

**SECRET**

**(COPY NO.....)**

**FILE NO.**

**CABINET MEMORANDUM FOR THE APPROVAL OF COUNCIL  
OF MINISTERS.**

**Minister-in-Charge : Minister for Excise and Taxation.**

**Secretary-in-Charge : Secretary (Excise and Taxation).**

**Subject: Collection of tolls at multipurpose barriers under the H.P. Tolls Act, 1975 by Auction-Tender w.e.f. 1.4.2004 to 31.03.2005.**

The State Government had taken a policy decision regarding levy of toll under the H.P.Toll Act, 1975. The toll was levied on every mechanical vehicle passing over the thirty three designated multipurpose barriers at rates ranging between Rs. 30/- for light motor vehicle and Rs.60/- for goods vehicles exceeding 90 quintals. Originally the collection of toll was being made by the Public Works Department. However, w.e.f. 1<sup>st</sup> June, 2001 to 31<sup>st</sup> May, 2002 the Excise & Taxation Department had been entrusted the function of collection of toll levied under the Act and personnel were deployed from PWD. This policy was further modified and for the period 1.6.2002 to 31.03.2003 the Government decided to authorize collection of tolls to private agencies on the basis of Auction-cum-Tender.

The position regarding collection of Toll fee at the barrier , ever since 1<sup>st</sup> June 2001 is as follows:-

Period of licence	Collection Agency	Net amount collected/auctioned
1.6.2001 to 30.5.2002 (collection by department)	Through Govt. agency	8.06 crores
1.6.2002 to 31.3.2003	Through auction	14.60 Crores*
1.4.2003 to 31.3.2004	Through auction	12.20 crores**

\*With regard to the year 2002-03 the enhancement in auction money though amounted to a 117.43% yet the entire amount could not be realized as ten barriers had to be re-auctioned/or run departmentally for reasons of non-payment of license fee. This being the first year of auction and the bidders were enthusiastic but inexperienced and they offered the bids much above the reserve price. As such non recovery of 1,64,21,589/- amount of licence fee is pending and under litigation.

\*\* For the current year i.e. 2003-2004, the toll barriers were auctioned for Rs 12.20 crores as the bidders were now more experienced and offered rational bids even though it amounted to 13% decline in the auction money for the year 2003-2004. The barriers were auctioned two/ three times by the committee constituted for the purpose, in order to ensure maximum

realisation of auction bid and proximity to the reserve price. However, the recovery position during the year has been smooth and the entire amount of auction money will be recovered.

## **2. Salient features of the Tolls.**

- (1) Tolls at varying rates (Rs.20/-, 30/-, Rs.40/-, Rs.50/- and Rs.60/-) is collected under receipt in HPT-1 and the rates of toll are pre-printed on the tickets.
- (2) Period of validity of token is 24 hours after the first entry into Himachal Pradesh.
- (3) Toll is collected only on incoming vehicles. Toll is payable at the point of entry at first barrier and not at subsequent barriers.
- (4) The existing system also has the facility of collecting toll on quarterly and annual basis in the prescribed form at discounted rates. The quarterly rate is twenty times the daily rate and the yearly rate is sixty times the amount of daily rate.
- (5) In view of the difficulties of the daily commuters in the bordering areas, the matter had been taken up with the Govt. during the last year to reduce the rate of quarterly and yearly tokens to 15 and 45 times the daily rate from 20 and 60 times the daily rate and this proposal was also approved by the council of Ministers in its meeting on 5.5.2003. The Hon'ble C.M. while reviewing the activities of the Excise and Taxation Department on 19.11.2003, also directed to consider the problems of daily / frequent travelling people of the

border areas in their personal vehicles and emphasized that the rate of tokens from next financial year be reduced. Keeping in view the position explained above reduction of quarterly/ yearly tokens charges to 15/45 times was considered appropriate for the light motor vehicles and thus the Govt. has issued a draft notification No. EXN-F(6) 1/2002-I, dated 24.12.2003, and new rate of tokens will now be applicable from 1.4.2004 onwards. Of course, this step will lead to marginal revenue losses.

### **3. RECOMMENDATIONS**

Based on the previous years experience it is proposed as follows for the year 2004-05:-

1. Clubbing of barrier where appropriate should continue as such.
2. The concession to official Motor vehicles as per schedule I under section 3 of the Act will continue.
3. Keeping in view the fact that this is only 3<sup>rd</sup> year of Toll auctions, and the experience gained in the previous two auctions, it is felt that the existing revenues are realistic and without any danger of revenue falling under arrear, and it would be prudent to keep reserve price for the year 2004-05, pegged at 2003-04 level i.e. 12.20 crores. Increase in revenue would occur by open auctions presided by Deputy Commissioners, rather than an across the board percentage increase in reserve price. Hence reserve price Rs.12.20 crore may be approved as per Annexure-‘A’.

4. The quarterly and yearly tokens for light motor vehicles should be at fifteen and forty five times the daily rate.
5. Public sector undertakings (HRTC other State Roadways, will have the option of obtaining quarterly/yearly passes in whose area depot is situated from the concerned AETC and this revenue is not to be considered in the auction of the barrier and accrues exclusively to Govt..

#### **4. COMMENTS OF FINANCE DEPARTMENT**

The Finance department has concurred in the proposal.

#### **5. POINTS FOR CONSIDERATION**

1. Reserve price for the year 2004-2005 be approved at 12.20 crore.
2. Points 1, 2, 4 & 5 above may kindly be approved.

**Secretary (E&T) to the  
Government of Himachal Pradesh,  
Shimla-171002.**



**ANNOUNCEMENTS  
AUCTION-CUM-TENDER  
FOR  
LEASE OF RIGHT TO COLLECT TOLL  
UNDER THE H.P. TOLLS ACT, 1975**

**1.4.2004 TO 31.3.2005**

**EXCISE AND TAXATION DEPARTMENT  
HIMACHAL PRADESH.**

**DEPARTMENT OF EXCISE AND TAXATION  
HIMACHAL PRADESH**

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**ANNOUNCEMENTS**

***TO BE MADE AT THE TIME OF AUCTION-CUM-TENDER  
FOR LEASE OF RIGHT TO COLLECT TOLL UNDER THE  
H.P. TOLLS ACT, 1975.***

***1.4.2004 TO 31.3.2005***

**EXCISE AND TAXATION DEPARTMENT  
HIMACHAL PRADESH.  
NOTIFICATION.**

**No.14-14/91-EXN-TAX-**

**Dated: March, 2004.**

In exercise of the powers conferred on him by section 3-A of the Himachal Pradesh Tolls Act, 1975 (Act No. 9 of 1975), the Excise and Taxation Commissioner, Himachal Pradesh, hereby determines the terms and conditions, subject to which the right to collect toll levied under section 3 of the Act, on mechanical vehicles passing over any road infrastructure.

## **CHAPTER-I GENERAL.**

1.1 Subject to the provisions of the Himachal Pradesh Tolls Act, 1975 (hereinafter called the 'said Act') the rules framed or any notification or order issued thereunder, the right to collect toll under section 3 of the Act may be leased under an authority in form TL-1 granted under section 3-A thereof by the Addl./Dy. Excise and Taxation Commissioner, Incharge of the Zone to any person for any financial year or part thereof, as the Excise and Taxation Commissioner, Himachal Pradesh, may, approve in this behalf. A lessee shall be himself responsible for fulfilling any other obligation under any other law or rule not specifically mentioned in these conditions.

