

<b>REPLY TO PRE BID QUERIES</b>		
<b>MINING LEASE FOR CEMENT GRADE LIME STONE</b>		
<b>OF</b>		
<b>Block 4GI-aNear village Tadas-Bairas, Tehsil – Khimsar, District – Nagaur (Raj.)</b>		
<b>Document No.: MSTC/JPR/Directorate of Mines and Geology Rajasthan, Udaipur/13/Udaipur/ 17-18/14136</b>		
<b>Sl. No.</b>	<b>Bidders Queries</b>	<b>Reply</b>
<b>1</b>	<p>Schedule-V: Information Memorandum, 15 (e) The block comprises 180.797 Million Tonnes Geological resources of limestone with average grade of CaO48.54%, SiO23.77% and MgO3.57%.</p> <p>1. The total mineral resources (Geological reserves) have been mentioned 2. Going through different Core logs, it has been observed that percentage of core recovery has not taken into account (as per our calculation Core recovery comes out to be 47% only). 1. It should have been Mineable Reserves given so as to confirm the size and life of the plant as well as mine. 3. Mineable reserves to be given based on Core recovery and Quantity of Waste and inter burden / overburden tonnage to be given so that Economic factor can be determined.</p> <p>Schedule V: Information Memorandum 2 (f) Cadastral details of the area with land use :- Govt. Land (Abadi) – 61.38Hects. Private Land– 163.73Hects. Talab Catchment -- 84.69Hects. Charagah -- 92.93 Hects. Forest -- 101.17 Hects. DPAP BhedVikas -- 101.17 Hects. Nadi (Talab) -- 5.43 Hects. Total – 610.50 Hects.</p> <p>As per the land type, major portion of the auction block falls under different constraints where mining is not possible and their Safety distance has to be left. It is also mentioned that Private land (Khatadari) -163.73 Hects, Charagah land – 92.93 Hects., Forest land – 101.17 Hects., DPAP BhedVikas – 101.17 Hects.No where in the tender document, it has been mentioned that Government will help in getting the Consent of the land owner and land under Charagah, DPAP BhedVikas&amp; Forest to do the mining operation by the successful bidder which is an essential clause for obtaining the Environment Clearance. This may cause for the delays which are beyond the jurisdiction of successful bidder.</p>	<p>The geological resources has been calculated considering 100% core recovery. The core recovery may be less due to mechanical reasons within the department drilling machines. In adjoining areas, core recovery is more than 90% when the drilling was outsourced.</p> <p>Poor core recovery cannot tantamount to reduction in quantity of mineral resources.</p> <p>Resources are calculated as per The Minerals (Evidence of Mineral Contents) Rules, 2015. Tonnage of overburden has not calculated.</p> <p>NOC of Charagah, diversion of forest and consent from private land owner etc. is to be obtained by Bidder only.</p> <p>Further, while bidding the bidder has to take into consideration all the facts and circumstances with his own assessment and wisdom after ground level verification of the block.</p>
<b>2</b>	<p>Summary of the Mineral Block Part B – Particulars of Statutory Licenses, Permits, Permissions, Concessions, Approvals and Consents Related to Mining Operations</p> <p>Licenses , Permits, Permissions , Concessions, Approvals and Consents Related to mining operations.</p> <p>Out of 15 different Statutory Licenses , Permits, Permissions , Concessions, Approvals and Consents, 12 Nos. are to be obtained by the successful bidder and the time limit given is only 180 days which normally requires a minimum period of 24 to 30 months (730 – 912 days)</p> <p>Time period should be increased.</p>	<p>For obtaining clearances, 180 days time is not prescribed. Lease is to be executed within 3 years from the date of issuance of LOI.</p>
<b>3</b>	<p>Schedule IV : Format of MDPA (Mine Development and Production Agree+B9ement)</p> <p>Content 8 – Minimum Production Requirement</p> <p>1. A minimum production requirement is to be achieved every year where as the Cement Business solely depends upon the market requirement which is govern by the Government policies being declared annually and a huge penalty is imposed for not achieving the same.</p> <p>1. It is requested that as there are lot of other reasons beyond the reach of successful bidder affecting the overall market scenario. This clause should be deleted and a minimum plant capacity to be put up can be incorporated.</p>	<p>Tender Condition Prevails</p>

