

Scheme for sale of extracted coal in Meghalaya through Spot e-Auction

Objective:-

The Hon'ble Supreme Court of India vide its final judgment order dated 3.7.2019 passed in Civil Appeal No. 10720 of 2018 and 5 other Civil Appeals, has given a direction for disposal of the entire extracted coal stocks lying in various places through Coal India Limited (CIL). In pursuance to the direction of the Hon'ble Supreme Court, the following arrangement has been worked out between the Government of Meghalaya and Coal India Limited for disposal of the stocks of coal in the custody of the State of Meghalaya by way of normal disposal process of Coal India Limited.

The sale of the stocks of coal shall be made from the depots designated by Meghalaya Government (Designated Depot) on "As is Where is" basis through Spot e-Auctions to be conducted by the General Manager, North Eastern Coalfields of Coal India Limited (NEC), on behalf of Meghalaya Government who is the receiver-cum-custodian of the extracted coal, through the Service Provider i.e., M/s MSTC Limited (MSTC) The Mining and Geology Department, Government of Meghalaya, on behalf of the owners of coal will assume the role of 'Seller' for auction events conducted by the service provider for the sale of the entire extracted quantity of 32,56,715 MT of coal. The coal will be transported by the Government of Meghalaya to the Designated Depot and stacked grade-wise. Lot will be prepared for each grade stacked in the Designated Depot. Each lot can have coal from more than one owner, but having same grade. The Director of Mineral Resources (DMR), Government of Meghalaya will maintain register on names of owners of coal and quantity from respective owner in each lot. DMR will prepare lots to be put up for auction and each lot will have depot name, and depot number, unique lot number, details of the owner(s) of the lot, quantity of coal in each lot, grade/ GCV range and reserve price for that particular lot. The owners of the respective lot of coal will be ultimately responsible for the quantity and the quality of the coal sold under the e-auction scheme and for the dispute, if any arise regarding the quantity and quantity of coal.

1. Eligibility:

1.1 The owners of coal stock shall submit an affidavit to abide by all the terms and conditions of the e-auction spelt out in the Comprehensive plan and scheme for sale of extracted coal in Meghalaya spot e-auction of coal.

1.2 Any Indian Buyer (viz., individual, partnership firm, companies etc.) can participate and bid in e-Auction for procurement of coal for own use and/ or for resale. The buyers may be at liberty to export the coal to Bangladesh as may be permitted under the law of the country.

1.3 The owner(s) of the coal of the lot(s) which has been put up for auction in a particular event of spot e-Auction shall not be eligible to participate and bid for coal from any of the lots offered for bidding in the said auction event from the same designated depot.

2. Registration:

2.1 Before participation in the e-Auction, a prospective Bidder shall be required to get itself/ himself registered with the service provider, by online submission of application

in the prescribed format available on the website of MSTC. The application shall be made along with the required documents as follows:

A person from scheduled tribes of Meghalaya State has to submit certified copy of Election Photo Identity Card (EPIC) issued by the Election Commission of India along with the Scheduled Tribe Caste Certificate, GST Registration Certificate, passport size photographs and Original certificate from Bank Certifying address of the bidder, status and account number as prescribed by MSTC.

A person who is not a tribal from the State of Meghalaya shall submit a certified copy of PAN Card, GST Registration Certificate, EPIC, passport size photograph, Original certificate from Bank Certifying address of the bidder, status and account number, attested copy of latest Income Tax return as prescribed by MSTC.

While any citizen of India is eligible to participate in the competitive bidding of coal put up for auction, only such individuals who belong to the notified Schedules Tribes of Meghalaya or those non-tribals who possess a trading license issued by Autonomous District Councils of Meghalaya and a valid GSTN Registration will be entitled to sell the coal procured through the aforementioned auction within the State of Meghalaya to any prospective buyer who is a resident of Meghalaya state.

