



**Government of West Bengal**  
**Office of the District Land & Land Reforms Officer**  
**Murshidabad**

Memo. No. 6143 /X-34/C/17

Dated, Berhampore, the 11<sup>th</sup> July, 2017

**Notice inviting e-Auction for grant of Mining Lease of Sand**

Notices are hereby invited for e-Auction from bona fide individuals, firms and companies for grant of mining lease of sand (minor minerals) only through online mode of bidding in the Government e-Auction System (<http://eauction.gov.in>) for 27 (twenty seven) nos. Sand Blocks situated in District- Murshidabad and Block- Bharatpur-I, Burwan, Kandi, M-J, Raghu-II & Khargram in the riverbed of Mayurakshi, Bhairav, Bhagirathi / Padma & Brahmani river as per provisions of the West Bengal Minor Minerals (Concession) Rules, 2016 and West Bengal Minor Minerals (Auction) Rules, 2016, whose land schedules and maps are annexed with this notice. The terms and conditions are given in the Bid document annexed with this notice and also in the Government e-Auction System Portal. It is also available at the offices of the:

- 1) District Magistrate & Collector, Murshidabad.
- 2) District Land & Land Reforms Office, Murshidabad.
- 3) Sub-Divisional Land & Land Reforms Office (all), Murshidabad.
- 4) Block Land & Land Reforms Office (all), Murshidabad

Intending bidders must have Digital Signature Certificate for e-submission of their bids online through e- Procurement Portal & to participate in the competitive bidding online. Relevant papers / documents (listed below) should be submitted in any working day between 11 a.m. to 4 p.m. on and from 12/07/2017 to 18/07/2017 at the sealed tender box kept in the Office of the Additional District Magistrate (LR) & District Land & Land Reforms Officer, Murshidabad.

- a) Self attested photocopy of PAN Card.
- b) Self attested photocopy of Voter Identity Card (For individual).
- c) Self attested photocopy of the partnership deed / trade license / firm registration documents / documents in support of identity of the proprietors (For firm).
- d) Self attested photocopy of Income Tax Return for the last 03 (three) years.
- e) Self attested Income Tax Clearance Certificate from Income Tax Officer.
- f) Self attested documents relating to financial qualification (solvency) of the bidder.

Earnest Money to be deposited in the manner as provided in the Bid Document.

The schedule of sand blocks along with maps as provided may be examined by the intending bidders and they may physically inspect the fields in order to get acquainted with the present situation. The intending bidders may seek necessary assistance from the concerned B.L & L.R.O for inspection of the sand bearing blocks.

