

# Jaipur Development Authority

## e-Auction :Business Rules Document 2018

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**JAIPUR DEVELOPMENT AUTHORITY**, hereby referred to as **JDA**, has decided to make sale of Properties through online forward e-Auction mode. JDA has made arrangements for forward auction; e-payment integrated gateway, Bidder management etc. Please go through the guidelines given below and submit your acceptance to the same.

### DEFINITIONS

1. **Lessor / Auctioneer:** Lessor/Auctioneer referred in these conditions of e-Auction is the JDA through their officers.
2. **Auction Committee:** A Committee constituted by JDA for Auction.
3. **Service Provider:** An agency appointed as service provider to facilitate e- Auction on Internet by JDA. They are expected to facilitate organizing and conducting e-Auction and are considered as third party not particularly interested in the property being sold for and on behalf of JDA.
4. **Bidder:** Any person representing as an individual or Proprietor or as a Partner of registered Partnership firm or as a duly authorized representative of any Company registered under the Companies Act, 1956 or of any legal entity, who has been registered with the Lessor and who has paid the Earnest Money Deposit (EMD) and complied with other terms and conditions mentioned herein or as may be specified through separate publication shall be considered as a Bidder.
5. **Successful Bidder:** At the end of the Forward Auction, JDA will decide upon the winner based on the highest bid placed for the property under auction and subsequent acceptance of JDA. The decision of Commissioner JDA will be final & binding on all the bidders.
6. **Registration:** The bidder is required to be listed with JDA before participating in e-Auction process.
7. **Registration Fee:** The bidder shall pay non-refundable “e-auction registration fee”. Activation of registration will be effective only after approval of JDA.
8. **Estimated value of the property:** Bid Start Price X Area of property.
9. **Participation Fee:** In addition to the e-auction registration fee, the bidder shall also pay non-refundable “e-Bid Participation fee” which will be valid only for one Auction event of a property for participating in e-auction. The participation fee shall not be valid for more than one property. If the bidder wishes to bid for more properties held for auction the participation fee will be charged separately for each property.
10. **Earnest Money Deposit (EMD):** Apart from one time e-auction registration fee and e-Bid participation fee, the Bidder will have to deposit Earnest Money Deposit (EMD) as per publication/auction advertisement for the particular e-Auction.
11. **Bidding Currency:** Bidding will be conducted in Indian Rupees (INR) only.

12. **H1 Price:** It is the highest value placed in the bid at any point of time during the auction for the property. It will be visible to all the bidders on the screen and the bidders can bid an amount of “**H1priceplus incremental value or in multiples of incremental value**” only.
13. **Incremental value:** Incremental Value will be decided by JDA. Minimum Bid increment shall be available to the Bidders at the start of the auction. The bidder can bid higher than the Highest Bid (H1 Price) at any point of time in the auction by an increment, multiples of the minimum Bid increment or at least of minimum bid increment plus multiple of Bid Increment. The minimum increment value will be displayed against each property on the bidding screen of all participating bidders. The software will not accept any bid other than the multiple of increment value.
14. **BSP:** It refers to the “Bid Start Price” which shall be decided by the JDA and shall be visible to all the bidders on their screens. The bid will trigger off from this price and no bidder can start bidding below this amount.
15. **AMB:** AMB stands for Automated Maximum Bid. It is the maximum bid amount set by the bidder in the auto auction mode during the e-Auction.
16. **Nazrana:** Sale of cost of land calculated on the basis of Property Area x Bid Price accepted by JDA.

#### PARTICIPATION/APPLICATION PROCESS

1. **Registration of Bidder:**
  - a. Bidder can apply for registration through JDA website along with “e-auction registration Fee” (non-refundable) as mentioned below:

S.No	Period of Registration	Amount (Rs.)
1.	1 Month	100.00
2.	1 Year	500.00
3.	2 Year	1,000.00
  - b. A unique registration number along with User ID & Password will be issued by JDA after verification of documents submitted by Bidder. Activation of registration will be effective only after approval of JDA.
  - c. Once the Bidder is registered with JDA, on expiry of registration period the bidder can apply for re-activate his account after submission of e-auction registration Fee. If required JDA may ask to re-submit the documents for verification.
2. **Participation in e-Auction:**
  - a. Online Participation Request will to be received by bidder as per advertisement which will be made in Print Media / Website of JDA.
  - b. The registered bidder shall also be required to deposit “e-Bid Participation Fee (Non Refundable)” for the auction in which he is specifically participating (separately for each auction).
3. **Earnest Money:** Apart from one time e-auction registration fee and e-Bid participation fee, the Bidder will have to deposit Earnest Money Deposit (EMD) as per publication/auction

advertisement for the particular e-Auction. The EMD amount shall have to be deposited within the time limit as notified and shall be subject to clearance of the same by JDA. Earnest Money will be non-transferable to the other Bidder or any other property to be purchased by the same Bidder.

4. **Contact Persons:** JDA will nominate nodal officers who will coordinate for responding to bidder's queries regarding Auction as mentioned below:

S.No	Issues	Contact Person
1.	Auction Process	OSD (Resource Management)
2.	Land Title, Location & Revenue Record	Concerned Deputy Commissioner (Zone)
3.	Information Technology (IT) Support	System Analyst

#### PROCEDURE OF FORWARD AUCTIONING

- JDA will declare its Bid Start Price (BSP) which shall be visible to all the bidders at the start of the Forward auction.
- The Bid start-up Price of property in online forward auction is open to all the participating bidders. Any bidder can start bidding, in the online forward auction from this Price onwards only. Hence, the first online bid that comes in the system during the online Forward auction shall be higher than the auction's BSP by one increment or absolute multiples of increment.
- The onwards bidding will have to be higher than the H1 rate as quoted and displayed on screen by one increment value or higher than the H1 rate by multiples of the increment value.
- The bid Increment amount shall be specified by Jaipur Development Authority which the e-bidders can view on their bidding screen. The bid can be placed only of the BSP + incremental value or in multiples of increment value.
- Online Forward Auction shall be open for a specified period as per publication issued by JDA for each property. The closing time and date of auction may be extended at any time.
- JDA reserves rights to cancel the highest bid in any condition what so ever. The Notice for such cancellation shall be duly notified on the e-Auction portal.
- Auto Bid:** The Auto Bid feature allows Bidders to place an **Automated Maximum Bid (AMB)** in an auction and bid without having to enter a new amount each time a competing Bidder submits a higher offer. Bidders are supposed to quote their next highest price in confirmation to the incremental value and in multiples of thereof only. There is no restriction on changing of the AMB. But once AMB is clicked and freezed, the same cannot be withdrawn at any point of time during the auction period. However, if the auction is cancelled and new auction dates are announced, the earlier AMB shall have no relevance.

After fixing his highest limit, the manual Bid button will be disabled. The system will automatically bid on his behalf, based in the auction's H1 Rate. His bidding dashboard will show his Rank, the H1 Rate and the highest bid ongoing in the auction.

Until his auto-bid amount is not reached (in the H1 Rate Box) for a particular property in the e-auction, the manual Bid button on his screen will remain disabled. Once his auto bid amount reaches or crosses the AMB amount, then he will have to bid manually otherwise the bidder may opt for auto bid again by setting a new maximum bid amount.

8. The minimum Bid increment shall be available on screen to the Bidders at the start of the e-auction. The bidder can view the same by clicking on the relevant details at the start of the auction.
9. During Forward Auction, if no bid is received within the specified time or bid is cancelled as per point number 6 above, JDA, at its own discretion, may decide to re-invite the bid / scrap the e-auction process / proceed with conventional mode of auctioning.
10. The bids will be taken as an offer to purchase the property on lease basis on terms & conditions attached with the property. Bids once made by a Bidder, cannot be cancelled / withdrawn by the Bidder and the Bidder shall be bound by the bid quoted, failing which the Earnest Money will be forfeited.
11. Bidders will be able to view the following on their screen along with the necessary fields in the Forward Auction.
  - Opening BSP & minimum Increment Value.
  - Leading (highest) Bid in the e-Auction
  - Bid Placed by the bidder himself
  - Rank of bidder in the e-auction
12. The Bidder must read the terms and conditions of the e-auction very carefully for participating in bidding process.
13. JDA will respond to all queries relating to the e-Auction processes and rules on the telephone numbers given or through mail as per the publication/ auction advertisement.
14. JDA reserves the right to modify/ amend the terms and conditions and intimate the same prior to commencement of e-Auction or while the auction is in progress.

