 and OP-17 submitted their bids from a different IP address but from the same cyber cafe. Thus, OP-2, OP-5, OP-6 and OP-17 have acted in concert and manipulated the process of bidding in this tender.
		OP-17	L3	
		OP-5	L4	
9.	Jorabat	OP-2	L1	DDs for OP-2, OP-5 and OP-12 in the said tender were drawn from the same bank on 19.01.2018 and were sequentially numbered. Further, the Commission notes that OP-2, OP-5 and OP-12 submitted their bids from a different IP address but from the same cyber cafe. Thus, OP-2, OP-5 and OP-12 have acted in concert and manipulated the process of bidding in this tender.
		OP-12	L2	
		OP-5	L3	
10.	Morigaon	OP-2	L1	DDs for OP-2 and OP-17 were issued from the same bank on the same date and were sequentially numbered. The DD for OP-9 was tendered by OP-12. OP-9 and OP-17 submitted their bids from a different IP address but from the same cyber cafe. Thus, OP-2, OP-9 and OP-17 have acted in concert and manipulated the process of bidding with respect to this tender. Moreover, the IP address which was used by OP-9 in submitting bid in this tender was used by OP-2 in submitting its bids in tenders for Rangia P.S. and Jorabat P.S.
		OP-9	L2	
		OP-17	L3	
11.	Hailakandi	OP-2	L1	All DDs for OP-2, OP-6 and OP-12 were issued from the same bank on 28.03.2018 and were sequentially numbered. The IP address from which OP-2 and OP-6 submitted bids was also the same and the bids were submitted on 31.03.2018 within a gap of two hours. Further, OP-12 submitted its bids from a different IP address but from the same cyber cafe. Thus, OP-2, OP-6 and O-12 have acted in concert and manipulated the process of bidding in this tender.
		OP-12	L2	
		OP-6	L3	
12.	Mushalpur	OP-13	L1	All DDs for OP-2, OP-7 and OP-13 were tendered by OP-13 and were issued from the same bank on 20.01.2018 and were
		OP-2	L2	

		OP-7	L3	sequentially numbered. OP-13 and OP-7 submitted their bids from different IP addresses but from the same café. Thus, OP-2, OP-7, OP-13 have acted in concert and manipulated the process of bidding in this tender. Further, in this tender, the rate of LED Round Light 12W was increased substantially by L-1, L-2 and L-3 bidders. The error made by OP-2 while quoting rate for 12W LED Round Light in tender of Mushalpur P.S. makes it evident that OP-2 was aware of the estimated prepared by the consultant and the rate being quoted by other bidders.
13.	Rangia	OP-7	L1	DDs for OP-2 and OP-7 were issued from the same bank on 17.01.2018 and were sequentially numbered. The DD for OP-9 was submitted by OP-14. The IP address from which OP-2 and OP-9 submitted their bids was the same and was submitted on the same date <i>i.e.</i> 25.01.2018. OP-7 submitted its bid from different IP address but from the same café. Thus, OP-2, OP-7 and OP-9 have acted in concert and manipulated the process of bidding in this tender.
		OP-9	L2	
		OP-2	L3	
14.	Azara	OP-3	L1	All DDs for OP-2, OP-3 and OP-6 were issued from the same bank on 17.01.2018 and were sequentially numbered. The IP address from which OP-2 and OP-3 submitted their bids was also the same. Thus, OP-2, OP-3 and OP-6 have acted in concert and manipulated the process of bidding in this tender.
		OP-6	L2	
		OP-2	L3	
15.	Badarpur	OP-6	L1	DDs for OP-2, OP-3 and OP-6 were issued from the same bank on 29.03.2018 and were sequentially numbered. The IP address from which OP-2, OP-3 and OP-6 had submitted their bids was the same <i>i.e.</i> 103.215.243.105 and were submitted on the same date <i>i.e.</i> 05.04.2018. Thus, OP-2, OP-3 and OP-6 have acted in concert and manipulated the process of bidding with respect to this tender.
		OP-3	L2	
		OP-2	L3	
16.	Dhemaji	OP-3	L1	DDs for OP-2, OP-3 and OP-12 were issued from the same bank on 29.03.2018 and were sequentially numbered. The IP address from which OP-2 and OP-3 had submitted their bids was also the same. The IP address from where OP-12 had submitted its bid is
		OP-2	L2	
		OP-12	L3	

				different but from the same cyber cafe. Thus, OP-2, OP-3 and OP-12 have acted in concert and manipulated the process of bidding in this tender.
17.	Dholai	OP-6	L1	DDs for OP-2, OP-6 and OP-7 were issued from the same bank on 29.03.2018 and were sequentially numbered. The IP address from which OP-2 and OP-6 have submitted their bids was also the same. Thus, OP-2, OP-6 and OP-7 have acted in concert and manipulated the process of bidding in this tender.
		OP-7	L2	
		OP-2	L3	
18.	Kajalgaon	OP-4	L1	DDs for OP-2, OP-4 and OP-9 were issued from the same bank on 29.03.2018 and were sequentially numbered. The DDs were tendered by one Ganesh Computers, which is not identified as an OP in this case. The IP address from which OP-4 and OP-9 had submitted their bids was the same and the bids had been submitted on the same day, <i>i.e.</i> 01.04.2018. The IP address from where OP-2 had submitted its bid is different but from the same cyber cafe. Thus, OP-2, OP-4 and OP-9 have acted in concert and manipulated the process of bidding in this tender.
		OP-2	L2	
		OP-9	L3	
19.	Lakhipur	OP-7	L1	DDs for OP-2, OP-7 and OP-8 were issued from same bank on 29.03.2018 and sequentially numbered and were tendered by OP-7. The IP address from which OP-7 and OP-8 have submitted their bids is different but from the same cyber cafe. Thus, OP-2, OP-7 and OP-8 have acted in concert and manipulated the process of bidding in this tender
		OP-8	L2	
		OP-2	L3	
20.	North Guwahati	OP-9	L1	DDs for OP-2, OP-6 and OP-9 were issued from the same bank on 29.03.2018 and were sequentially numbered and were tendered by OP-9. The IP address from which OP-6 and OP-9 have submitted their bids was also the same. The IP address from where OP-2 had submitted its bid is different but from the same cyber cafe. Thus, OP-2, OP-6 and OP-9 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-2	L2	
		OP-6	L3	
21.	SOU	OP-13	L1	DDs for OP-2, OP-13 and OP-16 were issued from same bank on 30.03.2018 and sequentially numbered and were tendered by
		OP-16	L2	