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4	<p>Clause 1.8- The issue of this Tender Document does not imply that the State Government is bound to select a Bidder or to appoint the Preferred Bidder as Successful Bidder for the mineral block and the State Government reserves the right to reject all or any of the Bidders or bids without assigning any reason whatsoever</p> <p>The issue of this Tender Document does not imply that the State Government is bound to select a Bidder or to appoint the Preferred Bidder as Successful Bidder for the mineral block and the State Government reserves the right to reject all or any of the Bidders or bids without assigning any reason whatsoever</p> <p>Provided that if the bidder is a Preferred Bidder/ Successful Bidder, he shall be given an opportunity of being heard in case of rejection of his bid.</p> <p>In case of rejection of Bid, the payments/ instalments made till that time as per the provisions of the Tender Document by Preferred Bidder/ Successful Bidder may be appropriated. Also, the bidder might have invested substantial time in getting the necessary clearances and approvals. Thus, the clause is a substantial financial risk for the bidder.</p> <p>For these reasons, the Preferred Bidder/ Successful should be provided the opportunity to be heard prior to rejection of his bid. Such amendment is also in public interest as State Government may not have to go through the bidding process again.</p>	In case of rejection of bid of the preferred bidder, opportunity of hearing shall be provided to him.
5	<p>Clause 5(f): The bidder shall not acquire area more than 50 sq.km under mining lease including the area of this block. Whether DMG, Government of Rajasthan will seek 6(1)(b) relaxation before/ after announcement of preferred bidder whose mining lease area exceeds 50 sq. km with this block?</p> <p>State Government may seek 75 sq. km general relaxation for limestone under under Section 6(1) (b) of MMDR Act, 1957 from Central Government so that at the time of final bidding there is no uncertainty.</p>	No further relaxation will be obtained by the State Govt.
6	<p>Clause 12 – Timetable- Tender Document</p> <p>This provision of the Tender Document is contrary to the provision made in the Model Draft of the Tender Document by the Central Government and also preamble of Schedule IV (MDPA)</p> <p>According to clause 10.2 of the Tender Document the Preferred Bidder is considered a Successful bidder upon-</p> <ul style="list-style-type: none"> <li>• Continuing to be in compliance with the terms and conditions of eligibility</li> <li>• Payment of second instalment of Upfront Payment</li> <li>• Furnishing Performance Guarantee</li> <li>• Submitting mining plan as per Section 5 of the Act</li> </ul> <p>Nowhere does this clause includes obtaining clearances as a pre-condition to being considered as a successful bidder.</p> <p>And, according to clause 10.3 of the Tender Document the Successful Bidder and Sate Government shall enter into the MDPA on obtaining all consents and clearances etc</p> <p>But according to the timetable provided under Clause 12, the acknowledgement of the Successful bidder is dependent on the date of submission of necessary clearances.</p> <p>It is contemplated in the Auction Rules, 2015 and also in the Model Tender draft of the Central Government that only a successful bidder shall apply for various approvals. Also, it has to be considered that unless a person has lawful rights (or acknowledgement from the State Government of being a successful bidder), he will not be able to successfully get permissions and approvals from various regulatory authorities</p> <p>Thus, to avoid confusion this clarification seems necessary</p>	<p>Bidder shall be able to obtain necessary permission / approvals on the basis of letter of intent</p> <p>Page 23 Point no. 2 of table given in tender document will be deleted (corrigendum will be issued)</p>

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7	<p>14.6.1 (e) acknowledged and agreed that inadequacy, lack of completeness or incorrectness of information provided in the Tender Document or ignorance of any of the matters related to the e-auction process hereinabove shall not be a basis for any claim for compensation, damages, extension of time for performance of its obligations, loss of profits etc. from the State Government, or a ground for termination of the MDPA by the Successful Bidder; and</p> <p>14.6.2 The State Government shall not be liable for any omission, mistake or error in respect of any of the information provided or on account of any matter or thing arising out of or concerning or relating to the Tender Document or the tender process, including any error or mistake therein or in any information or data given by the State Government.</p> <p>What if the error is on part of the Government? It seems that any mistake/ error on the part of the Government will not make them liable and the burden of a loss caused by the same will have to be borne by the bidder.</p>	Tender Condition Prevails
