



HIMACHAL PRADESH

Through e-mail

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PUBLIC WORKS DEPARTMENT

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No PW /CTR//32-20/Genl Inst./ /2021-18/22-221 Dated:- 6/10/21

To

All the Chief Engineers,
PWD. Himachal Pradesh.
All the Superintending Engineer,
In HPPWD.

Subject:- Regarding deduction of Royalty Charges.

On the subject cited above it has been observed that the Govt., instructions issued on account of production of X and M form as required under HP Mineral Rule 2015 are not adhered strictly while releasing payments to the Contractors in the department.

Now therefore it is reiterated that the production of form X & W may be adhered strictly while releasing the payments to the Contractor. In this context a copy of proceeding dated 28-8-2020 issued by the worthy Principal Secretary (PW) to the Govt., of H.P. in connection with CWP No. 2593/2020 dated 16-7-2020 titled as Daljeet Singh Pathania V/S state of H.P. and others is also enclosed herewith for information and further strict compliance.

You are, therefore again requested to adhere to the Govt., instructions in letter & spirit.

Encl. As above.

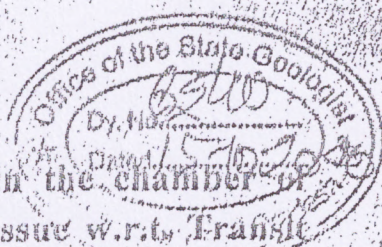
Engineer –in-Chief
HP PWD, Shimla-2.

Copy of above is forwarded to :-

1. The Principal Secretary (PW) to the Govt., of H.P. for information.
2. All the Executive Engineer through E mail for information and taking further necessary action.
3. The Distt., Attorney HPPWD Shimla for information.
4. The Executive Engineer (IT) in this office . He is requested to upload the same on the departmental website.

Engineer –in-Chief
HP PWD, Shimla-2.

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Proceedings of meetings dated 28.08.2020 held in the chamber of worthy Principal Secretary (PW) to discuss the issue w.r.t. Transit passes required for the transport and use of minerals for various work executed by the Public Works Department in the State of HP.

The meeting was attended by following officers:-

1. The Principal Secretary (PW)
2. The Addl. Secretary (Indus.)
3. The Director (Industries)
4. The Engineer-in-Chief HPPWD Shimla
5. The State Geologist
6. The Dy. Distt. Attorney (PW)
7. The Superintending Engineer (D-III)

The Pr. Secretary (PW) welcomed all the participants.

In the beginning of the meeting it was brought to the notice of participants that the Hon'ble High Court while hearing CWP No. 2593/2020 dated 16.07.2020 titled as Daljit Singh Pathania Vs State of HP & Ors has directed that the respondent shall not clear the bills of contractor who have not produced X & W forms as required under HP Minerals Rules 2015.

The Superintending Engineer (D-III), office of Engineer-in-chief HPPWD Shimla submitted that on account of direction/order passed by Hon'ble Court, the PWD is facing difficulties in execution of work. As per prevailing practice the PWD is accepting the bills of contractor on which GST is paid and is deducting the royalty on extracted material's utilized in execution of work at the rates circulated by the Industry Department. He further stated that production of GST Bills of crusher owner itself is the proof of legal source of the extracted material.

The Director (Industries) and State Geologist emphasized on the need of production of X & W Form as per Minerals Rules 2015. The state Geologist stated that without producing X & W Form the legal source of extracted material cannot be identified. He further submitted that the Mining Department is also permitting the PWD Contractor to install stone crusher at work site for captive use on fulfillment of certain conditions. He further stated that in case contractors are allowed to extract and

transport the minerals without XW Form in that event the same would encourage the illegal mining in the state, which cannot be permitted.

The Engineer-in-Chief and Superintending Engineer (D-III) office of Engineer-in-Chief HPPWD Shimla submitted that the stone crusher owners are not supplying requisite quantity of minerals required to execute the work, as a result of which the contractor are bound to delay the execution of work. The crusher owners do not supply sufficient quantities with X & W Form which cause inconvenience to the contractor and department. It was further brought to the notice that the contractor are producing GST paid bills in respect of the material used and they are being accepted by the department and bills of contractor are released after deducting the royalty charges as prescribed by the Mining Department. It was also stressed on behalf of Public Works Department that curtailing the illegal use of minerals and implementing the rules is primarily the duty of Mining and Industries Department and they should take adequate steps for preventing the illegal extraction and transport of minerals. The Superintending Engineer (D-III) submitted that GST paid bill are itself proof of the fact that the minerals used have been brought from legal source as GST paid bills can only be issued by registered traders/lessees. It was informed that the practice as is being followed is facilitating and speeding up the execution of work and the emphasis on production of XW form in all eventuality may create practical difficulties in speedy execution of work. It was submitted on behalf of Public Works Department that in addition to X& W Form, the production of GST paid bills issued by registered suppliers/lessees may also be recognized in respect of used minerals.

After detailed deliberation it was finally decided in the meeting that in the first instance, the Public Works Department will supply the information w.r.t the material used by contractor on the basis of GST paid bills to the Department of Industries who will further verify the supply of minerals on the basis of information to be supplied by the Public Works Department.

The worthy Principal Secretary directed the Public Works Department to supply this information to the Department of Industries within two weeks and thereafter Department of Industries will take further action in the matter.

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was also decided that henceforth the clause with respect to use and transport of minerals on production of X & W Forms shall be mandated.

The meeting ended with vote of thanks to the chair.

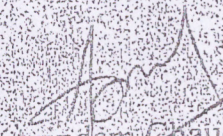
Jagdish Chander Sharma
Principal Secretary (PW) to the
Government of Himachal Pradesh

Endst No. PBW(B)E(3)57/2020. Dated: the Shimla-2

29.09.2020

Copy to the followings for information and further n/action:

1. The Addl. Secretary(Indus.) to the Govt. of HP.
2. The E-in-C, HPPWD, Nigam Vihar, Shimla-2(HP).
3. The Director, Industries, Udyog Bhawan Bemloe, Shimla(HP)
4. The State Geologist, Udyog Bhawan Bemloe, Shimla(HP).


(Arindam Chaudhary)
Special Secretary(PW) to the
Govt. of Himachal Pradesh