

## **Notice of Uncontested Sanctions Proceedings**

**January 17, 2024**

**Sanctions Case No. 754  
IDA Credit Number 5559-MM  
(Myanmar Ayeyarwady Integrated River Basin Management Project)**

**Respondents:  
Perfect Dredging Company Pvt. Ltd.  
Mr. Arputharaj Job Robinson Devaraj**

1. On April 20, 2023, the World Bank’s Chief Suspension and Debarment Officer (the “SDO”) issued a Notice of Sanctions Proceedings (the “Notice”) to Perfect Dredging Company Pvt. Ltd. and Mr. Arputharaj Job Robinson Devaraj (the “Respondents”) pursuant to sub-paragraph 4.01(a) of Section III.A of the Bank Procedure: Sanctions Proceedings and Settlements in Bank Financed Projects issued by the Bank on June 28, 2016 (the “Sanctions Procedures”).
2. The Statement of Accusations and Evidence (the “SAE”) prepared by the Bank’s Integrity Vice Presidency (“INT”) and appended to the Notice contained INT’s accusations that the Respondents engaged in Sanctionable Practices (as defined in the Sanctions Procedures) in connection with the above-named project (the “Project”). The SAE also contained the evidence gathered by INT in support of these accusations.
3. The specific accusations made by INT in the SAE were that the Respondents:
  - engaged in a collusive practice by entering into an arrangement with two other companies (“Company A” and “Company B,” a wholly-owned subsidiary of “Company A”) to offer the same Company A-manufactured dredger through multiple bids for a Project-funded contract to procure an amphibious multipurpose dredger (the “Contract”), in an effort to increase Company A’s chances of benefiting from the Contract; and
  - engaged in fraudulent practices by submitting multiple fraudulent documents to the Project’s management unit (the “PMU”) as part of a bid for the Contract, and in response to the PMU’s subsequent requests for clarifications.
4. Based on a review of INT’s SAE conducted in accordance with sub-paragraph 4.01(a) of Section III.A of the Sanctions Procedures, and pursuant to sub-paragraph 4.01(c), sub-paragraph 9.01, and sub-paragraph 9.04 of Section III.A of the Sanctions Procedures, with due consideration of the factors set forth in sub-paragraph 9.02 of Section III.A of the Sanctions Procedures and in the World Bank Group Sanctioning Guidelines, the SDO recommended in the Notice that the Respondents, together with certain Affiliates (as defined in the Sanctions Procedures) where so specified, be sanctioned as follows:

Respondent 1  
*Perfect Dredging Company Pvt. Ltd. (“Perfect Dredging”)*

***Recommended Sanction: Debarment with Conditional Release  
Minimum Period of Ineligibility of Seven (7) Years***

*It is recommended that Perfect Dredging (together with any entity that is an Affiliate directly or indirectly controlled by Perfect Dredging) be declared ineligible (i) to be awarded or otherwise benefit from a Bank-financed contract, financially or in any other manner;<sup>1</sup> (ii) to be a nominated<sup>2</sup> sub-contractor, consultant, manufacturer or supplier, or service provider of an otherwise eligible firm being awarded a Bank-financed contract; and (iii) to receive the proceeds of any loan made by the Bank or otherwise to participate further in the preparation or implementation of any Bank-Financed Project; provided, however, that after a minimum period of ineligibility of seven (7) years, Perfect Dredging may be released from ineligibility only if Perfect Dredging has, in accordance with sub-paragraph 9.03 of Section III.A of the Sanctions Procedures, demonstrated to the Bank Group’s Integrity Compliance Officer that Perfect Dredging has complied with the following conditions:*

*(a) Perfect Dredging has taken appropriate remedial measures to address the Sanctionable Practices for which Perfect Dredging has been sanctioned; and*

*(b) Perfect Dredging has adopted and implemented, in a manner satisfactory to the Bank, integrity compliance measures as may be imposed by the World Bank Group’s Integrity Compliance Officer pursuant to sub-paragraph 9.03(b) of Section III.A of the Sanctions Procedures (e.g., an integrity compliance program or elements thereof) to address the Sanctionable Practices.*

*In determining this recommended sanction, the SDO took into account that Perfect Dredging engaged in both collusive and fraudulent practices. The SDO also took into account, as an aggravating factor, the central role of*

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<sup>1</sup> For the avoidance of doubt, the declaration of ineligibility to be awarded a contract will include, without limitation, (i) applying for pre-qualification, expressing interest in a consultancy, and bidding, either directly or as a nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract.