8	<p>14.11.1 Notwithstanding anything contained in this Tender Document, the State Government reserves the right to reject any bid and/or to annul the tender process and reject all bids at any time without any liability or any obligation for such acceptance, rejection or annulment, and without assigning any reasons thereof.</p> <p>Will the State Government give an opportunity to the successful bidder to be heard or not? No right of being heard is available at present in case of rejection.</p>	Tender Condition Prevails
9	<p>MDPA Schedule F to the MDPA- Warranties Clause 3 (e) - there are no actions, suits, proceedings or investigations pending or to the Successful Bidder's knowledge threatened against it at law or in equity before any court or before any other judicial, quasi-judicial or other authority, the outcome of which may constitute an event of default hereunder; Clause 3 (f) -has neither violated or defaulted nor has knowledge of any violation or default with respect to any order, writ, injunction or any decree of any court or any legally binding order of any Governmental Authority;</p> <p>The two mentioned clauses have wide implication on the business and hence it should be amended restricting the obligation mentioned thereunder upto the affairs of agreement only. The successful bidder is giving hereunder two types of representations and warranties under Schedule F of warranties. It includes authoritative warranty and general warranty. General warranty covers very wide scope and in specific the clause 3 (e) &amp; (f) gives wide implication and Obligation under this clause should be limited to the terms of agreement only.</p>	Tender Condition Prevails
10	<p>Geological Report Core Recovery within Bore Holes drilled is reported to be low.</p> <p>What impact of core recovery has been considered on assessment of resources and its quality? Core recovery forms the most important component of drilling campaign. Poor core recovery leads to a big mismatch in predicted and extracted quality and reserves.</p>	Please refer to question no. 1 of this tender document
11	<p>Geological Report The entire area is mineralized. No non mineral bearing area has been demarcated for developing mine related infrastructure. Is there any proposal to provide additional land for development of mine infrastructure? How the non-mineralized land for cement plant setup would be allocated? Development of mine infrastructure and cement plant on mineral bearing land will result in blockage of mineral.</p>	Since no end use is specified, bidder can set required facility as deemed fit.

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12	<p>Clause 8.1- “The conduct of mining operations at the Lease Area shall be subject to the milestones listed in SCHEDULE E with respect to production (the “Production requirement”) and the minimum annual production to be achieved every year.”</p> <p>Is the bidder having flexibility to define mine plan capacity?</p> <p>This will enable the bidder to plan its mining and associated plant capacity.</p>	<p>Mine Plan yearly production capacity can be as per will of the bidder which is subjected to the approval by the competent authority.</p>
13	<p>Information Memorandum</p> <p>Point 12 c Quality of Assay Data and Laboratory Tests. Cross check analysis of at-least 10% samples is required</p> <p>There is no information on the number of samples cross checked.</p>	<p>The results of cross check samples were not found different from the original sample analysis reports. Therefore, they have not been reported seperately in the GR</p>
14	<p>Information Memorandum</p> <p>General</p> <p>Will the Government ensure that the Government land is encroachment free and hand over the land to the successful bidder after removal of encroachments, if any?</p>	<p>The Government shall extend suitable help for removal of encroachment ( if existing).</p> <p>Further, while bidding the bidder has to take into consideration all the facts and circumstances with his own assessment and wisdom after ground level verification of the block.</p>
15	<p>Tender Document</p> <p>General</p> <p>How will the Government support in expediting purchase of private land?</p>	<p>The onus for getting consent/purchase of the private land is on the investor.</p> <p>The department will provide support to the extent possible</p> <p>Further, while bidding the bidder has to take into consideration all the facts and circumstances with his own assessment and wisdom after ground level verification of the block.</p>