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		OP-2	L3	OP-13. All three DDs were tendered by the proprietor of OP-13. The IP address from which OP-2, OP-13 and OP-16 have submitted their bids is same and the date on which the bids were submitted is also same, <i>i.e.</i> 04.04.2018. Thus, OP-2, OP-13 and OP-16 have acted in concert and manipulated the process of bidding in this tender.
22.	Kaliabor	OP-3	L1	DDs for OP-3, OP-4 and OP-9 were issued from same bank on 30.03.2018 and sequentially numbered. The IP address from which all these OPs submitted their bids is the same, <i>i.e.</i> , 103.215.243.105. Thus, OP-3, OP-4 and OP-9 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-4	L2	
		OP-9	L3	
23.	Lumding	OP-3	L1	DDs for OP-3, OP-4 and OP-5 were issued from the same bank on 30.03.2018 and sequentially numbered. The IP address from which all these OPs submitted their bids is the same, <i>i.e.</i> , 103.215.243.105. Thus, OP-3, OP-4 and OP-5 have acted in concert and manipulated the process of bidding in this tender.
		OP-5	L2	
		OP-4	L3	
24.	Haflong	OP-8	L1	DDs for OP-3, OP-8 and OP-12 were issued from same bank on 29.03.2018 and sequentially numbered and were tendered by OP-8. The IP address from which all the OPs have submitted their bids is same. There is evidence of CDR between the proprietor of OP-12 and proprietor of OP-8 between 11.02.2018 to 03.04.2018, which was prior to the submission of bid in this tender. Thus, OP-3, OP-8 and OP-12 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-12	L2	
		OP-3	L3	
25.	Panbazar	OP-16	L1	DDs for OP-3, OP-10 and OP-16 were issued from the same bank on 29.03.2018, sequentially numbered and were tendered by Ganesh Computers. The IP address from which these OPs had submitted bids was the same, <i>i.e.</i> , 103.215.243.196. Thus, OP-3, OP-10 and OP-16 have acted in concert and manipulated the process of bidding in this tender.
		OP-10	L2	
		OP-3	L3	
26.	Dhupdhara	OP-3	L1	DDs for OP-3, OP-7 and OP-9 were issued from the same bank on 17.01.2018 and sequentially numbered. The IP address from
		OP-7	L2	

		OP-9	L3	which OP-7 and OP-9 have submitted their bids is the same. The IP address from where OP-3 has submitted its bid is different but it is from the same cyber cafe. Thus, OP-3, OP-7 and OP-9 have acted in concert and manipulated the process of bidding in this tender.
27.	Mangaldoi	OP-3	L1	DDs for OP-3, OP-16 and OP-17 were issued from the same bank on 17.01.2018 and sequentially numbered. The IP addresses from which these OPs had submitted their bids were different but these bids had been submitted from the same cyber cafe. Thus, OP-3, OP-16 and OP-17 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-16	L2	
		OP-17	L3	
28.	Makum	OP-3	L1	DDs for OP-3, OP-5 and OP-7 were issued from the same bank on 29.03.2018 and were sequentially numbered. The IP addresses from which these OPs have submitted their bids are different but these bids have been submitted from the same cyber cafe. Thus, OP-3, OP-5 and OP-7 have acted in concert and manipulated the process of bidding in this tender.
		OP-7	L2	
		OP-5	L3	
29.	Nalbari	OP-8	L1	DDs for OP-3 and OP-8 were issued from the same bank on 18.01.2018, sequentially numbered and were tendered by one Ganesh Computers. The IP address from which OP-8 and OP-12 had submitted their bids was also the same. Thus, OP-3, OP-8, OP-12 have acted in concert and manipulated the process of bidding in this tender.
		OP-12	L2	
		OP-3	L3	
30.	Sarupthar	OP-9	L1	In this tender the item “ <i>Wiring for 5/6 pin 16 Amps power plug point</i> ” of specification “ <i>Medium point up to 6.00 metre. Length.</i> ” had been called for twice. However, all the bidders quoted a different price for the same item, when called for twice. All these bidders quoted Re. 1/- once and second time they quoted Rs. 1554/-. Thus, OP-3, OP-7, OP-9 have acted in concerted and manipulated the process of bidding in this tender.
		OP-7	L2	
		OP-3	L3	
31.	Dhekiajuli	OP-12	L1	DDs for OP-3 and OP-8 were issued from the same bank on 28.03.2018, sequentially numbered and were tendered by OP-8. The IP addresses from which OP-8 and OP-12 had submitted bids was different but their bids
		OP-8	L2	
		OP-3	L3	