**Sd/-**  
**District Magistrate**  
**Murshidabad**

## Annexure-11

1	2	3	4	5	6	7	8	9	10	11	12	14	15	16
Sl no	District	Block	Mouza	JL No.	River	Code	Plot no.	Area (in Ha)	Latitude	Longitude	Mineable Reserve (cum / annum)	Reserve Price (in Rs.)	Earnest money (in Rs.)	Solvency Amount (in Rs.)
1	Murshidabad	Kandi	Bhabanandapur	100	Mayurakshi	BHABANANDAPUR 02	478 (P)	1.10	23°56'5.12"N	88°6'37.70"E	26400	110000	11000	44000
2	Murshidabad	Kandi	Lakkhikantapur	96	Mayurakshi	LAKKHIKANTAPUR 01	1852 / 1994 (P)	0.89	23°57'29.95"N	88°5'36.23"E	21360	89000	8900	35600
3	Murshidabad	Kandi	Lakkhikantapur	96	Mayurakshi	LAKKHIKANTAPUR 02	1852 / 1994 (P)	0.81	23°57'41.24"N	88°5'44.09"E	19440	81000	8100	32400
4	Murshidabad	Kandi	Lakkhikantapur	96	Mayurakshi	LAKKHIKANTAPUR 03	1840 / 1995 (P)	0.65	23°57'45.58"N	88°5'55.31"E	15600	65000	6500	26000
5	Murshidabad	M-J	Hulaspur	100	Bhairav	HULASPUR 01	928 (P)	0.73	24°11'38.25"N	88°23'56.05"E	17520	73000	7300	29200
6	Murshidabad	Bharatpur-I	Bharatpur	68	Mayurakshi & Tributaries	BHARATPUR 01	1 (P)	3.00	23°53'51.88"N	88°3'54.39"E	72000	300000	30000	120000
7	Murshidabad	Bharatpur-I	Bharatpur	68	Mayurakshi & Tributaries	BHARATPUR 02	1 (P) & 8111 (P)	3.00	23°53'40.23"N	88°3'38.32"E	72000	300000	30000	120000
8	Murshidabad	Bharatpur-I	Bharatpur	68	Mayurakshi & Tributaries	BHARATPUR 03	10496 (P)	3.00	23°53'25.26"N	88°3'43.43"E	72000	300000	30000	120000
9	Murshidabad	Burwan	Sundarpur	153	Mayurakshi	BUR 10	95 (P)	1.54	23°52'40.158"N	87°56'49.353"E	36908	154000	15400	61600
10	Murshidabad	Burwan	Sundarpur	153	Mayurakshi	BUR 11	95 (P), 1688 (P)	2.39	23°52'43.448"N	87°56'57.748"E	57305	239000	23900	95600
11	Murshidabad	Burwan	Sundarpur	153	Mayurakshi	BUR 12	1688(P)	2.15	23°52'47.285"N	87°57'5.012"E	51574	215000	21500	86000
12	Murshidabad	Burwan	Sundarpur	153	Mayurakshi	BUR 13	1688(P)	2.36	23°52'44.236"N	87°57'8.096"E	56625	236000	23600	94400
13	Murshidabad	Burwan	Maliandi	151	Mayurakshi	BUR 14	65 (P), 1250 (P)	1.44	23°52'50.462"N	87°57'25.451"E	34674	145000	14500	58000
14	Murshidabad	Burwan	Maliandi	151	Mayurakshi	BUR 15	65 (P), 1251 (P)	1.72	23°52'54.471"N	87°57'41.692"E	41182	172000	17200	68800
15	Murshidabad	Burwan	Maliandi	151	Mayurakshi	BUR 16	121 (P)	1.05	23°53'3.208"N	87°57'54.85"E	25156	105000	10500	42000

1	2	3	4	5	6	7	8	9	10	11	12	14	15	16
Sl no	District	Block	Mouza	JL No.	River	Code	Plot no.	Area (in Ha)	Latitude	Longitude	Mineable Reserve (cum / annum)	Reserve Price (in Rs.)	Earnest money (in Rs.)	Solvency Amount (in Rs.)
16	Murshidabad	Burwan	Maliandi	151	Mayurakshi	BUR 17	121 (P)	0.70	23°53'6.601"N	87°58'0.195"E	16900	71000	7100	28400
17	Murshidabad	Burwan	Panchthupi	149	Mayurakshi	BUR 18	1107 (P)	2.90	23°52'49.844"N	87°58'57.037"E	69543	289000	28900	115600
18	Murshidabad	Burwan	Panchthupi	149	Mayurakshi	BUR 19	914 (P)	3.72	23°52'46.357"N	87°59'28.311"E	89162	371000	37100	148400
19	Murshidabad	Burwan	Panchthupi	149	Mayurakshi	BUR 20	914 (P)	1.97	23°52'52.782"N	87°59'46.686"E	47204	197000	19700	78800
20	Murshidabad	Burwan	Panchthupi	149	Mayurakshi	BUR 21	914 (P)	1.20	23°52'57.022"N	88°0'21.892"E	28749	120000	12000	48000
21	Murshidabad	Raghu-II	Giria	35	Bhagirathi / Padma	RAG 1	4477 (P)	0.14	24°30'27.51"N	88°05'18.92"E	3399	15000	1500	6000
22	Murshidabad	Raghu-II	Sekendra	14	Bhagirathi / Padma	RAG 2	3679 (P)	2.65	24°30'23.23"N	88°05'12.93"E	63521	264000	26400	105600
23	Murshidabad	Raghu-II	Sekendra	14	Bhagirathi / Padma	RAG 3	3679 (P)	2.55	24°30'23.39"N	88°05'19.88"E	61287	255000	25500	102000
24	Murshidabad	Khargram	Jadavpur	12	Brahmani	KHA 5	19 (P)	0.21	24°10'56.777"N	87°59'1.757"E	5051	21000	2100	8400
25	Murshidabad	Khargram	Jadavpur	12	Brahmani	KHA 6	19 (P)	0.21	24°10'47.467"N	87°59'14.696"E	4953	21000	2100	8400
26	Murshidabad	Khargram	Jadavpur	12	Brahmani	KHA 7	19 (P)	0.31	24°11'4.879"N	87°59'19.954"E	7479	32000	3200	12800
27	Murshidabad	Khargram	Jadavpur	12	Brahmani	KHA 8	19 (P)	0.51	24°10'45.189"N	87°59'30.605"E	12335	52000	5200	20800
								<b>42.90</b>						

