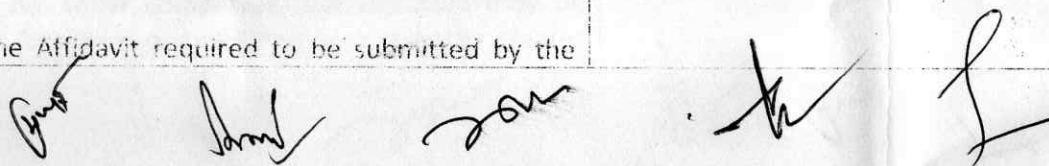


REPLY TO PRE BID QUERIES
MINING LEASE FOR CEMENT GRADE LIME STONE
OF
4GI-a Block n/v Tadas-Bairas Tehsil & District Nagaur
Tender No.: MSTC/JPR/Directorate of Mines and Geology Rajasthan, Udaipur/31/Udaipur/21-22/25187

| Sl. No. | Bidders Queries | Reply |
|---------|---|--|
| 1 | <p>Tender Document</p> <p>Summary of Mineral Block - 4GIa, Part C particulars of land ; Charagah : 123.04 Ha, Angore land : 75.41 Ha, DPAP Bhedvikas : 60.47 Ha, Nadi : 5.49 Ha, Bala : 7.44</p> <p>Wheather mining activity allowed in Charagah, Angore, DPAP Bhedvikas, Nadi & Bala areas</p> <p>It would be helpful to take up well informed assesment of the deposit for the Bidder</p> | <p>Mining is to be done as per condition / restriction mentioned in EC.</p> <p>A total geological resources has been assessed including resources of GOCHAR LAND, DPAP land, Forest land and excluding resource falling in GER MUMKIN ANGHOR, ABADI, NADI & ILLEGAL MINING ACTIVITIES.</p> <p>Mining in charagah land will be allowed as per Govt. notification dated 31-05-2017.</p> <p>Mining in khasra's falling under BHEDVIKAS can be done after obtaining NOC from the concerned department.</p> |
| 2 | <p>Tender Document</p> <p>Format of Affidavit Part E(3) of Schedule I page 51 (3)</p> <p>To be submitted by preferred bidder on or before the due date of first installment of upfront payment. It should be submitted by all Directors if bidder is a company and by all partners if bidder is a firm individually in a given format.</p> <p>Clause 1.1 Page :5 of Tender docuemnt This Tender Document has been issued pursuant to notification of an area with the intent to carry out e-auction for grant of a mining lease for mineral specified herein, pursuant to the Act and the rules made there under. All information provided in this Tender Document should be read together with the Act and the rules made there under. In the event of a conflict between this Tender Document and the Act or the rules, the Act or the rules, as the case may be, shall prevail.</p> <p>As per our understanding, the Affidavit required to be submitted by the</p> | <p>The Clause 8B(d), 15.6(g) and Schedule-I(E)(3) is being deleted</p> <p>A Corrigendum shall be issued in this regard.</p> |




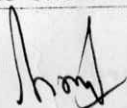
Preferred Bidder as per Part E(3) of Schedule I of Tender document is in conflict with the Section 6(3) of MMDR ACT 1957.

The bidder must comply with Section 6 of Mines and Minerals (Development and Regulation) Act, 1957; The Bidder should provide Particulars of the mineral concession (mining lease, composite licence, reconnaissance permit or prospecting licence) held by the Bidder for the purpose of Section 6

Section 6 (3) of MMDR ACT 1957 states as follows:

"For the purposes of determining the total area referred to in sub-section (1), the area held under a mineral concession by a person as a member of a cooperative society, company or other corporation or a Hindu undivided family or a partner of a firm, shall be deducted from the area referred to in sub-section (1) so that the sum total of the area held by such person, under a mineral concession, whether as such member or partner, or individually, may not, in any case, exceed the total area specified in sub-section(1)."

The provisions of Sec.6(3) of the MMDR states that for the purposes of determining the total area referred to in sub-section (1), the area held under a RP/PL/ML by a person as a member of co-operative society, company, or other corporation or Hindu Undivided Family or a partner of a firm.... A close reading of the above provision makes it very clear that the word 'member' is used in the context of a "Co-operative Society" and not with respect to a "Company". The requirement of holding of RP/PL/ML by a person who is a member of the company is not required as a public listed company may have lacs of shareholders, who are also members (part owners) of the company, and it is practically not possible to get an affidavit from all of them and not it is the intent of the law. Further, the Tender document mandates a requirement of an Affidavit from every director. There is no such requirement under Section 6 of the MMDR Act. The Affidavit should be asked from the Company and the Authorised Signatory of the Company can provide the Affidavit. There is no rationale for asking it from all the Directors and for some companies, the directors may be situated outside India and it becomes onerous and unnecessarily creates



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| | <p>difficulties in complying with the requirements. Further, the above quoted section of MMDR Act clearly states that the area held under mineral concession by a company i.e. Bidder (bidding company) should only be considered for calculation of area as per Section 6. Further, the tender documents for mineral auction in other states of India like Karnataka and Maharashtra do not have any such condition. If the intent of the MMDR Act were to, indeed, include directors of a company within the ambit of Section 6(3), these states would not have violated such a requirement by not requiring a Bidder to procure declarations or affidavits from its directors. Hence, it is proposed that in case of a "company", instead of individual Affidavits from the directors, a single Affidavit from the company (executed by the Authorised Signatory) shall suffice.</p> | |
| 3 | <p>Tender Document Clause 8.B.(g) The Bidder shall pay any other expense as the State Government decides to recover from him as per Act, Rules, Notifications issued by Central/State Government, as the case may be within time limit specified by Central/State Government.</p> <p>Exact expenses to be paid and time line for payment should be provided.</p> | Tender condition prevails. |
| 4 | <p>Tender Document Page 26 Section 14.1.1(k)..... Page 38 Schedule I A(k) In case if an applicant is a subsidiary of another company incorporated in India, then the holding company has to submit an undertaking stating that the applicant will continue to be subsidiary of holding company until such time, the applicant meets the minimum required net worth threshold.</p> <p>The applicant may be a subsidiary company of another company in incorporated in India but if it satisfies the minimum network threshold on a standalone basis without needing to consider the network of holding company does it need to submit the undertaking as per Schedule I A(k)</p> <p>Undertaking not required if the subsidiary company meets minimum network criterion</p> | Undertaking is not required if the subsidiary company meets minimum network criterion |

