

GOVERNMENT OF KERALA

Forests – Auction sale of coupes-refund of one-third bid amount in case of the sale is cancelled – powers deligated to Conservators of Forests.

G.O.MS.1275/62/Agri.

Agriculture (Forest) Dept. Trivandrum, Dated: 24-11-1962

- Read:- 1. Correspondance resting with letter No.C1-43093/60 dated 20-1-62 from the Chief Conservator of Forests.
2. Letter No.FAD.VI/1-1/313 dated 3-9-62 from the Accountant General.

O R D E R

The Chief Conservator of Forests has brought to the notice of Government that in several cases of coupe sales, the one-third initial deposit made by bidders will have to be refunded by reason of the sales not being confirmed by the Conservators of Forests and that refund bills in every such case has to come up to the Chief Conservator's office for sanction, as the Conservators of forests are competant to sanction refunds only up to Rs.2,000/-. He has therefore suggested that powers may be delegated to the Officers conducting the sale to sanction refunds arising out of cancellation of sales.

The Accountant General has pointed out that the cancellation of sale is ordered by the Conservators of Forests or the Chief Conservator of Forests and therefore the sanction for refund may also be issued simultaneously with the orders regarding cancellation of sales and that the Divisional Forest Officers may be permitted to pass refund bills on sanctions of competent authority for the refunds. The Divisional Forest Officers may also be required to attach the sanctions to the refund bills. The Accountant General has also observed that powers may be delegated to the Conservators of Force to cancel sales.

As per delegation of powers under item 12 and 14 of G.O.MS.698/58/Ag. dated 4-7-1958 the Conservators of forests are enjoying fully powers in respect of confirmation of auction sales of timber and other forest produce, and also in respect of entering into contracts, etc. The Conservators of Forests confirm sales if the amount fetched are reasonable and do not do so if in their opinion the price is not adequate. In addition, there is stipulation in the notifications inviting tenders for conducting auction sales to the effect that the auctioning officer reserves to himself the right of accepting or rejecting any bid without assigning any reason therefor. In view of these,there is no need for delegating any separate powers to cancelled sales. In the circumstances Government direct that the Conservators of Forests will issue sanction for refund in cases arising out of cancellation of sales and the Divisional Forest Officers will pass refund bills on recall of sanction of the competent authority, attaching to the refund bills copies such sanction.

As per item 3 of the G.O.MS.698/58/Agri. dated 4-7-58 mentioned above the Conservators of Forests are competant to sanction refunds relating to an item of forest revenue due to cancellation of sale, etc., upto Rs.3,000/- in any case. Government consider that this limit inadequate because in most of the cases the one-third deposits will be more than this amount. Government are therefore, pleased to delegate full powers to the Conservators of Forests to sanction refunds arising out of cancellation of sales. Item No.3 of G.O.MS.698/58/Agri. dated 4-7-58 is modified to this extent.

Sd/- Secretary to Government.

Endt. on C1-43093/60 dated 29-11/6-12-62.
Trivandrum.

Office of the Chief Conservator of Forests,

Copy to all Conservators.

Sd/- For Chief Conservator of Forests.

True copy.

Endt.on H.A2300/62 dated 9-12-'62.

For Conservator of Forest.