



MES BUILDERS ASSOCIATION OF INDIA (REGD)

807-808 Sahyog 58, Nehru Place, New Delhi – 110019

Tel No. 49537644 E-mail: mesbai75@yahoo.com Website: www.mesbai.in

Circular No. 31

Dated: 29th April 2026

To Members,

Minutes of Virtual Meeting of Headquarter Office Bearers held on 24th April 2026.

The following office bearers were present.

1. Sh. G.S. Mago
2. Sh. Sandeep Srivastava
3. Sh. Shiv Kumar Gupta
4. Sh. Gurvinder Singh Oberoi
5. Sh. Sunil Panwar
6. Sh. Pankaj Kr. Prahladka
7. Sh. Vinod Behl
8. Sh. Deepak M. Balkawade

No Leave of absence is received from any office bearers.

Opening Remarks. Sh G.S. Mago welcomed all the participants and thanked them for joining the Virtual Conference Meeting.

Sh G.S Mago. Good evening to all. Thank you everyone for joining this meeting and for accepting the responsibility assigned to us by all members. We will discuss the issues being faced by the builder fraternity. I will start with the most pressing issue, i.e denial of renewal of enlistment due to cancellation of contracts. We have already written several letters to E-in-C, DGW and Jt DG (Contracts) but we have not received any response to those letters.

Earlier, we had informed you that DGW and Jt DG (Contracts) were of the view that it is not justified to deny renewal of enlistment due to cancellation of contracts. The file had been pending with E-in-C duly recommended for the last 3-4 months and has come out only 4-5 days ago. The E-in-C has given a detailed note of 3-4 pages. The E-in-C had already obtained recommendations from all the Commands. We had requested clarification on this issue. However, It has come to our knowledge that the matter will take considerable time. From the note received, it appears that we may not get any relief. Instead, a new policy may be framed in future so that renewal of enlistment can be denied due to cancellation of contracts.

Clarification regarding clause 7(a) of E-in-C's Branch letter No 66546/P-1/Renewal/2026/08/E8 dated 11.03.2025 may be issued after fresh recommendation is forwarded by the DGW and Jt. DG (Contracts). We had requested that a meeting be conducted with E-in-C regarding this issue along with other important matters already forwarded to them. The notes form agenda points have already been forwarded to DGW by Jt. DG (Contracts) and he will forward notes to E-in-C within two – three days.

We have received details of 65 builders whose enlistment has been denied due to cancellation of contracts. Most cases are from Western Command -25 Nos, South West

Command-06 Nos, Northern Command – 22 Nos, Central Command 03 Nos, Eastern Command - 05 Nos and Southern Command -04 Nos, Total 65 cases. The 65 cases do not indicate stage of cancellation. The three stages may be as under :-

- (1) Stage I : After opening of the financial bid and not revoke of tender.
- (2) Stage II : After acceptance of contracts and non submission of PG.
- (3) Stage III : After acceptance of contracts due to work not executed.

It is further clarified that cancellation of contracts under stage I to stage III is the right of the individual and such cases are justified for grant of renewal.

Yesterday, Shri Sandeep Srivastava and I had a meeting with the Chief Engineer, Central Command. In last VC meeting of HQ of office bearers, we had also discussed the option of approaching the Court on the issue of renewal of enlistment due to cancellation of contracts.

Advocate advices that the Association can approach the Court by filling a writ petition. Individual members may have to approach the Court separately to obtain relief. Filing a writ petition through the Association can not seek relief and may take around 3-6 months and involve expenses of approximately Rs 3.00 Lakhs. Alternatively, individuals can seek relief separately with an approximate expense of around Rs 40,000 to Rs 60,000. We may now take a decision based on the suggestions given by all of you. Now I request Shri Sandeep Srivastava to proceed with the meeting.

Sh. Sandeep Srivastava. As you all are aware of yesterday's meeting with Central Command, as per records there are 588 enlisted contractors in Central Command from D to S class. Out of these, 472 contractors have received renewed enlistment and 106 members are still pending for the cyclic period 2026-2032. Out of the 106 pending cases, 39 builders have not applied for renewal, 41 cases are under process and the remaining 36 cases are pending due to reconstitution. Thus, around 14% of members' renewal are pending, out of which approximately 8% are likely receive renewal shortly.

