

**Explanation:** for the purpose of these rules, a person shall be deemed to be an Indian national:-

- (a) in case of a firm registered under Indian Partnership Act, 1932 or Limited Liability Partnership Act, 2008 or other association of individuals, only if all the members of the firm or members of the associations are citizens of India; and
- (b) in case of an individual, only if he/she is a citizen of India.
- (iii) in the Schedule Area without obtaining prior recommendation of the Panchayati Raj Institutions at appropriate level as prescribed under the Rajasthan Panchayati Raj (Modification of Provisions in Their Application to the Schedule Areas) Act, 1999 (Act No. 16 of 1999);
- (iv) in respect of lands notified by the Government as reserved for use for the Government or local authorities for any public or special purposes without obtaining prior permission from the concerned competent authority:  
Provided that where leases have already been granted in said reserved areas, no prior permission shall be required for grant of gap area.
- (v) to a person against whom or any member of his/her family or to a partnership firm or a private limited company against whom or any partner of the firm or any director of the private limited company or limited liability company as the case may be, or any member of his/her family or against a firm of which he/she or any member of his/her family is or was a partner, the dues of the department are outstanding:  
Provided that where an injunction order has been issued by a court of law or any other competent authority staying the recovery of any such dues, the non-payment thereof shall not be treated as disqualification for the purpose of grant.

(2) No mining lease or quarry licence shall be granted unless an approved mining plan or simplified mining scheme, as the case may be, is submitted by the applicant.

(3) No mining lease shall be granted in the existing quarry licence area and vice versa.

(4) The existing rent cum royalty leases which are in operation on the date of commencement of these rules and still not converted into quarry licence, shall be deemed to have been converted into quarry licence and size of such quarry licence shall remain unchanged.

**12. Prerequisites for e-auction of mineral concession.-** The Government shall, prior to issuance of the notice inviting bid with respect to mineral concession auction, identify and demarcate the area where a mineral concession is proposed to be granted through auction using global positioning system or differential global positioning system and the area so demarcated shall be classified into forests land, land owned by the Government and private persons \*":."

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\* substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 6-7-2017

\*[Provided that in case of mineral bajri (river sand) identification and demarcation of the area †[may be done by using global positioning system or differential global positioning system or khasra-wise]

‡[Provided further that in case of §[khatedari land having an area more than four hectare, the khatedar] desirous of mineral concession may apply online on departmental website alongwith superimposed khasra naksha, jamabandi, latitude and longitude in WGS 84 Datum of all the corner pillars of applied area. On receipt of online application, Mining Engineer or Assistant Mining Engineer concerned shall, within thirty days, send online proposal for e-auctioning of area to centralized bidding cell at Directorate].

**13. Bidding parameters for e-auction.-** (1) An e-auction for mineral concession shall be conducted for determination of premium amount:

Provided that where area under auction contains land owned by private persons, collectively known as “\*\*[khatedar]”, the mineral concession shall be granted with right of first refusal to such ††[khatedar] as association of persons.

‡‡[(2) For determination of premium amount, the reserve price for mining lease or quarry licence shall be an amount equal to five times of the annual dead rent or licence fee of area under auction respectively or as may be determined by the Government, from time to time.]

§§[(3) The bidders shall quote, as per the bidding parameter, for the purpose of payment to the State Government, an amount equal to or more than the reserve price as mentioned in rule 14 and the premium amount so quoted shall not be adjusted against annual dead rent or licence fee, as the case may be. The successful bidder shall pay the premium amount in four installments in following manner:-

(i) first installment, forty percent of the premium amount, within fifteen days of completion of e-auction;

(ii) second installment, twenty percent of the premium amount, before execution of mining lease deed or issuance of quarry licence, as the case may be;

(iii) third installment, twenty percent of the premium amount, at the beginning of second year of lease/licence period; and

(iv) remaining twenty percent of the premium amount, at the beginning of third year of lease/licence period]

\*\*\*[(4) Notwithstanding anything contained in these rules, in case of any auction conducted or being conducted or any mining lease or quarry licence granted pursuant to notice inviting

\* Inserted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 6-7-2017

† substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

\* Added vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

§ substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 25-6-2018

\*\* substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 25-6-2018

†† substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 25-6-2018

‡‡ substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

§§ substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

\*\*\* substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018



bid published before commencement of the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2018, the premium amount quoted by the successful bidder shall stand revised proportionately at the time of the enhancement of the dead rent, royalty or annual licence fee, as the case may be and the successful bidder or lessee or licensee, as the case may be, shall be liable to pay such enhanced premium.]