#### EARNEST MONEY DEPOSIT PAYMENT, ITS REFUND AND FORFEITURE

1. The Bidder will have to deposit Earnest Money Deposit (EMD) as per publication/ auction advertisement for the particular e-Auction. The EMD amount shall have to be deposited within the time limit as notified and shall be subject to clearance of the same by JDA.
2. Delay in deposit of EMD will not be entertained and the bidder shall not be eligible for participation.
3. The EMD paid before the start of e-Auction within the specified period is adjustable in the Bid amount if and when the property is finally allotted to that highest / successful bidder.

4. The EMD of the un-successful bidders will be returned without any interest, cost or claim after the closure of the e-auction or the extended period as decided by the JDA.
5. The refund of EMD of unsuccessful bidders shall be deposited in the same bank account which is specified by the bidder in the undertaking given. JDA shall not be responsible if incorrect / incomplete Bank details are furnished by the bidder in any manner.
6. Earnest Money will be non-transferable to the other Bidder or any other property to be purchased by the same Bidder.

**PROPERTY BID CONFIRMATION – COST AND BALANCE PAYMENTS**

1. The HIGHEST BID will be taken only on **Subject to confirmation (STC)** basis. After the closure of the e-Auction, JDA will intimate the successful / highest bidder through a “**Confirmation of Auction Cum Demand Letter**” whose highest bid is accepted by the JDA through an e-mail / registered post after the completion of each auction.
2. The Highest / Successful bidder (H 1) shall have to pay the final Bid Amount and any other charges, relevant taxes, levies etc. as applicable within the stipulated time as per the Confirmation of Auction Cum Demand Letter. In case of failure to pay the required Bid Amount within the stipulated time, the entire EMD amount, as well as the “Bid Participation fee” deposited by the Bidder will be substantively forfeited and JDA shall have the absolute right to re-auction such property immediately in the next auction without any further intimation to the successful bidder.
3. **Participation Fee, EMD and Timeline**

Estimated Value of Property (BSP X Area)	Participation Fee (Nonrefundable) (INR)	EMD (INR)	Submission Timeline
Upto 1 Crore	Nil	50,000.00	After submission of participation fee & EMD having three clear working days from date of closing of bid
Above 1 Crore – Upto 2 Crore	Nil	5,00,000.00	
Above 2 Crore – Upto 3 Crore	Nil	10,00,000.00	
Above 3 Crore – Upto 4 Crore	Nil	15,00,000.00	
Above 4 Crore – Upto 15 Crore	5,000.00	30,00,000.00	
Above 15 Crore – Upto 25 Crore	5,000.00	50,00,000.00	
Above 25 Crore – Upto 50 Crore	5,000.00	75,00,000.00	
Above 50 Crore – Upto 100 Crore	5,000.00	1,50,00,000.00	
Above 100 Crore	5,000.00	2,00,00,000.00	

**Payment schedule**

Estimated Value of Property (BSP X Area)	Timeline
Upto 4 Crore	15% within 24 Hours as mentioned in the acceptance of bid.
	Balance 85% within 30 Days issued of Confirmation of Auction cum Demand Letter
Above 4 Crore	10% within 72 Hours as mentioned in the acceptance of bid.
	Balance 90% within 30 Days issued of Confirmation of Auction cum Demand Letter

Note: **FOR PROPERTY HAVING COST ABOVE INR 15.00 CRORE** the bidder shall have the facility of payment of cost of land only in installments, at the sole discretion of JDA, as under:

- a. The bidder is required to make a request in writing to JDA within 72 hours of conclusion of auction i.e. declaration of H1 bidder on subject to confirmation basis.
- b. 10% of the total cost of land will have to be deposited as above and further 15% of the total cost of the land shall have to be deposited within 15 days from the date of issue "Confirmation of Auction cum Demand Letter". Thus by this time the bidder should have deposited 25% of the cost of land to be eligible for availing installment facility.
- c. Remaining 75% amount of the cost of land shall have to be deposited as mentioned below along-with interest @ 15% p.a., as per revised demand note issued by JDA. The time period for installments and interest shall be calculated from the date of original "Confirmation of Auction cum Demand Letter" only :