As discussed, the procedure is quite complicated and renewal is not easy even when members are willing to comply. We will share the agenda points to the Chief Engineer Central Command by the end of this month and request another meeting to resolve the issues of our branches. The second issue discussed was regarding unworkable rates. If work is successfully executed at such low rates, it is acceptable. However, if the work is not completed properly at such low rates, then the entire exercise becomes meaningless. Till date, I have not seen any builder who has taken work at unworkable rates and then left it incomplete. Most contractors complete the work despite very low unworkable rates. Further requested to take action as per Policy Letter No. 37696/SVC/Pol/E2W (PPC) dated 13 March 2026 with rep of local branch MES BAI to be included in the composition of Board of Officers.

Sh G.S Mago. For the Regional Meet of Central Command, the tentative dates will be between 11th and 15th May 2026. I request both the Vice Presidents of Central Command to collect the issues from their respective branches and share them with us so that we can compile and finalize the agenda points for the meeting. We had already raised the issue before the Chief Engineer, Central Command regarding renewal of enlistment in cases where tenders were cancelled. We requested clarification and recommendations on this matter, however, no response has been received so far.

The same approach has also been suggested for Southern Command (Pune). We have additionally requested them to publish details regarding how many contractors and tenders have been examined under unworkable rates and also to indicate the action taken in such cases.

Sh Sandeep Srivastava. We have been waiting for this meeting for the last two months. I request all Vice Presidents to conduct regional meetings with their respective branches and discuss the issues being faced at their level. At present, if anyone seeks an update on the matter, we are unable to provide a clear response as there is no official communication yet. Any information received directly from DGW or Jt DG (Contracts) would be reliable. However, information coming through unofficial or third party sources may not be accurate.

Everyone is aware of the functioning of the E-in-C's office. Earlier, if any discrepancy was noted in a policy or letter, DGW and Jt DG (Contracts) would apprise the E-in-C and necessary amendments would be made. However, this time, only a minor amendment regarding the date has not been considered favourably. The E-in-C is firm on the position that members who have applied for renewal of enlistment after 30 November 2025 will be strictly denied. We are, however, making continuous efforts to impress upon the authorities through DGW, Jt. DG (Contracts) and Command Chief Engineer to reconsider this issue.

Sh Vinod Behl. The issue of renewal of enlistment has been pending for the last 5-7 months. Even prior to that, for about 2-3 months, our queries were not responded to. I had also sent messages but I did not receive any response from your side.

Sh Gurivinder Singh Oberoi. Yesterday, the issue regarding calling the meeting a "Council Meeting" was raised. I have some objection to this. Since the elections are currently on hold, it may not be appropriate to term it as a Council meeting. Instead, it can be referred to as a Contractors' Meet. I have received many calls from members who conveyed that they are willing to sit together and participate in the meeting but they are not in favour of assigning it the status or numbering of a Council Meeting.

Sh GS Mago. This is being called a Council Meeting because all Council Members have been invited to attend and general members have not been invited. Hence, it qualifies as a Council Meeting. However, if the numbering of the meeting is an issue, we can discuss it and make suitable amendments accordingly.

Sh Gurvinder Singh Oberoi. Today Sh Prasanta Mahanta along with me put a point regarding the cash ledger of MES BAI.

Sh Shiv Kumar Gupta. As per the established tradition, the balance sheet is presented during the AGM and is duly prepared by a chartered Accountant. We will share the balance sheet for the financial year 2024-2025 and 2025-2026 before the next AGM. Members are free to visit the Headquarters and examine the accounts if they so desire. However, as per the practice, the balance sheet will be formally presented during the AGM.

Sh G.S Mago. There are two provisions are there, Article 15 and 16 where it is clearly mentioned when and how the balance sheet should be presented. Members are free to visit the Headquarters at any time, even without prior appointment, to examine the accounts. However, we also request members to support us in following certain procedural requirements. Now, if anyone would like to share their views, they are welcome to do so.