16	<p>Geological Report</p> <p>Summary of Mineral Block: Bore Hole spacing is 400 m x 400 m and the exploration has been categorized as G2.</p> <p>Whether Indian Bureau of Mines will approve the Mining Plan based on this exploration?</p>	<p>Yes</p>
17	<p>General</p> <p>Ground Water</p> <p>Since the area is under Critical Zone from the perspective of drawl of ground water, how Government will support for making water available to industry?</p> <p>What are the likely sources, quantity available and distance from the source?</p> <p>Water being the necessary requirement for industry hence dedicated water source would be required.</p>	<p>The government will ensure water supply; but all the associated costs will need to be borne by the investors</p>
18	<p>General</p> <p>Infrastructure</p> <p>Whether Government will help in building/ providing infrastructure to the successful bidder?</p> <p>The area is poor in terms of infrastructure viz: rail, road, power and water.</p>	<p>Government provides and increases the infrastructure facilities as per its policies.</p>
19	<p>SCHEDULE V- INFORMATION MEMORANDUM</p> <p>General Information on the Mineral Block</p> <p>Hydrography: Seasonal nallas falls in the area mainly trending NE-SW</p> <p>What permissions in this regard might be required to be taken by the preferred bidder. The same needs clarification</p> <p>The company needs to consider the said fact in light of the Rajasthan High Court judgment in the case of Abdul Rahman v. State of Rajasthan. In the said judgement the Court had taken into cognizance the condition of water scarcity in the State and had ordered the State Government to issue directions w.r.to constructions obstructing flow of water in catchment areas.</p>	<p>Mining is not permitted in catchment area and catchment area has been clarified by the hon'ble high court as the area in which the water actually flows.</p>

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20	<p>SCHEDULE V- INFORMATION MEMORANDUM General Information on the Mineral Block</p> <p>SCHEDULE V- INFORMATION MEMORANDUM General Information on the Mineral Block</p> <p>Small portion of Mining lease area is recorded as NADI Talab. Whether it will be allowed for mining, if not whether resources are excluded. How much safety distances we need to leave from Nadi, Talab. 0.37 ha of ML area is part of Nadi, Talab. Environment Authority while granting EC may impose restriction on mining near the naditalab.</p>	Mining is to be done as per condition / restriction mentioned in EC.
21	<p>SCHEDULE V- INFORMATION MEMORANDUM General Information on the Mineral Block</p> <p>Historical Sites:Khinvsar Fort which is about 8 -10 km from block are famous historical sites. Impact on this fort may be ascertain due to blasting activities. High Court in the past has banned blasting activities and grant of mining lease with in 10 Sq Km of Chhittiorgarh fort.</p>	Presently there is no court order prohibiting mining within 10 Km of Khinvsar
22	<p>SCHEDULE V- INFORMATION MEMORANDUM General Information on the Mineral Block</p> <p>F) Forest Land 101.17 HA What is type of forest and whether Department have taken in principal consent from MoEF whether this forest land would be diverted for mining.  Also whether govt will support in identifying alternative afforestation land. This will bring clarity with respect to mineable area and available reserves</p>	No principle consent from MOEF has not been obtained by the State Govt. it is to be obtained by the Lessee.
23	<p>SCHEDULE V- INFORMATION MEMORANDUM General Information on the Mineral Block</p> <p>F) Talab Catchment 84.69 HA Whether it will be allowed for mining, if not whether resources are excluded. How much safety distances we need to leave from this This will bring clarity with respect to mineable area and available reserves</p>	Mining is not permitted in the catchment area, which is the area from which water actually flows. The resources in this block has been assessed excluding resources falling in GERMUMKIN ANGHOR, ABADI, NADI and illegal mining activities.
24	<p>SCHEDULE V- INFORMATION MEMORANDUM General Information on the Mineral Block</p> <p>F) DPAP Bhed Vikas- 101.17 HA Whether it will be allowed for mining. What is procedure for same.  if not whether resources are excluded. How much safety distances we need to leave from this This will bring clarity with respect to mineable area and available reserves</p>	Mining in khasra's falling under BHEDVIKAS can be done after obtaining NOC from the concerned department.