Estimated Cost of Property	Installment Facility
Above Rs. 15 Crore – Upto Rs. 25 Crore	Balance 75% amount in 4 (four) equal quarterly installment
Above Rs. 25 Crore – Upto Rs. 50 Crore	Balance 75% amount in 4 (four) equal quarterly installment
Above Rs. 50 Crore – Upto Rs. 100 Crore	Balance 75% amount in 6 (six) equal quarterly installment
Above Rs. 100 Crore	Balance 75% amount in 8 (eight) equal quarterly installment

- d. Commissioner JDA will be competent to regularize the default in payment of only one installment by maximum of 1 quarter but the same shall attract penal interest @ of 22.5% p.a. Under no circumstances, no further relaxation shall be given in this regard. If however the purchaser does not make the payment, as explained above, then the auction shall stand cancelled automatically and the total amounts so deposited by the purchaser towards the referred property along-with the Assets / construction done thereon shall be summarily forfeited and the purchaser shall have no claim or recourse for this.
4. The payment will be made through Demand Draft/Bankers Cheque/Online payment/NEFT/RTGS in the designated account of JDA.
  5. In case of failure to pay the balance amount towards cost of the land / property within the stipulated time as mentioned above, the entire amount deposited by such successful bidder will be forfeited and the JDA shall have the rights to re-auction such property without any further intimation to the successful bidder.
  6. The successful bidder will also have to deposit Lease amount towards the property for one year in advance along with the other amounts as per the Confirmation of Auction Cum Demand Letter. However, the period of such lease shall be effective from the date of issuance of “Kabza Patra / Possession Letter”.
  7. The recovery of urban lease will be done from the issuance of possession letter at half of urban lease for first 5 years and thereafter will be recovered at full rate of urban lease. (This amount has to be deposited before 31 March of every year.)
  8. The BSUP shelter fund charges and other charges / amount will also be leviable on the property as per the directions of the State Government / JDA issued from time to time.
  9. Any other charges, if any, shall also be payable as per the terms and conditions specified in the publication/ auction advertisement.
  10. Buyer has to deposit all amounts towards cost of Land and other charges as per payment schedule, failing which the amounts deposited in totality shall be forfeited without any claim or recourse by the buyer under any circumstance.
  11. If Bidder fails to deposit the Amount fully or partially within 90 days from the issue of the Confirmation of Auction Cum Demand Letter, the auction of property shall stand automatically cancelled and all Amounts deposited by the Bidder shall stand forfeited. JDA will have the right to re-Auction this property without further reference with the Bidder.

#### KYC COMPLIANCE

1. During online registration for KYC compliance the bidders will have to upload following documents:-

Features	List of valid KYC Documents
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<p>Individuals</p> <ul style="list-style-type: none"> <li>➤ Legal name and any other names used</li> </ul>	<p>(i) Passport (ii) PAN Card (iii) Voter’s Identity Card (iv) Driving License (v) Identity Card (subject to the Company's satisfaction) etc.</p>
<p>Address</p>	<p>(i) Utility Bill like telephone, electricity (not older than 3 months) (ii) Bank account statement /Pass Book (iii) Ration Card (iv) Letter from employer (Subject to satisfaction of the Company) (v) Latest Rent / Leave &amp; license agreement etc.</p>
<p>Companies</p> <ul style="list-style-type: none"> <li>➤ Name of the Company, Principal place of business</li> <li>➤ Address of the company</li> <li>➤ Identity of signatories</li> </ul>	<p>(i) Certificate of incorporation and Memorandum &amp; Articles of Association (ii) Resolution of the Board of Directors to open an account and identification of those who have authority to operate the account (iii) Power of Attorney granted to its managers, officers or employees to transact business on its behalf (iv) PAN card or copy of PAN allotment letter (v) Any other officially valid document establishing proof of existence and address of the entity to the satisfaction of the Company (vi) Any officially valid document to identify the signatories (vii) Certificate of Commencement of Business etc.</p>
<p>Partnership firms</p> <ul style="list-style-type: none"> <li>➤ Legal name and address</li> <li>➤ Identity of all partners and their addresses</li> <li>➤ Identity of signatories</li> </ul>	<p>(i) Registration certificate, if registered (ii) Partnership Deed (iii) Power of Attorney granted to a partner or an employee of the firm to transact business on its behalf (iv) Any officially valid document identifying the partners and the persons holding the Power of Attorney and their addresses (v) Proof of existence &amp; proof of address of the firm etc.</p>
<p>Trusts &amp; foundations</p> <ul style="list-style-type: none"> <li>➤ Identity of trustees, settlers, beneficiaries &amp; signatories</li> <li>➤ Identity and addresses of the founder, the managers / Directors and the beneficiaries</li> <li>➤ Identity of signatories</li> </ul>	<p>(i) Certificate of registration, if registered (ii) Trust Deed (iii) Power of Attorney granted to transact business on its behalf (iv) Any officially valid document to identify the trustees, settlers, beneficiaries and those holding Power of Attorney, founders/managers/ directors and their addresses. (v) Resolution of the managing body of the foundation/ association (vi) Any officially valid document establishing the proof of existence</p>

