

General Rules and Regulation of E-Auction for all bidders

Online Submission of documents for participation in e-auction:

1) The interested bidders shall get themselves registered on auction portal and obtain user ID and password. To do this,

- a. The interested bidders shall get themselves registered on e-auction portal (<https://upsida.project247.in>) site and obtain user ID and password. This is a one-time activity may be done at any point of time irrespective of the release of advertisement. **The Registration Process confirmation will be done in 24 hours (excluding holidays).**
- b. It is the responsibility of the bidder to ensure that the contact details (person, mobile and email) are that of the authorised signatory.
- c. Bidder will receive registration acknowledgment and approval/activation of registration within 24 Hours of submission (excluding holidays).
- d. Each applicant has to enter valid email Id during registration process for profile activation. Applicant can create only one profile per valid E-mail ID.
- e. Once profile is activated, applicant is allowed to access the auction website at any time
- f. Applicant has to submit Non-Refundable Catalogue fee (Document Fee), Non-Refundable Application Processing Fee (Participation Fee) and EMD through (<https://upsida.project247.in>) Applicant has to upload all KYC documents & other supporting documents as per Catalogue to technically qualifying.
- g. Applicant has to identify the property (Event Id) for which they want to submit their response, and submit all kind of fees & KYC document & supporting document against that property (Event Id).
- h. If same applicant wants to participate in multiple properties, applicant has to pay all kind of fees and submit supporting document against each property (event ID) separately.
- i. Applicant has to do “Final submission” without fail. If applicant is failed to do final submission, applicant’s response will not be stored on e-auction portal and UPSIDA officer will not be in position to technically evaluation of that applicant.
- j. The registered bidder has to upload and submit all documents mentioned below required for applying for allotment of the Plot/Property and deposit Non-Refundable Catalogue fee of Rs. 1770/- (inclusive of GST 18%) and Application Processing Fee 1) Rs 5,900.00/-(inclusive of GST 18%) for plots up to 1000 Sqm, 2) Rs 11,800.00/-(inclusive of GST 18%) for Plots more than 1000 Sqm but upto 2000 Sqm. 3)Rs 23,600.00/-(inclusive of GST 18%) for Plots more than 2000 Sqm but upto 3000 Sqm. 4) Rs 59,000.00/-(inclusive of GST 18%) for Plots more than 3000 Sqm with the submission of Application Form. and submit scanned copy of signed Application Form as per **Annexure-II** during the participation.
- k. Catalogue Fee, Application Processing Fees (Participation Fee) and EMD needs to be deposit separately in its respective section.
- l. All documents are mandatorily required to be uploaded by the applicant in the e-auction portal. Without uploading each of the mandatory documents, the bidder is not allowed to proceed further. Supporting Files (pdf, jpeg, doc, docx, png, xls, xlsx) (preferred PDF files) any single supporting file size should not exceed 10 MB. If document size is exceeding 10 MB then user can compress or split the file using their available tools.
- m. Before submission of application, Bidders are advised to check whether all required documents as per the category of applicant had been uploaded or not.

- n. Application without Catalogue Downloading Fee and/or Application Processing Fee (Participation Fee) and/or EMD Fee will be rejected and not considered for further bidding process.

Supporting/ KYC document:

1. Registered Bidder should be the authorised signatory of the legal entity applying for the land allotment through e-auction. Except the case of bidder is applying as individual for himself/herself or proprietor applying on behalf of the Partnership Firm, Limited Liability Partnership Firm (LLP), Private or Public limited company or consortium of any of these, the application without **authorization letter** shall be treated ineligible.

2. Following Self Attested Documents are required to be submitted by bidder for e-Auction of Sector Shopping Complex/Commercial, Professional/Motel/Hotel/Multiplex/Multiplex cum Hotel plots:

i. Documents:

- Filled application form (**as attached in Annexure-II, given on Page No. 2&3**)

Eligible Constitution of Applicant: Any Proprietor or Partnership Firm, Limited Liability Partnership Firm (LLP), Private or Public limited company or consortium of any of these can submit Bid(s) for one or more than one plot. The firms and the companies should be registered in India.

