

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

COUNCIL'S MEETING NO. 10 /2007-08 DATED 17.10.2007.

Arrangement of business

ITEM NO.	SUBJECT	PAGE	ANNEXURE
1 (C-28)	Confirmation and signing of the minutes of the Council's Meeting No. 08/2007-08 dated 19.09.2007.	3	4-7
2 (C-29)	Confirmation and signing of the minutes of the Special meeting of the Council No.09/2007-08 dated 11.10.2007 held through circulation.	8	9
3 (A-37)	Improvement/ Up-gradation of Talkatora Indoor Stadium-Competition Venue for Boxing Commonwealth Games-2010 SH: Construction of new facility block including underground parking. (Permission for cutting 114 trees)	10	
4 (A-38)	Sub: Development of various markets in NDMC area. SH : Up-gradation of Baird Lane Market & surroundings.	11 – 12	13 – 14
5 (A-39)	Sub: Improvement to Mohan Singh Place. SH : Repair of roof beams, columns of 6 th floor and replacement of M.S. Windows with aluminium windows at Mohan Singh Place.	15 – 17	
6 (A-40)	Establishing 33 KV Indoor Sub-station at Connaught Place & augmentation of its transformer capacity. S.H. Purchase and demolition of existing structure 'part-A' & construction of 33 KV ESS Building at Connaught Place, Part 'B'.	18 – 20	
7 (A-41)	Development of various market in NDMC Area SH.: Development of Malcha Marg Market.	21 – 22	
8 (A-42)	S/R of Roads in NDMC area from the year 2004-05. S.H. : Improvement to footpath at Dalhousie Road (Remaining Part) Mother Teresa Crescent from 11 Murti to Teen Murti round and church road.	23 – 25	
9 (A-43)	Sub: Imp./Upgradation of Talkatora Indoor Stadium. SH : Survey Report of Talkatora Swimming Pool, ESS AC Plant Room, Service Centre, Fire Pump House & Fire fighting tank etc.	26 – 28	
10 (W-7)	Model Pilot Project for Automated Car Park at Dilli Haat .	29 – 30	
11 (B-26)	Purchase of 9 Nos. 1000 KVA, 10.5/0.415 KV Distribution Transformers.	31 – 33	
12 (B-27)	Estimate for replacement of remaining 33 KV feeders from IP Station to NDMC Distribution System.	34 – 35	
13 (B-28)	Award of work for providing Diesel Generator Sets at New Delhi City Centre, Phase-II, New Delhi.	36 – 37	
14 (E-3)	Annual Rate Contract for the purchase of Allopathic Medicines for the year 2007-08. Expenditure sanction for Rs. 1,05, 64,996.64 plus taxes.	38 – 41	42 - 52
15 (E-4)	Hiring of 21 Nos. tipper trucks for removal of garbage in NDMC area. (Revised estimate)	53 – 55	
16 (K-3)	Streamlining/Rationalizing the procedure of booking of Barat Ghars in NDMC area.	56 – 61	62 – 64
17 (A-44)	Development of various Markets in NDMC area Sub – Head:- Redevelopment of Janpath Mini Market opposite Indian Oil Bhawan (Between Outer Circle & Tolstoy Marg)	65 – 67	
18 (O-4)	Audit Comments on Monthly Accounts for the month of July 2006.	68 - 69	Book circulated separately

19 (L-4)	Fixation of flat rates of licence fee for residential accommodation in NDMC area.	70	
20 (C-30)	Recommendations of Committee chaired by Smt. Sima Gulati, Member, NDMC : Redevelopment of Hanuman Plaza, B.K.S. Marg.	71	
21 (K-4)	<i>o` 1/4] fo/ok ,oa fo Dykax (lkekftd vkfFkZd lgk;rk) isa'ku ;kstuk</i>	72 - 76	
22 (A-45)	CORRIGENDUM: Amendment in Resolution No.21 (A-23) Dated 18.7.2007, of the Council.	77	
23 (C-31)	Contracts/Schemes involving an expenditure of Rs. 1 Lac but not exceeding Rs. 50 Lacs.	78	79 – 91
24 (C-32)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	92	93 – 134
25 (A-46)	Presentation by design and provision of consultancy services for streetscaping and beautification of Mandir Marg and 3 sides of Nehru Park i.e. Vinay Marg, Pancheel Marg and Satya Marg.	135	
VOLUME - II			
26 (C-33)	Minutes of the meeting of the Committee constituted u/s 9 of NDMC Act for advising the Council on Regulations and Bye Laws, dated 19.09.2007.	136	137
27 (C-34)	Approval of the New Delhi Municipal Council (Procedure and Conduct of Business) (Amendment) Regulations, 2007.	138 – 141	142 – 159
28 (C-35)	Approval of the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations, 2007.	160 – 163	164 – 168
29 (F-2)	NDMC (Property Tax Return) Bye-laws, 2000.	169 – 170	
30 (F-3)	The NDMC (Assessment List) Bye-laws, 2001.	171 – 172	
31 (M-4)	Cash disbursement to all the students of Classes Nursery to XIIth of NDMC Schools & NDMC's aided schools in the academic year 2007-2008 and inviting tender for providing two sets of stitched uniform to all the students for Summer & Winter for the Academic Session 2008-09.	173 – 176	
32 (M-5)	Re-employment of all retiring teachers up-to PGT level subject to fitness and vigilance clearance till they attain the age of 62 years may be adopted for NDMC Education Department.	177 – 180	181 – 182
33 (B-29)	In principle approval to process purchase cases for material as per assessment of the Constituted Committee to prepare road map for the revamp of electrical system in NDMC area.	183 – 185	186 – 187
34 (W-8)	Sub-City Plan (CDP) under JNNURM for NDMC area.	188 – 191	192 – 203
35 (L-5)	Allowing digging of the ground floor for lowering down the floor level in built up shops / stalls.	204 – 205	
36 (L-6)	Allotment of various shops/stalls/kiosks/offices in NDMC area.	206 – 208	209 – 214
37 (L-7)	Minutes of the meeting of the Committee, constituted to review Relocation of shops from Safdarjung & AIIMS,	215	216
38 (H-8)	Resolution moved by Smt. Tajdar Babar, Vice Chairperson, Sh. Mukesh Bhatt, & Ms. Sima Gulati, Members, NDMC, U/S 23 OF NDMC ACT 1994.	217 - 218	
TABLE ITEM			
39 (H-9)	Representation of Shri Ram Asheesh, Junior Engineer (Elect.) to National Commission For Scheduled Castes for his promotion.	219 – 222	223 – 226
40 (W-9)	Public Private Partnership (PPP) project for Development of an Integrated Waste Treatment Complex at Okhla Compost Plant site – Changes in the Concession agreement.	227 – 234	

ITEM NO. 01 (C-28)

Confirmation and signing of the minutes of the Council's Special Meeting No. 08/2007-08 dated 19.09.2007 **(See pages 4 - 7)**.