1.2 Notwithstanding anything to the contrary contained in these terms and conditions, under section 3-A of the said Act, the Excise and Taxation Commissioner, Himachal Pradesh, reserves the right to lease the right to collect toll at any barrier(s) or group of barriers specified in **Schedule-I** and for any period of a financial year, by auction or by calling tenders, or combination of both or any other mode, which he may

consider expedient in the interest of revenue. For this purpose, the mode of grant of lease may be changed by the Excise and Taxation Commissioner, whenever necessary, before the actual grant of the same. The Excise and Taxation Commissioner may also modify any of these terms and conditions to give effect to such mode of grant of lease after determination of the amount of lease money payable for such lease, in such manner as he may deem fit.

2. The Excise & Taxation Commissioner shall determine in respect of every barrier or group of barriers the minimum amount of lease money (reserve price) at which the collection of toll for such barriers may be reasonably leased out.

3. The highest bids in auction, tender or any other mode of lease shall be subject to confirmation by the Excise and Taxation Commissioner, Himachal Pradesh, who reserves the right to reject any bid without assigning any reason for doing so.

4. The lessee shall be bound to comply with the provisions of the said Act, the rules framed thereunder and all the directions and orders of the Excise and Taxation Commissioner, Himachal Pradesh and all other officers, which may be issued from time to time by them for the purposes of the lease and payment or recovery of the bid money.

<b>CHAPTER-II: GRANT OF LEASE BY AUCTION, TENDER, AUCTION-CUM-TENDER OR BY ANY OTHER MODE.</b>
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1. The method of granting lease will be the following:-  
(a) auction, (b) tender and (c) combination of auction and tender, or any other mode at the time, place and dates as may by notice be specified.

**(A) GRANT OF LEASE BY AUCTION.**

2. On the dates specified in the notice issued by the Excise and Taxation Commissioner, the Deputy Commissioner or in his absence due to exigencies beyond control, the Addl./Dy. Excise and Taxation Commissioner, Incharge of the Zone (hereinafter called the 'Presiding Officer') shall preside over the auction and superintend the process of receiving bids in respect of the barriers located in his Zone.

3. (1). Before commencement of the auction, the Presiding Officer shall announce to the intending bidders, ---

- (i) **the name of the barriers in respect of which the right to collect toll is being leased out;**
- (ii) the period of lease;
- (iii) (a) the rates at which and the categories in respect of which the toll is to be collected during the period of lease as per **Schedule-II**, and (b) the categories of vehicles exempted from levy of toll as per **Schedule-III**;
- (iv) the minimum amount ('reserve price') for the concerned barrier(s) or group of barriers;
- (v) the terms and conditions of lease; and

- (vi) any other details as the Excise and Taxation Commissioner, may direct.
- (2) Intending bidder shall submit to the Presiding Officer the proof of his 'Eligibility Claim', namely, Declaration of Solvency in Form-A accompanied by an affidavit in Form-B and a declaration in Form-C accepting all the terms and conditions for the grant of lease.
  - (3) Before submitting the bid /offer the bidder should satisfy itself about the site conditions and facility available. No representations whatsoever about the site or condition thereof will be entertained after the bids / offers have been submitted/accepted.
  - (4) The bidder shall disclose the names and addresses of the sole proprietor, the partners of the partnership firm and directors of the company alongwith the bid. Bids submitted without the said information will be rejected outright. The bidder shall not affect any change in the constitution of the partnership firm or in the management of the company during partnership firm or in the management of the company during the validity period of the bid without the prior approval of the Additional / Deputy Excise and Taxation Commissioner Incharge of the Zone.
  - (5) Only those persons who are found eligible under condition 3 (2) & (3) and who have also deposited earnest money equal to 1% of the '**reserve price**' fixed for each barrier or barriers into the Government treasury or with the Presiding Officer shall be allowed to bid for the lease of right to collect toll at any barrier (s). The earnest money may be paid either in cash or

by a crossed bank draft, or duly pledged Fixed Deposit Receipts, or National Saving Certificates or by any one or more of these modes of payment, provided the instrument is made specifically payable in favour of the Asstt. Excise and Taxation Commissioner, Incharge of the district.

- (6) The auction shall be conducted for each barrier or group of barriers separately.
- (7) When the bidding for any barrier or group of barriers exceeds a figure of Rs. 1.00 lakh, each further bid shall be multiple of Rs. 10,000/- and above Rs. 10.00 lakhs each further bid shall be multiple of Rs. 25,000/-.
- (8) The Presiding Officer may refuse any bid, which he considers to be merely speculative, after recording reasons.
- (9) The Presiding Officer may exclude any person on account of his conviction in a criminal case or record as a bad character or on account of his being suspected of pooling in any auction or indulging in other activities prejudicial to Government revenue or for any other sufficient reasons to be recorded in writing, from participating in the auction. He may further recommend to the Excise and Taxation Commissioner for black- listing of that person.
- (10) If the Presiding Officer is of the opinion that the bids are not reasonable, as a result of suspected pooling, he may postpone the auction of that particular barrier or group of barriers.
- (11) When the Presiding Officer finds that a bid has crossed the indicated reserve price, he will demand an immediate deposit of

the amount of money beyond such reserve price (hereinafter called “cash-down payment”).

(12) For strict observance of the provisions of the Act, the rules framed, the notifications, the terms and conditions of the lease or the directions issued thereunder, the highest bidder shall furnish two acceptable sureties who own immovable property in Himachal Pradesh of an amount ranging between 25% to 50% of the bid money, or in the shape of F.D.R.s, National Saving Certificates pledged in favour of the Assistant Excise and Taxation Commissioner, incharge of the district or unconditional Bank Guarantee, as the Presiding Officer may determine. Such security shall be furnished within 7 days from the date of the auction or any other day specified by the Presiding Officer, whichever is earlier.

(13) The highest bidder shall deposit by way of security an amount equivalent to 16.5% of the bid as under:--

- (a) 5% of the bid money or the amount directed to be deposited by the Presiding Officer as ‘cash-down payment’ at the time of bidding, whichever is higher, at the fall of the hammer;
- (b) 10% of the bid money within 10 days of the auctions; and
- (c) 1.5% of the bid money before the commencement of the lease, in the shape of a revenue deposit or unconditional bank guarantee or F.D.R. as may be directed by the Asstt. Excise and Taxation Commissioner, incharge of the district concerned:

Provided that in case a bank guarantee is given as 1.5% deposit of security, it should be valid from the date of commencement of the lease to 3 months after the expiry of the lease:

Provided further that in lieu of cash, the successful bidder may also submit a bank draft in favour of the Asstt. Excise and Taxation Commissioner, incharge of the District.

Provided further that in case the immediate 'cash down payment' actually made at the fall of the hammer is higher than 15% or more of the bid money, the highest bidder will not be required to make a separate deposit equivalent to 15% under parts (a) and (b) of condition 3(13).

