

11707
Public Works (1897) Department.

G.O., No. 86 W

DATED 7 January

11/1/97
[Despatch Abstract.]

Government Bankfield, Egmore, Madras. Letters from the Govt of India sanctioning, subject to certain modifications, the publication of a notice inviting tenders for the leasing for ten years of the — and assenting to the grant of a lease on the terms proposed either by a private firm or joint stock company, Comd^r to the Cons^g Architect; and to the Govt Solicitor with remarks

80/3

T.C. 11/1

Government { 1897 } of Madras.
PUBLIC WORKS.

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JANUARY.

Letter from the Government of India sanctioning, subject to certain modifications, the publication of a notice inviting tenders for the leasing for ten years of the —, and assenting to the grant of a lease on the terms proposed either to a private firm or joint stock company, communicated to the Consulting Architect, and to the Government Solicitor with remarks.

the success of

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Account.

READ—the following paper :—

From Colonel M. W. BISSET, R.E., Secretary to the Government of India, Public Works Department (Civil Works—Miscellaneous), to the Secretary to the Government of Madras, Public Works Department, dated Calcutta, 22nd December 1896, No. 526 M.

I am directed to acknowledge the receipt of your letter No. 2494 W., dated the 27th August 1896, forwarding a draft notice inviting tenders for the leasing for ten years of the Government Brickfields situated at Egmore, Madras, with the brick and lime kilns attached, together with the machinery and apparatus now in use thereon, and requesting the sanction of the Government of India to the publication of the notice and to the subsequent execution of a lease by the successful tenderer.

2. In reply, I am to say that, subject to the modifications suggested below, the Government of India sanction the publication of the notice and assent to the grant of a lease on the terms proposed, either to a private firm or a joint stock company, it being left to the Government of Madras and their legal advisers to draft and execute the lease without further reference to the Government of India :—

(i) The "conditions" should include an express declaration of the circumstances under which the security will be forfeited or be liable to forfeiture. Condition 3 provides for the forfeiture of the *deposit* in the event of the full amount of the security not being paid within a certain time, but no provision has been made for the forfeiture of the *security* in case of non-payment of the rent reserved which is mentioned in paragraph 3 of the notice.

It should also be clearly stated whether the whole or any part of the security will be liable to forfeiture if the lessee fails to comply with the conditions of paragraph 2 of the notice which might more appropriately be included in the statement of conditions than in the body of the notice.

(ii) The lease should contain a stipulation to the effect that no transfer of the lease of the property of the contract to supply the Government of Madras with materials, or of any part thereof, or any interest therein, shall be recognised as valid unless made with the express assent of the Government of India who may in their absolute discretion refuse such assent—*vide* paragraph 137 (v), Chapter I, Volume I, of Public Works Department Code.

(iii) The lease should also include an express declaration that the lease and contract are granted or made subject to the Statutory rules—*vide* paragraph 137 (vi), Chapter I, Volume I, of Public Works Department Code.

ORDER—No. 86 W., dated 9th January 1897.

Communicated to the Consulting Architect, with reference to G.O., No. 2493 W., dated 27th August 1896; also to the Government Solicitor who will amend the notice in the manner suggested by the Government of India, and submit a copy for publication.

(True Extract.)

Under Secretary to Government.

To the Consulting Architect to Government.

" Government Solicitor, with copy of G.O., No. 2493 W.,
dated 27th August 1896.

Exd. T. K. Narayana Aiyangar.

Public Works (1896) Department.

CURRENT No. 11707

W. R. K. A. 86449. 9. Jan. 1897
Order *A. 54 6.1.97*

Communicated to
the Comy. Architect, with
reference to G.O. no 24934
of 27. August 1896; also
to the Govt. Solicitor, who
will amend the notice in
the manner suggested by the
Govt. of India, & submit a
copy for publication -

From

The Govt. of India.

No. 526 M.

Dated 22. 12. 96

Received 28. 12. 96

Enclosures .

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Cm

4/1/97

SUBJECT.

Government Brick Fields,
Madras: Sanctioning,
Subject to certain modifications
the publication of the notice
inviting tenders for the
leasing of the — &
Subsequent execution
lease by the successful
tenderer

C.A. to Govt. 9. 11/1/97
Govt. Solicitor, with copy
of G.O. no 24934 W of 27. 8. 96.

FURTHER PAPERS.

All communications should be addressed to the Secretary.

GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
CIVIL WORKS.

MISCELLANEOUS.

The Joint Secretary to the Government of Madras,
Public Works Department.

Calcutta, the 22nd December 1896.

I am directed to acknowledge the receipt of your letter No. 2494 W., dated the 27th August 1896, forwarding a draft notice inviting tenders for the leasing for ten years of the Government brick ^{fields} ~~field~~ situated at Egmore, Madras, with the brick and lime kilns attached, together with the machinery and apparatus now in use thereon, and requesting the sanction of the Government of India to the publication of the notice and to the subsequent execution of a lease by the successful tenderer.

2. In reply, I am to say that, subject to the modifications suggested below, the Government of India sanction the publication of the notice and assent to the grant of a lease on the terms proposed, either to a private firm or a joint stock company, it being left to the Government of Madras and their legal advisers to draft and execute the lease without further reference to the Government of India.

(i) The "conditions" should include an express declaration of the circumstances under which the security will be forfeited or be liable to forfeiture. Condition 3 provides for the forfeiture of the deposit in the event of the

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full amount of the security not being paid within a certain time, but no provision has been made for the forfeiture of the security in case of non-payment of the rent reserved which is mentioned in paragraph 3 of the notice.

It should ^{also} be clearly stated whether the whole or any part of the security will be liable to forfeiture if the lessee fails to comply with the conditions of paragraph 2 of the notice which might more appropriately be included in the statement of conditions than in the body of the notice.

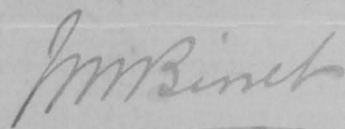
(ii) The lease should contain a stipulation to the effect that no transfer of the lease of the property of the contract to supply the Government of Madras with materials, or of any part thereof, or any interest therein, shall be recognized as valid unless made with the express assent of the Government of India who may in their absolute discretion refuse such assent - vide paragraph 137(V) Chapter I, Volume I of Public Works Department Code.

(iii) The lease should also include an express declaration that the lease and contract are granted or made subject to the Statutory rules - vide paragraph 137(Vi), Chapter I, Volume I of Public Works Department Code.

I have the honour to be,

Sir,

Your most obedient servant.



Colonel, R.E.,

Secretary.



Documents accompanying:-

Nil.