COUNCIL'S DECISION

The minutes of the Council Meeting No.08/2007-08 dated 19.09.2007 were confirmed in the Council's Meeting No. 10/2007-08 dated 17.10.2007, subject to condition as under :-

That the word 'religious' be deleted in the Item No.06 (P-1) dated 19.09.2007, in para No. 4, under the heading of 'Detailed proposal of the subject' and duration of booking of Cenral Park, Connaught Place was to be increased for maximum of ten days instead of six days, as elaborated under :

(i) "Central Park/Connaught Place shall be booked for maximum of Six days during a Calendar Month" be replaced with **"Central Park/Connaught Place shall be booked for maximum of Ten days during a Calendar Month subject to the conditions that this does not violate any direction/order issued by Ho'nble Supreme Court/High Court/or any other Court."**

And

"No Commercial/Religious/Marriage/Private function of any kind will be permitted in any of the park" be replaced with "No Commercial/Marriage/Private function of any kind will be permitted in any of the park".

**NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI**

**MINUTES OF THE COUNCIL MEETING NO.08/2007-2008 HELD ON 19.09.2007
AT 3.30 PM IN THE COUNCIL ROOM.**

MEETING NO.	:	08/2007-2008
DATED	:	19.09.2007
TIME	:	03-30 P.M.
PLACE	:	PALIKA KENDRA, NEW DELHI.

PRESENT :

- | | | | |
|----|------------------------|---|---------------------|
| 1. | Sh. Parimal Rai | - | Chairperson |
| 2. | Smt. Tajdar Babar | - | Vice Chairperson |
| 3. | Sh. Ashok Ahuja | - | Member |
| 4. | Sh. B.A. Coutinho | - | Member |
| 5. | Sh. M.M. Kutty | - | Member |
| 6. | Sh. K.S Mehra | - | Member |
| 7. | Sh. Mukesh Bhatt | - | Member |
| 8. | Ms. Sima Gulati | - | Member |
| 9. | Sh. Vikram Dev Dutt | - | Secretary, N.D.M.C. |

ITEM NO.	SUBJECT	DECISION
1 (C- 24)	Confirmation and signing of the minutes of the Council's Meeting No. 06/2007-08 dated 22.08.2007.	<p>The minutes of the Council Meeting No.06/2007-08 dated 22.08.2007 were confirmed subject to condition that the decision against Item Nos. 10 (K-2) & 13 (D-2) be read as under:-</p> <p><u>ITEM NO. 10 (K-2)</u></p> <p>"Resolved by the Council that Post of Caretaker Gr.I & II, working at Barat ghars, community Halls/Centres, running under Social Welfare Department, are re-designated as Manager, Community Services and Dy. Manager Community Services respectively."</p> <p><u>ITEM NO. 13 (D)</u></p> <p>"Resolved by the Council that the New Delhi Municipal Council (Budget Estimates) Regulations, 2007 is approved and the same be sent, to the Central Government for approval in anticipation of confirmation of minutes, and after receipt of such approval, they be sent to the Government of NCT of Delhi for publication in the Official gazette."</p>

2 (C-25)	Confirmation and signing of the minutes of the Special meeting of the Council dated 29.08.2007.	Minutes confirmed.
3 (A-34)	Development of various markets in NDMC area. SH: Up-gradation of Baird Lane Market & surroundings.	Deferred.
4 (B-23)	Replacement of 11 KV overhead line by 11 KV XLPE cable size 150 sq.mm/3C from Electric Substation S.P. Marg to Electric Substation Budha Jayanti Park and Electric Substation CPWD Pump House.	Resolved by the Council that estimate amounting to Rs. 50,47,000/- (Gross) and Rs. 49, 72,000(Net) is sanctioned and administrative approval and expenditure sanction accorded for replacement of 11 KV overhead line by 11 KV XLVE cable size 150 sq. mm/3 C from Electric Sub-Station, S.P. Marg to Electric Sub-Station, Budha Jyanti Park and Electric Sub-Station CPWD Pump House.
5 (M-2)	Automatic Re-employment of all retiring teachers up-to PGT level subject to fitness and vigilance clearance till they attain the age of 62 years.	<p>Resolved by the Council that the word 'automatic' be deleted from the subject of the agenda item.</p> <p>It was decided by the Council that the deptt. will place the agenda before the next meeting of the Council to be held in October, indicating the number of teachers retiring as on 30.09.2007, along with work and conduct report, vigilance clearance and medical certificate of fitness of such retiring teachers, who are to be considered for re-employment.</p> <p>Further resolved by the Council that in para 4 clause (i) of the preamble, instead of Dy. Director (Edn.), the professional fitness of the retiring employee shall be assessed by a sub-committee, consisting of Director (Edn.), Dy. Director (Edn.), DEO (A) and DEO (G), after considering work and conduct report, vigilance clearance and medical fitness certificate submitted by the retiring teacher, i.e. the pensioner. The sub-committee shall ensure that only those teachers, are re-employed, who are cleared by the Vigilance deptt.</p>
6 (P-1)	Booking of various parks, gardens, lawns in NDMC area and approval of their charges/rates.	Resolved by the Council that the proposal regarding functions to be allowed at different parks and their proposed revised rates, alongwith the terms & conditions as mentioned in the preamble, is approved subject to the condition that a certificate be issued by the Law Deptt. & Horticulture Deptt., to the effect that the directions of the Hon'ble Supreme Court regarding booking of parks and gardens are being complied with by the department.
7 (M-3)	Outsourcing for leasing of supply, installation and commissioning for new computer systems, peripherals and provision of one IT assistant in 46 NDMC schools under Dir. (Edn.) NDMC, New Delhi.	<p>Resolved by the Council to outsource the leasing of supply, installation and commissioning for new computer systems, peripherals and provisions of one IT Assistant in 46 NDMC school buildings for 4 years.</p> <p>Further resolved by the Council that administrative approval and expenditure sanction amounting to Rs.1,49,09,888/- at the negotiated rate of L-1 i.e. M/s Computer Clinic India Pvt. Ltd. is accorded.</p>