- (14) If the highest bid in respect of any barrier received by the Presiding Officer at the auction is rejected or not confirmed by the Excise and Taxation Commissioner, the deposits of security made by the concerned bidder under condition 3(13) shall be refunded to such bidder without any interest thereon sustain 15 days period. Deposit of security shall confer no right on the highest bidder for the grant of lease.
- (15) If any person, who is the highest bidder at the auction, either indulges in pooling by deliberately withdrawing or fails to make the deposit of the amount of security or on approval of his bid by the Excise and Taxation Commissioner refuses to accept the lease, the lease in such a case may be granted by any arrangement specified in condition 1.2 of Chapter-I and

any deficiency in the amount of bid and all expenses incurred on such grant or attempted grant shall be recoverable from the said person as an arrears of land revenue.

- (16) If the highest bid in respect of any barrier received by the Presiding Officer is approved and confirmed by the Excise and Taxation Commissioner, the deposit of security made by the concerned bidder under condition 3(13) above, shall be counted towards the payment of lease money approved in respect of the concerned barrier(s), and adjusted as such and the remaining amount of lease money shall be paid by the lessee in the manner specified in condition 3 (17), below.
- (17) The remaining amount of lease money as per condition 3 (16) above, (i.e. the amount of 85 % of the lease money remaining after deducting the sum equal to 15% deposited as security under condition 3 (13) from the aggregate lease money of the concerned barriers) shall be paid by the lessee in 10 equal instalments in case the lease is for a financial year or in such number of instalments, as the Excise and Taxation Commissioner may fix.. The lessee shall pay the first such instalment by the 20<sup>th</sup> of the month in which he is to begin his business under the lease and thereafter the remaining instalments by 20<sup>th</sup> of each month till the entire lease money has been realized. (In respect of the lease period commencing from 1<sup>st</sup> April, 2004, and concluding on 31<sup>st</sup> March, 2005, the remaining amount of 85% of the lease money shall be paid by the lessee in 10 equal instalments and the lessee shall pay the first instalment by 20<sup>th</sup> of April and thereafter the remaining

instalments by 20<sup>th</sup> of each month till the entire lease money has been realized).

- (18) Out of 1.5% security, a sum as may be required, shall be adjusted against any amount of arrears due to the Government at the close of the lease period and such amount of the aforesaid security as may not be required for adjustment against any arrears shall be released to the lessee under proper orders by the Additional/Deputy Excise and Taxation Commissioner, Incharge of the Zone.
- (19) In the event of his failure to pay an instalment or part thereof of the lease money by the due date --
- (a) the lessee shall pay interest on the unpaid amount @ 15% per annum for the period of delay up to one month from the date of default of the amount, and @ 20% per annum thereafter till the default continues; and
  - (b) without prejudice to part (a) of this condition the Assistant Excise and Taxation Commissioner, Incharge of the district may subject to payment of the interest at the prescribed rates permit the lessee to deposit the amount of the instalment or part thereof upto 20<sup>th</sup> of the next month, except the last instalment which shall be deposited by 10<sup>th</sup> day of the month following the month in which such instalment was payable under condition No.3 (17).

*Explanation:-- For the purpose of this condition, the date of payment shall be included in the period for which interest is to be charged.*

- (20) If the lessee fails to deposit the instalment or instalments plus interest, as the case may be, upto the 20<sup>th</sup> of the next month, or the last instalment by 10<sup>th</sup> day of the month following the

month in which the instalment is payable, the Addl./Dy. Excise and Taxation Commissioner, Incharge of the Zone will, unless he compounds the delay by imposing penalty as provided for in these terms and conditions, suspend or cancel the lease, and the Asstt. Excise and Taxation Commissioner, Incharge of the district shall initiate recovery proceedings of the amount of lease money due, including interest, penalty etc. as an arrears of land revenue, on the 20<sup>th</sup> day of the following month or 10<sup>th</sup> day, as the case may be, this shall be in addition to the penalty provisions that may be brought into operation against the lessee under the HP Tolls Act, 1975, and the rules framed thereunder and these terms and conditions of lease.

- (21) In the event of the cancellation of the lease for one barrier or group of barriers, the Addl./Deputy Excise and Taxation Commissioner, Incharge of the Zone may resell it by resorting to any of the methods specified in condition No.1.
- (22) The lessee shall have to make his own arrangements for collection of toll at the notified barriers in respect of those mechanical vehicles from whom the toll is to be charged under the Act. In case of availability the Govt. land may, if permissible, be given on lease for use in connection with the collection of toll.
- (23) The lessee shall issue the receipt for toll in Form H.P.T.1 and quarterly/yearly tokens in Form-T2 and Form-T3 (appended hereto) and comply with its terms regarding printing etc. as specified thereon. The lessee shall collect toll only at the rates and in respect of the incoming mechanical vehicles specified in

the said Act. For this purpose, the lessee shall arrange necessary stationery and other requirements at his own cost. The lessee shall also be required to comply with the provisions of the HP Tolls Act, 1975, the rules framed or the notifications or any directions issued thereunder.

(24) The quarterly and annual tokens issued shall be valid only for the barrier or the group of barriers issuing such tokens.

(a) The quarterly and annual tokens obtained by the public sector transport corporations and private stage carriages and contract carriages would be valid for all barriers as per their authorised route. Such tokens should be obtained from barriers through which the concerned vehicle mainly plies. In case such vehicle traverses more than one barrier in the course of its journey, the token shall be obtained from the barrier falling first in the course of such a journey.

(b) The quarterly/annual rates prescribed for the vehicles specified in Schedule-II at Category (c) (iii) of Sl. No. 2 shall be applicable only to those vehicles, the owners of which resides in H.P. within 5 Kilometres of the vicinity of any of the barrier specified in Schedule-I and will be applicable only to that particular barrier in the vicinity of which such owner resides. Further, such owner shall be entitled to such token only when he produces a certificate from the local S.D.M./ Tehsildar to the effect that he is a resident of such and such place which falls within the vicinity of five kms. from such specified barrier.

- (25) The auction results are open to revision by the Excise and Taxation Commissioner.
- (26) At the conclusion of every auction, the Presiding Officer shall refund to all persons, whose bids have not been accepted, all deposits made by them.
- (27) The Presiding Officer shall forward to the Excise and Taxation Commissioner, the statements showing the lowest amount of lease money (reserve price) determined under condition No. 3 (1) above, the name of the person(s) in whose favour the barrier has been auctioned, the amount of lease money for which the same have been auctioned compared with the amount of the preceding year, and, in any case in which the barrier has not been auctioned for the highest bid, a short statement of the reasons for rejecting it.
- (28) If auction results are set aside by the Excise and Taxation Commissioner on revision or the same is not confirmed, the Excise and Taxation Commissioner may himself or otherwise specifically direct the Presiding Officer to resell the barrier(s) by auction, or by tender or by combination of both or by any other mode as may be approved by him.
- 4.** On approval of the highest bid by the Excise and Taxation Commissioner, the Addl./Dy. Excise and Taxation Commissioner, Incharge of the Zone shall issue to the lessee the authority for collection of toll in Form TL-1.
- 5.** If any lessee or any employee of the lessee commits a breach of any provision of the said Act, Rules framed thereunder or these terms and conditions or any notification, order or directions issued by any officer of

the Excise and Taxation Department, he shall, in addition to rendering his lease liable to be suspended or cancelled by an order of the Addl./Dy. Excise and Taxation Commissioner, Incharge of the Zone and DETC (HQ) be liable to pay a penalty which may extend to Rs.5,000/- and when the breach is a continuing one, he shall be liable to a daily penalty which may extend to Rs.200/- for every day during which the breach continues. In respect to incidence of misbehavior with owners of mechanical vehicles and other complaints received against lessee Assistant Excise and Taxation Commissioner incharge of the district may impose a penalty after giving notice which may extend upto Rs.2500/- in each case. Orders of the Asstt. Excise and Taxation Commissioner shall be appealable to the Addl./Dy. Excise and Taxation Commissioner incharge of the zone.

