

Rules Regulating the Conditions of Sale by Auction of Timber/fuel Wood/charcoal from the Established Depots

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Rule

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Rules Regulating the Conditions of Sale by Auction of Timber/fuel Wood/charcoal from the Established Depots Published vide Notification 2343-2751-10-3-89, dated 30-5-1989, published in M.P. Rajpatra Part 4 (Ga), dated 30-6-1989 at page 84 It is hereby notified for general information that various lots of departmentally cut and/or collected timber/fuel wood and/or collected charcoal as per list attached will be sold by public auction by the Divisional Forest Officer..... Division beginning from..... on..... and..... subsequent days, if necessary. The details of measurements, quantities and quality of timber/fuel wood/charcoal announced at the time of auction or made available earlier at request are correct to the best of the knowledge of the Divisional Forest Officer, but are not guaranteed to any extent. The intending bidders are therefore advised to inspect on the spot the lot or lots which they intend to bid for, with a view to satisfy themselves in this behalf, details of the lots and measurements can be obtained from concerned Sub-Divisional Officer/Range Officer/Depot Officer on request. No claim shall lie against the State Government for compensation or any other relief if the details of the quantities etc. are subsequently found to be incorrect.

1.

(a) No person shall be allowed to bid for any lot in the auction unless he has signed the sale notice in token of his agreement to abide by the conditions thereof and has deposited an earnest money in respect of lot/lots before bidding therefor a sum equal to 10% of the amount to be extent of which he wants to bid or Rs. 1000/- whichever is greater. The bidders may be permitted to add to the earnest

money deposit in case during the auction they wish to increase their bids beyond the extent permitted by the ten percent deposit already made.(b)The amount of earnest money deposit shall in the case of unsuccessful bidders, be refunded to them at the close of auction on their passing a duly stamped receipt therefor. In case of successful bidders the amount of earnest money deposit shall be adjusted towards the payment of the 25 per cent of the bid amount of the lot as required under condition (2)(a) below.

2.

(a)(i)Immediately on acceptance of the bid or within seven days from the date of auction as may be allowed by the DFO at his discretion the successful bidder shall have to pay such further sum as may be required to make up 25% of the bid amount through a call deposit receipt, Bankers cheque or a crossed Bank draft issued by any scheduled Bank on its local branch, drawn in favour of the Divisional Forest Officer..... Division, failing which the sale shall be cancelled and the amount deposited as EMD, under condition 1(a) above shall be forfeited to the Government and the lot shall be auctioned afresh without risk to the defaulting bidder.(ii)In case of cancellation of sale under condition 2 (a)(i) above, if the defaulting bidder requests before the lot is disposed of in the subsequent auctions for the revival of the sale, the Conservator of forests if satisfied that the bidder was unable to pay such further sum as required under condition 2 (a)(i) above within the prescribed time limit for good and sufficiently convincing reason, may revive the sale on prepayment of the entire sale price alongwith the interest on it for the period of delay in payment, wharfage and a revival fee equal to 5% of the sale price. Hereafter all prescriptions of periods and time limits as contained in various clauses of these conditions regulating the sale shall reckon from the date of auction.The rate of interest leviable and the method of its calculation shall be as given in condition 2 (b)(ii) below.The ground rent (wharfage) shall be leviable as per the condition 4 (a) below.(b)(i)The balance 75% of the bid amount shall be paid by the purchaser within forty five days from the date of sanction of the bid in writing communicated by the Divisional Forest Officer to him by Registered post.However in exceptional cases, the Divisional Forest Officer may, on the request of the purchaser, extend this period of 45 days for the payment of the balance bid amount up to 75 days on payment of interest as detailed in condition 2 (b)(ii) below. The payment of the balance bid amount shall be made to the Divisional Forest Officer through a Call Deposit Receipt, Bankers cheque or a crossed bank draft only issued by any scheduled Bank on its local branch drawn in favour of the Divisional Forest Officer..... Division.(ii)If the balance bid amount is not paid within forty-five days of the date of communication of sanction interest at the rate of 18% per annum or as may be revised from time to time shall be charged only on the remaining unpaid amount starting from 46th days onwards. For calculation of interest a period of 15 days and under shall be treated as half a month while a period over 15 days shall be treated as one month.(c)(i)In addition to the amount payable under conditions 2(a) and (b) above sales tax payable by the forest department in accordance with the provisions of the Madhya Pradesh General Sales Tax Act, 1958 (No. II of 1959) and the Central Sales Tax Act, 1956, Forest Development cess and all other taxes as the case may be shall be recoverable from the purchaser alongwith the sale price.(ii)In accordance with the provisions of the newly inserted Sections 206-C and 4-AC of the Finance Act, 1988 effective from 1st June, 1988, income tax will also be recoverable from the purchasers on the sale price.(iii)The amount of sale price under clauses 2 (a) and 2 (b) above shall not be deemed to have been