		It was also resolved by the Council to accept the tender and award the work to L-1 i.e. M/s Computer Clinic India Pvt. Ltd at the negotiated rate of Rs.1,49,09,888/-.
8 (W-4)	Action plan for parking for the year 2007.	Resolved by the Council that parking charges at Delhi Haat only be increased.
9 (C-26)	Contracts/Schemes involving an expenditure of Rs. 1 Lac but not exceeding Rs. 50 Lacs.	Information noted.
10 (C-27)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.
11 (G-6)	Levy of electricity tax on consumption, sale and supply of electricity and sale of surplus electricity by NDMC.	Resolved by the Council to levy the electricity tax on consumption sale or supply of electricity at the rate of 5% of the tariff rate fixed by the DERC for consumption, sale or supply of electricity and at 5% of sale of surplus electricity. Further resolved by the Council that the said tax shall be levied with effect from 01.10.07.
12 (H-8)	Adoption of the policy prevalent in MCD for granting adhoc promotions from adhoc promotees in the Feeder Cadres in the scale of Rs.14300 -18300 and above as also the policy for promoting the incumbents on adhoc basis, holding current duty charge of a senior post.	Item withdrawn.
13 (H-9)	Enhancement of age of superannuation of Specialist doctors in NDMC from 60 to 62 years.	Resolved by the Council that proposal contained in para 13 of the preamble is approved and the age of superannuation of Specialist doctors (Teaching, non-teaching and Public Health) is enhanced from 60 to 62 years from the date of Council's Resolution.
14 (W-5)	Model Pilot Project for Automated Car Park at Dilli Haat.	Item withdrawn.
15 (B-24)	Purchase of 11 KV, 350 MVA, Vacuum Single Bus-Bar, Indoor Type Switch Board comprising of 13 Panels, including Control and Relay Panels-Two Boards.	Resolved by the Council to place the order for purchase of 2 nos. 11 KV, 350 MVA Vacuum Single Bus bar, Indoor Type Switchboards comprising of 13 panels including Control & Relay panel on M/s Compton Greaves at a computed amount of Rs.1,00,51,229/- and at the terms and conditions of the NIT. Further decided by the Council that since the validity of the tender is only up to 30.9.2007, the supply order be placed in anticipation of confirmation of the minutes.
16 (A-35)	Redevelopment of rear side of BKS Plaza to include parking and right of way for loading vehicles.	Resolved by the council that revised administrative approval and expenditure sanction is accorded for Rs.55,52,000.00.

17 (B-25)	In principle approval to process purchase cases in anticipation of sanction of estimates.	Resolved by the Council that in principle approval is accorded to initiate purchase cases for materials mentioned in the agenda in the Empowered Committee to cut short of time and making the materials available for proper utilization against the sanctioned estimates. It was further decided to make use of the materials, if procured before start of summer 2008.
18 (W-6)	Development of Integrated Multilevel Parking Infrastructure at 3-Sites in NDMC area, (K.G. MARG, B.K.S. MARG & SAROJINI NAGAR), on PPP Model.	Council approved the proposal subject to a certificate, to be issued by the concerned department, to the effect that the norms related to multi-level parking, prescribed in the Master Plan-2021, have been complied with.

(VIKRAM DEV DUTT)
SECRETARY

(PARIMAL RAI)
CHAIRPERSON

ITEM NO. 02 (C-29)

Confirmation and signing of the minutes of the Council's Special Meeting held through circulation of agenda on 11.10.2007 **(See page 9)**.

COUNCIL'S DECISION

Minutes confirmed.

**NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI**

**MINUTES OF THE COUNCIL'S SPECIAL MEETING NO.09/2007-2008 HELD ON
11.10.2007 THROUGH CIRCULATION.**

ITEM NO.	SUBJECT	DECISION
1 (A-36)	Extension of Tolstoy Marg from Janpath to Parliament Street, New Delhi. Payment of compensation of land.	Resolved by the Council to withdraw the SLP and handover 0.83 acres of land covered by decree of the Court and move for acquisition u/s 4 & 17 of Land Acquisition Act. It is further resolved that the Chairperson be authorized to apprise the Hon'ble Court of the above decision in anticipation of the confirmation of the minutes.

**(VIKRAM DEV DUTT)
SECRETARY**

**(PARIMAL RAI)
CHAIRPERSON**

ITEM NO. 03 (A-37)

**SUB: Improvement/ Up-gradation of Talkatora Indoor Stadium-
Competition Venue for Boxing Commonwealth Games-2010**
SH: Construction of new facility block including underground parking.
(Permission for cutting 114 trees)

NDMC has been entrusted with the task of improving and up-grading the above stadium for forthcoming Commonwealth Games-2010. The venue brief for Talkatora Stadium was received from OC - Commonwealth Games during December 2006. Based on venue brief, concept plan was prepared and the same was got approved from local body DUAC and OC - Commonwealth Games. As per approved concept plan, a new facility block for player and game families is required to be constructed adjacent to the existing stadium, along with carrying out addition/alteration to the existing stadium. In the lay out plan of new facility block, 114 trees of difference species are falling which are required to be cut.. The Talkatora Indoor Stadium falls under the category of Reserved Forest as such the permission for cutting the trees is required from Hon'ble Supreme Court. The department has initiated the case for the same. Ridge Management Board under the chairmanship of Chief Secretary Delhi Govt. has cleared the proposal. After clearance from R.M.B, Proposal was placed before Central Empowered Committee (constituted by Hon'ble Supreme Court of India). The hearing of the Central Empowered Committee took place on 1.10.07. During the hearing, Hon'ble court directed NDMC to convey its consent for following points before the case is cleared by Central Empowered Committee.

1. Strict compliance of conditions stipulated in RMB's clearance.
2. Transplantation of trees in nearby locality as per technical feasibility in addition to compensatory afforestation.
3. Approval of competent authority to be obtained under the F.C. Act 1980.
4. Provision of 5% of estimated project cost to be transferred to Forest department for improvement of Ridge This 5% cost works out to be Rs. 1.74 Crores (on estimated cost of Rs. 34.80 Crores.)
5. NDMC should agree for setting up a Ridge Interpretation Centre in the vicinity for creating awareness/ education among people.

NDMC has conveyed the consent to all the above points being mandatory in nature. However in respect of point No.5, it was stated that NDMC will itself develop the Ridge Interpretation Centre purely of temporary building materials of naturally available materials like Bamboos, Ballies, Thetch, Wooden Post etc. under the supervision of Director (Horticulture) of NDMC.

In view of foregoing, the matter is placed before the council for information and accord of approval in principle for the following.

- a) Approval for transferring 1.74 crores Rupees to Forest Department.
- b) Permission for setting up a temporary Ridge Interpretation Centre wherein plants and other display material will be placed for awareness/ education among people at an approximate cost of Rs. 20 Lakh.