**6.** The suspension or cancellation of the lease may be revoked or for gone by the Addl./Dy. Excise and Taxation Commissioner, Incharge of the Zone on payment of a penalty as he may fix.

**7.** If a lessee or any person in his employment has committed any breach, as specified in condition No. 5, above, the Addl./Dy. Excise and Taxation Commissioner, Incharge of the Zone may forfeit the security deposited by the lessee under these terms and conditions. Such forfeiture shall be without prejudice to any other action that the Addl./Dy. Excise and Taxation Commissioner may take under the said Act, the rules, these terms and conditions, notification issued thereunder.

**8.** The Excise and Taxation Commissioner, Himachal Pradesh, reserves the absolute right to make amendments in the terms and conditions during the currency of the year.

**(B) GRANT OF LEASE BY TENDER.**

9. Tenders will be submitted in accordance with the procedure prescribed in the ‘**Tender Document**’ in **Form-TD**. The tender document may be obtained from the office of the Assistant Excise & Taxation Commissioner, Incharge of the concerned district for filing bid.

10. The tenders shall be received by the Asstt. Excise and Taxation Commissioner, and at the places mentioned therein specified in the notice issued by the Excise and Taxation Commissioner, Himachal Pradesh as per the terms and conditions laid down in the ‘**Tender Document**’. The Asstt. Excise & Taxation Commissioner shall complete the record of every person submitting offer by tender:--

S.No.	NAME AND FULL ADDRESS OF PERSON MAKING BID BY TENDER.	FULL SIGNATURES OF PERSON MENTIONED IN COLUMN No.2.	SIGNATURE OF DEPARTMENTAL OFFICIAL.
1.	2	3.	4.

11. All other terms and conditions applicable for the grant of lease by auction shall apply *mutatis mutandis* to the grant of lease by Tender.

**(C) GRANT OF LEASE BY AUCTION-CUM-TENDER.**

12. Tenders will be submitted in accordance with the procedure prescribed in the ‘**Auction-cum-Tender Document**’ in **Form-TD**. However, all bidders intending to participate in auction-cum-tender also are

expected to go through the Tender Document and submit the relevant forms before participating in the auction-cum-tender. The auction-cum-tender documents may be obtained from office of the Assistant Excise & Taxation Commissioner for filing bid or for participating in auction-cum-tender.

**13.** The tenders shall be received by the Asstt. Excise and Taxation Commissioner, specified in the notice issued by the Excise and Taxation Commissioner, Himachal Pradesh and on the dates and at the places mentioned therein, as per the terms and conditions laid down in Tender Document. Terms and conditions laid down in the Tender Document shall be part and parcel of these conditions governing the procedure for grant of lease by auction-cum-tender. The Asstt. Excise Taxation Commissioner shall complete the record of every person (other than the Presiding Officer or any other officer or official of the Excise & Taxation Department) entering the auction venue/hall in the following format:-

S.No.	NAME AND FULL ADDRESS OF PERSON ENTERING AUCTION VENUE/HALL	FULL SIGNATURES OF PERSON MENTIONED IN COLUMN No.2.	SIGNATURE OF DEPARTMENTAL OFFICIAL.
1.	2	.3.	4.

**14.** All other terms and conditions applicable for the grant of lease by auction shall apply *mutatis mutandis* to the grant of lease by auction-cum-tender.

**(D) GRANT OF LEASE BY ANY OTHER MODE.**

**15.** For grant of lease by any other mode other than by auction or by tender or by auction-cum-tender, the terms and conditions of grant of lease by auction shall apply as far as may be.

**16. Date of commencement of this Notification.**—This notification shall come into effect from the date of its issue.

**THE TERMS AND CONDITIONS OF GRANT OF LEASE OF  
RIGHT TO COLLECT TOLL UNDER THE H.P. TOLLS ACT,  
1975.**

**SCHEDULE -I**

(See Condition No.1.2)

District.	Sl. No.	Name of Barrier.
1.	2.	3.
SOLAN	1.	Parwanoo
	2.	Barotiwala
	3.	Gullarwala
	4.	Baddi
	5.	Dabhota
	6.	Parwanoo Sec.IV
	7.	Dherowal
	8.	Navgoan
	9.	Bhegari
SIRMOUR	10.	Kala Amb
	11.	Behral
	12.	Govindghat
	13.	Haripur Khol
SHIMLA	14.	Kuddu
BILASPUR	15.	Garamaura
	16.	Golthai
	17.	Kaulan Toba
KANGRA	18.	Kandwal
	19.	Sansarpur Terrace
	20.	Shekupura Chowk
CHAMBA	21.	Tunnuhatti
UNA	22.	Marwari
	23.	Gagret
	24.	Pandoga
	25.	Mehatpur
	26.	Ajouli
	27.	Polian
	28.	Gondpur Jaichand
	29.	Busdehra
	30.	Bhatoli
	31.	Bathu
	32.	Santokhgath

**THE TERMS AND CONDITIONS OF GRANT OF LEASE OF  
RIGHT TO COLLECT TOLL UNDER THE H.P. TOLLS ACT,  
1975.**

## **SCHEDULE -II**

(See Condition No. 3(1))

Sl.No.	Particulars of vehicles.	Rate of toll per day or part thereof.	Rate of toll per quarter or part thereof.	Rate of toll per year or part thereof.
1.	2.	3.	4.	5.
1.	<b>Vehicle having loading capacity:</b> (a) Exceeding 90 quintals.  (b) Exceeding 20 but upto 90 quintals. (c) Exceeding 10 but upto 20 quintals. (d) Tractors plying with public carried or private carrier permit (except tractors used for agricultural purpose).	Rs.60.00   Rs.50.00  Rs.40.00 Rs.40.00	20 times the rate as specified in Column (3) -do- -do- -do-	3 times the amount as specified in column (4) -do- -do- -do-
2.	<b>Passenger vehicles having seating capacity of:</b> (a) above 12 passengers (b) upto 12 passengers (c) other light motor vehicles such as jeep, car, pick-up van, station wagon.— (i) Registered as Public carrier. (ii) Registered as Private Vehicles. (iii) The private registered vehicles of the owners of the vicinity of the barrier	Rs.60.00 Rs.40.00   Rs.40.00 Rs.30.00  Rs. 30.00	-do- -do-   -do-  15times the rate as specified in Column (3)  Rs.100.00 *	-do- -do-   -do-  45times the rate as specified in Column (3)  Rs. 300.00 *
3.	<b>Motor Rickshaw and Scooter Rickshaw.</b>	Rs.20.00	20 times the rate as specified in Column (3)	60 times the rate as specified in Column (3)

\* Subject to fulfillment of conditions prescribed in 3 (23) (B).