				were submitted from the same cyber cafe. There is evidence of CDR between the proprietor of OP-12 and proprietor of OP-8 between 11.02.2018 to 03.04.2018, which was prior to the submission of bid in this tender. Thus, OP-3, OP-8 and OP-12 have acted in concert and manipulated the process of bidding in this tender.
32.	Sadiya	OP-5	L1	DDs for OP-3, OP-5 and OP-13 were issued from the same bank on 29.03.2018 and sequentially numbered and were tendered by OP-5. The IP addresses from which these OP-3 and OP-5 have submitted is the same. The IP address from which these OP-13 has submitted its bid is different but this bid was submitted from the same cyber cafe. Thus, OP-3, OP-5 and OP-13 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-13	L2	
		OP-3	L3	
33.	Mankachar	OP-13	L1	DDs for OP-3, OP-8 and OP-13 were issued from same bank on 30.03.2018, sequentially numbered and were tendered by OP-13. The IP addresses from which OP-3 and OP-13 have submitted bids is the same, <i>i.e.</i> , 103.215.243.145. The IP address from which these OP-8 has submitted its bid is different but this bid was submitted from the same cyber cafe. Thus, OP-3, OP-8 and OP-13 have acted in concert and manipulated the process of bidding in this tender.
		OP-8	L2	
		OP-3	L3	
34.	Manikpur	OP-16	L1	DDs for OP-3, OP-6 and OP-16 were issued from the same bank on 29.03.2018, sequentially numbered and were tendered by Ganesh Computers. The IP address from which OP-3 and OP-6 have submitted their bids is the same, <i>i.e.</i> , 103.215.243.105. The IP address from which OP-16 has submitted its bid is different but this bid was submitted from the same cyber cafe. Thus, OP-3, OP-6 and OP-16 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-6	L2	
		OP-3	L3	
35.	Agia	OP-4	L1	DDs for OP-4, OP-6 and OP-16 were issued from same bank on 29.03.2018, sequentially numbered and were tendered by Ganesh Computers. The IP addresses from which these OPs have submitted is different but these bids were submitted from the same
		OP-16	L2	
		OP-6	L3	

				cyber cafe. Thus, OP-4, OP-6 and OP-16 have acted in concert and manipulated the process of bidding in this tender.
36.	Hamren	OP-7	L1	DDs for OP-4, OP-7 and OP-10 were issued from the same bank on 29.03.2018, sequentially numbered and were tendered by OP-7. The IP addresses from which OP-10 and OP-4 have submitted their bid is different but these bids were submitted from the same cyber cafe. Thus, OP-4, OP-7 and OP-10 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-10	L2	
		OP-4	L3	
37.	Garchuk	OP-7	L1	DDs for OP-4, OP-7 and OP-16 were issued from the same bank on 29.03.2018, sequentially numbered and were tendered by OP-9, who did not participate in this tender. The IP addresses from which OP-4 and OP-16 have submitted their bid is different but these bids were submitted from the same cyber cafe. Thus, OP-4, OP-7, OP-9, OP-16 have acted in concert and manipulated the process of bidding in this tender.
		OP-4	L2	
		OP-16	L3	
38.	Tinkhong	OP-14	L1	DDs for OP-5, OP-9 and OP-14 were issued from the same bank on 31.03.2018, sequentially numbered and tendered by OP-14. The IP address from which these OPs submitted their bids is the same, <i>i.e.</i> , 103.215.243.105 and on the same date, <i>i.e.</i> , 05.04.2018. Thus, OP-5, OP-9 and OP-14 have acted in concert and manipulated the process of bidding in this tender.
		OP-9	L2	
		OP-5	L3	
39.	Chabua	OP-5	L1	DDs for OP-5, and OP-9 were issued from the same bank on 18.01.2018, sequentially numbered and were tendered by OP-5. The DD for OP-10 was tendered by OP-9. The IP address from which these OPs have submitted their bids is the same, <i>i.e.</i> , 103.215.243.138. Thus, OP-5, OP-9 and OP-10 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-10	L2	
		OP-9	L3	
40.	Silchar	OP-15	L1	DDs for OP-5, OP-7 and OP-15 were issued from the same bank on 31.03.2018, sequentially numbered and tendered by OP-
		OP-7	L2	



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		OP-5	L3	15. The IP address from which these OPs submitted their bids is the same, <i>i.e.</i> , 103.215.243.196 on the same date, <i>i.e.</i> , 04.04.2018. Thus, OP-5, OP-7 and OP-15 have acted in concert and manipulated the process of bidding in this tender.
41.	Dibrugarh	OP-5	L1	DDs for OP-5, OP-6 and OP-17 were issued from same bank on 18.01.2018, sequentially numbered and were tendered by OP-5. The IP address from which these OP-5 and OP-17 have submitted their bids is the same, <i>i.e.</i> , 103.215.243.138. However, the IP address from which OP-6 has submitted its bid is different but from the same cyber cafe. Thus, OP-5, OP-6 and OP-17 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-17	L2	
		OP-6	L3	
42.	Margherita	OP-5	L1	DDs for OP-5, OP-11 and OP-12 were issued from the same bank on 18.01.2018, were sequentially numbered and were tendered by OP-5. The IP address from which OP-11 had submitted its bid was from the same cyber cafe. Thus, OP-5, OP-11 and OP-12 have acted in concert and manipulated the process of bidding in this tender.
		OP-11	L2	
		OP-12	L3	
43.	Tamulpur	OP-7	L1	DDs for OP-5 and OP-7 were issued from the the same bank on 17.01.2018 and were sequentially numbered. For OP-11, the DD was tendered by OP-12. Thus, OP-5 and OP-7 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-5	L2	
		OP-11	L3	
44.	Dhudhnoi	OP-14	L1	DDs for OP-5 and OP-14 were issued from the same bank on 17.01.2018, were sequentially numbered and tendered by OP-14. Thus, OP-5 and OP-14 have acted in concert and manipulated the process of bidding in this tender.
		OP-9	L2	
		OP-5	L3	
45.	Jagirod	OP-9	L1	DDs for OP-9 and OP-11 were issued from the same bank on 17.01.2018, sequentially numbered and were tendered by OP-9. The DD for OP-5 has been issued by its own proprietor. The IP address from which these OPs had submitted their bids are different but from the same cyber cafe. Thus, OP-5, OP-9 and OP-11 have acted in concert and manipulated the process of bidding in this tender.
		OP-5	L2	
		OP-11	L3	

