

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT DELHI

O.A.NO. 1360, OF 2024

IN THE MATTER OF:

PREM PRAKASH THAPLIYAL

VERSUS

APPLICANT

STAT OF UTTARAKHAND AND OTHERS

RESPONDENTS

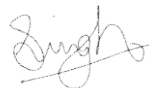
INDEX

SR.	PARTICULARS	PAGENO
1.	Additional document Directorate of Geology and Mining, Uttarakhand " Mineral Building" Bhopalpani Dehradun	1 to 6

New Delhi

Date: 19.02.2025

By the Applicant through Counsel



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Directorate of Geology and Mining, Uttarakhand,
"Mineral Building" Bhopalpani, Dehradun

No. 5244/DDN_003/U.K.(EN)/Land Mining Direction0/2024-2025

Short term Re-Tender invitation form for e-tender cum e-auction

Rule-20 (1) of Chapter-4 of the Uttarakhand Sub-Mineral (Prevention) Rules-2023 promulgated by Notification No. 977/VII-A-1/2023-24K/2007 dated 16th June, 2023 of the Government of Uttarakhand, Industrial Development Section-1. In continuation of the approval given for advertisement in (2) & (4) of the Directorate of Geology & Mining, Uttarakhand, Dehradun vide OM No. 4645/20K Law / E.N. / Vig. Co. / M.M.N. / 2024-25, dated 25th October, 2024, tender was invited vide Directorate's letter dated 25th October, 2024, in which Khasra No. 396H area 6.628 ha, Khasra No. 986 area 45.336 ha, Khasra No. 989H area 98.368 ha, total area 150.332 ha out of available area of 100.00 ha In view of the fact that the tender was cancelled by the Directorate's letter dated 20th November, 2024 on the basis of the tender being incomplete in 20.00 hectare area, the technical tender for allotment of 20.00 hectare out of the available area of 100.00 hectare, Khasra No. 396h area 6.628 ha, Khasra No. 986 area 45.336 ha, Khasra No. 989h area 98.368 ha, total area 150.332 ha, to the committees/firms/companies of the native residents/residents of the State through E-Tender cum E-Auction for a period of 10 years, is invited (Technical bid) and Financial Bid are invited online from interested bidders.

Advertisement publication date	Date 21.11.2024 (Thursday)
Date of tender upload on uktenders.gov.in	Date 21.11.2024 (Thursday)
Start date of downloading/selling tenders from uktenders.gov.in	Date 21.11.2024 (Thursday)
Starting date for submission of online e-tender	From 10:00 am on 22.11.2024 (Friday)
Last date for submission of online e-tender	05:00 pm on 04.12.2024 (Wednesday)
Last date and time for submission of online e-tender Date and time of opening of technical bid and commencement of scrutiny / evaluation of e-tenders	Date 06.12.2024 (Thursday) from 12:00 am
After testing/evaluation of the technical tender by the Committee, the list of successful tenderers will be uploaded on the website www.uktenders.gov.in and the date and time of opening of financial tender will be announced and the result will be uploaded on the said website accordingly.	

All the participating bidders are informed that the detailed information about the tendered mining lots and tender process has been given in the Technical Bid and Financial Bid forms. The said tender form can also be obtained on any working day from Directorate of Geology and Mining, Uttarakhand, Raipur-Thano Road, Bhopalpani, Dehradun and by downloading it

from the State Government website uktenders.gov.in and departmental website dgm.uk.gov.in, for which a demand draft of 18% GST of the said amount of Rs. 20,000.00 (only Rs. 20,000.00) in departmental account head 0853-00-102-01-00 should be deposited separately in favour of the Director of Geology and Mining Directorate and a copy of the deposit challan and demand draft should be deposited in the Directorate in original before the last date of submission of tender. For purchasing the tender form, a copy of the deposit challan and demand draft should also be uploaded with the Technical Bid. All the tenderers are expected to obtain the tender form as mentioned above and ensure participation in the tender process only after studying it thoroughly. Vague and incomplete Tender forms / applications will not be considered.

Note- The application fee deposited by the participating tenderers who have already participated in the e-tender for the said tendered lots, can be used again for the said lot and the tender form fee will be deposited again through a new challan and a demand draft of 18 percent GST separately. If the application fee (Rs. two lakh) is used in any other lot, such tenders will not be considered and the tender will be cancelled as per above.

