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विशेषांक

RAJASTHAN GAZETTE
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राज्य सरकार तथा अन्य राज्य प्राधिकारियों द्वारा जारी किये गये
कानूनी आदेश तथा अधिसूचनाएं।

**MINES (GR.II) DEPARTMENT
NOTIFICATION**

Jaipur, March 14, 2018

S.O.315.-In exercise of the powers conferred by section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957), the State Government hereby makes the following rules further to amend the Rajasthan Minor Mineral Concession Rules, 2017, namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2018.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of rule 7.- The existing second proviso to sub-rule (3) of rule 7 of the Rajasthan Minor Mineral Concession Rules, 2017, hereinafter referred to as the said rules shall be substituted by the following, namely:-

"Provided further that reserve price for such area shall be ten times of annual dead rent. The premium amount offered in e-auction shall be paid in advance and shall not be adjusted against dead rent or royalty."

3. Amendment of rule 8.- The existing second proviso to sub-rule (3) of rule 8 of the said rules shall be substituted by the following, namely:-

"Provided further that reserve price for such area shall be ten times of annual licence fee. The premium amount offered in e-auction shall be paid in advance and shall not be adjusted against annual licence fee."

4. Amendment of rule 9.- In rule 9 of the said rules,-

- (i) in proviso to sub-rule (1), for the existing expression "(river sand)", the expression "except in paleo-channel sand deposit of Bikaner district" shall be substituted;
- (ii) in proviso to sub-rule (5)-
 - (a) the existing clause (ii) shall be deleted;
 - (b) in clause (iii), the existing expression "and shall also specify his willingness or non-willingness specified pursuant to clause (ii), if any" shall be deleted;
 - (c) in clause (iv), the existing expression "the second round of", wherever occurring, shall be deleted; and
 - (d) in clause (vi), the existing expression "the second round of" shall be deleted.

5. Amendment of rule 10.- In proviso to sub-rule (5) of rule 10 of the said rules,-

- (i) the existing clause (ii) shall be deleted;
- (ii) in clause (iii), the existing expression "and shall also specify his willingness or non-willingness specified pursuant to clause (ii) to this sub-rule, if any" shall be deleted;
- (iii) in clause (iv), the existing expression "the second round of", wherever occurring, shall be deleted; and
- (iv) in clause (vi), the existing expression "the second round of" shall be deleted.

6. Amendment of rule 12.- In rule 12 of the said rules,-

- (i) in proviso, for the existing expression "shall be done khasra-wise", the expression "may be done by using global positioning system or differential global positioning system or khasra-wise" shall be substituted; and
- (ii) after the proviso so amended, following new proviso shall be added, namely,-

"Provided further that in case of private land, the landowner 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."

7. Amendment of rule 13.- In rule 13 of the said rules,-

(i) the existing sub-rule (2) shall be substituted by the following, namely:-

"(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."

(ii) the existing sub-rule (3) shall be substituted by the following, namely:-

"(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.";
- (iii) the existing sub-rule (4) shall be substituted by the following, namely:-

"(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 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.";

- (iv) the existing sub-rule (5) shall be substituted by the following, namely:-

"(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

- (v) after the sub-rule (5), so substituted, the following new sub-rule (6) shall be added, namely:-

"(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."

8. Amendment of rule 14.- In rule 14 of the said rules,-

(i) in sub-rule (3), for the existing expression "thirty days", wherever occurring, the expression "fifteen days" shall be substituted.

(ii) the existing sub-rule (8) shall be substituted by the following sub-rule (8), namely:-

"(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;

- (vi) If area auctioned contains private land, upon conclusion of e-auction, the Mining Engineer or Assistant Mining Engineer concerned shall issue a notice, within seven days, to the landowner 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 landowner 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 landowner is not desirous of exercising the right of first refusal;
- (viii) If the landowner 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 landowners 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.";
- (iii) the existing sub-rule (10) shall be substituted by the following, namely:-

(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.

(iii) Memorandum of Association and Articles of Association, certificate of 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."

(iv) In sub-rule (11), for the existing expression "deposit the first instalment mentioned in", the expression "comply the provisions of" shall be substituted.