**THE TERMS AND CONDITIONS OF GRANT OF LEASE OF  
RIGHT TO COLLECT TOLL UNDER THE H.P. TOLLS ACT,  
1975.**

**SCHEDULE -III**

**MECHANICAL VEHICLES EXEMPTED FROM LEVY OF TOLL**

**(See Condition No. 3(1))**

<b>Sl.No.</b>	<b>Description of mechanical vehicle.</b>
1.	Mechanical vehicles belonging to the President of India, Vice President of India, the Ministers, the Speakers and Defence Services of the Union of India and the mechanical vehicles belonging to Diplomatic Core and Himachal Pradesh Government, Members of Himachal Pradesh Legislative Assembly and Members of Parliament of Himachal Pradesh and the vehicles of the Hon'ble High Court of Himachal Pradesh, Fire Tenders, Ambulances and vehicles specially designed for use by physically handicapped persons.
2.	Motorcycles and scooters.
3.	Tractors used for agricultural purposes.

**THE TERMS AND CONDITIONS OF GRANT OF LEASE OF  
RIGHT TO COLLECT TOLL UNDER THE H.P. TOLLS ACT,  
1975.**

**FORM-‘A’**

**DECLARATION OF SOLVENCY BASED ON VALUE OF ASSETS.  
[See Condition No. 3(2)]**

**VALUE OF ASSETS OF AN INTENDING BIDDER**

1. Name \_\_\_\_\_
2. Father's Name \_\_\_\_\_
3. Full Permanent Address \_\_\_\_\_  
\_\_\_\_\_
4. Occupation \_\_\_\_\_
5. Telephone Number(s) \_\_\_\_\_
6. (A) Details of moveable properties:

<b>S.No.</b>	<b>Description</b>	<b>Description</b>	<b>Value</b>
1.	Bank Deposits		
2.	Vehicles		
3.	Shares/ Debentures etc.		
4.	Ornaments		
5.	Others		

6. (B) Details of immovable properties

<b>S.No.</b>	<b>Description</b>	<b>Area/Quantity</b>	<b>Value</b>
1.	Land		
2.	Building		
3.	Plant and machinery		

4.Total value of moveable and immovable assets (A+B)=

## **DECLARATION BY THE BIDDER**

I solemnly declare that the facts about my property stated above are correct and that the immovable property specified above is from all encumbrances.

**Place:**

**Signature of Bidder)**

**Date:**

---

### A. SPECIAL CONDITIONS:--

**The intending bidder may furnish :-**

Declaration of solvency in **Form-A** (prescribed under auction conditions) based on value of assets of an intending bidder to show that his/their total assets are atleast worth  $1/10^{\text{th}}$  of reserve price.

**OR**

Bank Guarantee or F.D.R. or N.S.C. for  $1/10^{\text{th}}$  of reserve price.

**OR**

In case intending bidder is a company or a firm, it may even file its latest audited balance sheet to show that its total assets are atleast worth  $1/10^{\text{th}}$  of reserve price.

**OR**

Cash deposit for  $1/10^{\text{th}}$  of reserve price.

### B. INSTRUCTIONS FOR FILLING IN DECLARATION OF SOLVENCY:--

1. *A person furnishing F.D.R. or National Saving Certificate or a Bank instead of filling in Col. 6(A), (B) of Form-A, shall also have to fill in particulars in Entry No. 1 to 5 above and also affix his attested photograph.*

2. ***It is not necessary to make an entry against all the items in Point Nos.6 (A) and 6(B). It will suffice to make such number of entries as would give an overall value of atleast 1/10<sup>th</sup> of reserve price for one of the principal partner amongst the bidder(s).***
3. *Photocopies of all documents (attested by a Gazetted Officer) such as Jamabandi, valuation certificates, registration certificate, ownership of building (to be issued by the local Body), Bank Account Details, Instruments etc. must be attached.*
4. *Valuation of building can be done by an approved valuer or an A.E. of a Govt./Semi Govt. organization. In case of a landed property, the concerned Revenue Officer (i.e. Tehsildar/ Naib Tehsildar) shall give the value of land on the basis of latest Govt. instructions in the matter.*
5. *In case of FDR/NSC etc., original copy will be taken, unlike the first option (refer to Special Conditions hereinabove) where attested photocopies will suffice.*
6. *If a person files his eligibility claim as 'XYZ &Co.', Form-A from other partners of his partnership or association of persons etc. may not be insisted upon provided that this person called XYZ proves his solvency as per any of the options given in the Special Conditions hereinabove The bidder may include details of such partners in Form 'D' (i.e. Financial Bid).*

**THE TERMS AND CONDITIONS OF GRANT OF LEASE OF  
RIGHT TO COLLECT TOLL UNDER THE H.P. TOLLS ACT,  
1975.**

**FORM-B**

[See Condition No.3(2)]

**AFFIDAVIT**

I, .....son of .....permanent resident of .....and at present residing ....., aged.....years, occupation.....do hereby solemnly affirm and declare as under:---

1. That I have not been convicted of any offence under any law.
2. That I have not been declared to be a “bad character” by the Police.
3. That I have not been debarred from participating in any auction or tender for the grant of any license or contract by any authority of State Government or Central Government or Union or National Territory Government or Local Government.
4. That I am not a defaulter under any Excise and Taxation Statute of the State of Himachal Pradesh.
5. I further affirm that the contents of this affidavit of mine are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Affirmed this .....day of.....,2004 at .....

Deponent

**THE TERMS AND CONDITIONS OF GRANT OF LEASE OF RIGHT TO COLLECT TOLL UNDER THE H.P. TOLLS ACT, 1975.**

***FORM-‘C’***

***[See Condition No.3(2)]***

**Declaration regarding acceptance of terms and conditions of auction.....\* notified under section 3-A of the H.P. Tolls Act, 1975.**

To

The Excise and Taxation Commissioner,  
Himachal Pradesh, Shimla-171009.

Sir,

I have carefully gone through the terms and conditions of the grant of lease of the right to collect toll under section 3-A of the H.P. Tolls Act, 1975, notified by the Excise and Taxation Commissioner, H.P. for the period from \_\_\_\_\_ to \_\_\_\_\_. I declare that all the terms and conditions mentioned above are acceptable to me.

Yours faithfully,

Signatures.....

Name.....

Father's name.....

Permanent address.....

.....

.....

Date:

Place:

---

\*Modify accordingly in case of tender, auction-cum-tender or any other mode.

**TERMS AND CONDITIONS OF GRANT OF LEASE OF RIGHT TO COLLECT TOLL UNDER THE H.P. TOLLS ACT, 1975.**

**FORM H.P.T.1\***

**[See condition No.3 (23)]**

No.....

**Receipt under Himachal Pradesh Tolls Act, 1975.**

1. Name of the Barrier.....
2. Date of issue.....Time.....
3. Registration No. of mechanical vehicle.....

Received a sum of Rs.....only as toll.

