

METRO RAILWAY  
KOLKATA

SPECIAL CONDITIONS OF SALE BY AUCTION

- A. The Sale of Scrap/un-serviceable/disposable Railway materials by auction shall be governed by the General conditions of Sale of Railway Stores by Public Auction obtainable from the office of The Controller of Stores, Metro Railway, 'Kolkata on payment of Rs. 10/- or at auction site.
- B. In addition to the General conditions of sale of Railway Stores by Public Auction the following special conditions shall also apply whenever there is any conflict between the General conditions of sale of Railway Stores by Public Auction and the Special conditions of Sale of Railway Stores by Public Auction, the later shall prevail:
1. Auction may not be held physically at each site where the lot/lots is/are lying but may be held at any centrally located site; Intending purchasers should satisfy themselves as to location and conditions of the materials by inspection of the lots of various sites before bidding. If there be discrepancy between the location/description etc. of material to be auctioned as is appearing in the catalogues and the physical location/actual descriptions, the purchasers are required to point out such discrepancy before conclusion of the sale.
    - 1(a) The lots offered are on Ex-Site "AS - IS - WHERE -IS" basis. All weighments, counting, loading in truck/trailer and transportation shall be done by the Purchaser by his own men and machinery in presence of the representative of the Railway Administration.
    2. The Purchasers, in their own interest, are requested to inspect the lots well before the commencement of the Auction. The proceeding of the auction shall not be stopped on any alleged ground that any purchaser has not inspected the particular lot. The goods described in auction catalogue may be inspected between the hours 10.30 hrs. and 13.00 hrs. and 14.00 hrs. & 16.00 hrs. on weekdays and between 10.30 hrs. & 13.00 hrs. on half holidays observed by the depot/unit.
    3. The Railway Administration shall be entitled to withdraw any lot from auction without assigning any reason therefore at any time before the fall of the hammer.
    4. Any person or persons found indulging in or supporting behaviour or activities found objectionable by the auction conducting Officer at the time of auction, thereby turning the circumstances not congenial to hold auction peacefully and uninterruptedly, shall be removed from the place of auction at the discretion of the auction conducting Officer and his decision shall be final and binding upon parties concerned in such cases. Railway Administration shall have the full liberty to forfeit entry fee deposited by the delinquent person or persons concerned.
    5. An entry fee of Rs. 10,000/ (Rupees Ten thousand) only per person is required to be deposited by the intending Bidders in the form of Bank Draft to be drawn in favour of FA&CAO/Metro Railway/Kolkata and in each case the person wishing to participate in the Auction must furnish a letter of authority from the firm on its

proper letter head which has authorized him to attend the auction. A firm shall furnish authorization to only one person to attend the auction.

5.1 Submission of Sales Tax Registration reference is mandatory. to all Scrap Sales irrespective of value of the lot and the documentary evidence is to be shown at the time of GATE ENTRY.

6. The Earnest Money at the rate hereunder provided shall be deposited in cash/Demand Draft/Pay Order/Deposit-at Call Receipt in favour of F A&CAO, Metro Railway, Kolkata on the fall of hammer. The rate of earnest money are as tallows

- a) 100% of the sale value for amount upto Rs.1 0,000/-
- b) " 25% of the sale value exceeding Rs.10,000/- and upto Rs.1,00,000/- subject to a minimum of Rs. 10,000/-.
- c) 10% of the sale value exceeding Rs. 1,00,000/- subject to a minimum of Rs.25,000/-.

7. Schedule of payment for Sale value shall be as under:

Value of lots.	<u>Schedule of payment.</u>
a) For lots valued upto Rs. 2 lakhs for items including condemned Rolling Stock.	a) Within 10 days from the date of acceptance the bid (the date of acceptance being inclusive).
b) For lots valued exceeding Rs.2 lakhs for all items including condemned Rolling Stock.	b) In two equal installments of the full sale value of per installment but not less than Rs.2 lakhs within 20(twenty) days from the date of acceptance of the bid, (the date of the auction being inclusive). The earnest Money shall be adjusted with the second installment and the balance amount after such adjustment accepted as final payment.

NB: I) For lots valued exceeding Rs.2 lakhs for all items, if a purchaser wants to deposit balance sale value at a time, the same may be deposited within 20 days from the date of acceptance (the date of auction being inclusive).

II) Payment of balance sale value as per above mentioned time schedule should be strictly adhered to failing which interest will be charged as per the rate hereinafter provided. Only extension of delivery period may be considered by the Railway Administration in case of any dispute in suitable case.