(v) after the existing sub-rule (12), following new sub-rule (13) and (14) shall be added, namely:-

"(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 deposits 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."

9. Amendment of rule 15.- In rule 15 of the said rules,-

- (i) the existing sub-rule (5) shall be deleted.;
- (ii) the existing sub-rule (6) shall be deleted.;
- (iii) in sub-rule (7), for the existing expression "Final Price Offer", wherever occurring, the expression "Price Offer" shall be substituted.;
- (iv) in sub-rule (10), for the existing expression "tender", the expression "auction" shall be substituted.;
- (v) the existing sub-rule (12) shall be substituted by the following sub-rule (12), namely:-

"(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.";

- (vi) in sub-rule (13), for the existing expression "tender", the expression "auction" shall be substituted.;
- (vii) in sub-rule (15), for the existing expression "tender", wherever occurring, the expression "auction" shall be substituted.;
- (viii) in sub-rule (16), for the existing expression "tender", the expression "auction" shall be substituted.;
- (ix) in sub-rule (17), for the existing expression "tender", wherever occurring, the expression "auction" shall be substituted.;
- (x) in sub-rule (18), for the existing expression "tender process", wherever occurring the expression "auction process" shall be substituted.

10. Amendment of rule 16.- In rule 16 of the said rules,-

- (i) in sub-rule (1), for the existing expression "sub-clause (h) of clause (ii)", the expression "clause (vi) of sub-rule (5) of rule 9 or clause (viii) of" shall be substituted.;

(ii) in sub-rule (2),-

(a) the existing clause (i) shall be substituted by the following, namely:-

"(i) submit registered consent of the landowner within sixty days from date of issuance of letter of intent in case of private land;" and

(b) in third proviso, for the existing expression, "from the date of issuance of letter of intent", the expression "after expiry of the time period specified in the letter of intent" shall be substituted.;

(iii) in sub-rule (5), for the existing expression "third installment being fifty percent of the minimum guaranteed premium", the expression "second installment being twenty percent of the offered premium" shall be substituted.;

(iv) in proviso to sub-rule (6), for the existing expression "subject to payment of premium amount as mentioned in sub-rule (5) of rule 13", the expression "as per the provisions of clause (xv) of sub-rule (1) of rule 28." shall be substituted.

11. Amendment of rule 17.- In rule 17 of the said rules,-

(i) in sub-rule (1), for the existing expression "sub-clause (h) of clause (ii), the expression "clause (vi) of sub-rule (5) of rule 10 or clause (viii) of" shall be substituted.;

(ii) in sub-rule (2),-

(a) the existing clause (i) shall be substituted by the following, namely:-

"(i) submit registered consent of the landowner within sixty days from date of issuance of letter of intent in case of private land;" and

(b) in third proviso, for the existing expression, "from the date of issuance of letter of intent", the expression "after expiry of the time period specified in the letter of intent" shall be substituted.;

- (iii) in sub-rule (3), for the existing expression "third installment being fifty percent", the expression "second installment being twenty percent" shall be substituted.

12. Amendment of rule 18.- In clause (i) of sub-rule (2) of rule 18 of the said rules, for the existing expression "the annual dead rent", the expression "two times of annual dead rent or rupees one lac, whichever is more" shall be substituted.

13. Amendment of rule 21.- In rule 21 of the said rules,-

- (i) in sub-rule (1), for the existing expression "balance minimum guaranteed premium", the expression "second installment being twenty percent of the offered premium" shall be substituted; and
- (ii) in sub-rule (5), for the existing expression "minimum guaranteed premium", the expression "offered premium" shall be substituted.

14. Amendment of rule 28.- In rule 28 of the said rules,-

- (i) In clause (xv) of sub-rule (1),-

(a) in first proviso, for the existing expression "through auction", the expression "through auction and lease or licence granted in pursuance to notice inviting bid published after commencement of the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2018" shall be substituted; and

- (b) the existing second proviso shall be substituted by the following, namely:-

"Provided further that in case of mining lease granted pursuant to notice inviting bid published before commencement of the Rajasthan Minor Mineral Concession (Second Amendment) Rules, 2018, the newly discovered mineral shall be included subject to payment of

premium amount as mentioned in sub-rule (5) of rule 13."; and

(ii) after the existing clause (xi) and before the existing clause (xii) of sub-rule (2), following new clause (xi-a) shall be inserted, namely:-

(xi-a) In larger public interest, the State Government may specify the maximum sale price of mineral bajri at pit mouth of the lease and the lessee shall deliver or sale the mineral on such specified price."