Signature of Toll Inspector

-----  
**\*(TO BE PRINTED IN WHITE COLOUR IN THE SIZE OF 13 Cm. X 8 Cm.)**

**CONDITIONS**

**( TO BE PRINTED ON THE BACK OF THIS RECEIPT)**

**1. RATES AT WHICH TOLL IS TO BE CHARGED.**

- |     |   |   |           |
|-----|---|---|-----------|
| (a) | Private light motor vehicles,<br>Jeep, Car, Van.                  | : | Rs.30.00  |
| (b) | Public light motor vehicles,<br>Taxi, Maxi Cab etc.               | : | Rs. 40.00 |
| (c) | Passengers vehicles upto<br>seating capacity of 12<br>passengers. | : | Rs. 40.00 |
| (d) | Passengers vehicles over<br>seating capacity of 12<br>passengers. | : | Rs. 60.00 |
| (e) | Goods vehicles exceeding<br>loading capacity of 90 Qtls.          | : | Rs. 60.00 |
| (f) | Goods vehicles above 20 :<br>but upto 90 Qtls. Loading capacity.  |   | Rs. 50.00 |
| (g) | Goods vehicles above 10 but<br>upto 20 Qtls.                      | : | Rs. 40.00 |
2. Toll is to be collected only for vehicles entering into Himachal Pradesh.
  3. No toll is to be collected for vehicles exiting out of Himachal Pradesh.

4. This receipt shall be valid for 24 hours throughout the State of Himachal Pradesh.
5. Toll is to be paid only at the first barrier of entry.
6. Concessional quarterly/yearly tokens are also available at the barrier.
7. In case of over charging or any other violation, please contact the officer-in-charge at the Excise and Taxation Barrier.

**TERMS AND CONDITIONS OF**  
**GRANT OF LEASE OF RIGHT TO**  
**COLLECT TOLL UNDER THE H.P.**  
**TOLLS ACT, 1975.**

**FORM-T2\***  
**[See condition No.3 (23)]**

**Quarterly Token**  
**Under the H.P. Tolls Act, 1975**

Sl. No..... Date of issue.....

**VALID UPTO.....**

**Registration No./kind of vehicle.....**

Amount of Toll received (in figures &  
words)

.....

**Name, Signatures & stamp of the issuing  
authority.**

-----  
**\*(TO BE PRINTED IN GREEN  
COLOUR IN THE SIZE OF 13 Cms. X 8  
Cms.)**

**TERMS AND CONDITIONS OF**  
**GRANT OF LEASE OF RIGHT TO**  
**COLLECT TOLL UNDER THE H.P.**  
**TOLLS ACT, 1975.**

**FORM-T3\***

**[See condition No.3 (23)]**

Annual Token

**Under H.P. Tolls  
Act, 1975**

Sl.No..... Date of issue.....

**VALID UPTO.....**

**Registration No./kind of vehicle.....**

Amount of Toll received (in figures &  
words)

.....

**Name, Signatures & stamp of the issuing  
authority.**

---

**\*(TO BE PRINTED IN RED COLOUR  
IN THE SIZE OF 13 Cms. X 8 Cms.)**

**TERMS AND CONDITIONS OF GRANT OF LEASE OF RIGHT TO COLLECT TOLL UNDER THE H.P. TOLLS ACT, 1975.**

**FORM TL.-1**  
(See Condition No.4)

Here affix latest attested photograph of lessee.
---

Registered under District No.....

This lease authorising collection of Toll levied under Section 3-A of the H.P. Tolls Act, 1975 at the barrier(s) specified below for the period from \_\_\_\_\_ to \_\_\_\_\_ is granted under section 3-A of the said Act to \_\_\_\_\_ son of \_\_\_\_\_ (address).

This lease is granted subject to the provisions of the Himachal Pradesh Tolls Act, 1975, the rules framed thereunder, the terms and conditions determined by the Excise and Taxation Commissioner under section 3-A of the said Act and the supplementary conditions specified herein below, and subject to the payment of Rs. \_\_\_\_\_ (in words) \_\_\_\_\_ on account of lease money in consideration of the lease of the right to collect toll under the Act.

**Addl./Dy. Excise and Taxation Commissioner,  
.....Zone, Himachal Pradesh.**

**Description of the Barrier(s):**

Sl. No.	Name of the Barrier.	District.
---------	----------------------	-----------

## **SUPPLEMENTARY CONDITIONS:**

1. This document shall be conspicuously displayed by the lessee at the barrier(s) mentioned herein above and shall be produced, on demand by any officer of the Excise and Taxation Department not below the rank of an Excise and Taxation Inspector for inspection.
2. The lessee shall also display conspicuously the rates of toll payable in respect of each mechanical vehicle.
3. The lessee shall employ only those persons in connection with the collection of the toll at the barrier(s), whose names have been previously approved by the Asstt. Excise and Taxation Commissioner, Incharge of the District for each of the barrier separately. Such persons shall also wear such uniform as may be prescribed and possess and produce for inspection their identity cards, which have been issued to them by the Asstt. Excise and Taxation Commissioner, Incharge of the District. In matter of employment the lessee shall give preference to Himachalis.
4. In the event of suspension or cancellation of the lease, the lessee shall surrender this lease authority within three days to the Addl./Dy. Excise and Taxation Commissioner, Incharge of the Zone.
5. The attested photograph(s) of the lessee (s) shall be affixed at the top of this Form. In case the No. of lessees is more than one, their photographs duly attested, shall be kept alongwith this document and produced for inspection. One copy of such photograph shall also be kept in the office of the Addl./Dy. Excise and Taxation Commissioner issuing this document.
6. The lessee shall furnish such statements or returns as the Excise and Taxation Commissioner may, from time to time, prescribe.

7. The lessee shall comply with the provisions of the H.P. Tolls Act, 1975, the rules framed thereunder, the notifications or directions issued thereunder and the terms and conditions of the lease of the right to collect toll notified by the Excise and Taxation Commissioner from time to time.
8. The lessee shall ensure that basic courtesies are extended at the time of collection of toll and violation of this condition shall render him liable to penal action.
9. In case the lessee fails to comply with the directions issued by officer authorised by the Excise and Taxation Commissioner, he shall be liable to pay a penalty upto Rs.2500/- to be imposed by the Assistant Excise and Taxation Commissioner or by the officer authorised by the Excise and Taxation Commissioner.

**LIST OF PERSONS WHOSE NAMES HAVE BEEN APPROVED  
FOR COLLECTION OF TOLL ON BEHALF OF THE LESSEE.**

Name.	Father's name.	Age.	Address.	Barrier for which approved.
1.	2.	3.	4.	5

**(Narinder Chauhan)**  
**Excise and Taxation Commissioner,**  
**Himachal Pradesh.**

**Copy forwarded for information and necessary action to:-**

1. The Secretary (Excise & Taxation) to the Govt. of HP, Shimla-2.
2. All the Deputy Commissioners in Himachal Pradesh.
3. The Controller, Printing and Stationery, H.P. Shimla-5 for publication in the Rajpatra HP (Extra-ordinary). 100 printed copies this notification may please be made available to this office.
4. All Addl.Dy. Excise and Taxation Commissioner in the HP.
5. All Asstt. Excise and Taxation Commissioners,I/c of the Distt. in HP.