\*[(5) Notwithstanding anything contained in these rules, in case of any auction conducted or being conducted or any mining lease granted pursuant to notice inviting bid published before commencement of the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2018, where subsequent to grant of mining lease, one or more new minerals are discovered, the successful bidder shall also pay the percentage so quoted in respect of each such mineral.; and]

†[(6) In case of mineral bajri, the State Government may specify the maximum sale price at pit mouth of the lease and the successful bidder shall deliver or sale the bajri on such specified price.]

**14. Electronic auction and bidding process of mineral concession.-** (1) The Government may utilize any online electronic platform which meets the minimum technical and security requirements as specified in the guidelines for compliance to quality requirements of e-procurement systems issued by the Standardization Testing and Quality Certification Directorate, Department of Information Technology, Ministry of Communications and Information Technology, Government of India. For this purpose Government may appoint any agency as service provider for conducting e-auction.

(2) Mining Engineer or Assistant Mining Engineer concerned shall provide the details of mineral blocks to be auctioned along with particulars of area classified into forests land, land owned by the Government and private persons, terms and conditions to the Directorate, Department of Mines and Geology, Udaipur for conducting e-auction.

(3) A centralized bidding cell at Directorate shall publish notice inviting bid for e-auction in two daily news papers, at least one of which is state level having circulation of fifty thousand copies and above and other having wide publicity in the area where lease or licence is being granted. The notice inviting bid shall also be compulsorily displayed on the notice boards of the Directorate and office of the Mining Engineer or Assistant Mining Engineer concerned. The notice inviting bid shall be published at least <sup>9</sup>[fifteen] days before the date fixed for submission of the bid and shall upload particulars, terms and conditions on the web portal of the department and agency appointed by the Government. The period of <sup>9</sup>[fifteen] days shall be counted from the publication of the notice inviting bid on the departmental website or on the website of the agency appointed for auction, whichever earlier. The registered bidders shall also be intimated by the authorized agency through e-mail.

(4) Notice inviting bid shall contain brief particulars regarding the area under auction, including,-

- (i) particulars of area classified into forests land, land owned by the Government and private persons; and
- (ii) if area under auction contains land owned by the private persons, specifying the condition of right of first refusal to such <sup>\*</sup>[khatedar].

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<sup>\*</sup> substituted vide notification dated F.14(9)/Mines/Gr.II/2015-Pt.II 14-3-2018

<sup>†</sup> added vide notification dated F.14(9)/Mines/Gr.II/2015-Pt.II 14-3-2018



(5) Intending bidders shall get registered with the agency appointed for auction as prospective bidder for participating in e-auction. The registration shall always open for all prospective bidders to get registered with the e-auction service provider and shall be one time. After registration, prospective bidder shall be eligible for participating in e-auction conducted by the department for grant of mineral concession and contracts.

(6) Bidders shall carefully read guidelines mentioned in rule 15 before submitting bids.

(7) The Government, its employees and advisers make no representation or warranty and shall have no liability to any person, including any bidder under any law, statute, rules or regulations or tort, principles of restitution or unjust enrichment or otherwise for any loss, damages, cost or expenses which may arise from or be incurred or suffered on account of any information or data or arising in any way from participation in the auction process.

<sup>†</sup>[(8) The ascending forward online electronic auction shall be held in the following manner, namely:-

(i) The prospective bidders shall deposit bid security as per rule 18 and a non-refundable application fee of rupees seven thousand five hundred as per time and date mentioned in notice inviting bid to the agency authorized for conducting e-auction through RTGS/NEFT/NET-BANKING:

Provided that the prospective bidder may deposit a lumpsum amount in advance and from such amount, application fee and bid security of the plot for which he intends to bid, shall be deducted. The bidder may participate in as many auctions as per deposited amount.;

(ii) The prospective bidders shall submit their price offer on the electronic platform exclusive of all taxes and duties, which shall not be less than the reserve price. The bidder will have the sole responsibility to make payment of all the applicable taxes and duties to the authorities concerned directly and produce the proof of the same to the department:

Provided that the price offer may be revised till the conclusion of the e-auction as per notice inviting bid.;

(iii) The date, time and period of e-auction shall be as per the schedule mentioned in notice inviting bid. However the closing time of e-auction shall be automatically extended in the event a bid is received during the last eight minutes before the scheduled closing time of electronic auction. The closing time of electronic auction will be automatically extended by eight minutes from the last received bid time to give equal opportunity to all other qualified bidders. This process of auto extension will continue till the last highest bid remains unimproved for a period of eight minutes;

(iv) The successful bidder shall be decided by the system solely on the basis of highest bid submitted by the bidders. No negotiation shall be conducted with any bidder;

(v) On close of e-auction, the highest bidder shall be declared as successful bidder and thereafter bid sheet indicating the name of the successful bidder and bid price etc. shall be made available by the agency through e-mail within twenty four hours. The bid sheet may be downloaded through Management Information System (MIS) reports;

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\* substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 25-6-2018

<sup>†</sup> substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

(vi) If area auctioned contains \* [khatedrai land, upon conclusion of e-auction, the Mining Engineer or Assistant Mining Engineer concerned shall issue a notice, within seven days to the khatedar] seeking written confirmation of their willingness to exercise the right of first refusal;

(vii) The notice given under clause (vi) shall be acknowledged by the † [khatedar] and who shall, within a period of thirty days of receipt of notice, exercise the right of first refusal in writing to the Mining Engineer or Assistant Mining Engineer concerned, failing which it shall be construed that the † [khatedar] is not desirous of exercising the right of first refusal;

(viii) If the § [khatedar] exercises the right of first refusal, matches the highest offer price and deposits all other applicable payments, the landowner shall be deemed to be the successful bidder and shall be entitled to a mining lease in the manner provided in these rules. In such case, bid security paid by the highest bidder shall be refunded:

Provided that where \*\* [khatedar] do not exercise the right of first refusal, the highest bidder shall be declared as successful bidder; and

(ix) On deposition of performance security by the successful bidder, bid security of the successful bidder shall be refunded by the agency appointed for auction within seventy two hours.]

(9) Bid submitted by the bidders shall be valid for ninety days. A bid valid for shorter period may be considered as non responsive. Prior to the expiry of the period of validity of bids, the Director, in exceptional circumstances, may request the bidders to extend the bid validity period for an additional specified period of time. A bidder may refuse the request and such refusal shall be treated as withdrawal of bid but in such circumstances bid security deposited shall not be forfeited.

††[(10) After declaration of successful bidder, the successful bidder shall submit the following documents alongwith first installment being forty percent of offered premium amount to the Mining Engineer or Assistant Mining Engineer concerned within fifteen days of completion of e-auction:-

(i) Affidavit regarding no-dues of the department;

(ii) A no-dues certificate from the Mining Engineer or Assistant Mining Engineer concerned where the bidder holds or had held mineral concession or royalty collection contract or excess royalty collection contract:

Provided that affidavit and no-dues certificate in case of firm, company or association of persons have to be submitted by all the partners, directors or persons, as the case may be.

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†† substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018



- (iii) Memorandum of Association and Articles of Association, incorporation in case bidder is a company or partnership deed and firm registration certificate in case bidder is a firm, as the case may be;
- (iv) Power of attorney in format as specified in Form 4 or resolution of board of directors in favour of person submitting bid in case of a firm or company, as the case may be;
- (v) A copy of PAN card or TIN;
- (vi) A copy of address proof; and
- (vii) E-mail address and mobile number.]

(11) If successful bidder fails to \* [comply the provisions of] sub-rule (10), bid security deposited shall be forfeited and shall be de-barred for five years in participating in further e-auction. In such case, a counter offer shall be given to the second highest bidder (H2), third highest bidder (H3) etc. in serial order to match the highest bid submitted by the successful bidder. In this process, no negotiation shall be done.

(12) Bid security of the un-successful bidders shall be refunded by the agency appointed for auction, to the bidders concerned after deposition of first installment of premium amount by the successful bidder.