COUNCIL'S DECISION

Resolved by the Council to accord in principle approval for transferring 1.74 crores Rupees to the Forest Department and for setting up a temporary Ridge Interpretation Centre wherein plants and other display material will be placed for awareness/ education among people at an approximate cost of Rs. 20 Lakh.

ITEM NO. 04 (A-38)**1. Name of the subject/ project :**

Sub: Development of various markets in NDMC area.
SH : Up-gradation of Baird Lane Market & surroundings.

2. Name of the deptt./deptt. concerned :

Civil Engg. Deptt., NDMC

3. Brief History :

This is one of the important market of NDMC and represents flagship community facility which is used extensively & meeting the requirement of the nearby residents of their day-to-day items required for running of their houses & hosting get together in terms of community gatherings & function. Based on the requirement, there is a need to upgrade the facilities upto acceptable standards, keeping in view with the modern trends and comfort levels by providing better facilities with road widening, footpath & other facilities by shifting of the existing shops at the back so as to facilitate with the above objectives.

4. Detailed proposal on the subject/project:

An estimate amounting to Rs. 68,13,900/- has been framed based on the design/ plans as submitted by the C.A., NDMC to obtain the A/A & E/S from the Council. The brief summary of the cost involved in the project is given as under.

<u>S.No.</u>	<u>Description of Item</u>	<u>Amount (Rs.)</u>
1.	Structure	Rs. 44,01,214.00
2.	Services	Rs. 9,20,255.00
3.	Development	Rs. 14,92,394.00
		Rs. 68,13,863.00

5. Financial implications of the proposed project/subject:

The total financial implications based on the design/plans on the subject would be Rs. 68,13,863/-. This amount is on the basis of details submitted by C.A., NDMC for the Up-gradation of Baird Lane Market & surroundings.

There is a budget provision of Rs. 90 lacs exists under the Head of A/C H-1-8 vide item no. 315 (2) (b) Page- 165 during the year 2007-08.

6. Implementation schedule :

8 months

7. Comments of the Finance Deptt. on the subject:

We concur in the PE amounting to Rs. 68,13,900/- (Rs. Sixty eight lacs thirteen thousand nine hundred only) for the work, 'Development to various markets in NDMC area – Up-gradation of Baird Lane Market & Surroundings' as checked by planning subject to that :

1. Drawings issued by Chief Architect, NDMC, may be got signed by Director (Estate) in support of his agreement to the proposed scheme.
2. Status of NDMC dues against the said shop holders may be brought on record.
3. Comments of Director (Estate) may be obtained with regard to enhancement in the license fee due to up-gradation of the said shops in terms of FR 45B or any policy, if approved from the Council on this aspect.
4. Survey Report as asked earlier may be prepared and added to the file for record.

8. Comments of the Department on comments of Finance Deptt.

It is clarified as under:

1. Dir (Estate) has signed the drawings.
- 2 & 3. Dir (Estate) intimated that it will be complied.
4. Survey Report shall be prepared & credit of the same shall be given while preparing the detailed estimate.

9. Legal Implication of the project:

NIL

10. Details of previous Council Resolutions, existing law of Parliament and Assembly on the Subject:

NIL

11. Comments of the Law Department on the subject/Project

Does not involve any law points. Law Deptt. has no objection to the proposal.

12. Comments of the Department on the comments of Law Deptt.

No comments .

13. Recommendation of CE (C-II):

The case is placed before the Council for approval of the proposal & to accord administrative approval & expenditure sanction to the Preliminary Estimate amounting to Rs. 68,13,900/- (Rs.Sixty eight lacks thirteen thousand nine hundred only).

COUNCIL'S DECISION

Resolved by the Council that administrative approval & expenditure sanction to the preliminary estimate amounting to Rs. 68,13,900/- is accorded for the work of Up-gradation of Baird Lane Market & Surroundings.

Annexure 2 pages

Annexure end

ITEM NO. 05 (A-39)**1. Name of the subject/ project :**

Sub: Improvement to Mohan Singh Place.

SH : Repair of roof beams, columns of 6th floor and replacement of M.S. Windows with aluminium windows at Mohan Singh Place.

2. Name of the deptt./deptt. concerned : Civil Engg. Deptt., NDMC**3. Brief History :**

The 6th floor of Mohan Singh Place is in occupation of B.S.N.L. (Bharat Sanchar Nigam Ltd.) who has been representing about the deteriorated conditions of RCC roof, beams and columns. The RCC on outer faces on roof, beams and columns has spalled due to leakage in the past which has since been repaired. This damaged Cement Concrete and reinforcement need immediate repair/ replacement. During subsequent inspection of Senior Officers i/c E-In-C, it was observed that the RCC in roof has mainly decayed. Cement Concrete and reinforcement in beams and columns have also damaged/decayed on outer faces of the building. The M.S. Windows are very old which were provided at the time of inception of the building during 1969, have rusted, bent due to sagging of beams and need immediate replacement which are proposed to be replaced with aluminum windows.

It was decided that spalled/spoiled/damaged Cement Concrete and part of rusted reinforcement with free flow micro concrete Rendroc R.G. treatment. Although the roof, columns and beams have damaged at 3rd, 4th & 5th floors also but it is proposed to take up the work in phases.

5. Detailed proposal on the subject/project:

The P.E. amounting to Rs. 45,60,000/- was framed and got checked from the Planning Division. The Finance Deptt. concurred in the proposal on 13.04.06. E-In-C carried out the inspection on 18.05.06 and accordingly, A/A & E/S was accorded by the Chairperson vide order dtd. 19.05.06. The detailed estimate & NIT was approved by the competent authority amounting to Rs. 49,46,200/- and Rs. 44,68,454/- respectively.

Initially, the tenders were invited with the last date of sale & opening of tender was fixed as 22.02.07 & 26.02.07 respectively. Three tenders were received in the tender box on the opening of the tender box as per the following details:

1. M/S India Guniting Corporation
2. M/S Radical Builders (India) Pvt. Ltd.
3. M/S Rukma Décor & Construction Co.

On examining the above, it was found that there was no envelope/document containing the cost of tender and earnest money for the above work in case of Sr. No. 1 & 2 above and as such their tenders could not be opened. There was only single tender left and in order to have better competition, it was felt to reinvoke the tender with change in special condition to be kept for similar nature of works as is being adopted in CPWD. The Tenders were accordingly rejected by CE(C-II) and for expediting the approval of revised NIT by E-IN-C. The revised NIT was accordingly got approved from E-IN-C on 12.06.07 amounting to Rs. 44,68,454/-.