In case where the plot is greater than 4,000 Sqm, the Bidder may form a consortium as per the following conditions:

- Members of the consortium will have to specify one Lead Member who alone shall be authorized to correspond with the UPSIDA.
- Lead Member should be the single largest shareholder having at least 30% share in the consortium.
- The shareholding of the Lead Member in the consortium shall remain at least 30% till the occupancy/ completion certificate of the entire project has been obtained for the project from UPSIDA.
- Each member of the consortium will have an equity stake of at least 5%.
- The group of entities jointly submitting the Bid as a Consortium shall not exceed 5 (five).

Minimum Net worth & Past Work Experience Criteria.

Plot Area	For plots up to 1000 Sqm	For Plots more than 1000 Sqm but upto 2000 Sqm.	For Plots more than 2000 Sqm but upto 3000 Sqm.	For Plots more than 3000 Sqm but upto 4000 Sqm.	For Plots more than 4000 Sqm but upto 5000 Sqm.	For Plots more than 5000 Sqm but upto 9999 Sqm.	For Plots more than 10000 Sqm
Minimum Net Worth on the date of application duly as per Audited financial statements of Applicant / Certified by CA with UDIN shall be positive.	None	Rs. 50.00 Lakhs	Rs. 1.00 Crore	Rs. 1.50 Crore	Rs. 2.00 Crore	Rs. 5.00 Crore	Rs. 7.50 Crore
Minimum Turnover of applicant for the last 3 accounting years. (As per	None	Rs. 2.50 Crore	Rs. 5.00 Crore	Rs. 7.50 Crore	Rs. 10.00 Crore	Rs. 20.00 Crore	Rs. 25.00 Crore

Plot Area	For plots up to 1000 Sqm	For Plots more than 1000 Sqm but upto 2000 Sqm.	For Plots more than 2000 Sqm but upto 3000 Sqm.	For Plots more than 3000 Sqm but upto 4000 Sqm.	For Plots more than 4000 Sqm but upto 5000 Sqm.	For Plots more than 5000 Sqm but upto 9999 Sqm.	For Plots more than 10000 Sqm
financial statements duly Audited/Certified by CA with UDIN)							
Work Experience of completing atleast two same nature of project in the last 5 years whose Occupancy/Completion Certificate has been issued by the Competent Authority.	None	None	None	None	Minimum 50000 Sq. Ft. builtup area	Minimum 100000 Sq. Ft. builtup area	Minimum 150000 Sq. Ft. builtup area

Tripartite Sub Lease (Among UPSIDA, Allottee & Sub lessee) of built-up commercial space shall be permitted with prior approval of UPSIDA.

Documents listed below as per constitution of applicant:

Applicant	► Mandatory documents
Individuals/ Proprietorship Firm	► PAN and Aadhar Card ► Net Worth Certificate on the date of application duly as per Audited financial statements of Applicant, Certified by CA with UDIN. ► Project Report*
Partnership firm	► Registered or Notarized Partnership deed/ Form-1 ► PAN Card of the firm. ► PAN/Aadhar Card of all the Partners. ► Power of attorney by all the partners for authorized signatory for participation in allotment process through e-auction. ► PAN/Aadhar Card of authorized signatory ► Net Worth Certificate on the date of application duly as per Audited financial statements of Applicant, Certified by CA with UDIN. ► Project Report*
Companies (LLP/ Private Ltd/ Limited firms)	► Certificate of Incorporation, Memorandum of Association & Article of Association issued by Registrar of Companies ► Shareholding patterns with list of shareholders and Directors duly verified by CA/CS. ► Board resolution for authorized signatory for participation in allotment process through e-auction. ► PAN/CIN of the company ► PAN/Aadhar card of authorized signatory ► Net Worth Certificate on the date of application duly as per Audited financial statements of Applicant, Certified by CA with UDIN. ► Project Report*

* Project Report should include investment details and means of finance, tentative layout plan of covered/open area, Project completion schedule, Employment generation. The project report should be specific to the sectors as mentioned in annexure – II, as per plot type.