- 2.2 During the registration, all prospective Bidders will have to choose "Unique User ID" & a "Password", based on which they can log in after activation by MSTC. Details of the registration process will be available in the website of MSTC.
- 2.3 The Service Provider shall issue "Photo Identity Card" to their registered Bidders duly authenticating the identity & signature, indicating a "Unique Registration Number" allotted to them. The "Unique Registration Number" and the soft copies of the Photo Identity Cards issued to the registered Bidders shall also be communicated by MSTC to CIL/EC and DMR, Government of Meghalaya.
- 2.4 Only one registration will be done against one PAN number. However, based on more than one independent valid GST registration, more than one registration against a PAN Number can be considered. In such cases, the details of valid GST registration will be indicated in each 'Photo Identity Card'. In the event of one PAN number and one GST registration number for a bidder having multiple units in one state, more than one registration will be allowed based on independent valid SSI Registration or factory license for such units and the same will be indicated in each "Photo Identity Card".
- 2.5 All Bidders having been registered with MSTC shall also have to furnish non-interest bearing Earnest Money Deposit (EMD) at the rate of Rs.200/- per tonne for the total quantity of coal for which the Bids are intended to be made from one or more of the lots offered in an event. The bidder has to login into the portal of the service provider and generate challan for making the payment. After making payment, the bidder has to intimate the transaction detail to MSTC through the registered e-mail. The payment of EMD shall have to be made by debiting the own bank account of the Bidder which is registered with the service provider and payment made from any

account which is not registered with service provider shall not be considered as valid EMD. The Bidder shall be allowed for participation in the e-Auction by the Service Provider, as long as the required amount of EMD is made available with the Service Provider.

2.6 The existing Bidders already registered with MSTC are allowed for participation in the Spot/ Special e-Auctions of NEC and the Subsidiary Coal Companies of CIL shall also be entitled to participate in the events of e-Auctions conducted for Meghalaya coal, subject to furnishing the additional documents like Original certificate from Bank and no separate registration shall be required for these Bidders.

3 Notification:

3.1 The DMR shall prepare the lots to be offered in each event of e-Auction from the designated depots and would draw program for conducting the e-Auction and notify the same to CIL, NEC and MSTC. The said auction notice shall be published on the website of the MSTC for minimum 14 (Fourteen) days in advance of commencement of auction proceedings of that event. The Notice regarding the program for e-Auction will be intimated to MSTC, CIL and NEC, by the DMR for hosting the same on their websites. The Notice shall also be hosted in the website of the Mining and Geology Department, Government of Meghalaya.

3.2 The offer of coal made under the e-Auction shall be for lifting through road mode. The minimum quantity for Bidding would be 50 MT from a lot. However, if the lot size is less than 50 MT, the minimum acceptable bid quantity shall be the entire quantity offered in that lot.

4 Bidding Process:

4.1 The auction period shall be 14 days from the date of issue of auction notice in the website of MSTC and the Mining and Geology Department respectively.

4.2 The e-Auction shall be conducted through the portal / website of MSTC and the registered Bidders shall be required to record their acceptance after login, of the terms & conditions of the e-Auction scheme before participation in the actual Bidding Process.

4.3 Maximum number of lots in one e-auction event shall not be more than 25 lots.

4.4 The owner(s) shall get their coal sample tested for Gross Calorific Value (GCV) of each lot from any NABL accredited laboratory. The information regarding requirement of having such certificate shall be made by the DMR. The certificate from an NABL accredited laboratory shall be submitted by each Owner to Government of Meghalaya to be forwarded to the CIL/ Service Provider in respect of each lot which shall be displayed against the respective lot to be put up for auction. Any dispute in respect of the quality of coal in that lot will be inter se the owner of the coal and bidder and Government of Meghalaya/ CIL/ MSTC shall neither entertain any claim in this regard nor owe any responsibility to either the owner or the bidder.

4.5 Before participating in e-Auction, Bidders are to satisfy themselves with the quality of coal being offered on 'As is Where is" basis in the respective lot from the designated depot. Bidders shall be allowed by the Seller and the Owner(s) of coal to inspect the