46.	Deragaon	OP-7	L1	DDs for OP-5, OP-7 and OP-12 were issued from same bank on 29.03.2018, sequentially numbered and tendered by OP-7. The IP address from which these OP- 5 and OP-12 have submitted their bids are different but from the same cyber cafe. There is evidence of CDR between the proprietor of OP-12 and proprietor of OP-7 between 16.03.2018 to 05.04.2018, prior to submission of bid in this tender. Thus, OP-5, OP-7 and OP-12 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-12	L2	
		OP-5	L3	
47.	Golakgunj	OP-10	L1	DDs for OP-6, OP-9 and OP-10 were drawn on the same bank on 29.03.2018 and were sequentially numbered. The IP address from which these OPs have submitted their bids is the same i.e. 103.215.243.145. Thus, OP-6, OP-9 and OP-10 have acted in concert and manipulated the process of bidding in this tender.
		OP-6	L2	
		OP-9	L3	
48.	Sarthebari	OP-10	L1	DDs for OP-6, OP-10 and OP-13 were drawn on the same bank on 29.03.2018 and were sequentially numbered. The IP address from which these OPs had submitted their bids was the same, i.e., 103.215.243.145. Thus, OP-6, OP-10 and OP-13 have acted in concert and manipulated the process of bidding in this tender.
		OP-13	L2	
		OP-6	L3	
49.	Jalukbari	OP-8	L1	The IP address from which all these OPs had submitted their bids was the same, i.e., 103.215.243.220. Thus, OP-6, OP-7 and OP-8 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-6	L2	
		OP-7	L3	
50.	Kamalabari	OP-6	L1	DDs for OP-6, and OP-10 were issued from same bank on 20.01.2018, sequentially numbered and were tendered by OP-6. The IP address from which OP-9 and OP-10 had submitted their bids was the same, i.e., 103.215.243.14. Thus, OP-6, OP-9 and OP-10 have acted in concert and manipulated the process of bidding in this tender.
		OP-10	L2	
		OP-9	L3	
51.	Garmur	OP-6	L1	DDs for OP-6, OP-11 and OP-14 were issued from the same bank on 20.01.2018, sequentially numbered and were tendered by OP-6. The IP address from which OP-11 and OP-14 had submitted their bids was the same, i.e., 103.215.243.219. Thus, OP-6, OP-11 and OP-14 have acted in concert and
		OP-11	L2	
		OP-14	L3	



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				manipulated the process of bidding in relation to this tender.
52.	Dhing	OP-6	L1	DDs for OP-6, OP-7 and OP-17 were issued from the same bank on 20.01.2018, sequentially numbered and were tendered by OP-6. The IP address from which OP-7 and OP-17 had submitted their bids was the same, <i>i.e.</i> , 103.215.243.138. Thus, OP-6, OP-7 and OP-17 have acted in concert and manipulated the process of bidding in this tender.
		OP-7	L2	
		OP-17	L3	
53.	Sivasagar	OP-6	L1	DDs for OP-6, OP-7 and OP-11 were issued from the same bank on 20.01.2018, sequentially numbered and were tendered by OP-6. The IP address from which OP-7 and OP-11 had submitted their bids was different but these bids were submitted from the same cyber cafe. Thus, OP-6, OP-7 and OP-11 have acted in concert and manipulated the process of bidding in this tender.
		OP-7	L2	
		OP-11	L3	
54.	Patharkandi	OP-6	L1	DDs for OP-2, OP-6 and OP-13 were issued from same bank on 29.03.2018 and sequentially numbered. The IP address from which OP-2 and OP-6 have submitted their bids is same. The IP address from where OP-13 has submitted its bid is different but from the same cyber cafe. Thus, OP-2, OP-6 and OP-13 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-2	L2	
		OP-13	L3	
55.	Udarbond	OP-6	L1	DDs for OP-6, and OP-10 were issued from same bank on 29.03.2018, sequentially numbered. The IP address from which OP-6 and OP-10 have submitted their bids is different but from the same cyber cafe. Thus, OP-6, OP-9 and OP-10 have acted in concert and manipulated the process of bidding in this tender.
		OP-10	L2	
		OP-9	L3	
56.	Gossaigaon	OP-10	L1	DDs for OP-6 and OP-10 were drawn on the same bank, sequentially numbered and tendered by one Mr. Tarun Bhattacharjee, an employee of APHCL. The DD for OP-9 has been tendered by Ganesh Computers. The IP address from which OP-6 and OP-10 have submitted their bids is different but from the same cyber cafe. The IP address from which OP-9 has submitted its bid is different but
		OP-6	L2	
		OP-9	L3	

				from the same cyber cafe. Thus, OP-6, OP-9 and OP-10 have acted in concert and manipulated the process of bidding in this tender.
57.	Biswanath Chariali	OP-12	L1	DDs for OP-6, OP-10 and OP-12 were drawn on the same bank on 17.01.2018, sequentially numbered and tendered by OP-12. The IP address from which OP-10 and OP-12 have submitted their bids is the same, <i>i.e.</i> , 103.215.243.138. Thus, OP-6, OP-10 and OP-12 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-10	L2	
		OP-6	L3	
58.	Bokakhat	OP-9	L1	DDs for OP-6, OP-9 and OP-10 were drawn on the same bank, on the same date, <i>i.e.</i> , 17.01.2018, sequentially numbered and tendered by OP-9. IP address from which OP-9 and OP-10 have submitted their bids is same, <i>i.e.</i> , 103.215.243.138. The IP address from which OP-6 has submitted its bid is different but from the same cyber cafe. Thus, OP-6, OP-9 and OP-10 have acted in concert and manipulated the process of bidding in this tender.
		OP-10	L2	
		OP-6	L3	
59.	Dhubri	OP-11	L1	DDs for OP-6, OP-9 and OP-11 were drawn on the same bank on the same date <i>i.e.</i> 20.01.2018, sequentially numbered and tendered by OP-11. The IP address from which OP-9 and OP-11 submitted their bids is same, <i>i.e.</i> , 103.215.243.138. The IP address from which OP-6 has submitted its bid is different but from the same cyber cafe. Thus, OP-6, OP-9 and OP-11 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-6	L2	
		OP-9	L3	
60.	Kokrajhar	OP-10	L1	DDs for OP-6, OP-10 and OP-11 were drawn on the same bank and on the same date, <i>i.e.</i> , 20.01.2018, were sequentially numbered and tendered by Mr. Tarun Bhattacharjee, an employee of APHCL. The IP address from which OP-10 and OP-11 had submitted their bids is different but from the same cyber cafe. Thus, OP-6, OP-10 and OP-11 have acted in concert and manipulated the process of bidding in this tender.
		OP-11	L2	
		OP-6	L3	
61.	Suwalkuchi	OP-7	L1	DDs for OP-6 and OP-7 are drawn on same bank on 17.01.2018 and sequentially numbered. The DD for OP-8 had been
		OP-8	L2	