<sup>2</sup> A nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider (different names are used depending on the particular bidding document) is one which has been (i) included by the bidder in its pre-qualification application or bid because it brings specific and critical experience and know-how that allow the bidder to meet the qualification requirements for the particular bid or (ii) appointed by the borrower.

*the Managing Director of Perfect Dredging in the collusive and fraudulent schemes. The SDO did not apply any mitigating factors, or any additional aggravating factors . . . .*

*This declaration of ineligibility will extend across the operations of the World Bank Group, including IFC, MIGA, and the guarantee and carbon finance operations of the Bank.<sup>3</sup> The Bank will also provide notice of this declaration of ineligibility to the other multilateral development banks (“MDBs”) that are party to the Agreement for Mutual Enforcement of Debarment Decisions (the “MDB Cross-Debarment Agreement”) so that they may determine whether to enforce the declarations of ineligibility with respect to their own operations in accordance with the MDB Cross-Debarment Agreement and their own policies and procedures.<sup>4</sup>*

Respondent 2

*Mr. Arputharaj Job Robinson Devaraj (“Mr. Devaraj”)*

***Recommended Sanction: Debarment with Conditional Release  
Minimum Period of Ineligibility of Seven (7) Years***

*It is recommended that Mr. Devaraj (together with any entity that is an Affiliate directly or indirectly controlled by Mr. Devaraj) be declared ineligible (i) to be awarded or otherwise benefit from a Bank-financed contract, financially or in any other manner;<sup>5</sup> (ii) to be a nominated<sup>6</sup> sub-*

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<sup>3</sup> *Sanctions Procedures, . . . sub-paragraph 9.01(c) of Section III.A. For the avoidance of doubt, the declaration of ineligibility also extends to activities financed through trust funds administered by the Bank to the extent governed by the Bank’s Procurement Regulations (or either of the Regulations’ predecessor documents, the Procurement Guidelines and Consultant Guidelines) or Anti-Corruption Guidelines, as defined in the Sanctions Procedure. Id., Section II and sub-paragraph 1.01(c)(i) of Section III.A.*

<sup>4</sup> *At present, the parties to the MDB Cross-Debarment Agreement are the Bank Group, the African Development Bank Group, the Asian Development Bank, the European Bank for Reconstruction and Development, and the Inter-American Development Bank Group. The MDB Cross-Debarment Agreement provides that, subject to the prerequisite conditions set forth in the MDB Cross-Debarment Agreement, unless a participating MDB (i) believes that any of the prerequisite conditions set forth in the MDB Cross-Debarment Agreement have not been met or (ii) decides to exercise its rights under the “opt out” clause set forth in the MDB Cross-Debarment Agreement, each participating MDB will promptly enforce the debarment decisions of the other participating MDBs.*

<sup>5</sup> *For the avoidance of doubt, the declaration of ineligibility to be awarded a contract will include, without limitation, (i) applying for pre-qualification, expressing interest in a consultancy, and bidding, either directly or as a nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract.*

<sup>6</sup> *A nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider (different names are used depending on the particular bidding document) is one which has been (i) included by the bidder in its pre-*

*contractor, consultant, manufacturer or supplier, or service provider of an otherwise eligible firm being awarded a Bank-financed contract; and (iii) to receive the proceeds of any loan made by the Bank or otherwise to participate further in the preparation or implementation of any Bank-Financed Project; provided, however, that after a minimum period of ineligibility of seven (7) years, Mr. Devaraj may be released from ineligibility only if Mr. Devaraj has, in accordance with sub-paragraph 9.03 of Section III.A of the Sanctions Procedures, demonstrated to the Bank Group's Integrity Compliance Officer that Mr. Devaraj has complied with the following conditions:*

*(a) Mr. Devaraj has taken appropriate remedial measures to address the Sanctionable Practices for which Mr. Devaraj has been sanctioned;*

*(b) Mr. Devaraj has completed training and/or other educational programs that demonstrate a continuing commitment to personal integrity and business ethics; and*