**Dy. Excise & Taxation Commissioner(D)  
Himachal Pradesh.**

**FORM-'TD'**

No:14-14/91-EXN-TAX-  
Dated: Feb, 2004

## DEPARTMENT OF EXCISE AND TAXATION

**TENDER/AUCTION-CUM-TENDER DOCUMENT FOR  
GRANT OF LEASE OF RIGHT TO COLLECT TOLL UNDER  
THE H.P. TOLLS ACT, 1975, THE PERIOD FROM 1.4.2004  
TO 31.3.2005.**

Financial offers are hereby invited by the undersigned for lease of right to collect toll at barriers established in Himachal Pradesh under the H.P. Tolls Act, 1975 for the period from 1.4.2004 to 31.3.2005. The details of (a) barriers (b) official reserve price of toll for each barrier, (c) the rates of toll applicable for the lease period, and (d) other connected details shall be available in the office of the Addl./Dy. Excise and Taxation Commissioner, Incharge of the Zone/Asstt. Excise and Taxation Commissioner, Incharge of the concerned district for consultation and reference by the intending participants in the Tender or Auction-cum-Tender. Districtwise tender/auction-cum-tender Schedule, which has been published in different news papers, is appended as *Annexure-I*.

### **PROCEDURE FOR FILLING TENDER DOCUMENT**

Sealed tender for a barrier as specified in the Tender Schedule issued in this behalf, will be received on the date, time and place specified in the notice issued by the Excise and Taxation Commissioner, Himachal Pradesh in respect of the barriers in the concerned districts. Sealed tenders are required to be submitted in three separate envelopes, namely, **Envelope-A, Envelope-B and Envelope-C**, which should carry the following description:--

**Envelope-A:**

“Eligibility claim for participation in tender of barriers in District \_\_\_\_\_ for the period from \_\_\_\_\_ to \_\_\_\_\_”.

**Envelope-B:**

“Bid security for sealed tender for \_\_\_\_\_ barrier or \_\_\_\_\_ group of barriers.”

(TO BE OPENED ON \_\_\_\_\_)

**Envelope-C:**

“Financial Bid for \_\_\_\_\_ barrier \_\_\_\_\_ group of barriers.”

(TO BE OPENED ON \_\_\_\_\_)

The above details will be superscribed on each of the three Envelopes. These Envelopes will be addressed to the Asstt. Excise and Taxation Commissioner, specified in the notice and will also contain the following details on the **Envelopes** also:--

- (i) Name, father's name and full address.
- (ii) Name of the barrier or group of barriers for which bid is being submitted.

2. **ELIGIBILITY:**

Every person intending to submit sealed tender must establish his or their eligibility first by providing the following information in **Envelope-A**:--

- (i) Declaration of solvency in **Form-A** (prescribed under auction conditions) based on value of assets of an intending bidder to show that his/their total assets are atleast worth 1/10<sup>th</sup> of reserve price.

**OR**

Bank Guarantee or F.D.R. or N.S.C. for 1/10<sup>th</sup> of reserve price.

**OR**

In case intending bidder is a company or a firm, it may even file its latest audited balance sheet to show that its total assets are atleast worth 1/10<sup>th</sup> of reserve price.

**OR**

Cash deposit for 1/10<sup>th</sup> of reserve price.

- (ii) Income tax clearance certificate;
- (iii) **Affidavit in Form-B** (prescribed under auction conditions) affirming that the person concerned ---
  - (a) has neither been convicted, nor declared as a '*bad character*' by the police;
  - (b) has not been debarred from participating in excise auctions or taking a license or lease in any State; and
  - (c) is not a defaulter under any taxation statute in H.P. (mention Registration Certificate Nos., if any).
- (iv) **Declaration in Form-C** (prescribed under auction conditions) regarding acceptance of terms and conditions contained in this Tender Document and all terms and conditions of grant of lease by auction notified by the Excise and Taxation Commissioner under section 3-A of the H.P. Tolls Act, 1975.
- (v) Previous experience, if any, in collection of toll stating details of lease, its period, place etc. in the State.

**Note:--** (1) If more than one person wish to make a bid collectively (as a partnership or an association of persons) they may keep their respective forms

regarding value of assets together in a single Envelope.

(2) In case of group of persons, the value of assets of one of the principal partners should be at least 1/10<sup>th</sup> of the reserve price.

(3) The **Form-A** is to be filled in by each individual separately.

- (vi) True copy of the partnership deed in case of partnership firm and true copy of the Memorandum of Association and articles of Association in case of public or limited company alongwith solvency required in respective name as per law.
- (vii) Domicile certificate for each partner as per proforma- and permanent residence certificate for each partner as proforma—
- (viii) In case where the bidder is the company, a true copy of the board resolution / Power of attorney authorizing the submission and signing of the bid. The power of attorney should be duly attested by the Gazetted Officer.

3. **CONTENTS OF ENVELOPES:**

(1) **Envelope-A: Eligibility claim**

(2) **Envelope-B: Bid Security/earnest money**

This sealed envelope shall contain a security of an amount equal to 1% of the bid money offered by the person making the bid. The security shall be in the form of Bank Draft, drawn on any Scheduled Bank in favour of the Asstt. Excise and Taxation Commissioner, Incharge of the district. [In case the bidder desires to furnish security in cash, he shall be allowed to do so and in that event this Envelope shall not contain anything.]

(3) **Envelope-C: Financial bid.**

This sealed envelope shall contain actual bid made by the person participating in tender and shall specify the amount of bid, both in words and letters clearly in **Form-FB**. (prescribed in this document and appended hereto)

NOTE 1: *The envelopes shall be sealed by signing across all joints of the envelope and pasting good quality transparent adhesive tape on top of such joints and signatures.*

2: *The bid shall contain no interlineations, erasures or overwritings. All corrections shall be done and initialed after striking out the original words/figures completely.*

4. **SUBMISSION OF BIDS:**

- (a) Sealed bids in respect of each barrier separately will be submitted to the Asstt. Excise and Taxation Commissioner, specified in the notice upto the scheduled date, time and at the place specified in such notice. Any bid received thereafter shall be rejected.
- (b) After receipt of the bids on the date specified in the notice issued by the Excise and Taxation Commissioner, the Presiding Officer shall first examine the 'Eligibility Claim' of the bidder. If the person(s) filing the sealed bids fulfills the eligibility criteria, his/their bid will be received and an acknowledgment in **Form-E**, (prescribed in this document and appended hereto) shall be issued to the bidder. Otherwise, the **Envelopes-'B' and 'C'** shall be returned to the bidder. The contents of **Envelope-A** shall be kept confidentially in a file

and its abstract will be drawn in **Form-TE**, (prescribed in this document and appended hereto).

- (c) All bids shall be valid until a final decision is taken by the Excise and Taxation Commissioner.
- (d) The **Envelopes-B and C** shall be tagged together and kept securely in the sealed box, the seal whereof shall be duly signed by the Addl./Dy. Excise and Taxation Commissioner, Incharge of the Zone and the Asstt. Excise and Taxation Commissioner, Incharge of the district concerned.

5. **OPENING OF SEALED BIDS:**

The sealed bids shall be opened in the following manner:--

**(i) OPENING OF BID SECURITY:**

The bid security furnished by a tenderer in Envelope-B will be opened before opening the financial bid made by him. If the bid security is either less than 1% or is not available in the Envelope-B or has been furnished in a non-approved mode, the same shall be rejected and in that event the financial bid will not be opened and the same will also be deemed to have been rejected.