Tenders were again invited with the last date of receipt of application/issue of tender/opening of tender as 13.07.07, 16.07.07 & 18.07.07 respectively. The details of the tenderers are given as under:

- | | | |
|------------------------------|-----------------|-----------------------|
| 1. M/S India Guniting Corpn. | Rs. 65,17,121/- | 45.85% above the E.C. |
| 2. M/S Kailash Associates | Rs. 67,74,028/- | 51.60% above the E.C. |

The justifications was prepared which worked out to 45.90% above the estimated cost and was checked by the Planning Division for 45.15% above the estimated cost and recommended for conducting negotiations with the first lowest.

Negotiations were conducted on 11.09.07 with the first lowest who explained that there has been considerable increase in the prices of the material besides the following :

1. The work is to be executed in an occupied building and they have to execute the work either during night hours or on holidays due to which they have to bear some extra expenses.
2. As there is no space to stack the material within the periphery of the building they have to bring the material in small quantities which will also enhance the cost of the work.

As such, they are unable to reduce their rates. This has been confirmed by them vide their letter dtd. 11.09.07.

Considering the above facts, N.S.C. recommended to award the work to the first lowest, M/S India Guniting Corpn. at their quoted rates of 45.85% above the estimated cost with their total tendered amount of Rs. 65,17,121/-

6. Financial implications of the proposed project/subject:

The total financial implications for the above work as per the rates quoted by the first lowest i.e. M/S India Guniting Corpn. is Rs. 65,17,121/-.

There is a budget provision of Rs. 40.00 lacs exists under the Head of A/C H-1-8 vide item no. 308 during the year 2007-08.

6. Implementation schedule :

Time of Completion of work : 6 months

7. Comments of the Finance Deptt. on the subject:

Finance Deptt. concurred in the proposal vide their dy. No. 2166/Finance dtd. 26.09.07 subject to the following conditions :

1. Availability of Sufficient funds.
2. That time limit between the date of call of tenders and the date of opening of the tenders has been followed as prescribed in CPWD Manual. Newspaper cutting in support of this may also be placed on record.
3. That contractor's resourcefulness to complete the work in time as well as quality of said work during its execution may be ensured.
4. The rates of L-1 are in proximity of last approved rates for similar nature of works.
5. The departmental officers are competent to reject the tenders up to the powers for which they can accept. In this case, offers received in 1st call were rejected by CE (C). This needs to be got regularized from the competent authority while seeking approval for the present tender (2nd call).
6. Revised A/A & E/S be obtained within given time limit-tender cost being in excess of permissible limit of 10%.

8. **Comments of the Department on comments of Finance Deptt.**

It is clarified as under:

1. Sufficient funds shall be sought in R.E. 2007-08.
2. Newspaper cuttings have been placed in the file for records.
3. The contractor is resourceful and has the capacity to complete the work in time.
4. The rates are in proximity of the last approved rates for similar nature of works.
5. Action was taken by CE(C-II) for the rejection of the 1st call of the tender and to seek revised approval of draft NIT in respect of special conditions to be amended and accordingly, the revised NIT was approved by E-IN-C on 12.06.07. This was carried out for expedition of the work.
6. Revised A/A & E/S is also being sought from the competent authority.

9. **Legal Implication of the project:** NIL

10. **Details of previous Council Resolutions, existing law of Parliament and Assembly on the Subject:**

NIL

11. **Comments of the Law Department on the subject/Project**

Agenda has to be placed before for approval and awarding the work to 'L' firm as per concurrence of Finance Deptt. At this stage, there appears to be no legal point involved. However, this has our concurrence, subject to the valid agreement duly executed & vetted by competent authority.

12. **Comments of the Department on the comments of Law Deptt.**

No law Point is involved. Further, it is submitted that a valid agreement shall be executed with the first lowest after award of work.

13. **Recommendation of CE (C-II):**

The case is placed before the Council for award of work to M/S India Guniting Corpn. at their quoted rates of 45.85% above the estimated cost with their total tendered amount of Rs. 65,17,121/- (Rs. Sixty five lacs seventeen thousand one hundred twenty one only) and also to regularize the action taken by CE (C-II) for rejection of the tenders in the first call and to accord revised A/A & E/S for Rs.65,17,121/-.

COUNCIL'S DECISION

Resolved by the Council to award the work to M/S India Guniting Corpn. at their quoted rates of 45.85% above the estimated cost with their total tendered amount of Rs. 65,17,121/-.

Further it was decided to regularize the action taken by CE (C-II) for rejection of the tenders in the first call and to accord revised administrative approval and expenditure sanction for Rs.65,17,121/-.

ITEM NO. 06 (A-40)**1. NAME OF THE SUBJECT/PROJECT:**

Establishing 33 KV Indoor Sub-station at Connaught Place & augmentation of its transformer capacity. S.H. Purchase and demolition of existing structure 'part-A' & construction of 33 KV ESS Building at Connaught Place, Part 'B'.

2. NAME OF THE DEPARTMENT CONCERNED:

Civil Engineering Department

3. BRIEF HISTORY OF THE SUBJECT/PROJECT:

The existing sub station at Connaught Place is one of the oldest five sub-stations constructed in NDMC area. The sub station feeds important Government buildings and the residential/commercial areas in and around Connaught Place, multi storeyed buildings on Barakhamba Road, Curzon Road etc. An A/A & E/S for augmenting its capacity and construction of new building was approved by the Council for Rs.495.13 lac vide its Reso. No. 3(XXVIII) dated 28.1.2002. Accordingly drawings were issued by C.A.. Based on the drawings tenders were invited and subsequently rejected by the then Chairperson, NDMC as the drawings issued by C.A. were not as per building bye-laws.

Thereafter, drawings as per building bye-laws were issued by C.A., NDMC. Based on the drawings the Detailed Estimate was technically sanctioned by E-in-C for Rs.71,18,400/- and the draft N.I.T. was approved by E-in-C for Rs.47092 (Part-A)- demolition of existing building and Rs. 47,74,252/- (Part-B)- C/O new building. The tenders were invited after giving wide publicity, the date of tenders was kept as 2.7.07 but had to be extended due to the death of Shri Sahib Singh Verma, former Chief Minister, Delhi and were opened on 10.7.07 when two tenders as per details given below, were received :-

S. No	Name of Contractor	Estimated Cost	Tendered Amount	%age above Estimated cost.
1.	M/s Vir Bhan Mittal	47,74,252/- (-) 47,092/- 47,27,160/-	79,04,452/- (-) 30,000/- 78,74,452/-	66.62%
2.	Sh. Navin Kr.Gupta	-Do-	69,18,759/- (-) 11,000/- 69,07,759/-	46.13%

Shri Naveen Kumar Gupta had quoted the lowest rate of 46.13% above the Estimated Cost. The justification of rates was checked by Planning for 68.10% the Estimated Cost. The rates quoted by L-1 were considered reasonable and recommended for acceptance by S.E. (P).