Note: Proposed capital investment as per project appraisal by recognized financial institution duly certified by Chartered Accountant. (Only for the projects with capital investment exceeding INR 25 Crores.)

- ii. Last date and time for the submission of application including uploading/submission of required documents, payment of catalogue fee (document fee), payment of Application Processing Fee (Participation Fee) and deposition of Earnest Money, by bidder as mentioned above in Annexure-I.

The bidder is required to agree to all terms and conditions of the catalogue against which they are uploading documents. Doing so would also mean that they:

- a. Certify that the documents uploaded, and the information contained therein is true to the best of their knowledge and belief.
- b. Certify that they have re-checked all the documents after uploading them as draft and they are satisfied that all of them are correctly uploaded.
- c. Understand that once the documents are submitted online, they will not be allowed further to add/remove/modify/change the documents at any later stage during the auction process.
- d. Agree to take full responsibility in case any document is found incorrect/incomplete in any manner, and UPSIDA and/or Axis bank shall not be responsible for the same in any manner.

Roll Over of Catalogue

- I. If number of applicants in the catalogue are less than 3, application and payment submission date for such catalogue will be extended for 7 working days.
- II. For the type of catalogues as mentioned in the I above, such extension can happen maximum 2 times. If number of applicants in the catalogue remains less than 3 in second extension, UPSIDA will cancel the auction for that plot.
- III. If any catalogue is rolled over, to increase the participation for the bid by 7 working days' time extension for submission of the application, new date of the auction shall be provided through corrigendum.
- IV. In case of extension, previously all eligible bidders will be considered eligible for roll over and they do not need to submit separate/ new application.
- V. No Separate newspaper advertisement will be published for Roll over catalogues.
- VI. After Scrutiny, if number of eligible bidders remains less than 3 for a plot in main auction or roll over/extension, in such situation, UPSIDA will cancel the auction for that plot.

Earnest Money Deposit (EMD):

- (1) All applicants are required to make payment of Earnest Money Deposit (EMD) within the stipulated timelines for their documents to be evaluated for further processing.
- (2) **The EMD is calculated as 10% of the value of reserve price of the plot/property in industrial area where allotment of industrial plot through e-auction and 5 % of the value of reserve price of the plot/property for industrial area where allotment of industrial plot through nivesh mitra. At the end of the auction process the EMD will be 10% and 5% of the value of the plot/property based on the H1 bid price respectively for industrial area on basis of allotment process of industrial plots**

- (3) Initial EMD deposited by the bidder is refundable to bidders if in any case they are deemed ineligible in the document scrutiny process or they are not the H1 bidder in the Auction Stage.
- (4) Automated refund of Un-qualified & Un-successful bidder will be processed within 3 working days after the closure of auction.

Document scrutiny & clarification:

- (1) Documents will be available for scrutiny in the UPSIDA officer's access to the e-auction platform, immediately after submission of all documents, application fee payment, catalogue fee payment and EMD payment is completed by the bidder.
- (2) Upon completion of the scrutiny, each individual bidder will receive an automatic E-mail intimation sent by service provider on registered email ID/ bidder Dashboard in e-auction system of the bidders informing them of about approval/rejection of their application after scrutiny with the reasons for rejection.
- (3) UPSIDA may also ask for clarification through e-auction system, such applicants may submit clarification (maximum 1000 characters) through e-auction system only within 2 days from the date of clarification raised without submitting any additional documents.
- (4) Review of application on basis of clarification will be done prior to e-auction date and all bidders who had submitted the clarifications will receive intimations on their registered E-mail ID or e-auction dashboard, informing them about the approval/rejection of their application after consideration of their submitted clarification.