†[(13) The Director after recording reasons in writing may debar the bidder for participating in e-auction due to any of the following reasons, namely:-

- (i) where the successful bidder does not deposit installment/s of offered premium amount, security deposit, performance security, dead rent or annual licence fee of the mineral concession or fails to execute mining lease;
- (ii) where the bidder is found to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice during the auction process, or after the grant or execution of the mineral concession and there are sufficient reasons to believe that the bidder or his employee has been guilty of malpractices such as bribery, corruption, fraud, vitiating fair auction process;
- (iii) where the bidder or his partner or his representative is found guilty of misbehaviour with any officer or official of the Government connected with the mineral concession directly or indirectly; and
- (iv) where the bidder or his partner or his representative has been convicted by a court of law for offence involving moral turpitude arising out of the auction of mineral concession.; and

(14) The Director after debarring the bidder may blacklist the bidder for participating in future auctions for a period of five years after giving him a fifteen day's notice.]

**15. Guidelines for submitting any bid on e-auction platform.-** (1) A Bidder shall be required to possess a valid Digital Signature Certificate of signing type to be able to submit its bid and to participate in the electronic auction on e-auction platform. For this

\* substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

† added vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

purpose, bidders or its authorized signatory shall be required to procure Digital Signature Certificate as per the procedure given on the website [www.eproc.rajasthan.gov.in](http://www.eproc.rajasthan.gov.in). The Digital Signature Certificate will be used to digitally sign the bids.

(2) The bidder and its authorized representative shall be responsible to maintain the secrecy of the password for the Digital Signature Certificate. The bidder and its contact person shall be solely responsible for any misuse of the Digital Signature Certificate and no complaint or representation in this regard shall be entertained at any stage by e-auction service provider or the Government.

(3) A bidder shall register itself with the e-auction website of e-auction service provider to submit bids for the mining lease, quarry licence, royalty collection contract or excess royalty collection contract, as the case may be, with the e-auction website of e-auction service provider. The registration shall always open for all prospective bidders to get registered with the e-auction service provider and shall be one time. After registration, prospective bidder shall be eligible for participating in e-auction conducted by the department for grant of mineral concession and contracts. Bidder shall fill an online registration form and create its "user id" and "password" and keep note of the same. Bidder should ensure that the secrecy of its user id and password is maintained at all times and bidder alone shall be responsible for any misuse of its user id and password.

(4) On successful submission of the online registration form, bidder shall receive a confirmation email at the registered email address advising the bidder to submit various documents for verification and activation of its account. Once the complete set of aforementioned documents is received from the bidder, the e-auction service provider shall activate such bidder's login after verification or scrutiny of the documents. On completion of the above stated registration process, a bidder shall be able to log in to e-auction service provider's website. After activation of login, bidder will be issued a "Photo Identity Card" by e-auction service provider bearing the photograph and signature of the contact person. The Photo Identity Card shall be duly authenticated by e-auction service provider.

(5) \* [deleted].

(6) † [deleted].

(7) During e-auction process, the qualified bidder will be able to submit its ‡ [Price Offer] as many times as it wishes against the same mining lease, quarry licence, royalty collection contract, or excess royalty collection contract. The qualified bidder shall remain anonymous to other qualified bidders participating in the electronic auction process as well as to e-auction service provider or Government. The qualified bidder will be able to see the prevailing highest § [Price Offer] against the mining lease, quarry licence, royalty collection contract or excess royalty collection contract, but the name of the highest qualified bidder at any point of time shall not be displayed. The qualified bidder shall

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\* deleted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

† deleted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

‡ substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

§ substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018



have to put its <sup>\*</sup>[Price Offer] over and above the displayed highest bid by a minimum increment as mentioned in notice inviting bid (NIB) to become the highest qualified bidder. The electronic auction process will have a scheduled start and close time which will be displayed on screen. The qualified bidder shall be able to put its <sup>†</sup>[Price Offer] after the start of bid time and till the close time of electronic auction. The current server time (IST) will also be displayed on the screen. In the event a <sup>‡</sup>[Price Offer] is received during the last eight minutes before the scheduled close time of electronic auction, the close time of electronic auction will be automatically extended by eight minutes from the last received bid time to give equal opportunity to all other qualified bidders. This process of auto extension will continue till no <sup>§</sup>[Price Offer] is received during a period of eight minutes.

