



**OFFICE OF THE CHIEF CONSERVATOR OF FORESTS  
(TERRITORIAL), NAGPUR**

BSNL SANCHAR LAXMI BHAVAN, KASTURCHAND PARK, NAGPUR-01,  
Email-ccfnagpur@mahaforest.gov.in, PHONE NO.0712-2562250

**ORDER**

In pursuance to the Tender Notice no. Desk 20(2)/CR-12(17-18)/847/of 2017-18, Nagpur, dated 5<sup>th</sup> December, 2017 published by the Maharashtra Forest Department in respect of sale of Tendu units, Shri Mohd. Abdul Hadee, 4-4-6/13, Islampura, Pedapally, District-karimnagar, Telangana State Pin-505172 (hereinafter referred to as 'the Licensee') was awarded following Tendu units in District Gondia, based on his offer in the first round of auction held on 30-12-2017.

Sr. No.	Name of unit	Notified yield (standard bags)
1	2	3
1	18 Deori 19 Sherpar	400
2	20 Bhagi 21 Mulla	1525
3	24 Kosabi	700
4	32 Dongargaon 36 Shenda	900

2. Accordingly this Authority communicated to the Licensee the Sale Result vide Reference No. Desk-3/Rev. /Tendu/2018 season/3276, Nagpur dated 3/1/2018 and thereafter he was appointed as Licensee as per the following details.

Sr. No.	Division	Name and No. of units/group of units	Notified Yield	Offered amount in Rs. for units excluding GST, Income Tax & other taxes	Appointment of licensee Reference from CCF(T), Nagpur	EMD Amt. Rs. @ 10% of Col.5
1	2	3	4	5	6	7
1	Gondia	18 Deori 19 Sherpar	400	2033559	3619 dt. 6/2/2018	203356
2	Gondia	20 Bhagi 21 Mulla	1525	8073999	3618 dt. 6/2/2018	807400
3	Gondia	24 Kosabi	700	2889999	3616 dt. 6/2/2018	289000
4	Gondia	32 Dongargaon 36 Shenda	900	4905999	3615 dt. 6/2/2018	490600



3. As per the condition no.17 of the Terms and Conditions of offer, The Licensee was supposed to approach to the Deputy Conservator of Forests, Gondia for execution of Agreement. However, as per representation dated 12/03/2018 to various authorities in Government, he took a stand that he was not in a position to execute the Agreement due to the problems related to collection of Tendu leaves in Forests areas where community forests right were granted (CFR areas) and that the contract is void in term of section 56 of the Indian Contract Act, 1872.

4. In pursuance to the above said representation, this Authority vide letter No. Desk-3/Revenue/Tendu/72 dated 16/04/2018 clarified to the Licensee that the stand taken by him is not tenable in view of of para 4.00 (page no. 2 of the tender document dated 5/12/2017), where in it has been specified as follows. ***“Before submitting the offer, the intending Offers are advised that they should inspect personally the unit/group of units for which offers are submitted and satisfy themselves regarding the boundary / boundaries of the unit/group of units and the villages included in them as shown in the map and if they require any information or details thereof, they may contact the concerned Deputy Conservator of Forests (Territorial/Wild Life) or the Chief Conservator of Forests (Territorial/Wild Life) or the office of the Additional Principal Chief Conservator of Forests (Non Timber Forest Produce) Maharashtra State, Nagpur during office hours on any working day. After submission of the offer through e-tendering process, no complaint of whatsoever nature shall be entertained by the Government.”***

Citing the above said provision, this Authority vide communication dated 16/04/2018 directed the Licensee to execute the agreement immediately.

6. The licensee did not respond to the above said communication from this Authority. Therefore as a part of natural justice, this Authority vide Show Cause Notice dated 20-4-2018 provided an opportunity to the Licensee to explain as to why his appointment for the above said units should not be cancelled, in term of condition no.17(i) of the term and condition of offer.

7. The Licensee has submitted his representation vide his letter dated 26/04/2018, whereby he has contended as follows-

7.1 The list of CFR villages with notified yield is given in Annexure A of the Tender dated 05/12/2017 however the villages in the unit for which bids are called is not specified or given. Such a list ought to have been supplied by the Forest Department along with the Tender notice. The said list was declared and supplied vide communication dated 22/02/2018 by the DCF Gondia i.e. after the issuance of appointment order dated 06/02/2018.