Evaluation criteria for application:

- (1) In case of application for Hotel plots following evaluation-criteria shall apply:
 - ▶ Each of the documents listed in the catalogue should be valid and in legible form and signed by the authorized signatory.
 - ▶ Each of the required documents listed in the catalogue should be uploaded in the portal.
 - ▶ Net worth and Past work experience of bidder should be as per the Minimum Net worth & Past Work Experience Criteria

E-auction stage:

- (i) Bidding process will be done on the basis of lease premium rate.
- (ii) Auction will be started on predefined date and time on E-auction portal (<https://upsida.project247.in>).
- (iii) Technically qualified bidder has to login with their User ID and Password and has to click on "Live Auction" stage. Only auction for which bidder has been technically qualified will be visible.
- (iv) Bidder has to click on details of plot against their auction and then accept terms and conditions.
- (v) Bidder will be redirected to live bidding page and here bidder has to do live bidding.
- (vi) Bidding will be started from Auction Reserved Price (Total value of plot).
- (vii) Only bid higher than the H1 bidder will be accepted by the system except first bid. For the ease of the bidder system will display present H1 bid and value of next minimum bid, however bidder may bid any value higher than H1 bid which should be Total value of Plot adding incremental value in multiple of whole number.

- (viii) Bidding will be continued for the predefined period. If any bidder adds value in the last 5 minutes, then auction will automatically be extended for further 15 minutes from the predefined period. Maximum 10 such extension shall be provided.

(ix) If at any stage of E-auction (predefined period and extension period if any) system didn't get any value in the last 5 minutes, auction will be ended after completion/termination of time and the last H1 bid will be considered as the provisionally winning bid, subject to approval of UPSIDA.

- (x) The bids submitted by the bidder will be binding on him/her.

Bidders are strongly advised to monitor the auction system continuously to ensure that they do not miss out on bidding in any stage.

- (xi) Automated refund of non-H1 bidders' EMDs will be initiated to their payment source account, after the termination/completion of the e-auction process. These refunds will be processed within 3 working days after the closure of e-auction and approval of H1 bidder by UPSIDA.

Post Auction Stage:

- i. UPSIDA reserves the right to accept/reject any bid at any stage, including the highest bid without assigning any reason for the same.
- ii. The auction service provider shall send e-mail intimation to the final H1 bidder intimating them about their H1 status and instructing them to make payment of Balance EMD.
- iii. The H1 bidder is required to allocate the balance amount of EMD based on bid price after adjustment of previously deposited amount of EMD within 3 days of receipt of the email intimation. This Balance EMD amount is calculated as the **difference between 10% (10% of the value of reserve price of the plot/property and 10% of H-1 price of property) and difference between 5% (5% of the value of reserve price of the plot/property and 5% of H-1 price of property) of the value of the plot/property based on the H1 bid in the e-auction process and the EMD amount already paid.**
- iv. **In case of non-payment of Balance EMD within the specified period by the final H1 bidder, the plot shall not be offered to the H2 or any other bidder through this auction process. The previously deposited EMD of the final H1 bidder in such cases shall be forfeited and new e-auction for the plot will be initiated.**
- v. After confirmation of the payment of Balance EMD amount from the H1 bidder, UPSIDA will process approval of allotment of plots to H1 bidder and issue the allotment letter within 7 working days.
- vi. The final H1 bidder is required to deposit Reservation Money within 60 days of issuance of Allotment Letter as per the Terms and Conditions described in this document and allotment letter. The Reservation Money is calculated as **50% of the value of lease premium of plot /value of property where allotment of industrial plot through e-auction and 25% of the value of lease premium of plot /value of property for industrial area where allotment of industrial plot through nivesh mitra** (Reservation Money includes EMD amount already paid) and shall be payable as per UPSIDA's prevailing rules and regulations.
- vii. In case the final H1 bidder fails to pay the reservation money within 30 days of issuance of allotment letter, the EMD deposited shall be forfeited and new e-auction for the plot will be initiated.

- viii. The final H1 bidder would have an option to pay full and final payment of the total Premium of the plot within 60 days from the issue of Allotment Letter. In such a case, 2% rebate will be given on the total Premium of the plot /value of property.