III) Interest rate for delayed payment shall be charged at 2%(two percent) above the P .L.R of State Bank. of India-per annum. Interest for late payment upto 15 days beyond the prescribed period shall. be accepted alongwith balance sale value and may be deposited on challan certified by tile Auctioner/ Authorised Railway representative. No separate sanction or order for condonation of delay .shall be necessary if the balance sale value is paid with full

interest within 15 days of due date including the date of payment. Interest of full amount of balance sale value shall be payable from the 21st day after acceptance of bid. If payment is made in installments after 20 days stipulated time, interest on 1<sup>st</sup> installment, shall be levied from the 11<sup>th</sup> day from the date of acceptance. Since interest shall be payable as per sale conditions no further approval of the Railway Administration shall be necessary before making payment after stipulated date with interest. The rate of interest may be revised by the COS/M.Rly./Kolkata from time to time and notified/announced before the auction.

8. Goods or materials sold shall be removed by the Purchaser within:

i) For lots valued upto and including Rs.2 lakhs = 30 days.

ii) For lots valued above Rs. 2 lakhs = 50 days.

The above period to be counted from the date of auction. (the date of acceptance of the bid)

N .B. If the purchaser fails to deposit balance sale value for a sold lot within the allowed period of 10 and 20 days' as specified from the date of auction, and requests for an extension of this period, the Railway Administration, may at its discretion, on the merits of the case, allow further time not beyond 50 days from the date of auction .subject to the levy of interest charges.

However, the Earnest Money shall stand forfeited, if the balance sale value. is not deposited by the purchaser within the said period of 30/50 days as the case may be.

The removal period of goods shall have no relation with the number of installments by which the sale value is paid.

8A) Every endeavour will be made by Railway Authorities to issue sale release order within 5(five) days from the date of receipt of payment either in cash or any other acceptable form. Due to any administrative reason if further delay takes place, extension to free delivery time would be granted to the Purchaser to the extent of delays beyond 5 days.

8B) The purchaser will deposit the balance sale value with Sales Tax etc. to Asstt. Chief Cashier, Metro Railway, Kolkata -71 as per terms and conditions of Auction Sale and produce the Money Receipt (Depositor's foil) in original to the Controller of Stores, Metro Railway, Kolkata immediately to facilitate early release of SRO.

9. Ground rent shall be levied uniformly ½% per day of the value of Un-removed quantity subject to a minimum of Rs.10/- per day per lot.

10. West Bengal Sales Tax leviable under the law at the current rate is required to be paid by the purchaser along with the balance Sale value. In case of any disputes in regard to rate of Sales Tax, the decision of the auction conducting officer will be final and thl. same shall not be disputed by the Purchaser at the time of depositing bid money.

10 A) In the event of Bidder is entitled for concessional rate of Sales Tax, they have to clearly indicate submit the following:

1. The Sales tax Registration number.
2. The rate of Sales Tax applicable.

The category of Sales Tax declaration Form.

4. Submit Xerox .copy of Sales Tax Registration certificate Duly attested.
  5. Sales tax exempted certificate if any, Issued by Competent Authority.
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11. Whether the Excise duty is leviable, the same shall be levied separately and payable as amount charged from the Purchaser.
  12. a) Only the payment of sale value without Sales Tax, excise duty or any other duty if applicable will not constitute the fulfillment of liability on the part of the Purchaser. The amount of tax interest penalty, fine or any other sum payable and amount of refund due under the provisions of these conditions shall be rounded off to the nearest rupee and for this purpose where such amount contains part of a rupee, if such part is fifty paise or more, it shall be increased to one rupee and if such part' is less than fifty paise, it shall be ignored, provided that nothing in this clause shall apply to collection of any amount by way. of tax or duty in respect of any sale of goods by auction.
  - 12 b) No interest will be paid to the purchaser on the amount paid or deposited by him and subsequently found refundable to him under any of the conditions herein. .
  13. All the above periods for removal of the sold material will be counted from the date of acceptance of the bid (the date of acceptance being inclusive). Further, the said period of removal of sold materials shall hold good irrespective of the number of installments in which total value of goods is paid.
  14. No materials other than those mentioned in the catalogue will be sold to the purchaser.
  15. In the event of Metro Railway's HQ's offices at 33/1, Chowringhee Road, Kolkata-71. remaining closed on the last date of payment of balance sale value, payment will be accepted on the next working day.
  - 16 No delivery of sold materials will be given on the date of acceptance of the bid.
  - 17 Purchaser will fix up in advance the date and time for delivery of the lot with the stock holder in order to enable him to arrange necessary facility for taking delivery so that the purchaser's lorry & labour etc. are not detained after obtaining the sale release order.
  - 18 Delivery of the materials will be made to the Purchaser or his authorized representative holding proper authority to receive the materials and grant valid receipt therefore to the Railway Administration on the authority of the Sale Issue Note to be prepared on the basis of sale release order (SRO) issued from the office of the Controller of Stores, Metro Railway, 33/1, Chowringhee Road, Kolkata-71.
  19. The sale shall.in no way be invalid by reason of any defect or fault in the goods or on account of those being incorrectly described or being partly described. No compensation shall be paid in respect of such fault or error as regards description, No assurance can be given by the Railway Administration in regard to the quality of