(Rajpal Legha)
Director

Table

Parts of e-Tender cum e-Auction Format	Content of the Part of e-Tender cum e-Auction Format	Page No.
Part-1	General Guidelines for Tenderers	3 to 5
Part-2	Technical Specifications, Conditions and Restrictions of e-Tender cum e-Auction	6 to 15
Part-3	Form of Technical Bid for Extraction/Mining of Sub-Minerals Format	16 to 18
Part-4	Format of Financial Bid for Extraction/Mining of Sub-Minerals	19
Part-5	Form of Undertaking for E-Tender cum E-Auction	20

Part-1: General Guidelines for Bidders

1. According to Rule-20(1) of Chapter-4 of Uttarakhand Sub-Mineral (Prevention) Rules-2023, the Director General / Director, Directorate of Geology and Mining may, by general or special order, declare the sub-mineral sand, gravel, boulder, RBM situated in such river bed revenue / forest land which can be auctioned and leased by tender or auction or e-tender / e-auction. In continuation of the above, it has been announced to be advertised by the Directorate of Geology and Mining, Uttarakhand, Dehradun, Office Memorandum No. 4645 / R.K.L.O. / E.N. / V.K.A.G. / Bhu.Mining Ni. / 2024-25, dated 25 October, 2024.
2. As per Rule-20 (2) of Chapter-4 of the said Rules, subject to the instructions issued by the State Government from time to time in this behalf, extraction/mining lease of sub-minerals upto 05 hectare area situated in the river bed shall be granted for a period of 05 years and mining lease of area more than 05 hectare shall be granted for a period of 10 years for any area or areas at one time through e-tender cum e-auction. The period of lease shall be calculated from the date of registration of execution of lease deed. Mining lease upto 5.0 hectare of revenue/forest land situated in the river bed shall be granted to the natives/inhabitants' committees/firms/companies of the State and mining lease of area more than 5.0 hectare shall be granted to the natives/inhabitants' committees/firms/companies of the State and mining lease of area more than 5.0 hectare shall be granted to the natives/inhabitants' committees/firms/companies of the State. Mining leases will be granted to Indian citizens/societies of citizens/firms/companies.
3. All the tenderers are expected to inspect the tendered mining lot thoroughly and participate in the tender process only after getting complete information about the actual condition of the tendered mining lot, quantity of sub-mineral and the route of extraction etc. and being assured about it. After participating in the tender, if any kind of practical difficulties arise in relation to the tendered mining lot, then so the tenderer himself will be responsible for this.
4. The process for granting of mining leases up to 5.0 ha on concession to committees/firms/companies of natives/residents of the State and mining leases of area more than 5.0 ha to citizen of India/committees/firms/companies of citizens of the State for sub-mineral lots marked/advertised under Rule-20(1) in the river bed revenue/forest land within the State shall be based on Technical Bid and Financial Bid through online e-auction, in which the Technical Bid and Financial Bid proceedings shall be conducted on uktenders.gov.in.
5. To participate in the e-tender cum e-auction process, it will be the responsibility of the interested tenderer/bidder to complete the registration process at uktenders.gov.in and all the information communicated. The department and supporting agency will not be responsible for this.

6. While registering for e-tender cum e-auction on uktenders.gov.in, the intending bidders who are the Societies/Firms/Companies of Natives/Inhabitants of the State (for mining lots upto 5.0 hectares) and Citizens of India/Societies/Firms/Companies of Citizens of India (for mining lots having area more than 5.0 hectares) are required to enter the name of the permanent resident/society of permanent residents registered under the Co-operative Society Act, Company Act or Partnership Act and other relevant Acts (as the case may be) in the name of the bidder/firm field with correctness and care. Wrong or incorrect entry will render the tender void, for which they themselves will be responsible.

7. The interested tenderer/bidder must ensure that he has a valid version of "Java" (JRE) software loaded on his computer. The valid version can also be downloaded from uktenders.gov.in.

8. The interested applicants must have a Digital Signature Certificate (DSC) for online bidding. Every participating bidder is required to maintain the confidentiality of the password of his Digital Signature Certificate will be responsible.