Applicable Taxes & TDS:

UPSIDA will indicate to the final H1 Bidder the taxes and duties payable for the amounts being collected by UPSIDA as per the prevailing rules and regulations.

- ▶ *Bidders must be extremely careful to avoid any wrong bidding (whether typographical or otherwise). They must check and rectify their bid (if required) before submitting their bid in the live e-auction floor by clicking “Submit Bid” button. The Bidders shall be solely responsible for all consequences arising out of the bid submitted by them (including any wrongful bid submitted by them).*
- ▶ *Bidders must always ensure to keep their e-mail address valid and active. It is the responsibility of the customer to verify the status of their bids and check their e-mails to take necessary action as required within the particular time frame.*
- ▶ *Each property put up for auction shall be deemed to be a separate contract of allotment.*

Minimum System Specifications for the bidders

It is recommended that the bidder uses a computer with the following minimum system specifications:

1 - Operating System -

- Windows 7 or advance version

2 - MS Office Version (Word & Excel) -

- General Documents MS Office 2007 and advance version

3 - Internet Browsers -

- Google Chrome (Latest versions)
- Mozilla Firefox (Latest versions)

Terms and Conditions of allotment through e-auction

1. Date of issue of allotment letter will be considered as the date of allotment for all future purposes
2. Interest chargeable on the total balance outstanding premium will computed from the date of allotment and payable half yearly on 1st day of January and 1st day of July of each year.
3. The plots shall be Leased for 90 Years.
4. The amount together with the Earnest Money already deposited equal to **10% or 5%** of the total Lease Premium of the plot at the H1 bidder rate is called EMD for allotment of plot and is payable along with the value of the existing construction as shown in the plot details within 3 days from the date of intimation of auction status to the H1 bidder. If the payments are not made within the stipulated time, the auction process shall automatically stand cancelled and the EMD of H1 bidder will stand forfeited by UPSIDA.

5. Reservation money shall be equal to **50% of the value of lease premium of plot /value of property where allotment of industrial plot through e-auction and 25% of the value of lease premium of plot /value of property for industrial area where allotment of industrial plot through nivesh mitra** at the H1 bidder rate, after adjustment of EMD as per clause 4 and subject to adjustment according to the actual measurement of the plot. The reservation money shall be payable within 60 days from the date of allotment. If the payments are not made as stipulated in the ALLOTMENT LETTER within 60 days from the date of allotment, the allotment will automatically stand cancelled and the EMD will stand forfeited to UPSIDA. However, if the area of the allotted plot either exceeds the area as per catalogue or falls short by more than 20%, the EMD will not be forfeited if the allotment of additional land or deficient land is not accepted by bidder within 15 days from allotment, provided intimation is sent in this respect to UPSIDA by bidder within the stipulated date.

Note –

The lease premium of plot mentioned above is liable to be increased on account of increased compensation or additional infrastructure development in the area. Such charges shall be payable by the allottee as and when they are applicable and notified by UPSIDA. Intimation by Chief Executive Officer of UPSIDA in this regard shall be final and binding on bidder.

6. The remaining of the Lease Premium of plot has to be paid by the H1 bidder **in 6 equal half-yearly installments**, each of which will be due on 1st day of January and 1st Day of July each year.

An interest MCLR+1% per annum will be charged on the outstanding (balance) premium with effect from the date of allotment and shall be payable along with the instalment of premium as per above clauses OR as per the terms & conditions of Allotment Letter. Up to the payment of the amount of balance premium and the interest due thereon from time-to-time, UPSIDA shall retain first charge on the land and the building and machinery erected therein till it is (they are) paid in full.

In case of default in payment of instalment on the due date as mentioned in the allotment letter, a penal interest of 3% (compounding Six monthly), other than normal differential rate of interest (MCLR+ 1%) shall be applicable.