		OP-6	L3	tendered by OP-9, who is not a participant in this tender. The IP address from which OP-7 and OP-8 have submitted their bids is different but from the same cyber cafe. Thus, OP-6, OP-7 and OP-8 have acted in concert and manipulated the process of bidding in this tender.
62.	Udalguri	OP-14	L1	All three DDs were issued from the same Bank on the same date and were sequentially numbered. Thus, OP-6, OP-7 and OP-14 have acted in concert and manipulated the process of bidding in this tender.
		OP-6	L2	
		OP-7	L3	
63.	Barpeta	OP-10	L1	DDs for OP-6, OP-10 and OP-11 were drawn on the same bank on 20.01.2018, sequentially numbered and tendered by Mr. Tarun Bhattacharjee, an employee of APHCL. The IP address from which OP-10 and OP-11 submitted bids was the same, i.e., 103.215.243.138. The IP address from which OP-6 has submitted its bid is different but from the same cyber cafe. Thus, OP-6, OP-10 and OP-11 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-11	L2	
		OP-6	L3	
64.	Ghagrapar	OP-8	L1	DDs for OP-6 and OP-7 were tendered by OP-8 and were drawn on the same bank and on the same date, i.e., 18.01.2018. The IP address from which OP-7 and OP-8 had submitted their bids were different but from the same cyber cafe. Thus, OP-6, OP-7 and OP-8 have acted in concert and manipulated the process of bidding in this tender.
		OP-7	L2	
		OP-6	L3	
65.	Sonapur	OP-7	L1	DDs for OP-7 and OP-14 were issued from the same bank on 17.01.2018 and were sequentially numbered. The IP address from which OP-7 and OP-14 had submitted their bids is different but from the same cyber cafe. Thus, OP-7, OP-13 and OP-14 have acted in concert and manipulated the process of bidding in this tender.
		OP-14	L2	
		OP-13	L3	
66.	Basistha	OP-16	L1	DDs for OP-7 and OP-16 were drawn on the same bank on 18.01.2018 and were sequentially numbered and were tendered by Ganesh Computers. Thus, OP-7, OP-9 and OP-16 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-7	L2	
		OP-9	L3	



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67.	Diphu	OP-12	L1	The IP address from which OP-7 and OP-9 had submitted their bids was the same. However, the IP address from which OP-12 submitted its bid is different but from same cyber cafe. Thus, OP-7 and OP-9 have acted in concert and manipulated the process of bidding in this tender.
		OP-7	L2	
		OP-9	L3	
68.	North Lakhimpur	OP-12	L1	DDs for the participating OPs were tendered by OP-12 on 28.03.2018 and were sequentially numbered. The IP address from which OP-7 and OP-12 had submitted their bids was also the same. However, the IP address from which OP-14 submitted its bid is different but from the same cyber cafe. Thus, OP-7, OP-12 and OP-14 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-7	L2	
		OP-14	L3	
69.	Khetri	OP-16	L1	DDs for all the participating OPs were tendered on 18.01.2018, issued from the same bank and were sequentially numbered. The IP addresses from which OP-11 and OP-16 submitted their bid was different but from the same cyber cafe. Thus, OP-9, OP-11 and OP-16 have acted in concert and manipulated the process of bidding in this tender.
		OP-11	L2	
		OP-9	L3	
70.	Sorbhog	OP-10	L1	DDs for all these OPs were tendered by Mr. Tarun Bhattacharjee, an employee of APHCL on 20.01.2018, issued from the same bank and were sequentially numbered. The IP address from which OP-9 and OP-10 had submitted their bids was also the same. The IP address from which OP-12 submitted its bid is different but from the same cyber cafe. Thus, OP-9, OP-10 and OP-12 have acted in concert and manipulated the process of bidding in relation to this tender.
		OP-12	L2	
		OP-9	L3	
71.	Duliajan	OP-9	L1	DDs for OP-5, OP-9 and OP-7 were issued from the same bank on 29.03.2018, were sequentially numbered and were tendered by OP-9. The IP address from which OP-5 and OP-9 submitted their bids was also the same, i.e., 103.215.243.102. Thus, OP-5, OP-7 and OP-9 have acted in concert and manipulated the process of bidding in this tender.
		OP-7	L2	
		OP-5	L3	
72.	Bongaigaon	OP-16	L1	DDs for OP-9 and OP-16 were tendered by Ganesh Computers on 18.01.2018, issued from the same bank and were sequentially
		OP-10	L2	