9. All the participating bidders should ensure the availability of internet connectivity and other necessary facilities before participating in the e-tender cum e-auction. While submitting the technical and financial bid, if the tender is not uploaded/submitted due to internet network connectivity or any other reason, then the entire responsibility will be of the tenderer and it will not have any adverse effect on the tender proceedings.

10. Base Price for the tendered mining lot = Quantity of sub-mineral (in tonnes) x Royalty rate per tonne, and the amount equivalent to 25 percent of the base price will be the Earnest Money.

11. The technical tender of the tendered mining lot shall be prepared by the tenderer with the help of his Digital Signature Certificate (DSC) in PDF format along with all documents signed by the tenderer/authorized person and uploaded on www.uktenders.gov.in.

12. The tenderer shall download the format of financial bid BOQ (Excel Format) from www.uktenders.gov.in. The tenderer shall not make any amendment/substitution in the prescribed format BOQ of the tender and shall upload it on www.uktenders.gov.in after filling the relevant column, otherwise the tenderer shall be responsible for the rejection of the financial bid. In the BOQ, the tenderers shall be allowed to enter only the name of the tenderer and the price.

13. After completion of the financial tender proceedings and declaration of successful bidders (H1 to H3) in sequence, the first successful bidder of the financial tender, H1 bidder, will be given an opportunity to deposit an amount equivalent to

twenty five percent of the highest bid amount (the balance amount in addition to the Earnest Money deposited earlier) as security money in the form of FDR within fifteen working days. If the said amount is not deposited by H-1 bidder within the stipulated time, then the Earnest Money deposited by the concerned bidder will be confiscated and action will be taken against him as per Rule-23(2) of the said Rules. The H-2 bidder in the category will be given an opportunity to take the mining lease at the highest bid quoted by H-1 and deposit an amount equivalent to twenty five percent of the highest bid amount (the balance amount in addition to the Earnest Money deposited earlier) as Security Money in the form of FDR within fifteen working days. The said process will be followed till H3 in the category. In case H3 does not comply with the above within the stipulated time, the process of e-auction will be declared over and e-auction proceedings will be conducted again.

14. All the documents required in the technical tender check list of part-3 of the tender form must be self-signed by the tenderer. In case of firm/company/society/committee, the signature of the authorized person with seal must be there on the said documents of the tender form. For this, a certificate of authorization in writing by the partner of the person/firm/managing director/director of the company/president/vice-president/secretary of the society/president/vice-president/secretary of the committee must be submitted along with the technical tender. After checking the documents required in the technical tender, if the documents are found complete, then the financial bid of only the successful tenderers will be opened. Tenders with unclear and incomplete documents will not be considered.

15. During the process of e-auction, any matter which is left to be mentioned in this tender form or could not be fully clarified or any contemporary matter which is necessary in the interest of mineral development and revenue, on such matters Director General / Director Geology and Mining is authorized to take final decision and he can give decision by interpreting it by following other government orders / instructions related to it, the decision of Director General / Director, Directorate of Geology and Mining, Uttarakhand will be final and will be acceptable to all the parties.

16. In view of the fact that mining / chugan work is to be done by manual method in the tendered area, the tenderer will himself ensure full availability of labor force for mining / chugan from the tendered area, mining / chugan work will not be affected in the absence of labor force.

17. The bidder private person/firm/committee/company/society will be required to submit self attested copy of ITR of last 03 years.

18. Copy of certificate of 06 months experience in operation of mining lots/mining permit/stone crusher/screening plant in river bed mining.

19. In case the annual prescribed quantity of mineral is not fully extracted from the tendered area, the remaining quantity of extraction will not be adjusted in the subsequent mining year and the tenderer will have to deposit the entire lease amount of that year.

20. All the tender proceedings (pre-bid, technical tender and financial tender) will be conducted on the prescribed dates at Directorate of Geology and Mining, Bhopalpani, Dehradun, in which the tenderer can participate either in person or through his authorized representative.

21. Canvassing, whether directly or indirectly, for self endorsement in respect of this e-tender cum e-auction is strictly prohibited and the tenders submitted by the tenderers will be liable for cancellation.

22. After acceptance of Letter of Intent in favour of successful bidder under e-tender cum e-auction, if there is any change in the area during demarcation of mining lot, then the quantity will be re-determined accordingly and annual lease amount will be determined on the basis of the highest price received in e-tender, which will be acceptable to the successful bidder / Letter of Intent holder.