	and proof of address of the entity to the satisfaction of the Company.
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#### PAYMENT MODE

1. The one time e-Auction registration fee, Bid Participation Fee, EMD, Cost of Land / Property and any other charges payable to JDA can be deposited in prescribed dedicated bank account by any of the following modes:-
  - Cash / Demand Draft / Pay Order drawn on any Scheduled / Nationalized Bank drawn in the favor of Secretary, Jaipur Development Authority payable at Jaipur through computerized challan generated by JDA.
  - Online Payment facility – Online transfer option made available by JDA.
2. The realization of amount will be effective only after it is credited in JDA Account.

#### INSPECTION OF LAND / PROPERTY

1. Land / Property will be auctioned on “AS IS WHERE IS BASIS”.
2. The bidder is advised to visit and examine the Land / Property at his own cost and be satisfied before participating in the Auction process. No claim what so ever will be entertained once the Land / Property is auctioned.

#### TERMS & CONDITIONS

##### A. General :

1. The Bidder shall not involve himself or any of his representatives in Price manipulation of any kind directly or indirectly by communicating with other bidders which shall otherwise make him ineligible.
2. Land will be sold on the basis of Annual Urban Leasehold of which the period will be of 99 years.
3. The Bidder shall not divulge either his Bids or any other exclusive details of Jaipur Development Authority or to any other party.
4. The decision of competent authority of Jaipur Development Authority shall be final and binding on all the Bidders.
5. Jaipur Development Authority shall not have any liability towards the Bidders for any interruption or delay in access to the site irrespective of the cause.
6. Jaipur Development Authority is not responsible for any damages what so ever, including damages on account of any negligence on their part.
7. JDA will not be held responsible for consequential damages, including but not limited to systems problems, inability to use the system, loss of electronic information etc.
8. NRI are advised to comply with the RBI / FEMA / Indian Income Tax and other laws of land before participating in this bid. JDA shall not be responsible for any non-compliance and the risk and cost shall be of that NRI.

##### B. Property Specific :

1. The Bidder is required to study the property specific Terms & Conditions for the proposed Property / Land scheduled for Auction and be satisfied before participating in the Auction process.
2. The property specific Terms & Conditions shall form the integrated part of the Auction document and the Bidder would be responsible to comply the same. The Bidder is also required to sign these Terms & Conditions and submit along with Price Confirmation Letter.
3. The prevailing provisions of Rajasthan Urban Improvement Trust (Disposal of Urban Land) Rules 1974, other relevant Rules, Byelaws, Guidelines, Circulars and Orders of Government of Rajasthan and/or JDA will also be applicable and binding on the Bidders besides the provisions mentioned in this document. If there is any difference in the provisions contained in this document and the above mentioned rules and regulations, the provisions of this document will have the overriding effect to that extent only.
4. If there is any dispute on interpretation of any of the provisions, the same must be brought into the notice of JDA in writing be for atleast 3 days of scheduled start Auction date. The decision of JDA shall be final and binding.
5. The Bidder must participate in the Auction process only after being fully satisfied.

#### DISPUTE RESOLUTION

Any disputes arising out of this e-Auction shall be subjected to Jurisdiction of Jaipur, Rajasthan (India) Courts only.