*(c) Any entity that is an Affiliate directly or indirectly controlled by Mr. Devaraj has adopted and implemented, in a manner satisfactory to the Bank, integrity compliance measures as may be imposed by the World Bank Group's Integrity Compliance Officer pursuant to sub-paragraph 9.03(b) of Section III.A of the Sanctions Procedures (e.g., an integrity compliance program or elements thereof) to address the Sanctionable Practices.*

*In determining this recommended sanction, the SDO took into account that Mr. Devaraj engaged in both collusive and fraudulent practices. The SDO also took into account, as an aggravating factor, the central role of Mr. Devaraj in the collusive and fraudulent schemes. The SDO did not apply any mitigating factors, or any additional aggravating factors . . . .*

*This declaration of ineligibility will extend across the operations of the World Bank Group, including IFC, MIGA, and the guarantee and carbon finance operations of the Bank.<sup>7</sup> The Bank will also provide notice of this declaration of ineligibility to the other [MDBs] that are party to the [MDB Cross-Debarment Agreement] so that they may determine whether to*

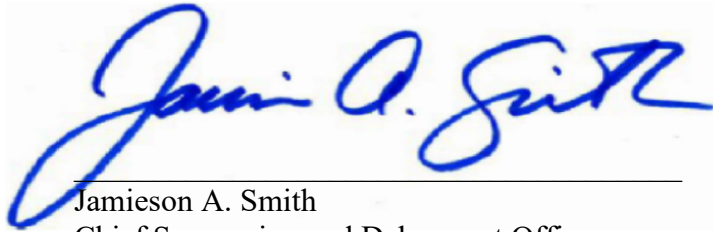
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*qualification application or bid because it brings specific and critical experience and know-how that allow the bidder to meet the qualification requirements for the particular bid or (ii) appointed by the borrower.*

<sup>7</sup> *Sanctions Procedures, . . . sub-paragraph 9.01(c) of Section III.A. For the avoidance of doubt, the declaration of ineligibility also extends to activities financed through trust funds administered by the Bank to the extent governed by the Bank's Procurement Regulations (or either of the Regulations' predecessor documents, the Procurement Guidelines and Consultant Guidelines) or Anti-Corruption Guidelines. Id., sub-paragraph 1.01(c)(i) of Section III.A.*

*enforce the declarations of ineligibility with respect to their own operations in accordance with the MDB Cross-Debarment Agreement and their own policies and procedures.*<sup>8</sup>

5. The Respondents did not submit an Explanation (as defined in the Sanctions Procedures) in accordance with sub-paragraph 4.02(b) of Section III.A of the Sanctions Procedures.
6. Sub-paragraph 4.04 of Section III.A of the Sanctions Procedures provides that if a respondent does not contest the accusations or the sanction recommended by the SDO in a Notice of Sanctions Proceedings by submitting a Response (as defined in the Sanctions Procedures) to the World Bank Group Sanctions Board (the “Sanctions Board”) within ninety (90) days after delivery of such Notice of Sanctions Proceedings, the sanction recommended by the SDO shall enter immediately into force.
7. No Response having been submitted to the Sanctions Board by either Respondent within the specified period, INT’s accusations in the SAE and the sanctions recommended by the SDO in the Notice are deemed uncontested for purposes of sub-paragraph 4.04 of Section III.A of the Sanctions Procedures, and the recommended sanctions set forth in paragraph 4 above have entered into force as of the date hereof.



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Jamieson A. Smith  
Chief Suspension and Debarment Officer  
Office of Suspension and Debarment (OSD)  
The World Bank

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<sup>8</sup> *At present, the parties to the MDB Cross-Debarment Agreement are the Bank Group, the African Development Bank Group, the Asian Development Bank, the European Bank for Reconstruction and Development, and the Inter-American Development Bank Group. The MDB Cross-Debarment Agreement provides that, subject to the prerequisite conditions set forth in the MDB Cross-Debarment Agreement, unless a participating MDB (i) believes that any of the prerequisite conditions set forth in the MDB Cross-Debarment Agreement have not been met or (ii) decides to exercise its rights under the “opt out” clause set forth in the MDB Cross-Debarment Agreement, each participating MDB will promptly enforce the debarment decisions of the other participating MDBs.*