		OP-9	L3	numbered. For OP-10, the DD was tendered by one Mr. Tarun Bhattacharjee, who is an employee of APHCL. The said DD was also tendered on 18.01.2018 and issued from the same bank as OP-9 and OP-16. The IP address from which OP-10 submitted its bid is different but from the same cyber cafe. Thus, at least OP-9, OP-10 and OP-16 have acted in concert and manipulated the process of bidding in relation to this tender.
73.	Hojai	OP-11	L1	DDs for OP-9, OP-10 and OP-11 were tendered by OP-11 on 20.01.2018, were issued from the same bank and were sequentially numbered. The IP address from which OP-9 and OP-11 had submitted their bids was also the same. The IP address from which OP-10 submitted its bid is different but from the same cyber cafe. Thus, OP-9, OP-10 and OP-11 have acted in concert and manipulated the process of bidding in this tender.
		OP-9	L2	
		OP-10	L3	

M/s Purbanchal Enterprise/OP-1

45. As regards the conduct of OP-1, the Commission is of the view that in 5 tenders pertaining to Sonari P.S., Pulibor P.S, Lahowal P.S., Tengakhat P.S. and Bihubor P.S., OP-1 has engaged in bid-rigging with other OPs namely, OP-2, OP-3, OP-5, OP-6, OP-7, OP-9, OP-13 and OP-15 as shown in Table -1 above.

M/s Kalita Electric Works/OP-2

46. In relation to the conduct of OP-2, the Commission is of the view that in 18 tenders pertaining to Jengraimukh P.S., Teok P.S., Jorabat P.S., Morigaon P.S., Hailakandi P.S., Joypur P.S. and Tengakhat P.S., Mushalpur P.S., Rangia P.S., Azara P.S., Badarpur P.S., Dhemaji P.S., Dholai P.S., Kajalgaon P.S., Lakhipur P.S., North Guwahati P.S., Patharkandi P.S. and SOU P.S., OP-2 has engaged in bid-rigging with other OPs namely, OP-1, OP-3, OP-4, OP-5, OP-6, OP-7, OP-8, OP-9, OP- 12, OP-13, OP-16 and OP-17 as shown in Table-1 above.



M/s Ramani Enterprise/OP-3

47. With reference to the conduct of OP-3, the Commission is of the view that in the 18 tenders pertaining to Nalbari P.S., Sarupathar P.S., Azara P.S., Dhupdhara P.S., Managaldoi P.S., Badarpur P.S. and Dhekiajuli P.S., Dhemaji P.S., Haflong P.S., Kaliabor P.S., Lahowal P.S., Lumding P.S., Makum P.S., Manikpur P.S., Mankachar P.S., Sadiya P.S., Sonari P.S. and Panbazar P.S., OP-3 has engaged in bid-rigging with other OPs namely, OP-1, OP-2, OP-4, OP-5, OP-6, OP-7, OP-8, OP-9, OP-10, OP-12, OP-13, OP-15, OP-16 and OP-17 as shown in Table-1 above.

M/s D.B. Electricals/OP-4

48. With regard to the conduct of OP-4, the Commission is of the view that in 6 tenders pertaining to Agia P.S., Hamren P.S., Kajalgaon P.S., Kaliabor P.S., Lumding P.S. and Garchuk P.S., OP-4 has engaged in bid-rigging with other OPs namely, OP-2, OP-3, OP-5, OP-6, OP-7, OP-9, OP-10 and OP-16 as shown in Table-1 above.

M/s Horizon Enterprise/OP-5

49. With respect to the conduct of OP-5, the Commission is of the view that in 18 tenders pertaining to Dibrugarh P.S., Chabua P.S., Margherita P.S., Tamulpur P.S., Teok P.S., Dhudnoi P.S., Jagirod P.S., Jorabat P.S., Dergaon P.S., Duliajan P.S., Joypur P.S., Lahowal P.S., Lumding P.S., Makum P.S., Sadiya P.S., Silchar, P.S., Tinkhong P.S. and Bihubor P.S., OP-5 has engaged in bid-rigging with other OPs namely OP-1, OP-2, OP-3, OP-4, OP-6, OP-7, OP-9, OP-10, OP-11, OP-12, OP-13, OP-14, OP-15 and OP-17 as shown in Table-1 above.

M/s Deys Electric/OP-6

50. In relation to the conduct of OP-6, the Commission is of the view that in 29 tenders pertaining to Gossaigaon P.S., Dibrugarh P.S., Garmur P.S., Biswanath Chariali P.S., Bokakhat P.S., Dhubri P.S., Dhing P.S., Kamalabari P.S., Kokrajhar P.S., Pulibor P.S., Sivasagar P.S., Suwalkuchi P.S., Teok P.S., Udalguri P.S., Jalukbari P.S., Azara P.S., Barpeta P.S., Ghagrpar P.S., Agia P.S., Badarpur P.S., Dholai P.S., Golakgunj P.S., Hailakandi P.S., Joypur P.S., Manikpur P.S., North Guwahati P.S., Patharkandi P.S., Sarthebari P.S. and Udarbond P.S., OP-6 has engaged in bid-rigging with other OPs namely OP-1, OP-2, OP-3, OP-4, OP-5, OP-7, OP-8, OP-9, OP-10, OP-11, OP-12, OP-13, OP-14, OP-16 and OP-17 as shown in Table-1 above.



M/s Sri Krishna Electricals/OP-7

51. With reference to the conduct of OP-7, the Commission is of the view that in 24 tenders pertaining to Basistha P.S., Diphu P.S., Dhing P.S., Mushalpur P.S., Rangia P.S., Sarupathar P.S., Sivasagar P.S., Sonapur P.S., Suwalkuchi P.S., Tamulpur P.S., Udalguri P.S., Jalukbari P.S., Ghagrapar P.S., Dhupdhara P.S., Dergaon P.S., Dholai P.S., Duliajan P.S., Hamren P.S., Lakhipur P.S., Makum P.S., North Lakhimpur P.S., Silchar P.S., Tengakhat P.S. and Garchuk P.S., OP-7 has engaged in bid-rigging with other OPs namely OP-1, OP-2, OP-3, OP-4, OP-5, OP-6, OP-8, OP-9, OP-10, OP-11, OP-12, OP-13, OP-14, OP-15, OP-16 and OP-17 as shown in Table-1 above.