7. The stamp duty, the registration charges and legal expenses involved in the execution of the Lease Deed and other agreements from time to time shall have to be borne by the winning bidder.
8. The H1 bidder has to execute a Lease Deed within 60 days from date of allotment by submitting the following documents:
- a. Payment of outstanding dues of UPSIDA till the date of execution of Lead Deed as mentioned in clauses 4, 5 and 6 of this section
 - b. Detailed statement showing shareholders/Director position duly certified by CA
 - c. Necessary stamp papers/e-stamp/Bank Guarantee (as per Govt. Order)
 - d. Any other formalities/papers as required
9. The H1 bidder has to take over possession of land within 30 days of executing the Lease Deed
10. The H1 bidder shall have to get the maps approved within 90 days of taking possession. The formalities to be done in this regard are available on the website nivesh mitra

11. The H1 bidder has to start construction within 30 days of approval of the map
12. The H1 bidder has to start operation on the plot within the allocated period and intimate UPSIDA of the same. The time extension shall only be considered on merits and shall entail time extension charges.
13. The plot has been allotted on “as is where is” and “no complaint” basis. Site leveling, site development etc. if any, is to be undertaken by the H1 bidder shall be done at their own expense. The H1 bidder has to pay to UPSIDA within 30 days from the date of demand made by UPSIDA, from time to time such recurring fee in the nature of service and/or maintenance charges as determined by UPSIDA under the rules and regulations prevailing at that time. In case of default, the H1 bidder will be liable to pay interest @ MCLR+1% plus 3% penal interest p.a. on the default amount for default period as per the Demand Notice issued by UPSIDA in this regard.
 - i. The Plot shall be utilized only for the purpose it has been allotted and Hotel is to be made functional as defined in the Rules and Regulations of UPSIDA within the time period as applicable/as approved in the allotment letter.
 - ii. Capital investment shall be determined by the capital investment proposed in the Hotel as specified in the Project Appraisal Report.
 - iii. In case of non-utilization of plot within the period as above by the bidder, Time Extension for setting up the unit may be granted by UPSIDA solely on its discretion as an Enabling Provision on payment of Time Extension Fee at the rate prevailing at the time of grant of Time Extension by UPSIDA within the Rules and Regulations of UPSIDA prevailing at that time.
 - iv. The transfer of plot, change/addition of Hotel, pledging of Lease Deed for borrowing from Financial Institutions and other services shall be governed by the then prevailing rules and regulations of UPSIDA.
 - v. The H1 bidder will adhere and submit to the rules and regulations of the UPSIDA related to the planning standards of the plot, development plan of the area in the Industrial Development Area or so far as they affect the health, safety and convenience of the other inhabitants of the place, and will not release any obnoxious gaseous, liquid or solid effluents from the unit in any case.
 - vi. The H1 bidder will establish at their own cost an appropriate and efficient effluent treatment system/plant and will ensure that it is ready and functional as per the norms and specification expected laid down or stipulated by the UPSIDA by law for the time being in force.
 - vii. Whenever the industrial area is included in the jurisdiction of Municipal Corporation or Board, Cantonment Board, Zila Parishad, Town Area or (any) local bodies (body), the H1 bidder will become liable to pay and discharge all rates, taxes, charges, claims and outgoing chargeable imposed and assessment of every description, which may be assessed, charged, or imposed upon them by the local body and will abide by the laws, rules and direction of the local body.
14. The H1 bidder will make appropriate arrangements at their own cost for proper disposal of wastewater produced in their unit.
15. The H1 bidder will have to apply for and obtain power connection from the local agency/U.P. State Electricity Board as the case may be at their end and cost.
16. The allotment will be cancelled if and when any of the following mentioned violation happens and further action after cancellation shall be taken up as mentioned in this document:

- a. If the H1 bidder fails to comply to any of the conditions stipulated herein above within the time stipulated above

OR

- b. If the H1 bidder fail to make payment of interest and/or premium on or before the due date(s) mentioned in this document

OR

- c. If the H1 bidder fails to comply to any clause mentioned in this document

OR

- d. If the H1 bidder violates any terms and conditions of allotment letter, Lease Deed executed for the plot or any other rules or regulations of UPSIDA

