

Andhra Pradesh Panchayat Raj (Auction of sand in the water courses vesting in Gram Panchayat) Rules, 2000

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-PANCHAYAT-RAJ-AUCTION-OF-SAND-IN-THE-W of 2000

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Andhra Pradesh Panchayat Raj (Auction of sand in the water courses vesting in Gram Panchayat) Rules, 2000Published vide Notification No. G.O. Ms. No. 71, Panchayat Raj & Rural Development (Parts III), dated 29.02.2000Last Updated 27th August, 2019No. G.O. Ms. No. 71. - In exercise of the powers conferred by Clauses (xi), (xii) and (xxii) of Section 268 read with Section 95 of the Andhra Pradesh Panchayat Raj Act 1994 (Act 13 of 1994) the Governor of Andhra Pradesh hereby makes the following rules in respect of auction of sand in water courses vesting in Gram Panchayat.

1. Short title.

- These rules may be called the Andhra Pradesh Panchayat Raj (Auction of sand in the water courses vesting in Gram Panchayat) Rules, 2000.

2. Power of the Government to conduct auction.

- All the Gram Panchayats shall have the right to conduct auction of the following potential sand bearing areas within their jurisdiction.(a)All water sources passing through its limits, including minor and maj or rivers like Krishna and Godavari along with their Minor and Major Tributaries like Tungabhadra, in small reaches in Gram Panchayats.(b)All water tanks, ponds and places of sand bearing fallow lands in any appurtenant to abandoned tanks.(c)All drains including artificial drains with its escape channels receiving water from field channels and out flow from adjacent fields.Note.

- No reach partly or fully covered by scheduled areas shall be leased out to any person who is not a member of Scheduled Tribe.

3. Sand and its sale.

(1) Sand means ordinary sand used in construction activities as referred to under the Andhra Pradesh Minor Mineral Concession Rules, 1966. (2) The sale of sand shall be on the basis of auction-cum-tender system which denotes that offers of tenders will be accepted which simultaneously holding auction with a view to maximise earnings.

4. Consultation by the Executive Authority.

- The Executive Authority shall consult the Gram Panchayat and the Assistant Director of Mines and Geology having jurisdiction to, (i) identify the potential independent sources of sand for auction; (ii) assess the quantity of the sand that can be obtained during the lease period; (iii) its market value; and (iv) minimum upset price.

5. Sale of sand and the Precautions to be taken.

- The potential areas for sale of sand by auction shall be selected by taking following precautions to ensure that: (i) not to cause damage to the water courses or their bunds. (ii) lifting of sand should not affect the ecological conditions or the ground water landscape and that it shall not cause environmental damage and damage to any nearby structures. In sand bearing areas where the ground water table is likely to be adversely affected and nearby structures are likely to be damaged, the Collector may denotify such areas from sale by auction. The denotified areas shall not be put to auction.

6. Fixing of Upset Price.

- After ascertaining the value of material, proposals shall be submitted by the Gram Panchayat to the District Committee through the District Panchayat Officer to notify the sand bearing areas for Public Auction for fixing upset price. Nearly 70% of the market value of material can be taken as a guideline for fixing upset price.

7. District Committee.

- The District Committee shall be responsible to deal with all the matters pertaining to the auctioning of the sand and other matters related thereto.

8. Publication of notice of auction-cum-tender etc.

- After identification of source reach and fixing of upset price, the Committee shall at least 15 days prior the date of auction, cause to publish a notice of auction-cum-tender in a leading Telugu daily

newspaper having largest circulation in the village. The notification shall contain the date, time and venue for the conduct of auction and the eligibility criteria of participants. In addition to this, the committee shall get the copies of notice also affixed on: -(i)notice board of Gram Panchayat:(ii)notice board of Mandal Parishad, Mandal Revenue office in the District including Collector, District Panchayat Officer, District Information and Public Relations Officers, of Zilla Parishad, Revenue Divisional Officer etc.