There are stores of Elect. Department in the existing structure in addition to offices of the Elect. Department in temporary structure. These would be required to be vacated by the Elect. Deptt. before start of the work.

4. DETAILED PROPOSAL OF THE SUBJECT:

The building consists of a double storey framed structure block and provides the following accommodation:-

Ground Floor:

- (i) 11 KV Switch Gear Room
- (ii) 33 KV Switch Gear Room
- (iii) Office

First Floor:

- (i) Capacitor Room
- (ii) Battery Room
- (iii) Office

The external finish shall be of brick cladding with bands of coarse sand plaster. The flooring in ESS area shall be of industrial grade vitrified tiles. Whereas ceramic tiles flooring shall be provided in toilets. Kota stone steps and M.S. railing shall be provided in staircase.

5. FINANCIAL IMPLICATION OF THE PROPOSED SUBJECT//PROJECT:-

The expenditure shall be charged to the head E.4.1 under which a Budget Provision Rs.40 lac exists in the current year's budget vide item No. 19/page-122.

6. IMPLEMENTATION SCHEDULE WITH TIME LIMIT FOR EACH STAGE INCLUDING INTERNAL PROCESSING:-

The time allowed for completion of the work has been kept as nine months. The work is expected to be started in November, 2007 and completed by August, 2008.

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT:

Tenders opened on 10.7.2007 with validity of 90 days have been received in Finance Department on 18.9.07 i.e. after a lapse of 70 days. Validity is going to expire on 7.10.07. Time taken by the department for scrutiny of tenders is much more than specified days i.e. 30 for Civil Engineering Department as circulated vide orders dated 19.9.06. Department may note that time so specified is observed so that tender case is decided within given validity period.

Further it has been noted that in this case there is no keen competition; offers being only two. Last approved rates for similar works may be ascertained and a certificate to the effect that the offer of L-1 is in the range of LAR may be recorded.

Subject to above, we concur in the proposal of the department to award work of Establishing 33 KV indoor ESS at Connaught Place and augmentation of its transformer capacity in favour of L-1 agency Shri Naveen Kumar Gupta at his quoted tendered amount of Rs.69,07,759/0 (Rupees Sixty nine lac seven thousand seven hundred fifty nine) as checked by Planning Division and recommended by E-in-C & CE(C-II).

8. COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE DEPARTMENT. :-

The observations of Finance has been noted and it will be ensured that the tender is decided within the given validity period. The contractor has extended the validity of his tender upto 07.11.2007.

It is brought out that the rates of L-1 received in this tender cannot be compared with the rates received in other works owing to the fact that the rates for tenders of individual works depend upon the relative quantities of various items taken in each case and the fact that there has been an upsurge in the market rates of cement and steel during the last one year or so.

9. LEGAL IMPLICATION OF THE SUBJECT/PROJECT:-

Not applicable

10. DETAILS OF PREVIOUS COUNCIL RESOLUTION, EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THE SUBJECT:

- (i) Reso. No. 3(XXVIII) dated 28.1.2002 - accord of A/A & E/S.
- (ii) Reso. No. O.M.3(vi) dated 26.9.2002 - approval of survey report of existing structure.
- (iii) Reso. No. 14(B-8) dated 20.6.07 - regarding revalidation of A/A & E/S.

11 COMMENTS OF LAW DEPARTMENT ON THE SUBJECT/PROJECT:-

No law point is involved. However, this has our concurrence.

12. COMMENTS OF THE DEPLATRTMENT ON THE COMMENTS OF LAW DEPARTMENT.

Law Department has concurred in the proposal.

13. RECOMMENDATION:

It is recommended that the lowest offer of Shri Naveen Kumar Gupta at his quoted rate of 46.13% above the estimated cost for a tendered value of Rs.69,07,759/- may be accepted.

14. DRAFT RESOLUTION:-

Resolved that the lowest offer of Shri Naveen Kumar Gupta at his quoted rate of 46.13% above the estimated cost for a tendered value of Rs.69,07,759/- may be accepted.

COUNCIL'S DECISION

Resolved by the Council that the lowest offer of Shri Naveen Kumar Gupta at his quoted rate of 46.13% above the estimated cost for a tendered value of Rs.69,07,759/- is accepted.

ITEM NO. 07 (A-41)**1. Name of the subject/project:**

Development of various market in NDMC Area

SH.: Development of Malcha Marg Market

2. Name of the Department

Civil Engineering Department, Road-IV Division

3. Brief history of the Subject/project

Development of Malcha Marg Market scheme was finalized after discussion with Chief Minister of Delhi, Chairman NDMC, Secretary NDMC alongwith Resident Welfare Association during 2001. Thereafter estimate and drawings was processed by Consultant M/s OASIS Design. Preliminary Estimate amounting to Rs. 96,44,600/- was approved by the Council vide Resolution No. 3(XIV) dated 10.06.2002.

4. Detailed proposals of case

The development work of market was completed on 27 Oct.'03. The final completion cost of the project works out to Rs. 1,30,99,248/- with net excess of Rs.34,54,648/-. So there is a need to accord Revised Administrative Approval and Expenditure Sanction by the Council. The details of the excess of Rs. 34,54,648/- are as follows:-

a)	Market Variation	Rs.(-) 1,79,160.00
b)	Additional Quantity Statements of civil works	Rs. 11,94,699.00
c)	Excess Expenditure by Electrical Deptt.	<u>Rs. 24,39,109.00</u>
	Total	Rs. 34,54,648.00

5. Financial implication of the proposed/subject:

Revised Preliminary Estimate works out to Rs. 1,30,99,248/-.

6. Implementation schedule with timeliness for such stage including internal proceeding

Work has already been completed on 27 Oct.'03.

7. Comments of the Finance Department on the subject :

Finance department has observed that it is a case of fait accompli & finance has no comments to offer in post facto approval cases. However the reasons for not processing RPE in time and stating the authority under whose approval excess

expenditure beyond 10% has been committed be recorded before processing the case for post facto approval.

8. Comments of the Department on comments of Finance Department.

- (i) The work was completed on 27 Oct.'03. Three departments were involved in execution of this work i.e. Civil, Electrical & Horticulture Department. The records of all three departments were required to be consolidated before initiation of raised PE. So the case of revised PE was initiated for scrutiny in planning and finally cleared in 09 Nov.'06.
- (ii) Add./ Extra works were executed by the Civil & Elect. Department after getting approval in principle of the Competent Authority.