Sd/-  
Additional District Magistrate (LR)  
&  
District Land & Land Reforms Officer  
Murshidabad

**BID DOCUMENT FOR MINOR MINERALS**  
**GOVERNMENT OF WEST BENGAL / DISTRICT COMMITTEE OF**  
**MURSHIDABAD**

This Bid Document is non-transferable.

The copy of this Bid Document is available on the website <[https://www.murshidabad.gov.in /  
www.dllromsd.org](https://www.murshidabad.gov.in / www.dllromsd.org)>

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## **1. Important Information**

- 1.1.** The Bid Document has been issued pursuant to notification of an area with the intent to carry out e-Auction through competitive bidding for grant of a [mining lease / prospecting license-cum-mining lease] for mineral specified herein below, pursuant to the Act and the rules made there under. All information provided in this Bid Document should be read together with the Act and the rules made there under. In the event of a conflict between this Bid Document and the Act or the rules, the Act or the rules, as the case may be, shall prevail.
- 1.2.** The information contained in this Bid Document or subsequently provided to Bidders(s), whether verbally or in documentary or any other form by or on behalf of the State Government or any of its employees or advisors, is provided to Bidder(s) on the terms and conditions set out in this Bid Document.
- 1.3.** This Bid Document is neither an agreement nor an offer by the State Government / District Committee to the prospective Bidders or any other person. The purpose of this Bid Document is to provide interested parties with information that may be useful to them in making their bids pursuant to this Bid Document. This Bid Document includes statements which reflect various assumptions and assessments arrived at by the State Government / District Committee in relation to the mineral block. Such assumptions, assessments and statements do not purport to contain all the information that each Bidder may require. The assumptions, assessments, statements and information contained in the Bid Document may not be adequate, accurate and complete in all respect. Each Bidder should, therefore, conduct its own investigations and analysis and should check the accuracy, adequacy, correctness, reliability and completeness of the assumptions, assessments, statements and information contained in this Bid Document and obtain independent advice from appropriate sources.
- 1.4.** Information provided in this Bid Document to the Bidder(s) has been collated from several sources some of which may depend upon interpretation of Applicable Law. The information given is not intended to be an exhaustive account of statutory requirements and should not be regarded as exhaustive and complete in all respect. The State Government / District Committee accepts no responsibility for the accuracy or otherwise for any statement / data contained in this Bid Document.

