

The M.P. Gram Panchayat and Janpad Panchayat (Lease of Collection of Fees) Rules, 1995

MADHYA PRADESH

India

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Rule

THE-M-P-GRAM-PANCHAYAT-AND-JANPAD-PANCHAYAT-LEASE-OF of 1995

- Published on 3 July 1995
- Commenced on 3 July 1995
- [This is the version of this document from 3 July 1995.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Gram Panchayat and Janpad Panchayat (Lease of Collection of Fees) Rules, 1995Published vide Notification No. B-1-24-95-22-P-2, dated 3-7-1995, M.P. Rajpatra (Asadharan), dated 4-7-1995 at page 678(1)In exercise of the powers conferred by the sub-section (1) of the Section 95 read with Section 80 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published as required by the sub-section (3) of the Section 95 of the said Act, namely :-

1. Short title.

- These rules may be called the Madhya Pradesh Gram Panchayat and Janpad Panchayat (Lease of Collection of Fees) Rules, 1995.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);(b)"Section" means a section of the Act;(c)"Schedule" means the Schedule appended to the Act;(d)"Panchayat" means a Gram Panchayat or a Janpad Panchayat as the case may be.

3. Resolution for giving lease.

- A Panchayat may decide by resolution that collection of any fee specified in Schedule III may be leased out with the approval of Chief Executive Officer of Janpad Panchayat in the case of Gram Panchayat or Sub-Divisional Officer in the case of Janpad Panchayat.

4. Lease by public auction.

- No lease for collection of any fee specified in Schedule III shall be granted except by public auction.

5. Conduct of auction.

- The auction of lease-(a)in case of Gram Panchayat, shall be conducted by the Secretary under the supervision of the General Administration Committee;(b)in case of a Janpad Panchayat, shall be conducted by Chief Executive Officer under the supervision of the General Administration Committee.

6. Publication of notice of auction and the conditions of lease.

- A notice specifying the conditions of lease, date, time and place of auction shall be published by the Secretary, Gram Panchayat or Chief Executive Officer of Janpad Panchayat, as the case may be, not less than fifteen days prior to the date fixed for auction by pasting a copy of the notice containing the said information on the notice board of the Panchayat concerned and Tahsil office concerned and by beat of drums throughout the important local areas, where the upset price of fees collection is more than Rs. Ten thousand, the said notice shall also be published in a local newspaper of the district.Explanation. - "Upset Price" means ten per cent above the average of fees collected during the preceding three consecutive years.

7. Conditions of auction.

- The auction shall, in addition to any other conditions which the Panchayat concerned may think fit to impose be subject to the following conditions, namely :-(a)no one shall be allowed to bid unless he has deposited ten per cent of the upset price of lease with the office, conducting the auction as an earnest money;(b)the highest bid shall be accepted subject to the confirmation by the Panchayat concerned, provided that the lower bid may be accepted with the sanction of the Collector or any other officer authorised by him;(c)the person whose bid is accepted shall deposit twenty five per cent of the auction price immediately after his bid is accepted. The deposit of earnest money shall be adjusted in this amount. If he fails to deposit twenty-five per cent of the auction price as required by this rule the earnest money deposited by him shall be forfeited in favour of the Panchayat concerned and the auction shall be treated as cancelled; and(d)the balance shall be paid in monthly or quarterly instalments of such amount as may be decided by the Panchayat concerned within 5 days of the beginning of month or quarter and lease deed shall be executed within thirty days of the confirmation of the bid being notified to him. If he fails to execute the lease deed within the period

specified above the twenty-five percent amount deposited by him shall stand forfeited in favour of the Panchayat concerned and the auction shall be treated as cancelled.

8. Refund of earnest money.

(1)The amount of earnest money of the rest of the bidders shall be refunded to the persons concerned.(2)Where a lower bid is proposed to be accepted under the proviso to Clause (b) of Rule 7, the amount deposited under Clause (c) of the said rule shall be refunded to the person concerned as soon as may be, after sanction of the lower bid by the officer mentioned in the said proviso.

9. Re-auction of lease.

- The lease whose auction has been cancelled under Rule 7 shall be re-auctioned at the risk of person whose bid was previously accepted in the manner provided by these rules. If the re-auction results in any loss to the Panchayat, he shall be liable to compensate for it. These amount will be recoverable as arrears of land revenue.

10. Accounts of auction.

- The lease money shall be realised by the concerned Panchayat. The Panchayat shall issue a receipt to the lessee. The Chief Executive Officer, Janpad Panchayat/ Secretary of Gram Panchayat shall maintain a proper record of auction.

11. Repeal.

- All previous rules on the subject shall stand repealed on the date of final publication of these rules in the "Madhya Pradesh Gazette."