

Rules Regulating the Conditions of Sale of Timber from Established Depots

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Rule

RULES-REGULATING-THE-CONDITIONS-OF-SALE-OF-TIMBER-FROM **of 1976**

- Published on 21 October 1976
- Commenced on 21 October 1976
- [This is the version of this document from 21 October 1976.]
- [Note: The original publication document is not available and this content could not be verified.]

Rules Regulating the Conditions of Sale of Timber from Established DepotsPublished vide Notification No. 30-34-73-3-10(3), dated 21-10-1976, M.P. Rajpatra, Part 4(Ga), dated 17-12-1976 at page 851

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 as earnest money in respect of each lot before bidding therefor a sum equal to ten per cent of the amount to the extent of which he wants to bid, subject to the condition that such deposit shall, in no case, be less than Rs. 500. The bidders may be permitted add to the earnest money deposit, in case during the auction they wish to increase their bids beyond the extent permitted by the ten per cent deposit already made.(b)The 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 and in the case of successful bidders it will be credited towards the payment of the 25 per cent of the bid amount of the lot, required to be paid under condition (2) (a).

2.

(a)Immediately on acceptance of the bid the successful bidder shall have to pay such further sum as may be required to make up 25 per cent of the bid money, in cash or through a call Deposit Receipt or a crossed Bank Draft Issued by a Nationalized Bank on the Local Branch of the State Bank of

India or the local branch of any Nationalized Bank, having clearing accounts" with the Reserve Bank of India or the State Bank of India, drawn in favour of the Divisional Forest Officer Division, failing which the sale will be cancelled and the whole amount of earnest money deposit made vide condition 1 (a), shall be forfeited and the lot shall be auctioned afresh, without risk to the defaulting bidder.(b)(i)The balance 75 per cent of the bid amount shall be paid by the successful bidder within forty-five days from the date on which sanction of the bid in writing is communicated by the Divisional Forest Officer to the successful bidder by Registered post. However, in exceptional cases, the Divisional Forest Officer may, on the request of the successful bidder, extend this period of 45 days for the payment of balance sale price upto 75 days on payment of interest as detailed in condition No. 2 (b) (ii) below. The payment of the balance amount will be made through a call deposit receipt or a crossed bank draft "issued by a Nationalized Bank on the local branch of the State Bank of India or the local Branch of any nationalized Bank, having clearing accounts" with the Reserve Bank of India or the State Bank of India drawn in favour of the Divisional Forest Officer-Division.(ii)If the balance amount is not paid within forty-five days of the date of despatch of sanction, interest at the rate of 12 per cent per annum will be charged, starting from 46th day onwards. For calculation of interest a period of 15 days and under will be treated as half a month while a period over 15 days will be counted as one month.(c)(i)In addition to the amount payable under condition 2 (a) and (b) above, sales tax payable by the Forest Department in accordance with the provisions of the M.P. General Sales Tax Act, 1958 (No. II of 1959) and the Central Sales Tax Act, 1956, as the case may be, shall be recoverable from the successful bidder alongwith the sale price.(ii)The amount of sale price under Clause 2 (a) and (b) above, shall not be deemed to have been completely paid unless the sales tax payable on the date under sub-clause 2 (c) (i) above, has also been fully paid.(iii)The successful bidder shall also be responsible for subsequent liabilities, if any, including payment of additional sums on account of sales 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 person shall be allowed to bid on behalf of another person or a firm unless the produces before the Divisional Forest officer a power of attorney executed by such person or firm before, and duly certified by a 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 such 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 reopened 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 or any bid;(c)accept the highest or any bid; and(d)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 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 until orders are passed by the Competent Authority.

11.

The successful bidder whose bid has been accepted by that Competent Authority shall be the purchaser.

12.

(a)In the event of non-payment of the balance 75 per cent of the sale price alongwith amount in lieu of sales-tax payable by the Forest Department, as required by condition 2 (b) and (c) above, the sale will be cancelled and any money already paid which in no case shall be less than 25% of the accepted

bid price shall be forfeited to the Government. The defaulter may also be black-listed. The lot will be auctioned afresh without risk of the defaulter.(b)If the sale has been cancelled for non-payment of full sale price and the authority next higher in rank is satisfied that the successful bidder was unable to pay it without 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.

13.

(a)Removal of timber sold will not be allowed unless full payment in respect thereof has been made as detailed in condition 2 above and where necessary, wharfage and penalty under condition 14 below. Removal shall be restricted to hours of day light and shall be allowed through a gate set apart for the purpose where the timber shall be presented for examination and branding with an exist hammer mark.(b)While taking delivery of the timber sold the purchaser shall pass a receipt therefor.(c)All timber being removed from the depot shall be covered by a transport permit duly prescribed for the purpose to be obtained from the concerned Depot Officer.

14.

(a)If the timber sold is not removed within two months from the date of communication of sanction, vide condition 2 (b) above, ground rent (wharfage) will be charged by the Forest Department at the rate of 10 paise per cubic meter per day. Ground rent will be calculated for multiples of 5 days after the expiry of the period of two months from the date of communication of sanction. Duration of less than 5 days will be ignored.(b)All timber sold and purchased shall be removed from the depot within a period of two months from the date of despatch of sanction. If, however for certain un-avoidable circumstances a purchaser who has paid the amount in full already, is not able to remove the timber within the above period he may be allowed to remove it within a period of four months from the date of despatch of sanction on payment of wharfage.After the lapse of the period of four months, a purchaser may be allowed to remove the timber, in exceptional cases only, with the special permission of the Conservator of Forest..... Circle..... who may levy a penalty not exceeding 10 per cent of the sale value of timber not removed in addition to the wharfage due. After the lapse of the period of four months or the period as extended by the Conservator of Forests.....Circle.....timber, if not removed, will be forfeited and sold by auction and the original purchaser will have no right to the sale value thereof.

15.

The Forest Department will accept no responsibility whatsoever for deterioration and loss of timber sold, by any cause like fire, theft, misappropriation or other accidents. The timber in the depot after the sale will remain 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 will 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, in so far as they are applicable, shall apply to the successful bidder/purchaser as conditions of sale under this notice.

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.

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