Sh Vinod Behl. I fully agree with your views regarding the court cases. Individual cases will have a greater impact, especially when authorities have to respond in a large number of matters at different 100-200 places. If the Association or a single branch approaches the Court and the petition is not accepted, it may be considered a major setback for all of us.

Gurivinder Singh Oberoi. As I have already stated, it would not be appropriate to spend MES BAI funds on an individual case, since this is collective money and we do not have the authority to utilize it for the benefit of a single member. If a member has a personal matter, the expenses

should be borne by the individual concerned. I fully agree with Shri Vinod Behl that members should approach the Court individually. Thereafter, we can consider conducting après conference to build appropriate pressure on the E-in-C.

Sh Deepak Balkawade. Good evening all of you. According to me let the members approach the court individually. It is not right to spend MES BAI money for a single contractor. It is correct that if cases are filed in different parts of the country, the E-in-C authorities will have to appear before various courts during hearings. This will create some pressure and a positive solution may emerge as a result.

Sh Pankaj Kr Prahladka. According to me, a member should approach the court individually. If Headquarter considers it appropriate, it may coordinate the process by informing the estimated expenses to individual members. The concerned individuals can then bear the expenses themselves and proceed accordingly.

Sh Sunil Panwar. There are two three issues. Firstly, regarding the Command Chief, we had also shared these issues with our Command Chief and he assured us that an inquiry would be carried out in cases where members had quoted very low rates but no action has been taken yet. I think we should extend moral support to our builders while they bear the legal expenses themselves, especially since in some cases or members also made mistakes such as not submitting documents on time. In my opinion, members should approach the Court individually to seek relief.

Sh Sandeep Srivastava. One more important point we must keep in mind is that, in such situations, we ultimately have to sit across the table for negotiations. If the Association approaches the Court directly, it may affect our ability to negotiate and the E-in-C may also take an adverse view of the Association. However, if individuals approach the Court from different parts of the country, it may create pressure and the E-in-C may then approach the Association to work out a solution. I hope that in the first week of next month, around 5-10 cases may be filed in the Courts. Meanwhile, we can extend moral support to our members, because ultimately we will have to engage with the E-in-C for negotiations to resolve the issue.

Sh Vinod Behl. Sir, I would like to say that more than 50% of the fault lies with our builders. In some cases, they may not have applied in time, in others, they may not have responded to observations, or may not have uploaded the required documents on the portal. Our main issue is denial of enlistment due to cancellation of works. However, we should also acknowledge that it will be very difficult to support those who did not apply within the stipulated time. Such members may have to approach the Court individually to seek relief.

Sh Sandeep Srivastava. I totally agree with your views. Our main concern is for those members whose renewal has been denied due to cancellation of work. If a tender is cancelled, the department already forfeits the performance security, recovers the cost of materials and may also impose compensation. After all these penalties, it is not justified to further penalize the contractor after three years. Therefore, our main point is that renewal should be granted to those members whose contracts were cancelled earlier but who have not outstanding dues as on date.

Sh Vinod Behl. One more anomaly is that this condition is not applicable to E Class contractors. E- Class contractors continue to quote tenders even after cancellation of contracts, as they do not require renewal. This clearly indicates inconsistency in the policy and shows that the provision is not uniformly effective.

Sh GS Mago. We have already highlighted that some builders have received renewal even after cancellation of tenders, which reflects the strength of our case. I believe we should avoid touching the issue of E Class contractors, as it may go against our own members. If there is no liability or

dues pending, then the members should be granted renewal. Another point is that the list we are receiving includes only those members whose tenders were cancelled. However, it also contains some names of members who did not apply for renewal within the stipulated time. I would like to have your views on whether we should issue a letter to all members, permitting them to approach the Court individually for non-renewal of enlistment.

Sh Shiv Kumar Gupta. Agreed. Our members also want to know the stand of Headquarters on this matter. We should issue a letter clearly stating that HQ is of the view that all affected members may approach the Court individually for relief. Since everyone is in agreement, it is unanimously decided that a letter will be issued to all members regarding the issue of renewal of enlistment.

Sh G.S Mago. Now I thank you all for attending this meeting.



(Sandeep Srivastava)
Hony. Gen. Secretary