9. Issue of hall ticket.

- Every person who wish to participate in the auction shall apply in the form prescribed in the Annexure-I to the District Panchayat Officer for issue of hall ticket.

10. Eligibility to participate in the auction.

- (i) No person shall be admitted into the auction hall without the hall ticket issued by the District Panchayat Officer.(ii)Every person who produce solvency certificates equivalent to one and half time of upset price shall be admitted to participate in the auction.(iii)The Persons who are in default of any dues to Gram Panchayat or the Mines and Geology Department are ineligible to participate in the auction.(iv)In case of Boatsmen Co-operative Society who can participate in the auction in respect of areas like water tanks, ponds and from where sand is to be lifted in Boats in place of solvency certificate, a statement of annual audited statement of accounts audited by the Co-operative Department of the preceding year or in its absence, the previous preceding year is sufficient.

11. Period for conducting auction.

- The auction shall be conducted for a period of two years commencing from the 1st October to the 30th September or from the date mentioned in the confirmation order.

12. Security Deposit.

- 25% of the upset price should be fixed as security deposit in case of those participating in the auction. The same amount shall be fixed as security deposit to be paid by persons filing the tenders. This amount shall be remitted through challan to the general funds of the Zilla Parishad.

13. Notification for tender forms and procedure for postponement of auction.

(1)The notification shall disclose the dates during which tender forms can be obtained in Gram Panchayat Office and its cost and the time upto which filled in Schedule will be accepted. The Schedules can be accepted upto 2(two) hours prior to the time fixed for conduct of public auction.(2)Once the date is fixed for conduct of auction, it shall not postponed except under the order of a Court or Government.(3)If the District Committee for just and sufficient reasons, wants to postpone the date, such a decision for postponement shall be taken atleast 5 days prior to the

conduct of auction and publication of revised notification shall be made fixing the next date of auction.

14. Commencement of auction proceedings.

(a)The nominated Authority shall commence auction proceedings at the time fixed in the notification and allow only the eligible participants including tenderers to be admitted into the auction hall. During the proceedings if any person tries to disturb the proceedings the auctioning authority may expel such person to withdraw from the proceedings.(b)He shall explain salient features, relevant rules and procedure to the participants.(c)He shall announce the particulars of the areas put to auction and the minimum bid for such reaches or areas.(d)He shall announce the names of the persons who filed sealed tenders for a particulars reach.(e)He shall announce the bid offered by the participants in the bid. The bid shall start from minimum upset price.(f)When there is no further hike forthcoming from the bidders, he shall announce the opening of sealed tenders.(g)The nominated authority shall knock down the highest tenders or bid whichever is higher for a particular reach or area. In case the highest tender or bid of one or more remaining the same the knocking down for the said reach shall be decided by drawing lots immediately. The auction authority shall have the power to reject the highest tender or bid on substantial grounds to be recorded in writing at the time of auction and accept the next lower tender or bid. When once the proceedings are concluded, it shall not be reopened under any circumstances.

15. Register for the sealed tenders.

- A register for the entry of sealed tenders or applications shall be maintained by the District Panchayat Officer for each Gram Panchayat source or reach in the proforma prescribed in Annexure-II.

16. Register for knocked down amount and issue of certificate of auction.

(1)The knocked down amount shall be entered in the register separately for each reach Gram Panchayat by the District Panchayat Officer in the proforma prescribed in Annexure-III. This shall be signed by the Auctioning Authority and the highest bidder.(2)A letter along with a certificate shall be issued to the successful bidder or tenderer on the same day of auction which shall be placed before the Gram Panchayat for information.

17. Custody of records.

- The proceeds of auction shall be drafted and follow up action shall be taken and the records are kept under the custody of the District Panchayat Officer.

18. Observers of auction.

- Executive Authority of the Gram Panchayat or Sarpanch or any member nominated by the Gram Panchayat and the concerned Extension Officer or Divisional Panchayat Officer shall attend the auction as observers only.

