

Government of Jammu and Kashmir
ARI and Trainings Department
Civil Secretariat, Jammu/Srinagar

Subject:- Appointment of Government Auctioneer.

...

Government Order No:- 63 -JK(ARI & Trgs) of 2021
D a t e d:- 23 -12-2021

Whereas, the appointment of Government e-auctioneer was subjudice before the Hon'ble High Court J&K in the case titled M/S A. Khan Trading Co. Versus UT of J&K and Ors ; and

Whereas, the Hon'ble High Court disposed off the said petition vide Order dated 30.10.2021 The operative part of the judgment is reproduced as under:-

"....direction needs to be issued to the official respondent to issue fresh tenders after carefully formulating terms and conditions which are not only clear and unambiguous but also promote healthy and wider competition.... It is so ordered.

Writ petition is disposed of accordingly alongwith connect IAs."

Whereas, the matter was referred to the department of Law, Justice and Parliamentary Affairs, for opinion. The Law Department advised as under:-

"....After re-organization of the State into two Union territories, the General Financial Rules, 2017 have been made applicable to the Union Territory of Jammu and Kashmir. Rule 217 of the said rules provides for disposal of an item which may be declared surplus or obsolete or unserviceable if the same is of no use to any Ministry or Department. It has been provided that the competent authority may, at its discretion, constitute a committee at appropriate level to declare item(s) as surplus or obsolete or unserviceable. Further, Rules 218 provides for modes of disposal, Rule 219 provides for disposal through advertised tender, Rule 220 provides for disposal through auction and Rule 221 provides for disposal at scrapped value or other modes. There is no provision for centralized disposal or for appointment of Government auctioneer for auctioning the Government property. Individual department can auction government property subject to aforesaid provisions.



In view of above, concerned departments may be advised for disposal of surplus or obsolete or unserviceable items as per aforesaid provisions of General Financial Rules, 2017. As it is a financial matter, Finance Department may also be consulted for further clarification of the issue."

Whereas, after reorganization of the State into two Union Territories, the General Financial Rules, 2017 were made applicable to the Union Territory of J&K. accordingly, the matter was referred to the Finance Department for opinion. The Finance Department opined as under:-

"Returned. The case has been examined in the Finance Department and the following is conveyed:

Finance Department has issued circular instruction vide No. FD-Code/171/2021-03-1157 dated 17.11.2021, regarding disposal of Goods declared as surplus, obsolete or unserviceable. As per GFR-2017 Rule 218, surplus or obsolete or unserviceable Goods should be disposed either through advertised tender or public auction. The auction can be undertaken either directly by the department through auction team or through approved auctioneer (Rule 220 of GFR-2017). Until the Government auctioneers are appointed, the departments can dispose off the surplus, obsolete or unserviceable goods through tenders or auction committee".

The General Financial Rules, 2017 are now applicable to the UT of Jammu & Kashmir and a circular in this behalf has been issued vide No. FD-Code/171/2021-03-1157 dated 17.11.2021, by Finance Department (**Annexure "A"**).

Now therefore, sanction is hereby granted to the authorization for disposal of the surplus, obsolete and unserviceable goods, to the line departments to implement the General Financial Rules -2017 as enshrined the instant order directly after following the **codal formalities** applicable in such matters as adopted by Govt of India.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Abdul Majid Bhat)

Secretary to the Government,
ARI and Trainings Department

Dated:- 23/12/2021

No:ARI-EsttoNG/21/2021-01

Copy to the:-

1. Financial Commissioner (Additional Chief Secretary), Finance Department.
2. Financial Commissioner (Additional Chief Secretary), H&ME Department.
3. Director General of Police, J&K.