- the goods offered for Sale. The Purchasers should purchase the goods at their own responsibility.
- 20 No weighment or counting will be pennitted for resale by purchaser to others withiri the Railway premises.
- 21 . No picking or sorting of the materials will be allowed in the Railway premises, Delivery must be taken of the materials in the same condition in which the same may come to the band of the purchaser.
- 22 All quantities mentioned in weight, measurement or number in the catalogue are approximate. It should be clearly understood that should the quantity in a lot on actual count or weighment work out to be less than the quantity indicated in the catalogue, the Railway Administration will not under any circwnstances make good the deficiency. The purchaser however, will be entitled to get refund of the difference in value on account of the deficiencies in quantity from the Railway Administration without any claim for compensations.
23. The purchaser shall abide by the instructions that may be issued from time to time by the stockholder relating to the hours of attendance of the purchaser's labour, The . Purchaser also shall not remove any materials from the premises of the Railway Administration until those have been inspected by the Stock holder or any of the staff deputed for the purpose and authorized representati ve accordingly in this behalf.
24. The quantity indicated .in the catalogue is approximate only and the Railway Administration does not assure strictly anv quantity of the materials or the period by which the delivery will be made. The Railway Administration also reserves the rights to withdraw any piece/lot/lots from being sold, even at the time of giving delivery to the purchaser or his authorized representative if it becomes necessary to .safeguard the public interest or the interest of the Railway Administration. The Purchaset shall be entitled to get refund of the amount on account of the materials which may not be delivered to the Purchaser in the interest of the Administration or in the Public interest.
- 25 The purchaser shall not cause any damage to Railway property while taking delivery. The cost of such damage, if any shall be recoverable from the purchaser. In regard to assessment of costs of such damagee decision of the Controller of Stores, Metro Railway, shall be treated as fmal and. binding.on the purchaser.
- 26 The Purchaser shall remain responsible for meeting all claims for compensation in respect of any workman employed by him for any injwy or death by any accident as provided under the Workmen's Compensation Act(Act, VII of 1923). If any amount is paid by the Railway Administration to any workman under the Act, such amount shall be recoverable from the purchaser under the tenns of section-12 of the said Act, together with all of any costs, damage or injury incurred or suffered by the Railway Administration in such connection..

27 SPECIAL CONDITION FOR SALE OF NON-FERROUS METAL WASTE AND SCRAP WASTE OIL & USED BATTERIES:

Used *Waste* oil, used lead acid batteries and other non-ferrous metal such as lead, copper, brass, zinc, waste etc, will be sold to only those units which are actual user/processor and possess Environmentally Sound Management (ESM) facilities having necessary original valid REGISTRATION CERTIFICATE cum PASS Book issued by Central Pollution Control Board(CPCB) on behalf of Ministry of Environment & Forest (MoEF) Govt. of India..

Only eligible persons/purchasers having said registration may offer their Bid and if any purchaser's bid becomes highest but is unable to produce necessary certificate cum pass book as aforesaid, his/her gate entry money of auction/amount of earnest money deposited against tender, shall be forfeited. The purchaser should submit the aforesaid original valid Registration Certificate cum pass Book ;15 produced in auction/tender, to the Stock Holder at the time of delivery for necessary recording of Transaction of aforesaid materials sold against SRO/Sale Order in the said registration certificate cum pass Book.

28. Income Tax, leviable as per section 206C of the Income Tax Act and statutory rules framed thereof, at the current rate on the amount of Sale Value is required to be paid by the Purchaser along with the balance Sale Value and Sales Tax etc. In the event of Purchaser is entitled for concessional rate of Income Tax, they have to submit the valid FORM - 27C for 'Nil rate of Income Tax Form-27G for 'LOWER' rate of Income Tax issued by the Income Tax Authority. Purchasers will furnish the PAN number for issue of certificate of deduction of TCS in FORM - 27D. In case of cancellation or short closing or shortage in sold quantity against a particular lot, refund of TCS have to be claimed by the Purchasers themselves from the Income Tax Authority.

29. "If considered necessary, the auction may be continued or held on the next day. In such case, this decision shall be announced or notified at the auction venue on the date of auction. »