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GOVERNMENT OF ODISHA

STEEL & MINES DEPARTMENT

RESOLUTION

The 13th July 2023

SUBJECT—Guidelines for streamlining the extant procedure to be followed for auction sale of minor mineral sources in the State.

Whereas, the Hon'ble High Court of Odisha vide their judgment on the 26th June 2023, in the WP(C) No. 21196 of 2021 (Dinakrushna Pattanaik Vrs. The State of Odisha & Others), have observed that appropriate precautionary measures are required to be taken in the process of auction sale of minor mineral sources under the provisions of the OMMC Rules, 2023, especially to handle the issues like participation of multiple bidders of one family to frustrate the auction process, persons bidding very high and then backing out providing scope for the second or third bidder to take the source on auction in a lower price as no punitive provision is there in the extant Law, and have directed to issue instructions & clarification thereon, to make the auction process efficient, clutter free & fool proof;

And whereas, the Government have carefully amended the Odisha Minor Mineral Concession (OMMC) Rules, 2016 with introduction of provisions for conducting the auction sale of minor minerals through e-auction process involving i4MS platform which would obviate the possible irrationalities and human interference;

Therefore, having due regard to the observation of the Hon'ble High Court of Orissa and in exercise of the power conferred under Rule 65 of OMMC Rules, 2016, the State Government have been pleased to issue the following instruction not inconsistent with the provisions of the said rules and with a view to remove difficulties and to ensure additional precautionary and preventive measures, to be followed scrupulously while taking up of the auction sale of the Minor Mineral Sources, in addition to the provisions contained in Rule 27 under Chapter IV of the said Rules :—

1. In addition to the stipulations contained in sub-rule 4 of the Rule 27 of the Rules, the intending applicants shall have to submit an affidavit that none other than him/her in the family is participating

in the bidding process of the particular source and if contrary is observed, the sale if any, shall be rendered infructuous forfeiting the deposits made thereunder without affording any further scope of notice or hearing in the matter.

2. In consonance with and addition to sub-rule 9 of Rule 27, it would be considered expedient that the bidders shall remain responsible for quoting the additional charge in ascending forward auction process and in the event of default by the selected bidder or the next highest bidder, as the case may be, to convey the acceptance of the terms and conditions and to deposit the required amount along with the costs of obtaining the mining plan and environmental approvals within the time stipulated for the same, the earnest money deposited by the said bidder shall be forfeited and the said bidder shall be debarred from participating in auction sale of any minor mineral source of the State for a period of three years, following.

By order of the Governor
DEORANJAN KUMAR SINGH
Additional Chief Secretary to Government