completely paid unless the sales tax and income tax payable on that date under sub-clauses 2 (d)(i) and 2 (c)(iv) above has also been fully paid.(iv)The purchaser shall also be responsible for subsequent liabilities if any including payment of additional sums on account of sales tax and income tax payable by the Forest Department, in respect of the goods sold to him under these conditions. Such payment shall have to be made within 15 days of a demand in writing by Divisional Forest Officer.

3.

No persons shall be allowed to bid on behalf of another person or a firm unless he produces before the Divisional Forest Officer a power of attorney executed by such a person or firm before, and duly certified by competent Court of law, empowering him so to act, or the certificate of registration of the firm of which he claims to be a partner.

4.

No person, who has been prescribed or debarred from bidding for forest contracts, shall, while such prohibition is in force, bid at the auction.

5.

Except with the written permission of the Divisional Forest Officer no person by whom any money is due to Government on account of or under any forest contract, shall bid at the auction.

6.

The Divisional Forest Officer may fix a reserve price for each lot and may withdraw any lot from auction, if the bid be less than reserve price.

7.

The Divisional Forest Officer may fix the minimum amount of each advance on the previous bid and after the amount so fixed from time to time in the course of bidding. In the event of any dispute arising out of the bids given, the bidding shall be immediately responded at the last undisputed bid.

8.

The Divisional Forest Officer shall have the power without assigning any reason to-(a)prohibit any one from bidding at any stage of the auction;(b)reject the highest on any bid;(c)accept the highest or any bid, and withdraw any lot from the auction at any stage notwithstanding the readiness of the bidders to purchase the same.

9.

The successful bidder shall immediately, after acceptance of his bid, sign the bid sheet in respect of the lot knocked down in his favour and also furnish in writing to the Divisional Forest Officer to the postal address to which any communication intended for him may be sent. Any change of address shall also likewise be communicated by him to that Officer. Any communication sent at that address under a certificate of posting or by registered post shall be deemed to have duly reached the successful bidder.

10.

The sales of contracts beyond the power of sanction of the Divisional Forest Officer shall be subject to the sanction of the competent authority and the successful bidder shall remain bound by his bid and until orders are passed by the competent authority.

11.

The successful bidder whose bid has been accepted by the competent authority shall be the purchaser.

12.

(a) In the event of non-payment of the balance 75 per cent of the sale price along with amount in lieu of sales tax and income tax payable by the Forest Department as required by conditions 2 (b) and (c) above, the sale will be cancelled and 25% of the accepted bid price shall be forfeited to the Government. The defaulter may also be black-listed for a period, which may extend to 3 years. The lot will be auctioned afresh without risk of the defaulter. (b) If the sale has been cancelled for non-payment of the balance 75 per cent of the bid amount and the authority next higher in rank is satisfied that the purchaser was unable to pay it within the prescribed time limit for good and sufficiently convincing reasons to be recorded in writing such authority may restore the sale on prepayment of all the dues and a Revival Fee equal to 5% of the sale price.

13.