- lots available in the designated depot before participation in e-Auction process. The prospective bidder shall be at liberty to take two random samples per lot up to a maximum of 2 (Two) kgs per sample to get the sample tested in any laboratory of his choice. No claim/ dispute in respect of the quality of coal raised by the Bidders after their participation in the e-Auction, shall be entertained by Meghalaya Government.
- 4.6** Reserve price shall be notified in Indian Rupee per tonne of coal for each lot of coal offered in an auction event.
- 4.7** The owner(s) of the coal of the lot(s) which has been put up for auction in a particular event of spot e-Auction shall not be eligible to participate and bid for coal from any of the lots offered for bidding in the said auction event from the same designated depot.
- 4.8** Prospective Bidders are entitled to Bid for the quantity to the extent of amount of EMD which is available with the Service Provider in the Bidder's account at the time of Bidding.
- 4.9** The Buyers while Bidding shall quote their "Bid price" per tonne in Indian Rupee as base coal price on FOR Designated Depot basis, exclusive of other charges like statutory levies, Administrative Charge of Meghalaya Government, taxes, cess, royalty, MEPRF Fund & any other charges as will be applicable at the time of delivery. All these charges as well as freight etc. shall be on the Buyers' account.
- 4.10** The Bidder has to Bid for a price equal to or above the Reserve Price to secure consideration in the concerned e-Auction.
- 4.11** The date, time and period of e-Auction as notified in advance including closing time on portal of Service Provider shall be adhered to, but for the event of force majeure. However, the closing time of e-Auction will be automatically extended up to last Bid time, plus 5 (Five) minutes, so that opportunity is given to other Bidders for making an improved Bid on that item.
- 4.12** The Bidder shall offer his Bid Price (per tonne) in the increment of Rs.10/- (Rs. Ten only) during the normal e-Auction period. During the extended period of first two hours, the Bidder shall offer his Bid price in the increment of Rs.20/-. Beyond this extended period of two hours, the Bid Price increment would be Rs.50/- (Rs.Fifty) only.
- 4.13** While maintaining the secrecy of Bidder's identity, the auction platform on the portal/ website of the Service Provider shall register and display on screen both the lowest Bid price and the highest Bid Price at that point of time. The system will not allow a Bidder to Bid in excess of his entitled quantity as per his EMD. Once a bidder is the highest in any lot an equivalent EMD amount shall be blocked and the amount will be released when out-bid by another bidder against the same lot.
- 4.14** Following criteria would be adopted in deciding the successful bidders:-
- a. Precedence will be accorded to the highest Bid Price in the descending order (H1, H2, H3 and so on) as long as the offered quantity is available for allocation.
 - b. If two or more Bidders bid the same highest price, precedence for allotment will be accorded to the Buyer who has placed the Bid for the higher quantity.
 - c. In case two or more Bidders bid for the same price and the same quantity, precedence will be given to the Bidder who has accorded his Bid first with reference to time.

5 Post e-Auction process and payment of coal value against Bids:

- 5.1 Each successful Bidder will be intimated through e-mail / SMS by the Service Provider on the same date after the closure of e-Auction. However, it will be the responsibility of the Bidder to personally see and download the result displayed on website of the Service Provider, on the same day after close of e-Auction.
- 5.2 The Service provider conducting the auction i.e. MSTC has been authorized by Government of Meghalaya to collect the coal value i.e., the 'As Delivered Price' from the Bidders towards the quantity of coal against each successful bid. The 'As Delivered Price' shall include the amount towards the Bid Price and all other charges, royalty, MEPRF Fund, duties, taxes, levies etc., that shall be applicable. The successful bidder shall, in addition to the bid amount, shall also deposit Royalty at the rate notified by the State Government, contribution to Meghalaya Environment Protection and Restoration Fund (MEPRF), Cess under Meghalaya Minerals Cess Act, 1988, GST and GST Compensation Cess at the following rates:

Royalty- Rs. 675 per MT

MEPRF- Rs. 485 per MT

Cess- Rs. 300 per MT

GST- 5% of the bid value including the levies

GST Compensation Cess @ Rs. 400 per MT

1 % TCS on total value of the Goods including all chargeable elements like Royalty, MEPRF, Cess, GST, GST Compensation cess and others, if any charged as per Income Tax Act.

The EMD in respect of the Bid quantity already deposited by the Bidder shall be adjusted towards the bid amount and the Bidder shall be required to deposit the balance amount in one transaction. In other words, the bid amount to be deposited and EMD amount together, shall be equivalent to the 100 % bid amount.

- 5.3 The payment towards the balance bid amount after adjusting EMD and other applicable charges of the respective bid shall have to be transferred through RTGS/ NEFT from the own bank account of the Bidder which is registered with the Service provider. Entire balance bid value and applicable charges have to be deposited single payment and no instalment payments allowed. On receipt of the payments towards the bid value and other charges, MSTC will issue a payment confirmation letter against each successful bid for which payment is received from the Bidder. The MSTC need not to wait till the end of stipulated time period of 10 days after completion of auction to issue payment confirmation letter to the buyer who deposited balance payment on or before the last date prescribed for payment, since steps for delivery can be taken post Payment Confirmation Letter. The Payment Confirmation letter shall contain the details of the payment, the bank details of the bidder (given during registration), Bid Details and the quantity for which the payment is made. Copy of the payment confirmation letter shall also be sent to DMR and NEC/CIL.