19. Execution of Agreement.

(a) Within 5 days after the confirmation of the sale, the successful tenderer or bidder shall enter into an agreement. (b) The lessee shall pay the balance amount of 75% to Zilla Parishad General funds within one week from the date of entering into an agreement which shall be before entering into the property and before commencement of the mining operations. (c) In the event of default by the first successful tenderer or bidder in payment of 25% of the knocked down amount within the immediate next working day by way of demand draft from any Scheduled Bank and /or the remaining 75% knocked down amount within the time mentioned in the confirmation order or non-completion of the formalities of executing the agreement the competent authority may issue the confirmation order in favour of the second and subsequent highest tenderer or bidder in descending order.

20. Precautions.

- The Agreement to be entered into by the lessee shall take care of the following precautions namely:
-(a) The mining of sand shall be at a distance equal to twice the height of the bund from the toe of the bund and the depth of mining shall not touch perus starte. (b) The lessee shall use only authorised ways for the purpose of transport of sand and shall not form new ways by cutting across the bund. (c) He shall not quarry earth or silt from the tank area. (d) He shall not transfer the lease granted to him to others. (e) The sand shall not be transported for sale out-side the State. (f) The lease holder shall not carry out the quarrying within 300 metres of any existing civil structure or irrigation source. (g) The quarrying shall not be done within 50 mtrs distance of Drinking Water supply sources. (h) The minimum depth to which sand can be quarried shall be limited to 2 mtrs below the general water table.

21. Procedure for refixation of bid amount.

- If no applications are received for the issue of hall-tickets or no sealed tenders are received over and above the minimum bid amount or no bidding takes place in the auction hall over and above the minimum bid in respect of such areas, the District Committee shall re-fix the minimum bid amount with recorded reasons and take steps to dispose of the same through sealed Tender-cum-Public Auction.

22. Temporary permits.

- In the case of areas which are not leased out by sealed tender-cum-public auction, the District Committee shall make alternative arrangement for quarrying sand by issuing temporary permits

through the District Panchayat Officers for a period not exceeding

15. days by collecting proportionate Seigniorage Fee on the estimated dispatches. Such temporary permits shall be given on first come first served basis.

23. Standard way Bill Books.

(1)The standard way Bill Books shall be printed at the District Level by the District Panchayat Officer. The way bill forms shall be in triplicate containing 100 bills in each Book. This way bill forms shall be machine numbered in a serialum for each year duly giving Code numbers of Mandal and District. After the books are printed, they shall be entered in Stock Register in District Panchayat Officers Office and each Book is given a serial number. The concerned books shall be kept in the safe custody of the District Panchayat Officer. These bill books shall be supplied to Gram Panchayat after affixing facsimile signature stamp of the District Panchayat Officer. The concerned Executive Officer, Gram Panchayat or Sarpanch will issue the way bills duly recording mode of transport and vehicle number date, hour of lifting and approximate quantity in cubic feet cubic meters etc.,(2)A register of way bills issued shall also be maintained in the Gram Panchayat for each source or reach duly recording way bill number, date and approximate quantity lifted etc.

24. Maintenance of details of sand auction.

- The Zilla Parishad shall maintain the details of sand auction amount remitted to Zilla Parishad General fund in Gram Panchayat-wise.

25. Distribution of auction proceeds.

- The auction proceeds remitted to Zilla Parishad Account shall be distributed among Zilla Parishad, Mandal Parishad and Gram Panchayats @ 25%, 37.5% and 37.5% respectively by the Zilla Parishad on a quarterly basis.

26. Powers of the District Level Committee.

- The District Level Committee shall be competent to issue orders of stopping the lifting of sand, after giving due opportunity to the successful bidder if he violates any condition of auction or if s lifting the sand against the provisions of the Andhra Pradesh (Andhra Area) Rivers Conservancy Act, 1884 (Act VI of 1886).