15. Amendment of rule 37.- In rule 37 of the said rules,-

(i) in sub-rule (4),-

(a) for the existing punctuation mark ".", appearing at the end, the punctuation mark ":" shall be substituted; and

(b) following new proviso shall be added, namely:-

"Provided that intending bidder not registered with the department may participate in e-auction subject to condition that he shall submit departmental registration certificate within fifteen days from the date of e-auction to the Mining Engineer or Assistant Mining Engineer concerned.";

(ii) the existing sub-rule (7) shall be substituted by the following sub-rule (7), namely:-

"(7) The ascending forward online electronic auction shall be held in following manner, namely:-

(i) The prospective bidders shall deposit bid security as per rule 39, 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, bid security of the contract 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; and
- (vi) 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."; and
- (iii) after sub-rule (7), so amended and before the existing sub-rule (8), following new sub-rule (7A) shall be inserted, namely:-
“(7A) After declaration of successful bidder, the successful bidder shall submit the following documents to the Mining Engineer or Assistant Mining Engineer concerned within fifteen days of completion of e-auction:-
- (i) A copy of contractor's registration with the department;
 - (ii) Affidavit regarding no-dues of the department;
 - (iii) 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.

- (iv) Memorandum of Association and Articles of Association, certificate of 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;
- (v) 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;
- (vi) A copy of PAN card or TIN;
- (vii) A copy of address proof, and
- (viii) E-mail address and mobile number."

16. Amendment of rule 51.- In sub-rule (10) of rule 51 of the said rules, for the existing expression "sub-rule (9)", the expression "sub-rule (9) or may obtain separate royalty paid rawanna from existing leases as per sub-rule (10) of rule 44" shall be substituted.

17. Amendment of rule 52.- In clause (i) of sub-rule (1) of rule 52 of the said rules, for the existing expression "payment of special permit fee to be computed at the rate of rupees ten per ton or as may be revised from time to time which shall be in addition of the", the expression "advance payment of" shall be substituted.

18. Insertion of new rule 68A.- After the existing rule 68 and before the existing rule 69 of the said rules, following new rule 68A shall be inserted, namely:-

"68A. Bajri mining guidelines.- For mining of mineral bajri, the State Government may issue guidelines, from time to time. The guidelines so issued shall not be inconsistent with the provisions of these rules."

19. Amendment of rule 74.- In clause (ix) of sub-rule (2) of rule 74 of the said rules, for the existing expression "anicut in government works except construction of national highway, state highway, railway tracks and dams", the expression "anicut, canal, dams in government works except construction of national highway, state highway and railway tracks" shall be substituted.

20. Amendment of Schedule II.- In proviso to serial number 5 of Part-A of the Schedule II appended to the said rules, for the existing expression "marble slurry", the expression "marble khanda of kumari pathar range in Borawad area of Makarana used as masonry stone and marble slurry" shall be substituted.

21. Amendment of Schedule III.- In column 3, against serial number 6 of Part-A of the Schedule III appended to the said rules, for the existing expression "3.00", the expression "6.00" shall be substituted.

22. Deletion of FORM-3.- The existing FORM-3 appended to the said rules shall be deleted.

23. Amendment of FORM 4.- In FORM 4 appended to the said rules,-

- (i) for the existing expression "[See rule 14(8)(i)(a)(VII)]", the expression "[See rule 14(10)(iv) and 37(7A)(v)]" shall be substituted.; and
- (ii) for the existing expression "[Name of the Mineral Block/Contract] mineral block/contract ("Mineral Block/Contract") in response to the notice inviting bid, dated [date]", the expression "e-auction of mining lease/quarry licence/royalty collection contract/excess royalty collection contract in response to the notice inviting bid" shall be substituted.

[No. F.14(9)Mines/Gr.II/2015-Pt.-II]

By Order of the Governor,

Lalit Kumar,

Jt. Secretary to the Government.

Government Central Press, Jaipur.