- 5.4 The payment shall have to be made by the successful Bidders to the Bank Account notified for this purpose by the service provider i.e. MSTC through RTGS/ NEFT within 10 days from the date of completion of auction proceedings, failing which the bid shall automatically stand cancelled and his EMD forfeited. The amount of EMD(s) so forfeited shall be transferred to the Government of Meghalaya after deducting

10% of the same, which 10% shall be transferred to CIL as facilitation fee. The bidder has to login into the service provider's portal and generate challan for making the payment. After making payment the bidder has to intimate the transaction detail to the service provider through e-mail. The last date by which the payment is required to be deposited shall also be indicated in Notice for Auction issued by Department of Mining & Geology, Meghalaya Government.

5.5 The bid amount and other charges deposited by the respective Successful Bidder will be transferred by the service provider in the manner given below:

Amount towards 10% of the Bid Price for the quantity for which the payments have been made by the Bidders against the successful bids, shall be transferred to the designated Bank Account of CIL/ NEC within three (3) working days of receipt of amount.

and

After deducting 1% Tax Collection at Source (TCS) under GST to be deposited by MSTC, the balance amount shall be transferred to the designated Bank Account of Government of Meghalaya within three (3) days of receipt of amount. The interest, if any accrued on such amount shall be transferred by MSTC to the Government of Meghalaya along with the collected amount.

The 1 % TCS under GST collected by MSTC shall be deposited with the statutory authority in the GSTN of Meghalaya Govt. and Meghalaya Govt. will take credit for the same.

The Service provider shall also provide the Bidder-wise details of the amounts so transferred to the Department of Mining & Geology and CIL/NEC.

5.6 The Mining and Geology Department shall transfer service charge for each auction event to MSTC.

5.7 If the actual costs incurred by NEC/ including the 18% GST payable by NEC/CIL for this entire exercise of conducting auction of 32,56,715 MT of coal exceeds the amount of 10% of the Bid Price transferred to NEC/CIL, such excess amount incurred by NEC/CIL shall be reimbursed by Meghalaya Government. In such case, NEC/CIL shall submit separate claims to the DMR, Meghalaya Government for reimbursement along with the details of the costs incurred and the amount of 10% of Bid Price received from the MSTC.

5.8 The component of EMD, though considered as the part of the bid amount payable against the successful bids, it shall still be considered as a security for the performance of the Bidders in respect of the said transaction. In the event of default in performance by the Bidder, the provision of forfeiture of the 'Security' as stipulated, would be applicable.

5.9 Forfeiture of EMD:

(i) For the lots having quantity less than or equal to 50 MT:- If the successful bidder fails to make the payment for the entire coal value, the EMD amount deposited for the lot will be forfeited.

(ii) For the lots having quantity more than 50 MT:- In case of successful Bidders, if the coal value is deposited for less than the allotted Quantity under the successful bid but not below 50% of the allotted quantity or 50 tonne, whichever is higher, the payment for the said amount shall be accepted and EMD for the failed quantity shall be forfeited. However, if the Buyer fails to deposit the coal value for at least 50% of the allotted quantity or 50 tonnes whichever is higher, then the entire EMD of the allotted quantity shall be forfeited.

5.10 In case of any revision of royalty, GST, taxes, cess, MEPRF Fund, levies, charges etc., or introduction any new levy on coal, such revised rates shall be applicable from the effective date notified by the concerned authority and the successful buyer shall pay any additional sum which may become payable under such revision, over and above the amount deposited towards the coal value/ already charged in the invoices raised towards the despatches. The Bidders shall be liable to pay the differential amount on this account on the balance quantity of coal pending for delivery on the effective date of revision of the rate. The amount shall be paid by the Bidders to the Bank Account that shall be notified by Mining & Geology Department, Meghalaya Government. The successful bidder will also be entitled to a refund of the sum of taxes on account of reduction, but such refund shall be subject to refunds from the concerned Statutory Authority, if the Seller/ Owner had already deposited the taxes at the pre-revised rates.