Explanation: For example, assuming that the initial scheduled close time for a particular electronic auction is 1:00 pm and a Final Price Offer is received at 12:55 pm, the scheduled close time shall be extended to 1:03 pm. Again if a Final Price Offer is received at 1:01 pm, the scheduled close time shall be extended to 1:09 pm and so on. In the event that no further Final Price Offer is received till 1:09 pm, the electronic auction will close at 1:09 pm. The

extended close time will be displayed on screen and the qualified bidders are advised to keep refreshing its webpage to get the latest information.

(8) During the process of electronic auction, the bidder shall be required to sign their bids with their respective digital signature certificate (DSC) and the use of which has been duly authorized on behalf of the bidder and which was used at the time of registration. Any digital signature certificate other than the above shall not be acceptable for bid submission by the system. Bidders in their own interest are advised to get themselves acquainted with the electronic auction process of e-auction service provider by getting their authorized representative trained beforehand through some demo electronic auction.

(9) It shall be deemed that by submitting a bid, the bidder has,-

- (i) made a complete and careful examination of rules or guidelines for e-auction and unconditionally and irrevocably accepted the terms thereof;
- (ii) reviewed all relevant information provided by the Government, as may be relevant to the bid;
- (iii) accepted the risk of inadequacy, error or mistake in the information provided by or on behalf of the Government relating to any of the matters related to the e-auction process;
- (iv) satisfied itself about all matters regarding the e-auction process for submitting an informed bid, in accordance with the rules; and
- (v) acknowledged and agreed that inadequacy, lack of completeness or incorrectness of information or ignorance of any of the matters related to the e-auction process hereinabove shall not be a basis for any claim for

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<sup>§</sup> substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018



compensation, damages, extension of time for performance of its obligations, loss of profits etc. from the Government.

(10) The 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 <sup>9</sup>[auction] process, including any error or mistake therein or in any information or data given by the Government.

(11) The Government reserves the right to verify all statements, information and documents submitted by the bidder and the bidder shall, when so required by the Government, make available all such information, evidence and documents as may be necessary for such verification. Any such verification or lack of such verification by the Government shall not relieve the bidder from its obligations or liabilities hereunder nor will it affect any rights of the Government there under.

\*[(12) The Government may, in its sole discretion, extend date of receiving application fees and bid security or bid due date by issuing an amendment that is made available to all bidders through corrigendum published on the website of department and that of agency appointed for e-auction]

(13) Notwithstanding anything contained in these rules, the Government reserves the right to reject any bid and/or to annul the <sup>†</sup>[auction] process and reject all bids at any time without any notice, without any liability or any obligation for such acceptance, rejection or annulment and without assigning any reasons thereof. In case such cancellation is pursuant to non-compliance by the relevant bidders vis-a-vis submissions of bid then the Government reserves the right to forfeit the bid security submitted by such non-compliant bidders.

(14) Without prejudice to the generality of the foregoing, the Government reserves the right to reject any following bid on any criteria specified in the rules:-

- (i) bids have not been submitted with all the information;
- (ii) bids have been submitted without bid security; or
- (iii) bids have otherwise not been submitted in accordance with the rules and guidelines.

(15) The Government, in its sole discretion and without incurring any obligation or liability, reserves the right, at any time, to-

- (i) suspend and/or cancel the <sup>†</sup>[auction] process and/or amend and/or supplement the <sup>§</sup>[auction] process or modify the dates or other terms and conditions relating thereto;
- (ii) consult with any bidder in order to receive clarification or further information;
- (iii) retain any information and/or evidence submitted to the Government by, on behalf of, and/or in relation to any bidder; and/or
- (iv) independently verify, disqualify, reject and/or accept any and all submissions or other information and/or evidence submitted by or on behalf of any bidder;

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<sup>9</sup> substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

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<sup>‡</sup> substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

<sup>§</sup> substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

(16) It shall be deemed that by submitting the bid, the bidder agrees and releases the Government, its employees, agents and advisers, irrevocably, unconditionally, fully and finally from any and all liability for claims, losses, damages, costs, expenses or liabilities in any way related to or arising from the exercise of any rights and/or performance of any obligations hereunder, pursuant hereto and/or in connection with the <sup>\*</sup>[auction] process and waives, to the fullest extent permitted by Applicable Law, any and all rights and/or claims it may have in this respect, whether actual or contingent, whether present or in future.