M/s Satyajit Electricals/OP-8

52. In relation to the conduct of OP-8, the Commission is of the view that in the 8 tenders floated pertaining to Nalbari P.S., Suwalkuchi P.S., Jalukbari P.S., Ghagrapar P.S., Dhekiajuli P.S., Haflong P.S., Lakhipur P.S. and Mankachar P.S., OP-8 has engaged in bid-rigging with other OPs namely OP-2, OP-3, OP-6, OP-7, OP-12 and OP-13 as shown in Table-1 above.

M/s R.M. Electricals/OP-9

53. With regard to the conduct of OP-9, the Commission is of the view that in 26 tenders pertaining to Basistha P.S., Diphu P.S., Hojai P.S., Gossaigaon P.S., Jenraimukh P.S., Bokakhat P.S., Bongaigaon P.S., Chabua P.S., Dhubri P.S., Kamalabari P.S., Pulibor P.S., Rangia P.S., Sarupathar P.S., Sorbhog P.S., Dhudhnoi P.S., Jagirod P.S., Dhupdhara P.S., Khetri P.S., Morigaon P.S., Duliajan P.S., Golakgunj P.S., Kajalgaon P.S., Kaliabor P.S., North Guwahati P.S., Tinkhong P.S. and Udarbond P.S., OP-9 has engaged in bid-rigging with other OPs namely OP-1, OP-2, OP-3, OP-4, OP-5, OP-6, OP-7, OP-10, OP-11, OP-12, OP-13, OP-14, OP-16 and OP-17 as shown in Table-1 above.

M/s Choudhury Engineering Works/OP-10

54. With respect to the conduct of OP-10, the Commission is of the view that in 15 tenders pertaining to Hojai P.S.; Gossaigaon P.S.; Biswanath Chariali P.S., Bokakhat P.S., Bongaigaon P.S., Chabua P.S., Kamalabari P.S., Kokrajhar P.S., Sorbhog P.S., Barpeta P.S., Gulakgunj P.S., Hamren P.S., Sarthebari P.S., Udarbond P.S. and Panbazar P.S.,



OP-10 has engaged in bid-rigging with other OPs namely OP-3, OP-4, OP-5, OP-6, OP-7, OP-9, OP-11, OP-12, OP-13 and OP-16 as shown in Table-1 above.

M/s Sarmah Electricals/OP-11

55. In relation to the conduct of OP-11, the Commission is of the view that in 10 tenders pertaining to Hojai P.S., Garmur P.S., Dhubri P.S., Kokrajhar P.S., Margherita P.S., Sivasagar P.S., Tamulpur P.S., Barpeta P.S., Jagirod P.S. and Khetri P.S., OP-11 has engaged in bid-rigging with other OPs namely OP-5, OP-6, OP-7, OP-9, OP-10, OP-12, OP-14 and OP-16 as shown in Table-1 above.

M/s B.N. Enterprise/OP-12

56. With regard to the conduct of OP-12, the Commission is of the view that in 12 tenders pertaining to Diphu P.S.; Biswanath Chariali P.S., Margherita P.S., Nalbari P.S., Sorbhog P.S., Jorabat P.S.; Dergaon P.S., Dhekiajuli P.S., Dhemaji P.S., Haflong P.S., Hailakandi P.S. and North Lakhimpur P.S., OP-12 has engaged in bid-rigging with other OPs namely OP-2, OP-3, OP-5, OP-6, OP-7, OP-8, OP-9, OP-10, OP-11 and OP-14 as shown in Table-1 above.

M/s G. B. Enterprise/OP-13

57. With respect to the conduct of OP-13, the Commission is of the view that in 9 tenders pertaining to Jengraimukh P.S., Mushalpur P.S., Sonapur P.S., Mankachar P.S., Patharkandi P.S., Sadiya P.S., Sarthebari P.S., Bihubor P.S. and SOU P.S., OP-13 has engaged in bid-rigging with other OPs namely OP-1, OP-2, OP-3, OP-5, OP-6, OP-7, OP-8, OP-9, OP-10, OP-14, OP-16 and OP-17 as shown in Table-1 above.

M/s Assam Engineering Electrical Construction/OP-14

58. In relation to the conduct of OP-14, the Commission is of the view that in 6 tenders pertaining to Garmur P.S.; Sonapur P.S.; Udalguri P.S.; Dudhnoi P.S.; North Lakhimpur P.S. and Tinkhong P.S., OP-14 has engaged in bid-rigging with other OPs namely OP-5, OP-6, OP-7, OP-9, OP-11, OP-12 and OP-13 as shown in Table-1 above.

M/s Dee Dees Brilliance/OP-15

59. With regard to the conduct of OP-15, the Commission is of the view that in the 2 tenders pertaining to Silchar P.S. and Sonari P.S., OP-15 has engaged in bid-rigging with other OPs namely OP-1, OP-3, OP-5 and OP-7 as shown in Table-1 above.



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M/s Ganesh Electricals/OP-16

60. With respect to the conduct of OP-16, the Commission is of the view that in 9 tenders pertaining to Basistha P.S., Bongaigaon P.S., Khetri P.S., Mangaldoi P.S., Agia P.S., Manikpur P.S., Garchuk P.S., Panbazar P.S. and SOU P.S., OP-16 has engaged in bid-rigging with other OPs namely OP-2, OP-3, OP-4, OP-6, OP-7, OP-9, OP-10, OP-11, OP-13 and OP-17 as shown in Table-1 above.

M/s Kamakhya Electricals/OP-17

61. As for the conduct of OP-17, the Commission is of the view that in the 6 tenders pertaining to Dibrugarh P.S., Jengraimukh P.S., Dhing P.S., Teok P.S., Mangaldoi P.S. and Morigaon P.S., OP-17 has engaged in bid-rigging with other OPs namely OP-2, OP-3, OP-5, OP-6, OP-7, OP-9, OP-13 and OP-16 as shown in Table-1 above.