17. The allotment will be cancelled if and when any of the following mentioned violation happens and further action after cancellation shall be taken up as mentioned in this document:

- e. If the H1 bidder fails to comply to any of the conditions stipulated herein above within the time stipulated above

OR

- f. If the H1 bidder fail to make payment of interest and/or premium on or before the due date(s) mentioned in this document

OR

- g. If the H1 bidder fails to comply to any clause mentioned in this document

OR

- h. If the H1 bidder violates any terms and conditions of allotment letter, Lease Deed executed for the plot or any other rules or regulations of UPSIDA

18. **In the event of cancellation** of the allotment on account of any default on the H1 bidder's part, the following will stand forfeited to the UPSIDA

- 1. In case the allottee fails to pay the reservation money within 60 days of issuance of allotment letter, the EMD deposited shall be forfeited and the plot will be treated as vacant for allotment.
- 2. In the event of cancellation of the allotment on account of any default on the allottee's part, the following will stand forfeited to the UPSIDA
 - a. Interest @MCLR+1% per annum from the date of allotment on the total unpaid premium from time to time till the date of cancellation of allotment without allowing rebate in interest, mentioned herein above, irrespective of the fact whether the dues had been paid in time or not.

AND

- b. Use and Occupation charges/Lease Rent from the date of allotment upto the date of cancellation

AND

- c. In the case of constructed sheds allotted by UPSIDA, 2% of the cost of the shed towards depreciation. The Balance amount, if any, out of the deposits made by the allottee till then, after deducting the amount to be forfeited as above, will be refundable. In case the total of the amounts paid is less than the amounts to be forfeited, the allottee shall be liable to pay the difference and the same shall be recoverable by UPSIDA from the allottee.

19 A **Surrender-**

- 1. In case the allotment is surrendered within 60 days from the date of allotment the entire deposited EMD shall be forfeited. In such case of surrender of allotment, date of surrender shall be considered on date of application made on Nivesh Mitra Portal.
- 2. In the event of surrender of the allotment after 60 days the following amount will stand forfeited to the UPSIDA

- i. Interest @ MCLR+1% per annum from the date of allotment upto the date of surrender of the allotment on the total balance (unpaid).

AND

- ii. Use and Occupation charges/Lease Rent from the date of allotment till the date of surrender

AND

- iii. The cost of shed towards depreciation as per prevailing UPSIDA policy, in case of constructed sheds allotted by UPSIDA

The Balance amount, if any, out of the deposits made by the H1 bidder till the date of surrender after deducting the amounts to be forfeited as above, will be refundable. In case the total of the amounts paid is less than the amount to be forfeited, the H1 bidder shall be liable to pay the difference and the same shall be recoverable by UPSIDA from the H1 bidder.

- 19. The H1 bidder will not employ in their unit any process generating smoke or fumes or involving use of chimney and any use of fossil fuel in the process which may cause atmospheric pollution and/or would not discharge liquid effluent which may be obnoxious by nature or cause pollution without obtaining necessary approvals from statutory authorities such as UP Pollution Control Board, Fire Department etc. The unit should not involve any significant emission of particles and/or gaseous substance in the air.
- 20. In employing employees/ labor for the school, skilled, semi-skilled or unskilled, shall give preference to one or two able-bodied persons from the families whose land has been acquired for the purpose of the said Industrial Area.
- 21. The H1 bidder will pay 'use and occupation charges/lease rent' at the rate of INR 1/- per square meter per year during the first thirty years, INR 2.5/- per square meter per year during the next thirty years after expiry of the first thirty years and INR 5/- per square meter per year during the last thirty years after the expiry of the sixty years. Use and occupation charges are payable till the date lease is granted to allottee, there after lease rent (+ applicable GST) will have to be paid and shall be charged as per the rules and regulations of UPSIDA as applicable from time to time.
- 22. The allottee/lessee will mention the name of UPSIDA Industrial Area in the postal address of his correspondence letter.
- 23. The minimum covered area required for completion within the above specified period shall be as per the prevailing building by laws of UPSIDA.
- 24. Any reconstitution/project change/name change/mortgage without prior approval in writing to UPSIDA shall become liable for cancellation of allotment and voidable at the sole discretion of UPSIDA
- 25. The H1 bidder shall make all arrangements for rainwater harvesting and all other laws framed by the Govt. to protect the environment.
- 26. If it is found that the H1 bidder has misrepresented the facts or submitted wrong information for getting this allotment, the allotment shall be void and the entire amount deposited by the H1 bidder shall be forfeited.