- 1.5. The State Government / District Committee, its employees and advisors 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 expense which may arise from or be incurred or suffered on account of anything contained in this Bid Document or otherwise, including the accuracy, adequacy, correctness, completeness or reliability of the Bid Document and any assessment, assumption, statement or information contained therein or deemed to form part of this Bid Document or arising in any way from participation in this Bid process.
- 1.6. The State Government / District Committee may in its absolute discretion, but without being under any obligation to do so, update, amend or supplement the information, assessment or assumptions contained in this Bid Document.
- 1.7. The issue of this Bid Document does not imply that the State Government is bound to select a Bidder as Successful Bidder for the mineral block and the State Government / District Committee reserves the right to reject all or any of the Bidders or bids without assigning any reason whatsoever.
- 1.8. Each Bidder shall bear all its costs associated with or relating to the preparation and submission of its bid including but not limited to preparation, complying, postage, delivery fees, expenses associated with any demonstrations or presentations which may be required by the State Government / District Committee or any other costs incurred in connection with or relating to its bid.
- 1.9. This Bid Document is not transferable.

## **2. Definitions**

The words and expressions used herein but not defined herein shall have the same meaning as assigned to them in the Act or the rules made there under. The following definitions apply to this Bid Document, unless the context otherwise requires:

- 2.1. **“Act”** means the Mines and Minerals (Development and Regulation) Act, 1957 (as amended).
- 2.2. **“Applicable Law”** shall mean all applicable statutes, laws, by-laws, rules, regulations, orders, ordinances, protocols, codes, guidelines, policies, notices, directions, judgements, decrees or other requirements or official directive of any Governmental Authority or court or other law, rule or regulation approval from the relevant Governmental Authority, Government resolution, directive, or other Government restriction or any similar form of decision of, or determination by, or any interpretation or adjudication having the force of law in India.

- 2.3. “Auction Rules”** mean the West Bengal Minor Mineral (Auction) Rules, 2016.
- 2.4. “Bidder”** means a person who has purchased / downloaded this Bid Document and intends to participate in the e-Auction process of minor minerals.
- 2.5. “Concession Area”** means particulars of the area as more particularly described in Form A of West Bengal Minor Minerals (Auction) Rules, 2016 (henceforth mentioned as Auction Rules).
- 2.6. “Performance Security”** means a bank guarantee as provided in rule 11 of the West Bengal Minor Minerals (Auction) Rules (henceforth mentions as Auction Rules).
- 2.7. “State Government”** means Government of West Bengal.
- 2.8. “Bid Document”** means this Bid Document with addends, if any, to this Bid Document.
- 2.9. “District Committee”** means the District Committee for competitive bidding of minor minerals to be constituted by the State Government, by a notification, for the purpose of rule 6, rule 8 and rule 9 of West Bengal Minor Minerals (Auction) Rules, 2016 [Rule 2(d) of West Bengal Minor Minerals (Auction) Rules, 2016].

Note: Words and expressions used and not defined in this Bid Document but defined in the Act and rules made there under shall have the same meanings as respectively assigned to them in the Act of rules made there under.

### **3. Introduction**

- 3.1.** In exercise of powers conferred by the section 15 of the Act, the State Government has notified the West Bengal Minor Mineral (Auction) Rules, 2016. The Bidders are encouraged to acquaint themselves with the Act and the rules made there under.
- 3.2.** This Bid Document is being issued by the State Government / District Committee, for e-Auction through competitive bidding for grant of a [mining lease / composite license] over the Concession Area.
- 3.3.** The e-Auction would be conducted in accordance with Act, the Auction Rules, any other order or notification issued by the State Government / District Committee pursuant to the Act and this Bid Document.

### **4. The Concession Area**

The information regarding the Concession Area is available in Form A as provided with e-Auction notice.