6 Procedure of Coal Delivery

6.1 The successful bidder upon making the requisite payment of coal value to MSTC in the manner prescribed above, shall approach the Office of the Directorate Mineral Resources (DMR), Meghalaya Government, along with the authenticated payment confirmation letter and make an application for issue of requisite numbers of Mineral Transport Challans (MTC). The successful bidder shall also declare the destination. If the successful bidder is a non-tribal and intends to conduct resale of coal purchased in this auction within the state of Meghalaya, then he/his authorized signatory will have to submit Trading License issued by Autonomous District Councils of Meghalaya.

6.2 After verification of the Payment Confirmation Letter and the details of the actual payment received from the Service provider, the Office of the DMR shall issue MTC in quadruplicate.

The MTCs shall be issued against the quantity for which dues have been paid by the successful bidder. For each consignment, 4 (Four) copies of MTCs shall be issued.

The quadruplicate copy of each MTC shall be retained by the DMR as the office copy and the remaining three copies shall be handed over to the authorised representative of the Bidders. The contact address of the Office of the DMR is as under:

The Directorate of Mineral Resources,
Risa Colony, Shillong
East Khasi hills District, Meghalaya- 793003.

6.3 Only the persons who are specifically authorized by the signatory of Bidder whose signature appears in the Identity Card (I.D) issued by the Service Provider shall be entitled to deal with DMR, Meghalaya Government for the purpose of issue of MTC and for taking delivery of coal against the MTCs. The authorized signatory of the Bidder shall be verified from the I.D issued by the Service Provider. The Service provider shall also send the scanned copies of the IDs issued to the Bidders/ authorised signatures of the Bidders to NEC and Meghalaya Government. The MTCs shall be handed over to the authorized signatory as in the I.D or to such persons in favour of whom authority letter has been given by the authorized signatory.

6.4 The MTCs shall mention the date of issue, its validity, name of designated depot, destination, exit point and the route to be followed from the designated depot to the destination

- 6.5 The validity of the MTC is 30 days from the date of issuance of the MTC and ordinarily, the validity shall not be extended beyond 30 days. The successful bidder shall complete the evacuation of allotted coal from the designated depot within 30 days. However, if the delivery/ lifting of coal against a MTC could not be completed due to unforeseen circumstances, extension of the validity period may be considered by the authorized officer of the DMR, Meghalaya Government.
- 6.6 The Bidders, along with the 3 copies of MTC shall be required to approach the designated coal depot as per the loading schedule issued against the MTCs by the Office of the DMR, Meghalaya Government. The details of the designated depot of the lots of coal offered in an auction shall also be notified in the Auction Notice.
- 6.7 The Bidder shall be required to bring the original, duplicate and the triplicate copy of the MTC at the time of loading. The arrangements and cost of loading of coal in trucks/vehicles of the auction purchaser at the designated depot, including labor and instrumentation, shall be that of the buyer. The operator of the designated depot is allowed to charge Rs 20 per MT, which is inclusive of GST, for weighment of each truck at the weighbridge attached to the Designated Depot. Fifty percent of the weighment fee shall be deposited with the DMR as administrative cost. The weighbridge owner shall discharge the liability of GST on weighment charge, if any.
- 6.8 Upon completion of loading and weighment of the truck, the Seller (i.e., DMR, Meghalaya Government) shall issue the tax-invoice to the Bidder on behalf of the owner of the coal. The tax invoice shall be issued by the Designated Depot in-charge after the weighment of the loaded truck. The tare weight of the vehicle shall be based on the RC of each vehicle. Net weight of the coal shall not be in excess of the quantity permitted against the respective MTC and coal loaded in excess shall be offloaded at the Designated Depot. The tax invoice for the despatched quantity shall also contain the details of the Bid, the MTC, truck number, destination as indicated in the MTC. The in-charge of the designated depot shall certify completion of loading and weight of the loaded quantity on all the three copies of MTC. The MTC shall be countersigned by the in-charge of the depot and the official of NEC/CIL posted at the weighbridge of the Designated Depot. The in-charge of the depot shall retain triplicate copy of the MTC with him, in which the authorised signatory of the Bidder shall affirm the receipt of coal against the MTC. The original and duplicate copy of the MTC, after certification, and the tax invoice shall be handed over to the Bidder.
- 6.9 The loaded truck after being fully covered with tarpaulin sheets, is free to move to the destination along the route specified in the MTC. No loaded truck of coal shall ply without the original and duplicate copy of the MTC in which the in-charge of the depot has certified the loading of coal and countersigned by the official of NEC/CIL and the tax invoice issued at the Designated Depot. Any loaded truck of coal moving without the MTC certified by the in-charge of the designated depot and the tax invoice shall be liable for confiscation by Meghalaya Government, the coal shall be treated as illegal and penal actions shall be taken.
- 6.10 At the state exit point, consignment of each truck shall be weighed again, and all the coal laden trucks shall be checked for valid documents. The tare weight of the vehicle shall be based on the RC of each vehicle.
- 6.11 The transporter shall produce the original and the duplicate copy of the Mineral Transport Challans and the tax invoice to the DMR check post at exit point and officer in-charge of check post shall physically verify consignment, place their signature and seal on the MTC. Original copy of MTC shall be retained and Duplicate

