GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION, MID DAY MEAL CELL,
R. NO. 215-216, OLD SECRETRIAT, DELHI-110054.

F. No. DE. 23/MDM/IND/2010-11/ Pt. File/1596-95

Dated: - U-1-13

SUBJECT:- CANCELLATION OF CONTRACT -CUM- WITHDRAWAL OF WORK ORDER

Whereas, M/s Indcare Trust, Plot No. 66, Green Avenue, Colonel Bhatia Road, Vikas Nagar, Hastsal, New Delhi-110059, was given contract to supply Mid Day Meal in Govt. and Govt. Aided schools of Directorate of Education, GNCT of Delhi and in this regard an MOU/Agreement was executed between Directorate of Education, Govt. of NCT of Delhi and M/s Indcare Trust on dated 15.01.2010 wherein terms and conditions were mentioned.

And whereas, It has been reported by DDE (West-B) that dead lizard was found in Mid Day Meal (Kadhi Chawal) supplied by M/s Indcare Trust in SKV, Mohan Garden (I.D No. 1618063) on 03.09.2011. On consuming Mid Day Meal, 44 students complained of nausea and stomach pain and subsequently hospitalized in Deen Dayal Upadhyaya Hospital, Hari Nagar, New Delhi for medical treatment.

And whereas, the principal of the concerned school submitted a written complaint to SHO (Uttam Nagar) for lodging FIR against the Indcare Trust/NGC (Service Provider), Plot No. 66, Green Avenue, Colonel Bhatia Road, Vikas Nagar, Hastsal, New Delhi-59 for their gross negligence in preparing and serving mid day meal.

And whereas, a Show Cause Notice was issued to M/s Indcare Trust vide Notice No. F. DE23/MDM/IND/2010-11/534 dated 05/09/2011 to explain the position of Trust or the above said incidence, M/s Indcare Trust vide dated 13/09/2011 requested investigation into entire incident.

And whereas, the Directorate of Education had constituted an Inquiry Committee vide order No. F.DE.23/MDM/Ind/2010-11/583-586 dated 27/09/2011 on the above mentioned incident to examine whether M/s Indcare Trust has violated clauses, 4, 22, 27, 32, 35 and 44 of MOU or not and directed to submit detailed report.

And whereas, the Inquiry Committee has submitted its Inquiry Report dated 21.10.2011 and found that M/s Indcare Trust has violated the above mentioned terms and conditions of MOU signed with Directorate of Education. The details are as under:

Clause 4:- "That the second party shall maintain and operate transport means/vehicles required for transportation of food at its own cost and risk. The second party for transporting food shall use clean, hygienic separate closed and secured/ sealed container for each section, which shall be de-sealed before the committee at school level constituted for the purpose. The food will be
transported and served in a proper hygienic condition and the quality of the food so supplied and served to the children will be fresh and ready to eat condition.

As per the Committee report, there are 27 sections in the school and as per the provision of the said clause the service provider should have provided food in 27 containers but the same was provided in 20 containers and hence violation of the above said clause.

Clause 21: - That in case of deterioration of cooked food during transportation, the second party will liable to replace the same. The second party will be responsible for quality of cooked food till it is finally consumed by the students. As per the Committee report, M/s Indcare Trust failed to maintain the quality of the food resulting into hospitalization of 44 children. The trust should have replaced the food.

Clause 26: - the second party shall ensure regular fumigation and pest control in storage area every three months to protect against rodents.

As per the Committee report, the condition of the kitchen of M/s Indcare was not up to the mark and had unhygienic and deplorable condition.

Clause 31: - The second party shall take all precautions while preparing, & handling transporting cooked meal to the schools from the place of preparation/cooking and its distribution amongst children. It shall not be the responsibility of the second party to arrange for plates and glass for serving the meal.

As per the Committee report, the dead lizard was found in the kadhi prepared by the second party which shows that adequate care was not taken in the preparation and handling of the food.

Clause 34: - That the second party shall comply with the orders/guidelines/instructions issued by first party or Ministry of Human Resources Development, Govt. Of India from time to time.

As per the Committee report, M/s Indcare Trust failed to comply with the said clause.

And whereas, in exercise of Clause 44 of MOU, an opportunity was given to M/s Indcare Trust to explain and submit rectification action, which had been initiated vide notice dated 26.04.2012.

And whereas, the M/s Indcare Trust has submitted its reply vide letter dated 03.05.2012 vide which it was informed that they have improved the system of distribution of food and rectified the mistakes if any, to stop the recurring such incident.

And whereas The Competent Authority considering the reply of M/s Indcare Trust, report of Inquiry Committee, seriousness of the incident and report of the Shriram Institute of Industrial Research which indicates that "the sample is not fit for
human consumption as it contains the lizard", observed that reply of M/s Indcare Trust is not satisfactory.

Now therefore, in exercise of power conferred by clause 44 of MOU, the Directorate of Education hereby cancels the agreement with M/s Indcare Trust and withdraw the work order awarded to M/s Indcare trust for supply of Mid Day Meal in Govt. / Govt. Aided Schools with immediate effect.

This issues with the prior approval of the Competent Authority.

(MARCEL EKKA)
Dy. Director Education (MDM)
Government of NCT of Delhi

The President,
M/s Indcare Trust,
Plot No. 66, Green Avenue,
Colonel Bhatia Road, Vikas Nagar,
Hastsal, New Delhi-110059

Copy to:-

1. PS to Secretary Education, Dte. Of Education, Delhi.
2. PS to Director Education, Dte. Of Education, Delhi.
3. PA to Special Director Education (MDM), Dte. Of Education, Delhi.
4. All DDEs/EOS/Principals/HOSs, Concerned (Through MIS)
5. OS (IT) to upload the circular on web portal of Directorate of Education as well as in MDM folder also with pre and after login.

(MARCEL EKKA)
Dy. Director Education (MDM)
Government of NCT of Delhi

Dated: - 9-1-13