9. Details of previous Council Reso. existing Law of Parliament and Assembly on the subject:

Preliminary Estimate amounting to Rs. 96,44,600/- was approved by the Council vide Resolution No. 3(XIV) dated 10.06.2002. Tender for civil works was approved by the Council vide Resolution No. 3(XXXV) dated 22.11.2002 with tendered amount of Rs. 67,95,936/-.

10. Comments of the Law Department on the subject :

Nil

11. Comments of the Department on the comments of the Law Deptt. :

Nil

12. Recommendations :

- a) The Preliminary Estimate is laid before the Council for consideration and accord of Revised A/A & E/S of Rs. 1,30,99,248/- (Rupees one crore thirty lacs ninety nine thousand two hundred forty eight only) for "Development of Malcha Marg Market".
- b) Approval of Additional Quantities Statement for Rs. 3,58,316/-.
- c) Approval of Extra Item Statement for Rs. 1,02,380/-.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval and expenditure sanction to the preliminary estimate amounting to Rs.1,30,99,248/- for "Development of Malcha Marg Market".

Further, it was resolved by the Council that the Additional Quantities Statement for Rs.3,58,316/- and the Extra Item Statement for Rs. 1,02,380/- is also accorded.

It was further decided by the Council that the CVO will inquire into the matter, to find out the reasons for delay, in placing the agenda item before the Council, for accord of administrative approval and expenditure sanction, after four years of completion of development work of the market.

ITEM NO. 08 (A-42)**1. Name of the subject/project:**

S/R of Roads in NDMC area from the year 2004-05.

S.H. : Improvement to footpath at Dalhousie Road (Remaining Part) Mother
Teressa Crescent from 11 Murti to Teen Murti round and church road.

2. Name of the Department

Civil Engineering Department, Road-IV Division.

3. Brief history of the Subject/project

In pursuance of letter received from the Secretary to the President of India, regarding development of Area/Roads around Presidential Estate an inspection was carried out by E-in-C and thereafter a programme was made for implementation of "Improvement to footpath at Dalhousie Road (Remaining Part) Mother Teressa Crescent (11 Murti to Teen Murti round about) and Church road".

Three different Preliminary estimates were sanctioned by the Chairperson due to urgency of carrying out the development work around Presidential Estate and while calling the tenders all the three PE's were clubbed together.

P.E. of Dalhousie Road Rs. 38,15,500/-

P.E. of Church Road Rs. 19,87,300/-

P.E. of Mother Teresa Crescent Rs. 16,71,700/-

Total Rs. 74,74,500

After competitive bidding the lowest offer for Rs. 71,18,102/- was approved by the Council on 27 Apr.'05.

4. Detailed proposals of case

Improvement work of footpaths of Church Road & Mother Teressa Crescent (from 11 Murti to Teen Murti) was carried out with provision of precast cement concrete slabs and kerb stones and Improvement to Dalhousie Road was carried out by using Red & White Gang Saw Cut sand stone. The work was completed on 03.10.2005.

The completion cost of the work is 97,94,000/- with net excess of Rs.23,19,500/-. The excess expenditure was on account of following:-

a)	Market variation	Rs. 6,09,871.00
b)	Difference in contingencies from 3% to 5%	Rs. 1,94,040.00
c)	12.5% Departmental Charges (being a planned scheme)	Rs. 10,88,176.00
d)	Remaining expenditure incurred on Additional Quantity Statements & Extra Item Statements	Rs. 4,27,413.00
Total		Rs. 23,19,500/-

Since the final completion cost is beyond 10% of the original sanctioned estimates of Rs.74,74,500/- so there is a need to accord revised Administrative approval and Expenditure Sanction by the Council. The case was placed before the Council vide Agenda Item No. 5(A-II) dated 27 Apr.'05 and the lowest tender of Rs.71,18,102/- was approved by the Council.

5. Financial implications of the proposed/subject:

Revised preliminary estimate is amounting to Rs. 97,94,000/-.

6. Implementation schedule with timeliness for such stage including internal proceeding

Work has already been completed on 03.Oct.'05.

7. Comments of the Finance Department on the subject :

The finance department has stated that the subject case is fait accompli and finance has no comments to offer in post facto approval cases. However Finance has advised that reasons for not processing revised Preliminary Estimate in time may be given.

8. Comments of the Department on comments of Finance Department.

The work was completed in Oct.'05 and revised Preliminary estimate was initiated on 13 Sep.'06 after approval of Additional Quantity Statement & Extra Item Statements by the Chairperson. The main reason for delay in processing the RPE was due to the fact that the work was handled by two divisions and delay in finalizing the Additional Quantity Statement and Extra Item Statements.

9. Details of previous Council Reso. existing Law of Parliament and Assembly on the subject:

The tender for Rs. 71,18,102/- was approved by the Council vide Agenda Item No. 5(A-II) dated 27 Apr.'05.

10. Comments of the Law Department on the subject :

Nil

11. Comments of the Department on the comments of the Law Deptt. :

Nil

12. Recommendations :

- (a) The P.E. is laid before the Council for consideration and accord of Revised A/A & E/S Rs. 97,94,000/- (Rupees Ninety seven lacs ninety four thousand only) for work of "Improvement to footpath at Dalhousie Road (Remaining Part) Mother Teresa Crescent (from 11 Murti to Teen Murti roundabout) and church road.

- (b) Approval of Additional Quantities Statement for Rs. 1,07,893/-.

COUNCIL'S DECISION

Resolved by the Council that administrative approval and expenditure sanction to the preliminary estimate amounting to Rs.97,94,000/- is accorded for work of "Improvement to footpath at Dalhousie Road (Remaining Part) Mother Teresa Crescent (from 11 Murti to Teen Murti roundabout) and church road.

The Council further approved the Additional Quantities Statement for Rs. 1,07,893/-.

ITEM NO. 09 (A-43)**1. Name of the subject/ project :**

Sub: Imp./Upgradation of Talkatora Indoor Stadium.
 SH : Survey Report of Talkatora Swimming Pool, ESS AC Plant Room,
 Service Centre, Fire Pump House & Fire fighting tank etc.

