



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 173 Dispur, Tuesday, 3rd April, 2018, 13th Chaitra, 1940 (S.E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
INDUSTRIES AND COMMERCE DEPARTMENT

ORDER

The 13th February, 2018

No. MI.170/2017/1.- Whereas the application of M/s Monotech Systems Limited had applied for EMD exemption for the tender No.DPS/PTG(E)48/2017/Pt.-I/8 dated 14.11.2017 of the Department of Printing and Stationery, Assam on the basis of their accepted authorization of MSME certification and in compliance of the (a) Ministry of Micro, Small & Medium Enterprises, Government of India's F.No.22(1)/2003/EP&M dated 29.07.2003, (b) the MSMED Act, 2006 and (c) the Procurement Preference Policy, Assam, 2015.

Whereas the prevalent guidelines-viz.

A. Ministry of Micro, Small & Medium Enterprises, Government of India's F.No.22(1)/2003/EP&M dated 29.07.2003, provides for certain facilities to the SSI units registered with NSIC under its single point registration scheme such as issue of tender documents free of cost; exemption from payment of Earnest Money; Waiver of Security Deposit upto the Monetary Limit for which at the unit is registered; and Price Preference upto 15% over the quotation of large-scale units;

B. Clause 2 (n) of MSMED Act, 2006 defines "supplier" is a Micro or Small Enterprise (MSE), which has filed a memorandum with the authority referred to in sub-section (1) of Section 8, and includes;

(i) The National Small Industries Corporation, being a company, registered under the Companies Act, 1956 (1 of 1956);

- (ii) The Small Industries Development Corporation of a State or a Union territory, by whatever name called, being a company registered under the Companies Act, 1956(1 of 1956);
- (iii) Any company, co-operative society, trust or a body, by whatever name called, registered or constituted under any law for the time being in force and engaged in selling goods produced by micro or small enterprises and rendering services which are provided by such enterprises; and
- C. Clause 9 of the Procurement Preference Policy, Assam, 2015 mentions that ASIDC would also act as a representative consortium on behalf of the PPP registered MSEs to procure and supply goods/ services to State Government offices/ its aided institutions/ Public Sector Undertakings for which it (ASIDC) shall qualify for the following benefits.
- a. Issue of tender sets free of cost.
 - b. Exemption from payment of Earnest Money.
 - c. Waiver of Security Deposit.

For such services rendered to PPP registered MSEs under the consortium, with the consent of MSEs, upto one percent of the value of supply order would be charged by ASIDC as "Service Charges" from the MSE supplier if any such supply order is bagged by MSEs under ASIDC's consortium.

- D. Clause 8 (ii) (Amendment of clause 11) of the Procurement Preference (Amendment) Policy, Assam, 2017 mentions that-
- The MSE unit availing preferential treatment would have to give an undertaking with respect to sub-clauses (i) to (iv) of clause 14 including a categorical statement that the product/services being supplied to the Government Departments or its agencies has been manufactured/created by the unit located in Assam only, giving details of batch no./date or any other identifiable tag (GSI etc.) as per prevalent established practice."

Whereas M/s Monotech Systems Limited submitted an application to provide the accepted authorization of MSME certification as EMD exemption for the tender No.DPS/PTG(E)48/2017/Pt.-I/8 dated 14.11.2017 of the Department of Printing and Stationery, Assam. Monotech Systems Limited has submitted documents issued by Tamil Nadu Government, and the registration is with the Industries & Commerce Department in Tamil Nadu.

Whereas, M/s Monotech Systems Limited is not registered as a SSI unit under NSIC to avail the benefits as mentioned at 2 (A) of this order.

Whereas, M/s Monotech Systems Limited has not filed a memorandum with the ASIDC to avail the benefits as mentioned at 2 (B) & 2 (C) of this order.

Whereas, M/s Monotech Systems Limited is not located in the state of Assam.

In view of the facts stated above, the Department of Industries & Commerce, Government of Assam is of the view that for Micro and Small Enterprise (MSE) units to avail exemption from Earnest Money Deposit in a tender; these units are to be registered under NSIC, have to file memorandum with the ASIDC and have to be located in the State of Assam. Therefore, M/s Monotech Systems Limited in the instant case cannot be allowed to avail exemption from Earnest Money Deposit.

RAVI CAPOOR,

Additional Chief Secretary to the Government of Assam,
Industries and Commerce Department.