27. Authorities competent to conduct Auction.

- The following Authorities are competent to conduct auction: -

SI.No.	Upset Value	Auctioning Authority	Confirming Authority	Appellate Authority
1.2.3.	1000-1,00,000 and above	1,00,000-5,00,000 Collector	5,00,000-10,00,000 Joint Collector R.D.O. Jt. Collector Dist. Collector	Jt. Collector, Dist. Collector Commission of Panchayat Raj & Rural Employment.

28. Sand exempted from payment of Seigniorage fee.

- The sand required for weaker sections Housing programme and other State Government schemes is exempted from payment of Seigniorage Fees on Certificate issued by the District Collector or any other Officer nominated by him.

29. Concessions.

- The reaches identified in Major rivers where the sand is lifted and carried by the means of Boats, the Registered Boatsmen Cooperative Society registered under the Andhra Pradesh Cooperative Societies Act 1964 shall be given preference by allowing 10% concession on the highest bid or tendered amount. The Concessional knocked down amount be paid by the registered Boatsman Cooperative Societies in not more than four equal quarterly instalments well before commencement of each quarter. If there are more than one Boatsman Cooperative Society participating in the Auction and claims for the same reach, local registered Boatsman Cooperative Society shall be given preference, However, if there is more than one local registered Boatsman Cooperative society, participating in the Auction and claims for the same reach, the successful bidder or tenderer shall be decided by drawing lots. Likewise if no local society participates and claims for the same reach the successful bidder or tenderer shall be declared by drawing lots among other non-local registered boatsmen co-operative societies."

30. Removal of doubts.

- In case of any doubt arises in these rules or any clarification or supplemental information the orders issued in G.O.Ms.No. 417 Industries & Commerce (Mines-I) Department dated 1-12-1998 shall be referred to.

31. Authority competent to decide on any matter.

- The District Committee referred to in G.O.Ms.No. 356, Industries & Commerce (Mines-I) Department dated 22-11-1999 shall be the authority competent to decide on any matter or problem arising during the course of implementation of these rules. Annexure-I Application for issue of Hall Ticket (See Rule 1 (i))

1. Name and Present address of the applicant (in block letters)

2. Name and Present Address of the applicant (in Block letters)

Note. - In case of partnership firm the partnership deed in case of private limited company. The Articles of Association and in Case Registered Labour Contract Co-operative Society a Certificate from the Divisional Co-operative Officer concerned should be produced for Participating in the auction.

3. Date of birth and age of the applicant (Person of 18 years below not eligible).

4. Area for which he intends to participates in the auction for submission of Sealed Tender.

5. Affidavit in the prescribed Form on a Non-medical stamped paper worth of Rs. 25/- enclosed or not.

6. No. and Date of Bank Draft/Bankers cheque obtained from any Scheduled Bank for an amount equivalent to 25% of the minimum bid.

7. Particulars of leases if any under different Mineral Concession.

8. Mineral Revenue dues clearance certificate in Form H /Affidavit enclosed or not.

9.

(a)Has he been convicted for any penal offence or any offence under M&M (R&D) Act, 1957.(b)Has he been debarred earlier in participating auctions or to obtain leases under different Mineral concessions.

10. Whether agreed to pay a sum equivalent to 25% of the knocked down amount on the immediate next working day and the remaining 75% of the amount within the prescribed time in the confirmation order.

11. Sealed tender or not

I declare that the particulars furnished above are true to the best of my knowledge. I hereby undertake that the deposit made by me may be forfeited to the Government if the information furnished above is proved to be incorrect.

Signature of the Applicant.