(17) The bidders and their respective officers, employees, agents and advisers shall observe the highest standard of ethics during the <sup>†</sup>[auction] process. Notwithstanding anything to the contrary contained herein, the Government may reject a bid, without being liable in any manner whatsoever to the bidder, if the Government determines that the bidder, has, directly or indirectly or through an agent, engaged in Corrupt Practice, Fraudulent Practice, Coercive Practice, Undesirable Practice or Restrictive Practice in the <sup>‡</sup>[auction] process. In such an event, the Government shall be entitled to forfeit and appropriate the bid security or security deposit, as the case may be, as damages, without prejudice to any other right or remedy that may be available to the Government under these rules and/or otherwise;

(18) Without prejudice to the rights of the Government under sub-rule (17) hereinabove and the rights and remedies which the Government may have under these rules, or otherwise if a bidder, is found by the Government to have directly or indirectly or through an agent, engaged or indulged in any Corrupt Practice, Fraudulent Practice, Coercive Practice, Undesirable Practice or Restrictive Practice during the <sup>§</sup>[auction] process, or after the grant of the mining lease, quarry licence, royalty collection contract, excess royalty collection contract or the execution of the same, such bidder shall not be eligible to participate in any <sup>§</sup>[auction] issued by the Government during a period of five years from the date such bidder, is found by the Government to have directly or indirectly or through an agent, engaged or indulged in any Corrupt Practice, Fraudulent Practice, Coercive Practice, Undesirable Practice or Restrictive Practices, as the case may be.

Explanation: (i) "Corrupt Practice" means,-

- (a) the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the actions of any person connected with the <sup>§</sup>[auction] process (for avoidance of doubt, offering of employment to or employing or engaging in any manner whatsoever, directly or indirectly, any official of the Government who is or has been associated in any manner, directly or indirectly, with the <sup>§</sup>[auction] process or arising therefrom, before or after the execution thereof, shall be deemed to constitute influencing the actions of a person connected with the <sup>§</sup>[auction] process); or
- (b) save and except as permitted under these rules, engaging in any manner whatsoever, whether during the <sup>§</sup>[auction] process or after the grant of the mining lease, quarry licence, royalty collection contract,

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excess royalty collection contract or the execution of the same, as the case may be;

- (ii) "Fraudulent Practice" means a misrepresentation or omission of facts or suppression of facts or disclosure of incomplete facts, in order to influence the <sup>9</sup>[auction] process;
- (iii) "Coercive Practice" means impairing or harming, or threatening to impair or harm, directly or indirectly, any person or property to influence any person's participation or action in the <sup>9</sup>[auction] process;
- (iv) "Undesirable Practice" means,-
  - (a) establishing contact with any person connected with or employed or engaged by the Government with the objective of canvassing, lobbying or in any manner influencing or attempting to influence the <sup>9</sup>[auction] process;
  - (b) having a conflict of interest; or
  - (c) violating of any Applicable Law; and
- (v) "Restrictive Practice" means forming a cartel or arriving at any understanding or arrangement among bidders with the objective of restricting or manipulating a full and fair competition in the <sup>9</sup>[auction] process.

(19) In any event of dispute arising out of process of e-auction, the courts situated at Udaipur in Rajasthan shall only have the jurisdiction.

**16. Grant of mining lease.-** (1) Mining lease shall be granted to a person who offers highest premium amount through e-auction subject to provisions of <sup>\*</sup>[clause (vi) of sub-rule (5) of rule 9 or clause (viii) of ] sub-rule (8) of rule 14.

(2) Upon receipt of the first installment of the offered premium amount, the competent authority shall issue a letter of intent to applicant or successful bidder, as the case may be, to,-

- <sup>†</sup>[(i) submit registered consent of the <sup>†</sup>[khadedar within sixty days from date of issuance of letter intent in case of khadedari land having an area more than four hectare]"; and
- (ii) furnish the performance security as specified in rule 20 and submits approved mining plan within six months after expiry of the time period specified in the letter of intent; and
- (iii) obtain and submit all consents and approvals as may be required under applicable laws within eighteen months from date of issuance of letter of intent:

Provided that the above period may be extended by the competent authority, subject to payment of late fees at the rate of ten percent of annual dead rent for delay of every month or part thereof for such extended period which shall not be later than three years from the date of issuance of letter of intent.

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<sup>\*</sup> substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

<sup>†</sup> substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

<sup>‡</sup> substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 25-6-2018

Provided further that the above period may be further extended for a period of one year by the Government subject to payment of late fees at the rate of ten percent of annual dead rent for delay of every month or part thereof.