## **5. Eligibility**

- (a) Eligibility of bidders for minor minerals shall be as prescribed in rule 4 of West Bengal Minor Mineral Concession Rules, 2016 and rule 6 of Auction Rules.
- (b) (i) In terms of rule 6 (2) of West Bengal Minor Minerals (Auction) Rules, 2016 the District Committee fixed the solvency amount for participation in the on line bidding is 40% of the reserve price for the sand block to be auctioned.
- (ii) The State Government / District Committee reserve the right to allow / reject the bid of the Successful Bidders with respect to any sand block. If found any discrepancy in due course then the bidding process / bidder would be summarily cancelled at any stage.
- (iii) The Successful Bidders should submit an affidavit in support of his ascertainment of the location / size / capacity / geographical condition and legal aspect of the auctioned sand block before submission of the bidding amount.
- (iv) The Successful Bidders should submit an affidavit in support of their compliance to all the terms and conditions finalized by the DEIAA and DEAC (as prescribed by the Ministry of Environment, Forest and Climatic Change).
- (c) The eligibility conditions shall be used only for the purposes of determination of eligibility for participating in the e-Auction. The Successful Bidder shall be decided solely on the basis of Bid Amount as submitted by the eligible Bidders.

## **6. Review period and site visit**

- 6.1.** Pursuant to sub-rule (3) of Rule 9 of the West Bengal Minor Minerals (Auction) Rules, 2016, the Bidders shall be provided a fixed period of 7 (seven) days to study the Bid Document and the bidding process shall commence only after such period 7 (seven) days.
- 6.2.** Such period of 7 days would commence on 12/07/2017 from 11.00 a.m and would end on 18/07/2017 at 4 p.m.
- 6.3.** During such period the Bidders may undertake the site visit to Concession Area at their own cost and risk to ascertain for themselves the site conditions, location, communication, climate, availability of power, and any other matter considered relevant by them.
- 6.4.** The site visit to the Concession Area shall be conducted with prior notice to the State Government / District Committee through the following URL [[www.murshidabad.gov.in](http://www.murshidabad.gov.in) / [www.dllromsd.org](http://www.dllromsd.org)].

## **7. Bidding Process**

Pursuant to Rule 9 of the West Bengal Minor Minerals (Auction) Rules, 2016, the e-Auction shall be an ascending forward online electronic auction. The manner of conduction of e-Auction has been prescribed in rule 9 of the West Bengal Minor Minerals (Auction) Rules, 2016.

## **8. Reserve Price**

The Reserve Price is 75% of the value of mineral despatch, as prescribed by the District Committee, in terms of rule 8 of the West Bengal Minor Minerals (Auction) Rules, 2016, details of which is available in the official website of the District & also with the additional documents in the NIC portal.

## **9. Declaration of Successful Bidder and grant of mining lease**

Pursuant to Rule 9 of the West Bengal Minor Minerals (Auction) Rules, 2016, the mining lease shall be granted to the Successful Bidder in the following manner:

### **9.1. Issuance of letter of intent:**

In terms of Rule 10 of the West Bengal Minor Minerals (Auction) Rules, 2016, a Grant Order / Letter of Intent (LoI) shall be issued by the State Government / District Committee to the Successful Bidder upon payment of one third (1/3) of the bid amount within 15 (fifteen) days after being so declared.

### **9.2. Continuation as a Successful Bidder:**

The “**Successful Bidder**” shall remain so-

- (a) Continuing to be in compliance with all the terms and conditions of eligibility and Grant Order / LoI;
- (b) Payment of the first instalment of rest of the Bid Amount as to be provided in the LoI;
- (c) Furnishing the Performance Security pursuant to the Auction Rules.
- (d) Furnishing undertaking for payment of the balance Bid Amount as prescribed in rule 10 of the West Bengal Minor Mineral (Auction) Rules, 2016.
- (e) Furnish undertaking for payment towards preparation of PFR, Form-1M and Mine Plan, if the same has already been made prepared by the District Committee, as an exercise of facilitation to the prospective lessee(s).

### **9.3. Grant of mining lease:**

Subsequent to selection of the Successful Bidder and compliance of the conditions as stated in G.O / LoI, he shall pay the second instalment of the Bid Amount [adjusted with the Earnest money as per provisions of rule 9(6) of the West Bengal Minor Minerals (Auction) Rules, 2016]. Upon such payment the District Authority shall execute the mining lease deed to the Successful Bidder within a period of 30 days from the date of payment. The date of the commencement of the period for which the mining lease deed is executed shall be the date on which a duly executed mining lease is registered.