Place:

Date:

Affidavit I.....S/o..... R/o.....aged aboutyears do hereby solemnly affirm and state as follows:-That I have gone through the auction notice issued by the concerned M.R.O. and conditions laid down therein. I intend to obtain quarry lease through sealed Tender / Auction for the_____Mandal/Reach as per the Notification No._____dated_____. If I am the highest tenderer/bidder and if it is knocked down in my favour, I declare and agree to abide: -

- 1. To pay the sum equivalent to 25% of knocked down amount in the form of demand draft obtained from any scheduled bank on the day of auction or on the immediate next working day and to tender the same before the auctioning authority.**
- 2. To pay balance 75% of the knocked down amount and Security deposit of 2% of the knocked down amount and subject to the minimum amount of Rs. 1,000/- on before the date mentioned in confirmation orders and to execute the lease deed with the M.R.O./R.D.O. concerned in Form 'G' within a week from such payment.**
- 3. In case of default in payment of 25% of the knocked down amount within immediate next working day or the remaining 75% of the knocked down amount within the time specified in the confirmation order and to execute the lease deed within a week from such payment to abide with the condition that the result monetary loss to Government due to such default shall be born by me.**
- 4. To abide by the condition that I shall pay the knocked down amount alongwith 10% enhancement towards the second year lease amount in the Government Treasury and submit the challans to the concerned M.R.O. on or before forty-five days of the expiry of the 1st year lease period. If no such payment is received by the M.R.O. concerned, the Joint Collector shall make necessary arrangements for leasing out the quarry and forfeit the Security paid by the original lessee.**

5. In case of negligence on my part to pay the balance amount and to execute the lease deed in respect, I accept for any action taken by concerned authority to cancel the auction or terminate the lease as the case may be.

6. To abide by the additional conditions if any imposed by the authority competent to do so and

7. To abide by the decision of the Government of Andhra Pradesh in case of any doubt as to the application or interpretation of the versions of any of the conditions or provisions of Panchayat Act and the Rules made thereunder.

8. I declare that I hold/do not hold any licence or lease under any of the Mineral Concession Rules and not in debt to the Department of Mines & Geology.

Sworn and signed before Me on.....day of

Notary

Deponent

Attested

Tender Form

- | | |
|--|---|
| 1. Name in Block letters | : |
| 2. Father's Name | : |
| 3. Present Address | : |
| 4. Permanent Address | : |
| 5. Occupation | : |
| 6. Details of Reach / Mandal as per Notification | : |
| 7. Offered amount | : |
| (a) in figures | : |
| (b) in words | : |

I hereby declare that I am aware of the particulars furnished in regard to the Reach/ Mandal in the Notification in response to which I am submitting the tender. I further, declare that I am also fully aware of all the rules in regard to grant of quarry leases for Sand.

I hereby undertake to abide by the provisions of Andhra Pradesh Panchayat Raj Rules.

Signature
(Name in
Block letters)

- Note - 1. This tender is to be submitted in a sealed cover in person or by Regd. Post Ack due or through his Power of Attorney holder and acknowledgement contained.
2. Application with the enclosure as required under condition (2) under Annexure to Form-A should accompany the Sealed Cover.
3. The Mandal Revenue Officer shall not be responsible for the loss in the Post transit or the delay in receipt of the Sealed Cover.

Annexure-II (See Rule 15)

Sl.No	Name and address of the applicant	Date of receipt of the applicant	25% of the Minimum bid amount deposited
(1)	(2)	(3)	(4)

Name and date of D.O.	Name of the Bank	Other documents	Remarks
(5)	(6)	(7)	(8)

Annexure - III (See Rule 16) Separate Knock Down Amount Register The knock down amount should be entered in the register separately for each Reach/ Mandal. The following shall be recorded and the same shall be signed by the highest bidder/ Tenderer. The following shall be recorded and the same shall be signed by the highest bidder/ Tenderer. The auction is knocked down in favour of M/s. Srifor Rsbeing the highest bidder /Tender, subject to the condition that he should pay 25% of the knocked down amount within immediate next working day by way of Demand Draft from any Schedule Bank in Andhra Pradesh and the remaining 75% knocked down amount within the time mentioned in the confirmation order, and execute lease deed in Form-G, within 7 (seven) days from the date of such remittance.

Signature of the District Panchayat Officer.

Signature of the highest Bidder /Tenderer.