Governing Law:

This Agreement is construed and shall be governed in accordance with the laws of India without giving effect to any principle of conflict of law.

Jurisdiction:

The Court at Kanpur shall have exclusive jurisdiction on any of the terms touching upon any subject matter of this agreement.

Definitions

Auction

Auction refers to a forum where one/more items of the Seller are stated and the participants (customers) are required to bid up the price to be selected to purchase the said items.

Online Auction

Online auctions refer to those auctions conducted through the Internet with the customers (from one or more locations) simultaneously bidding to be selected for purchasing the item/s on Auction. In other words, the venue for the auction is on an Internet website/ platform.

Services refer to the Online Auctions conducted by the Service Provider through its website as the venue for the purpose of the Online Auction.

Award at the Auction

In a single winner format, only one customer (normally the customer who quotes the highest price) is awarded all the units of the item being auctioned. The customer quoting the highest price is normally allotted the item.

Client

Client is the individual/business entity who has contracted "Service Provider" to conduct such auction. In case of auction, the purpose would be the genuine intent to sell the selected item/s (Lot) to the customers desiring to buy these items from the Client.

Customer

Customer is the individual/business entity participating in the auction, intending to buy the item(s) from the Client. To become a customer in the auction, a business entity has to secure client approval for participation and also provide written assent to the General Rules and Regulations.

Auction Engine

Auction Engine refers to the software that encapsulates the entire auction environment, processing logic and information flows. "Service Provider" is the sole owner of the auction engine and retains exclusive right over the utilisation of the same.

Timings of the Online Bid

All the timings of the Online Bid shall be based on the time indicated by the Server hosting the Auction Engine. It shall be the endeavour of "Service Provider" to ensure that the Server Time reflects as closely as possible the Indian Standard Time (IST) i.e. GMT + 0530 hrs. However, in the event of any deviations between the Server Time and the Indian Standard Time, the functioning of the Auction Engine (Launch, operation, and closure) would be guided by the Server Time. Customers are advised to refresh both the windows of the Auction Module check the exact Server Time (displayed in both the windows).

Preview Time

Preview Time refers to the period of time that is provided prior to the commencement of bidding. This is to facilitate approved participants to view the auction details such as item specifications, bidding details and bidding rules. The purpose is also to familiarize participants with the functionality and screens of the auction mechanism. It is not mandatory for "Service Provider" to provide Preview Time.

Start Time.

Start time refers to the time of commencement of the conduct of the online auction. It signals the commencement of the Price Discovery process through competitive bidding.

Duration of the Auction.

It refers to the length of time the price discovery process is allowed to continue by accepting bids from competing customers. The duration of the auction would normally be for a pre-specified period of time. However, the bidding rules may state the conditions when the pre-specified duration may be curtailed/extended. The conditions include:

- ▶ Curtailment of auction duration in the event of no bids for a specified period of time (Inactivity Time)
- ▶ Automatic extension of auction in case even a single bid is received in a particular extension.

End of the Auction.

End of the Auction refers to the termination of the auction proceedings signalling an end to the price discovery process.

Auction Report.

"Service Provider" would provide an Auction Report to the Client containing a summary of the auction proceedings and outcome. The Auction Report would constitute the official communication from "Service Provider" to the client about the outcome of the Auction.

Hotel

A hotel is an establishment that provides paid lodging on a short-term basis.