Provided also that period of letter of intent, issued before the commencement of these rules, may be extended by the competent authority, subject to payment of late fees at the rate of ten percent of annual dead rent for delay of every month or part thereof for such extended period \* [after expiry of the time period specified in the letter of intent].

(3) The area shall be granted by the competent authority, if the applicant or successful bidder, as the case may be, complies with the conditions within the stipulated or extended period of time and applicant or successful bidder, as the case may be, shall be intimated by registered post and e-mail.

(4) The applicant or successful bidder, as the case may be, who did not comply with the conditions of letter of intent within the stipulated or extended period of time, the competent authority shall reject the bid and forfeit the application fees, premium amount and performance security deposited, after providing an opportunity of being heard by issuing notice of thirty days.

(5) The applicant or successful bidder, as the case may be, shall pay the † [second installment being twenty percent of the offered premium" shall be substituted] before execution of mining lease as per rule 21.

(6) The mining lease shall be for minerals found in the area pursuant to exploration prior to the auction:

Provided that where subsequent to the auction, any new mineral is discovered, such mineral shall be included in the mining lease ‡ [as per the provisions of clause (xv) of sub-rule (1) of rule 28].

(7) Notwithstanding anything contained in these rules, in notified scheduled areas,-

- (i) for mineral masonry stone, one third of total delineated plots shall be kept reserved for the persons belonging to domicile schedule tribe category and remaining two third plots shall be granted by way of e-auction. For reserved plots, the centralized bidding cell at Directorate shall issue notice for inviting applications in two daily news papers, at least one of which is state level and other having wide publicity in the area where lease is being granted. The notice shall be published at least thirty days before the intended date of inviting applications and shall contained the date or the period within which applications shall be received. The notice shall also be uploaded on the departmental website:

Provided that where two or more applications are received for the same plot, the allotment shall be made by the way of e-auction among the applicants; and

\* substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

† substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

‡ substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018



- (ii) for mineral bajri (river sand), priority shall be given to the registered society of domicile schedule tribe. The centralized bidding cell at Directorate shall issue notice for inviting applications in two daily news papers, at least one of which is state level and other having wide publicity in the area where lease is being granted. The notice shall be published at least thirty days before the intended date of inviting applications and shall contained the date or the period within which applications shall be received. The notice shall also be uploaded on the departmental website:

Provided that where two or more applications are received from the societies for the same plot, the allotment shall be made by the way of e-auction among the applicant societies.

Provided further that where no application is received from registered society of domicile schedule tribe, e-auction shall be conducted among other applicants.

- (8) In existing major mineral leases where mining of minor mineral can be done independently, the leases of minor mineral shall be granted with prior approval of the Director by way of e-auction subject to condition that after allotment of lease, the lessee of such minor mineral shall not cause any hindrance in the working of major mineral lessee.

**17. Grant of quarry licence.-** (1) Quarry licence shall be granted to a person who offers highest premium amount through e-auction subject to provisions of \* [clause (vi) of sub-rule (5) of rule 10 or clause (viii) of] sub-rule (8) of rule 14.

- (2) Upon receipt of the first installment of the offered premium amount, the Mining Engineer or Assistant Mining Engineer concerned shall issue a letter of intent to applicant or successful bidder, as the case may be, to,-

- † [(i) submit registered consent of the ‡ [khadedar within sixty days from date of issuance of letter intent in case of khadedari land having an area more than four hectare; and]
- (ii) furnishes the performance security as specified in rule 20 and submits approved mining plan or simplified mining scheme within six months from date of issuance of letter of intent;
- (iii) obtain and submit all consents and approvals as may be required under applicable laws within eighteen months from date of issuance of letter of intent:

Provided that the above period may be extended by the Mining Engineer or Assistant Mining Engineer concerned, subject to payment of late fees at the rate of ten percent of annual licence fee for delay of every month or part thereof for such extended period which shall not be later than three years from the date of issuance of letter of intent.

Provided further that the above period may be further extended for a period of one year by the Government subject to payment of late fees at the

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\* substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

† substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 14-3-2018

‡ substituted vide notification dated F.14(9)Mines/Gr.II/2015-Pt.II 25-6-2018