7.2 The villages situated in the units are the same villages for which the Gram Sabhas invited offers. The notified yield quoted by the Gram Sabhas is much more than what has been specified in Annexure A of the Tender notice dated 05/12/2017. As the yield offered by the Gram Sabhas is much more, there is no possibility of getting the notified yield for which the offer has been submitted.

7.3 After his appointment as licensee, Shri. Mohd. Abdul Hadee held discussion with the labourers and Gram Sabhas and came to know that the labourers refused to deposit the Tendu leaves with the collection centres established by the Forest Department, whereas they were willing to deposit same with the Gram Sabhas.



- 7.4 The Licensee was kept in dark by the Forest Department about the above fact that the labourers are unwilling to deposit the Tendu leaves at the centres designated by the Forest Department.
- 7.5 Under such circumstances the Licensee was compelled to communicate to the authorities in Forest Department that the ought to have been refunded Earnest Money Deposit (EMD).
- 7.6 The Licensee has requested that his EMD should be refunded by the authorities in Forest Department, failing which the amount shall carry interest at the rate of 24%.

8. I have gone through the Tender Notice published on 05/12/2017 as mentioned above, representations made by the Licensee from time to time and more specifically his representation dated 26/04/2018 in response to the Show Cause Notice dated 20/04/2018. Undisputedly, the Tender document dated 05/12/2017 was kept in public domain through E-Tendering process. Para 4.00 (page 2 of Tender document) provides reasonable opportunity to all the bidders to inspect personally unit/group of units for which the offers are to be submitted by them and satisfy themselves regarding boundary/boundaries of the units and the villages included in them. The said para specifically mentions that after submission of offer through E-Tendering process, no complaint of whatsoever nature shall be entertained by the Government. All through his representation the Licensee has vehemently contended that after his appointment as licensee, he held discussions with Gram Sabhas and labourers remaining silent as to whether any time before submitting his offer he took precautions as advised in para 4.00. The tender came in public domain on 5/12/2017 whereas first round of auction took place on 30/12/2017. Therefore the Licensee ought to have availed 25 days for verification of ground situation before submitting tender. I have also gone through the details of units specified in the Tenders as well as Annexure A (Page No.57) giving the details of Tendu leaves, villages included therein, forest area and the notified yield in CFR areas and non-CFR areas. Thus the contention of the Licensee that the Tender notice did not specify the list of villages is far from convincing.

9. It is worth to mention that the CFR areas are not limited to the units awarded to the Licensee only. In fact Annexure A gives details of districtwise, talukawise and villagewise CFR areas specifying the villages, forest areas and the notified yield.

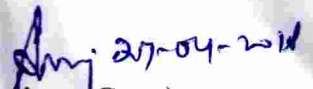
The Annexure A contains the list of villages across various districts in the State. The respective units having both Non CFR areas and CFR areas have been awarded to various other licensees also. However no case in Nagpur Circle has come across where the concerned licensee has raised contentions that the contract stands null and void in view of the issues prevailing in CFR areas.



10. In view of the reasons mentioned above, I do not find any substance in the claims made by the licensee. On the contrary, the technical ground posed by him after submitting the tender stands as afterthought. He has been given adequate opportunity to comply the conditions laid down in Terms and Conditions of offer. However the Licensee has failed to comply the same. In light of the reasons stated above, under powers conferred as per the condition no. 17(i) r/w 17(iv) of the Terms and Conditions of offer, I hereby pass following order.

### ORDER

- 1) The appointments of the Licensee for the units mentioned in the Table given in the Para 2 above are hereby cancelled.
- 2) Accordingly, the amount deposited by the Licensee as the Earnest Money Deposit stands forfeited to the Government.
- 3) The concerned authorities shall arrange for the subsequent disposal of Tendu leaves of the above said units.
- 4) In terms of condition no.17 (iv) the Licensee shall be liable to pay the loss (less the amount of above stated forfeited EMD) if any, suffered by the Government, while so disposing the Tendu leaves.
- 5) In terms of condition no. XX of the Terms and Conditions of the contract, the Licensee shall be at liberty to approach to the Additional Principal Chief Conservator of Forests (NTFP), M.S., Nagpur , in case he feels aggrieved by this Order.

  
(Sanjeev Gaur)  
Chief Conservator of Forests  
(Territorial), Nagpur

Place: Nagpur  
Date : 27/04/2018