## **10. General conditions regarding Bidding process**

### **10.1. Language**

The Bid and all communications in relation to or concerning the Bid Document and the Bid are required to be in the English language.

### **10.2. Documents and information**

The documents including the Bid Document and all attached documents, provided by the State Government / District Committee are and shall remain or become the properties of the State Government / District Committee. Bidders are required to treat all such information as strictly confidential and shall not use it for any purpose other than for preparation and submission of their bid. The provisions of this Clause shall also apply to bids and all other documents submitted by the Bidders in relation to the bid, and the State Government / District Committee will not return to the Bidders any bid, document or any information provided along there with.

### **10.3. Overriding effect**

If there is a conflict between this Bid Document and LoI / G.O or Mining Lease Deed, the LoI / G.O or Mining Lease Deed shall prevail over the Bid Document.

### **10.4. Cost of bidding**

The Bidders shall be responsible for all of the costs associated with the preparation of their bids and their participation in the Bidding process. The State Government will not be responsible or in any way liable for such costs, regardless of the conduct or outcome of the Bidding process.

### **10.5. Verification by the State Government and disqualification**

10.5.1. The State Government / District Committee reserves the right to verify all statements, information and documents submitted by the Bidder in response to the Bid Document and Bidding and the Bidder shall, when so required by the State Government / District Committee, 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 State Government / District Committee shall not relieve the Bidder of its obligations or liabilities here under nor will it affect any rights of the State Government / District Committee there under.

10.5.2. The State Government / District Committee reserves the right to reject any bid, and appropriate the entire Earnest Money if:

- (a) At any time, a misrepresentation is made or uncovered.
- (b) The Bidder does not provide, within the time specified by the State Government / District Committee, the supplemental information sought by the State Government / District Committee for evaluation of the bid, or

(c) Any act or omission of the Bidder results in violation of or non-compliance with the Act, the rules there under, this Bid Document, or any other document referred therein or issued pursuant thereto or any Applicable Law relevant for the Bid process.

10.5.3. Any rejection of a bid under Clause 10.5.2 may lead to the disqualification of the Bidder for bidding for any e-Auction or allotment conducted by the State Government / District Committee for a period of five years starting from the date of appropriation of the Earnest Money or any other earlier date specified by the State Government / District Committee.

10.5.4. In the aforementioned events, the State Government shall be entitled to forfeit and appropriate the bid Security or Performance Security, as the case may be, without prejudice to any other right or remedy that may be available to the State Government / District Committee under the Bid Document, or otherwise, without any liability whatsoever.

#### **10.6. Amendment of Bid Document**

10.6.1. At any time prior to the Bid Due Date, the State Government / District Committee may, for any reason, whether at its own initiative or in response to clarifications requested by a Bidder, amend the Bid Document.

10.6.2. Any amendment issued here under will be in writing and shall be made available to in NIC portal and shall be deemed to be part of the Bid Document.

#### **10.7. Rejection of bids**

10.7.1. Notwithstanding anything contained in this Bid Document, the State Government / District Committee reserves the right to reject any bid and / or to annul the bidding 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.

10.7.2. In case such cancellation is pursuant to non-compliance by the relevant Bidders vis-a vis submissions of bid then the State Government / District Committee reserves the right to appropriate the relevant Bid Security submitted by such non-compliant Bidders.

10.7.3. The State Government / District Committee reserves the right not to proceed with the Bidding process at any time, without notice or liability, and to reject any bid without assigning any reasons.

10.7.4. Without prejudice to the generality of the foregoing, the State Government / District Committee reserves the right to reject any bid on

Any criteria specified in this Bid Document, including without limitation, the following:

- (a) Bids have not been submitted as per Bid Document
- (b) Bid is not in conforming to the existing Act and rules made there under.
- (c) Bids have been submitted without Earnest Money or period of validity.