(a) Removal of timber/fuel wood/charcoal sold shall not be allowed unless full payment in respect thereof has been made as detailed in condition No. 2 above and where necessary ground rent (wharfage) and penalty under condition 14 below, if any, has fully been paid. Removal of timber/fuel wood/ charcoal shall be allowed through a gate set apart in the depot for the purpose where the timber/fuel wood/charcoal shall be presented for inspection and branding timber with an exit hammer work. (b) While taking delivery of the timber/fuel wood/charcoal sold the purchaser shall pass a receipt therefor. (c) All timber/fuel wood/charcoal being removed from the depot shall be covered by transport permit duly prescribed for the purpose to be obtained from the concerned Depot Officer/Range Officer. (d) The purchaser shall be liable to make good loss or damage, if any,

caused to the building, fixtures and fittings of the depot, forest produce or any tree or plant standing within the depot premises during the course of removal of timber/fuel wood/charcoal from the depot. The loss or damage, as may be valued by the Divisional Forest Officer, shall be final and binding on the purchaser.

14.

(a) If the timber/fuel wood/charcoal sold is not removed from the depot within two months from the date of communication of sanction vide condition 12 (b)(i) above, ground rent (wharfage) shall be charged by the DFO as under : (i) Timber. - 50 (Fifty) paise per cubic metre per day. (ii) Fuel wood. - 2.50 (Two rupees and fifty paise) per standard stack per month. (iii) Charcoal. - 50 (Fifty) paise per bag per month. Godown rent (wharfage) shall be calculated after the expiry of the period of two months from the date of communication of sanction. However, in exceptional cases, the DFO may at his discretion allow the removal of timber/fuel wood/charcoal sold from the depot upto a maximum period of four months from the date of communication of sanction without charging ground rent (wharfage) if so declared at the time of auction of the lot and recorded on the bid sheet. (b) All timber/fuel wood/charcoal sold and purchased shall be removed from depot within a period of two months from the date of communication of sanction. If however for certain unavoidable circumstances a purchaser who has already paid the amount in full is not able to remove the timber/fuel wood/charcoal within the above period he may be allowed to remove it within a period of four months from the date of communication of sanction on payment of ground rent (wharfage). After the lapse of the period of four months a purchaser may be allowed to remove the timber/fuel wood/charcoal in exceptional cases only, with the special permission of the Conservator of forests circle..... who may levy a penalty not exceeding 10 per cent of the sale value of timber/fuel wood/charcoal not removed in addition to the ground rent (wharfage) due. After the lapse of the period of four months or the period as extended by the Conservator of Forests..... Circle..... timber/fuel wood/charcoal if not removed along with sale price shall be forfeited to the Government and sold by auction and the original purchaser shall have no right to make any claim in respect thereof.

15.

The Forest Department shall accept no responsibility whatsoever for deterioration and loss of sold timber/fuel wood/charcoal in the depot after the sale shall remain there entirely at the risk of the purchaser.

16.

(a) A road permit shall have to be obtained from the Divisional Forest Officer for plying truck or other heavy vehicles on forest roads at the rates given below : (i) Rs. 100/- per quarter per vehicle, or (ii) Rs. 2/- per vehicle per one side trip. (b) The period of a quarter shall be reckoned as under : (i) 1st quarter-1st April to 30th June. (ii) 2nd quarter-1st July to 30th September. (iii) 3rd quarter-1st October to 31st December. (iv) 4th quarter-1st January to 31st March.

17.

The act of bidding shall be deemed to be a complete/and unreserved acceptance of these conditions.

18.

The provisions of the M.P. Van Upaj (Vyapar Viniyaman) Adhiniyam, 1969, the Indian Forest Act, 1927 and the rules framed thereunder including forest contract rules in so far as they are applicable shall apply to the successful bidder/purchaser as condition of sale.

19.

Any sum falling due from the bidder on any account under these conditions shall be recoverable from him as arrears of land revenue.

20.

Fuel wood/charcoal manufactured out of fuel wood sold under these conditions shall not be exported outside the State of Madhya Pradesh. The subsequent purchaser of fuel/charcoal shall also have no right to export of fuel/charcoal outside the state.

21.

Any bidder or his agent or servant, who at the time of auction proceedings, disturbs the public peace and tranquility or obstructs or deters the forest officer in the discharge of his public functions, may be debarred from participation in the auction sale and the earnest money, if any, deposited by him in respect of any lot, shall stand forfeited to the Government of M.P. in addition to that, he may also be black-listed for a period which may extend to 3 years.

22.

All the disputes arising out of these conditions shall be subject to the jurisdiction of Courts in Madhya Pradesh.