62. Apart from having examined the role of each OP in the instant case against each tender, the Commission also notes that a common pattern was noticed across all the tenders wherein the rate quoted by all L-1 bidders was identical to the estimate prepared by the consultants even though the same was not available in the public domain and in L-2 and L-3 bids, the OPs had quoted higher rates in multiples of 10, 100, 1000 and so on. The bidding pattern adopted by the OPs show that the difference in price quoted was not due to other factors like cost of transportation, tax *etc.* as submitted by the OPs, but only under a scheme of collusive bidding. Such a pattern emerged as majority of bids were prepared and submitted by a single person/ entity, on behalf of all other bidders participating in the tenders.

63. The Commission also notes that the mistakes of the OPs in bid submissions were also identical to each other. For instance, the rate of Diesel Generator was increased by the participating OPs to reach the total estimated amount of the tender, as prepared by the consultant, in tenders such as Sarupthar P.S. Dudhnoi P.S., Diphu P.S., Basistha P.S. *etc.* Further, in some of the tender documents, the authorities had asked for the rate of Solar Street Light and its installation and commissioning charges. However, in the estimate prepared for these tenders, the rate for Solar Power Plant was given in place of Solar Street Light. As a result, many OPs had cited the rate for Solar Power Plant



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instead of Solar Street Light, in tenders such as Pulibor P.S., Jengraimukh P.S., Teok P.S., Jorabat P.S. and Morigaon P.S., *etc.*

64. The Commission, thus, observes that bidding patterns across all 73 Impugned Tenders establish predetermined bid behaviour of the OPs, sufficiently proven through identical mistakes in bid documents, common IP addresses in bid submissions, CDR details, DDs being drawn from the same banks with sequential numbers, *etc.* Thus, the Commission is of the view that all the OPs and their individuals have entered into agreements and indulged in bid-rigging, thereby violating the provisions of Section 3(3)(d) read with Section 3(1) of the Act.

Issue 2: What was the role of persons who at the time of alleged contraventions were responsible under Section 48 of the Act?

65. The Commission now proceeds to analyse the conduct of proprietors of the OPs who were directly involved in the activities and affairs of such entities and had full knowledge and played an active role in the anti-competitive conduct and hence, are liable in terms of Section 48 of the Act. The DG has found the proprietors liable in terms of the provisions of Section 48 of the Act.

66. The Commission notes that, from a plain reading of Section 48(1) of the Act, it is clear that where a person committing contravention of any of the provisions of this Act or of any rule, regulation, order made or direction issued thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, shall be deemed to be guilty of the contravention. Accordingly, all the sole proprietors of the aforementioned OPs, are found liable under Section 48(1) of the Act.

67. The Commission notes that cartelisation, including bid rigging, is a pernicious form of anti-competitive conduct as enunciated under the provisions of Section 3 of the Act. None of the OPs or their individuals have been able to rebut the clinching evidence found against them by the DG of having indulged in anti-competitive conduct and manipulating the bids/bid rigging in respect of tenders floated by APHCL.



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68. The Commission notes that the OPs have indulged in bid-rigging by way of bid-rotation and/or cover bidding, with the intent to manipulate the tender process to reduce the competitive intensity of the entire bidding process in the impugned tenders. The finding of bid-rigging in relation to all the OPs, is premised on the evaluation of evidence in the form of same mistakes in bid submissions, identical IP addresses, CDR details, DDs with consecutive numbers, *etc.*
69. In view of the analysis *supra*, the Commission holds all the aforementioned OPs and their individuals, liable for bid-rigging as envisaged under Section 3(3)(d) read with its Explanation.
70. After having found the OPs in contravention of Section 3(3)(d) read with Section 3(1) of the Act, the Commission proceeds to assess the penalty to be imposed on the OPs. The Commission notes that, on the issue of penalty, many OPs, in their submissions have prayed to the Commission to consider certain mitigating factors, such as the OPs participated in the e-tenders for the first time and were unversed in technology, the OPs have never contravened the provisions of the Act earlier, meagre profits have been earned by the OPs, that they are small business enterprises/single proprietorship firms with meagre turnover, which would become economically unviable, in the event any monetary penalty is imposed upon them. Considering the same, the Commission deems it appropriate to not impose any penalty, under the provisions of Section 27 of the Act.
71. The Commission also observes that in the facts and the circumstances of the case, issuing a cease and desist order on the OPs will deter the OPs and their individuals, from indulging in any contraventions under the Act and will sufficiently meet the ends of justice.

ORDER

72. OPs and their individuals are found to have acted in contravention of Section 3(3)(d) read with Section 3(1) of the Act. Accordingly, the Commission, in terms of Section 27 (a) of the Act, directs the OPs and their respective proprietors who have been held liable in terms of the provisions of Section 48 of the Act to cease and desist from indulging in practices which have been found in the present order to be in contravention of the



provisions of Section 3(3)(d) read with Section 3(1) of the Act, as detailed in the earlier part of the present order.

73. It may, however, be noted that any relapse into such conduct by the OPs would be construed as recidivism with attendant aggravated consequences not only for the OPs but also their individuals in their personal capacity.

74. It is made clear that nothing disclosed in this order shall be deemed to be confidential or deemed to have been granted confidentiality, as the same has been used and disclosed for the purposes of the Act in terms of the provisions contained in Section 57 thereof.

75. The Secretary is directed to forward copies of this order to all the OPs and their individuals forthwith.

**Sd/-
(Ravneet Kaur)
Chairperson**

**Sd/-
(Anil Agrawal)
Member**

**Sd/-
(Sweta Kakkad)
Member**

**Sd/-
Deepak Anurag)
Member**

Date: 07.04.2026

Place: New Delhi