copy shall be handed over to the Bidder/ consignee, along with the tax invoice. The challans shall be properly stamped and QR code scanned at the exit point so that they cannot be reused. Further, a ledger should be maintained at each exit point where entries of details of each MTC shall be entered with signature of the officials of DMR. An endorsement 'Used Challan' shall be inscribed on each MTC at the designated exit gate.

6.12 The trucks transporting coal shall have valid Registration Certificate (RC) from Transport department. A fluorescent sticker 'Coal sold under Supreme Court Order' to be issued by DMR, shall be pasted on the windshield from inside of truck. The sticker shall bear the printed / facsimile signature of the Chairman of Meghalaya NGT Committee. The backside of the sticker shall also be signed on by the officers who will be signatory to the MTC. One fluorescent sticker shall be issued chronologically against one MTC.

6.13 To prevent pilferage, the loaded truck shall be fully covered with waterproof tarpaulin during period of transportation. Adequate free board shall be kept to avoid spillage. In case of spillage, the transporter shall ensure that spilled coal is collected and transported to destination. There shall be no washing of coal en-route.

6.14 Coal trucks found overloaded at the exit points shall be asked to offload the excess quantity in the space provided for the purpose at the weighbridge itself as per Section 23C of MMDR Act 1957. This offloaded coal shall be auctioned by the concerned Deputy Commissioners in accordance with law and in accordance with the guidelines for transportation of the extracted coal issued on 1st September, 2014 by the committee constituted by the Hon'ble National Green Tribunal vide order dated 1st august, 2014 in O.A. No. 73 of 2014.

The officers authorized by the Government under sub-section (4) of Section 21 of MMDR Act, 1957 shall seize the coal transported without any lawful authority along with vehicle used for such unlawful transportation of coal and make written complaint before competent court.

7 Refund of EMD for Unsuccessful Bidders

7.1 The EMD of the unsuccessful bidders shall only be refunded against the online refund request raised by the bidder and the processing of online refund will be completed within 3 (three) working days.

8 Less Delivery/Less Lifting of Coal

8.1 For quantity not delivered to bidders due to owner's failure, the corresponding amount shall be refunded to the buyer by the DMR, Meghalaya Government.

8.2 For quantity not lifted by bidders due to bidder's failure, EMD shall be forfeited and the balance amount of bid value shall be refunded by State Government to the bidder. CIL shall be entitled to 10% of the amount of EMD so forfeited.

9 Forfeiture of EMD: The EMD submitted by the successful Bidders will be liable for forfeiture in the following cases: -

9.1 If after completion of e-Auction, a successful Bidder fails to make payment for the bid amount including all other charges within the stipulated time, the proportionate EMD equivalent to the failed quantity shall be forfeited subject to the provisions at Clause No.5.4 and 5.9 of this scheme, and/ or

9.2 If the successful Bidders does not lift the booked quantity within the stipulated validity period of the D.O, the proportionate amount of Security @ of Rs.200/- per tonne (as converted from the EMD amount) for the unlifted quantity would be forfeited. Such forfeiture shall be made only if the balance Unlifted Quantity is equal to or more than a Truck Load.

Such forfeiture, however, would not take place if the Owner has failed to offer full or part of the successful Bid quantity within the validity period. In such cases again, no forfeiture would take place if the balance quantity is less than a truck load. The designated authority of the DMR, Meghalaya Government shall be the final authority in respect of the decision as to whether there was any failure on the part of the Owner to deliver coal to the Bidder against any MTC.