**(ii) OPENING OF FINANCIAL BID:**

- (a) The financial bid in **Envelope-C** will be opened by a committee comprising (i) Deputy Commissioner/ ADC/ ADM, (ii) Addl./ Dy. Excise and Taxation Commissioner, Incharge of the Zone, (iii) representative of the Excise and Taxation Commissioner's office, and (iv) the Asstt. Excise

and Taxation Commissioner if the security furnished by the tenderer meets the prescribed requirement.

- (b) After opening the financial bid of party the Presiding Officer shall read out the names and addresses of the persons making the financial bid and the nature of association/partnership. Thereafter, the financial bid shall be announced in figures as well as in words.
- (c) The person(s) making the highest financial bid shall be deemed to be the successful bidder.
- (d) The successful bidder will have to deposit the cash down payment as decided by the Presiding Officer.
- (e) The bid security will be adjusted towards the cash down payment or as the case may be towards the security to be furnished by the successful bidder under the auction procedure.

**6. RETURN OF BID SECURITY AND OTHER VALUABLE INSTRUMENTS.**

After the tender has been concluded and a successful bidder has been identified, the Presiding Officer will return the bid security and other valuable instruments like Bank Guarantee, N.S.C. or F.D.R. to the unsuccessful bidders after retaining photostat copies of the same :

Provided that the bid security may be forfeited if,---

- (a) after opening of sealed bid, the bidder fails to deposit the remaining cash down payment on the same day, or
- (b) a bidder violates any of the conditions of this tender document or the terms and conditions of lease notified under

section 3-A of the H.P. Tolls Act, 1975, so as to jeopardize the interests of revenue of the State Government, or

- (c) a bidder withdraws his bid (except when specifically permitted under the terms of this Tender Document) during the period of its validity.

The decision of the Presiding Officer about forfeiture of the bid security shall be final.

**7. OTHER CONDITIONS OF GRANT OF LEASE BY AUCTION TO APPLY.**

All other terms and conditions governing the grant of lease by auction shall apply *mutatis mutandis* and will accordingly be read as part and parcel of this Tender Document.

**AUCTION-CUM-TENDER DOCUMENT.**

Sealed tender for a barrier as specified in the notice issued in this behalf by the Excise and Taxation Commissioner will be received by the Asstt. Excise and Taxation Commissioner specified in the notice on the date, time and place mentioned therein. For the submission of sealed tenders, the procedure contained in procedure for the **Tender Document** will apply in the case of tenders filed under the auction-cum-tender process.

**2. OPENING OF SEALED BIDS.**

- (a) The person(s) submitting a sealed bid will have to be necessarily present himself (or through a General Power of

Attorney) in the Auction Hall on the day and time of auction for the barrier(s) for which he has given the financial bid.

- (b) The financial bid in Envelope-C will be opened by the committee comprising the members specified in para 5(ii) of this Tender Document, **relating to “OPENING OF FINANCIAL BID”** if the security furnished by the tenderer meets the prescribed requirement.
- (c) After the highest bid for a barrier has been received in the auction and no further bids are forthcoming, the seal of the tender box shall be broken open and the tenders for that barrier will be segregated. After this the ‘**Envelope-B**’ shall be opened and dealt with according to the procedure prescribed in para 5(ii) of the Tender Document, **relating to “OPENING OF FINANCIAL BID”** .
- (d) After opening of the financial bid the Presiding Officer will compare the highest bid made during the auction and the sealed financial bid opened by him. The person(s) making higher of these two bids will be deemed to be the successful bidder subject to the approval of the bid by the Excise and Taxation Commissioner and performance of conditions relating to security prescribed for the grant of lease by auction.
- (e) No further bidding by way of auction shall take place after the sealed bids have been opened. If the highest bid in the auction is equal to the financial bid or bids received in the tenders for a particular barrier, two or more financial bids received in the tender are equal to each other, the Presiding Officer will, in that eventuality, allow further bidding. Such further bidding will

be restricted only to those persons who quoted the highest equal amount.

- (f) The successful bidder will have to deposit the cash down payment as applicable in the case of grant of lease by auction. In case of sealed bid, the bid security will be adjusted towards the cash down payment.

3. **OTHER CONDITIONS OF GRANT OF LEASE BY AUCTION TO APPLY.**

All other terms and conditions governing the grant of lease by auction shall apply *mutatis mutandis* and will accordingly be read as part and parcel of this auction-cum-tender document.

**(Narinder Chauhan)**  
**Excise and Taxation Commissioner,**  
**Himachal Pradesh.**

**TERMS AND CONDITIONS OF GRANT OF LEASE OF  
RIGHT TO COLLECT TOLL UNDER THE H.P. TOLLS ACT,  
1975.**

**FORM-FB**

<b>FINANCIAL BID IN RESPECT OF _____ BARRIER FOR LEASE OF RIGHT TO COLLECT TOLL UNDER THE H.P. TOLLS ACT, 1975, FOR THE PERIOD FROM 1.4.2004 TO 31.3.2005.</b>
--

1. DETAILS OF PARTNERS/ PERSONS

No. S.	Name	Father's Name	Full Permanent Address (including phone Nos.)
1.			
2.			
3.			
4.			

2. NATURE OF ASSOCIATION/PARTNERSHIP:

3. NAME OF THE UNIT FOR WHICH BID IS BEING MADE:

4. RESERVE PRICE OF THE UNIT: Rs. \_\_\_\_\_

5. DETAILS OF BANK DRAFT GIVEN AS BID SECURITY:

Bank draft No.	Date	Issuing Bank	Amount
----------------	------	--------------	--------

6. FINANCIAL BID

(i) In Figures (Rs.):

--	--	--

(ii) In Words (Rs.) \_\_\_\_\_

\_\_\_\_\_) Name( \_\_\_\_\_ ) Name( \_\_\_\_\_ )

\_\_\_\_\_) Name( \_\_\_\_\_ ) Name( \_\_\_\_\_ )

Date: \_\_\_\_\_

Place: \_\_\_\_\_

**Signatures of Partners/Persons**

**TERMS AND CONDITIONS OF GRANT OF LEASE OF  
RIGHT TO COLLECT TOLL UNDER THE H.P. TOLLS ACT,  
1975.**

**FORM-TE**

OFFICE OF THE ASSTT.EXCISE AND TAXATION COMMISSIONER, \_\_\_\_\_

Serial Number of Acknowledgement:

Date:

**ACKNOWLEDGEMENT FOR SUBMISSION OF SEALED TENDER  
FOR COLLECTION OF TOLL**

**1. Names of person(s) submitting the sealed tender**

- (i) \_\_\_\_\_
- (ii) \_\_\_\_\_
- (iii) \_\_\_\_\_
- (iv) \_\_\_\_\_
- (v) \_\_\_\_\_

**2. Details of Documents received.**

NAME OF THE UNIT	DOCUMENTS TENDERED		
	Envelop A	Envelop B	Envelop C

Signatures of authorised officer

District \_\_\_\_\_.

Place: \_\_\_\_\_