**11. Earnest Money:**

**11.1.** In terms of the Rule 9 (4) of the West Bengal Minor Minerals (Auction) Rules, 2016 the Earnest Money shall be ten percent (10%) of the Reserve Price and the District Committee fixed that it shall be in the form of Demand Draft to be drawn in favour of the SRO-II & DDO, DL&LRO Office, Murshidabad.

**11.2.** Save and except as provided in this Bid Document, the Earnest Money of unsuccessful Bidders will be returned by the District Committee, without any interest, as promptly as possible [Rule 9(5) of West Bengal Minor Minerals (Auction) Rules, 2016].

**11.3.** The Successful Bidder's Earnest Money will be adjusted with the Bid Amount, without any interest, upon furnishing of the Performance Security in accordance with the provisions thereof [Rule 9(6) of West Bengal Minor Minerals (Auction) Rules, 2016].

**11.4.** The State Government / District Committee shall be entitled to forfeit and appropriate the Earnest Money as damages, amongst others in any of the events specified in this Bid Document. The Bidder, by submitting its bid pursuant to this Bid Document, shall be deemed to have acknowledged and confirmed that the State Government / District Committee will suffer loss and damage on account of withdrawal of its bid or for any other default by the Bidder during the period of bid validity as specified in this Bid Document.

**12. Fraud and Corrupt Practices**

**12.1.** The Bidders and their respective officers, employees, agents and advisers shall observe the highest standard of ethics during the Bidding process and subsequent to the grant of the mining lease. Notwithstanding anything to the contrary contained herein, the State Government / District Committee may reject a bid, withdraw the mining lease, as the case may be, without being liable in any manner whatsoever to the Bidder. The Successful Bidder, as the case may be, if the State Government / District Committee determine that the Bidder, or Successful Bidder, as the case may be, has, directly or indirectly or through an agent, engaged in Corrupt Practice, Fraudulent Practice, Coercive Practice, Undesirable Practice or Restrictive Practice in the Bidding process,

in such an event, the State Government / District Committee shall be entitled to forfeit and appropriate the Earnest Money or Performance Security, as the case may be, as damages, without prejudice to any other right or remedy that may be available to the State Government / District Committee under the Bid Document and / or otherwise.

**12.2.** Without prejudice to the rights of the State Government / District Committee hereinabove stated and the rights and remedies which the State Government / District Committee may have under the mining lease or otherwise if a Bidder, Successful bidder, as the case may be, is found by the State Government / District Committee 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 bidding process, or after the grant of the mining lease, such Bidder or Successful Bidder shall not be eligible to participate in any Bid / Tender or Tender Document issued by the State Government / District Committee during a period of five years from the date such Bidder or Successful Bidder, as the case may be, is found by the State 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.

### **13. Other provisions**

#### **13.1. Governing law**

The Bidding process shall be governed by, and construed in accordance with, the laws of India.

#### **13.2. Right of State Government / District Committee**

13.2.1. The State Government / District Committee, in its sole discretion and without incurring any obligation or liability, reserves the right, at any time, to;

- (a) Suspend and / or cancel the Bidding process and / or amend and / or supplement the Bidding process or modify the dates or other terms and conditions relating thereto;
- (b) Consult with any Bidder in order to receive clarification or further information;
- (c) Retain any information and / or evidence submitted to the State Government / District Committee by, on behalf of, and / or in relation to any Bidder; and / or
- (d) 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.

13.2.2. It shall be deemed that by submitting the bid, the bidder agrees and releases the State Government / District Committee, 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 here under, pursuant hereto and / or in connection with the Bidding 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.

**13.3. Manner of Conduction of e-Auction Process**

The e-Auction process of minor mineral would be conducted in the National Informatics Centre portal and for guidance regarding manner of e-Auction of minor minerals the site of NIC may be visited.

**Sd/-  
District Magistrate & Collector  
Murshidabad**