10 Refund of Coal value:

10.1 The balance coal value of the unlifted quantity after the expiry of the validity period for supply of coal and completion of required commercial formalities shall be refunded by the DMR, Meghalaya Government, subject to forfeiture of EMD if required, in terms of the forfeiture clause as above.

11 General Terms & Conditions:

11.1 The Auction of coal under this scheme is being conducted in accordance with the directions of the Hon'ble Supreme Court and in order to ensure minimization of adverse impact on environment as a consequence of transportation of coal.

11.2 The auction process of coal under this scheme is conducted on the basis that the Government of Meghalaya has been designated as the custodian cum receiver of the coal extracted at various pit heads in Meghalaya. As such, it is hereby clarified that no claim shall lie against the Government of Meghalaya and/ or NEC/ CIL /MSTC either by the owners of the coal, or the bidders, transporters and participants in the auction process in relation to the manner and mode of conduct of the auction process.

11.3 All terms and conditions of Scheme are subject to force majeure conditions as applicable.

11.4 Bidders must always ensure to keep their email address valid. In any case Buyers cannot be absolved from fulfilling the responsibility of compliance of any of the terms and conditions herein including payment terms due to non-receipt of emails from the Service Provider.

11.5 Bidders must be extremely careful to avoid any error in Bidding (whether typographical or otherwise) and they are fully responsible to check and rectify their Bid before submitting their Bid into the live e-Auction floor by clicking the "Bid" button. During the auction if the incremental Bid price is more than 50% of the immediate preceding Bid price, then the system will seek a re-confirmation from the Bidder before the Bid is registered.

11.6 There is no provision for Bidding in decimals. The Bidder shall be solely responsible for all consequences arising out of the Bid submitted by him (including any wrongful Bidding by him) and no complaint /representation will be entertained by the Service Provider/ Meghalaya Government/ NEC/ CIL in this regard.

11.7 Quantity mentioned in notice are only indicative and may undergo changes depending on factors/ bottlenecks foreseen in transportation of coal from the mine / stockpiles to the designated depot and/ or for delivery of coal at the designated depot

due to difficult terrain and adverse climatic conditions that are peculiar to the State of Meghalaya.

- 11.8** The coal offered for sale is on 'As is Where Is' basis. There will not be any joint/ third party sampling facility extended to any Buyer for the coal delivered against the successful bids. The Bidder is required to fully satisfy himself/ itself about the quality specifications of the lots of coal offered in the events of e-Auction before participating in the auction. Bidders shall be allowed by the Owners to inspect the lots before participation in e-Auction process. Refusal to lift part or full of the allotted quantity of coal secured in the Bids on account of non-suitability and /or sub-standard quality shall not be acceptable and EMD shall be forfeited by the Government of Meghalaya in respect of quantities not lifted on such grounds.
- 11.9** Government of Meghalaya / NEC/ CIL / MSTC reserve the right to cancel the sale of coal under this e-Auction from any designated depot / any lot offered from s designated depot , in part or whole, at any stage at its sole discretion without assigning any reason thereof and no party shall have any right whatsoever to raise any claim in that regard on that count.
- 11.10** Government of Meghalaya / NEC/ CIL reserves their rights to amend/modify and revise the terms and conditions contained herein in full or in part at any point of time and no party shall have any right whatsoever to raise any claim in that regard on that count.
- 11.11** While the sale under e-auction is independent, both parties, i.e., the Owner and the Bidder shall be entitled to claim and recover from the other party any excess or differential tax and statutory levies as provided in clause 5.2 at any time within a period of 3 years from the date on which the sum becomes recoverable. Both parties shall have a lien on any sums of money belonging to the other, which may come to their possession or control to the extent of the sum recoverable from the other.
- 11.12** By participating in the auction process, the mine owners and the buyers are deemed to have agreed to indemnify the State Government, Coal India Limited, NEC and MSTC during the conduct of the auction process.
- 11.13** In the process of implementation or interpretation of the scheme guidelines, if there is any issue or difference between any stakeholders, the decision of Government of Meghalaya and Coal India Limited is final.
- 11.14** The State Government shall notify Grievance Redress Forum with a retired District Judge as Chairperson and one representative each from State Government and a reputed NGO as members for redressing the grievances between buyers and stock owners.