2. Name of the deptt./deptt. concerned :

Civil Engg. Deptt., NDMC

3. Brief History :

The Talkatora Indoor Stadium has been selected as one of the venue for Boxing, during the common Wealth Games 2010. For this purpose, there is a need for Improvement/Upgradation of Talkatora Indoor Stadium in order to meet the requirement of C.W.G. Federation and as per the venue brief submitted by the International Consultant, M/S EKS and with a result, a new multi-storey block with the two basement for parking just adjacent to the existing Talkatora Indoor Stadium is to be constructed for which tenders have already been received and is in the process.

As per the proposal and drawings prepared by the consultant for the construction of additional block, the existing structures like swimming pool, electric sub station, AC plant room, Service centre Fire pump house, Fire fighting tanks, underground water tank & other structure are coming in the alignment of proposed new block and as such, the existing structures are required to be demolished. As per record available and information gathered, the existing swimming pool was constructed in the year 1962, and other structure like ESS, AC plant room & Service Centre were constructed in the year 1980.

4.. Detailed proposal on the subject/project:

The Survey Report amounting to Rs. 39,35,850/- of the existing structures to be demolished has been prepared on the basis of CPWD plinth area rates 1976 & 1992 after adding the present cost index on PAR. The brief summary of the amount to be written off for various buildings to be demolished, as has been checked by the Planning is given as under.

<u>S.No.</u>	<u>Description of Item</u>	<u>Amount (Rs.)</u>
1.	E.S.S. A/C Plant & pump room	Rs. 7,51,246/-
2.	Talkatora Swimming Pool	Rs. 9,69,530/-
3.	Fire pump house	Rs. 18,42,321/-
4.	Under ground water tank	Rs. <u>3,72,753/-</u>
		Rs. <u>39,35,850/-</u>

5. Financial implications of the proposed project/subject:

The total financial implications based on the Survey report prepared & checked by the Planning Deptt. works out to Rs. 39,35,850/-. This amount is on the basis of PAR 76 & 92 + Cost Index + 5% contingencies.

6. Implementation schedule :

1 month

7. Comments of the Finance Deptt. on the subject:

We have no objection to the Survey Report for Rs. 39,35,850/- as checked by SE (P) at P.6/N for getting the amount in question written off from the competent authority. It may, however, be pointed out that existing structures in respect of which survey report has been prepared are proposed to be demolished prematurely without serving the prescribed life, because of construction of additional block to meet the requirement of CWG Federation. Council's Resolution No. 10 (A-9) dtd. 22.07.05 whereby decision was taken to upgrade the stadium in question does not contain any reference of demolition of the structures in question. It is, therefore, suggested that that necessary approval for proposed course of action may be obtained from the Council alongwith approval of the survey report in question.

8. Comments of the Department on comments of Finance Deptt.

It is clarified that the action is being taken to place the case before the Council for approval.

9. Legal Implication of the project:

NIL

10. Details of previous Council Resolutions, existing law of Parliament and Assembly on the Subject:

NIL

11.. Comments of the Law Department on the subject/Project

Does not involve any law points. Law Deptt. has no objection to the proposal.

12. Comments of the Department on the comments of Law Deptt.

No comments .

13. Recommendation of /Project Leader:

In order to meet the requirement of the Common Wealth Games Federation and as per Venue brief submitted by the International Consultant appointed by Sports Authority Of India i.e. M/S EKS, a new multy storey building with two basements for parking is to be constructed adjacent to existing Talkatora Indoor Stadium for which the tenders have already been invited with the estimated cost of Rs. 28.18 crores.

The case is accordingly placed before the Council for approval of the above proposal & also to approve the survey report amounting to Rs. 39,35,850/- for demolition of the pre-mature buildings without serving the prescribed life. The proposed credit for the dismantled material to be received has been kept in the tendered documents of the above work.

COUNCIL'S DECISION

Resolved by the Council to approve the proposal submitted by the International Consultant, appointed by Sports Authority Of India i.e. M/S EKS, to meet the requirement of the Common Wealth Games Federation and for construction of a new multi-storey building with two basements for parking, adjacent to existing Talkatora Indoor Stadium for which the tenders have already been invited with the estimated cost of Rs. 28.18 crores.

Further the Council approved the survey report, amounting to Rs. 39,35,850/-, for demolition of the pre-mature buildings, without serving their prescribed life. The proposed credit for the dismantled material to be received has been kept in the tendered documents of the above work.

ITEM NO. 10 (W-7)**1. Name of the Subject:**

Model Pilot Project for Automated Car Park at Dilli Haat

2. Name of the Department:

Projects Department.

3. Brief History of the Subject:

Due to growing congestion on roads it has become necessary to improve the parking capacity of the existing parking lots. In such case, small parking systems are very effective when there is a space constraint. Hence, it is proposed to install a small parking system at Dilli Haat, which will accommodate 8 cars in a ground space of only 3 cars. This is proposed to be taken up as a Pilot Project.

4. Detailed proposal on the Subject:

M/s Simplex Projects limited a company from Simplex Group, which has demonstrated the first Automated Public Car Parking system in Kolkata, has agreed to demonstrate the system. The approximate area required for installing one unit is 8.9 meter x 6.9 meter to accommodate 8+1 cars in a space where only 3 cars can be parked conventionally. The power consumption is about 5-8 KW, 415 V, 50 Hz only. The company shall apply to NDMC for power consumption at its own cost and they shall also pay the charges for power consumption.

The installation time is 30 days from the award of work. The project will run for six (6) months and after that the system will be de-installed by the company. The entire cost for installation, de-installation and running of the system shall be borne by the company.

5. Financial implications of the proposed subject:

The Company shall demonstrate the parking system for a period of Six (6) months. The Parking charges at NDMC rates shall be retained by the company to meet the running cost.

6. Implementation schedule with timelines for each stage including internal proceeding:

The Project will run for a period of Six (6) months.

7. **Comments of the Finance Deptt. on the Subject:**
"We concur in to the proposal of the department to allow M/s Simplex Projects Ltd. for installation of One unit measuring 8.9m x 6.9m for Automated Car Park System as a pilot project at Dilli Haat for Six months only. However the department must ensure that no other commercial use of the space is allowed to M/s Simplex Projects Ltd."
8. **Comments of the Deptt. on Comments of Finance Deptt.:**
As per the letter issued to M/s Simplex Projects Ltd., the work is to demonstrate the Pilot Project for Stack Parking system only and no other activity will be permissible.
9. **Legal implications of the Subject:**
All the disputes between the consumer & Company shall be the responsibility of the Company and NDMC shall not be a party to such disputes.
10. **Detail of previous Council Resolutions, existing law of Parliament and Assembly on the subject:**
Nil
11. **Comments of the Law Deptt. on the subject:**
Law Deptt. has vetted the case.
12. **Comments of the Deptt. on the comments of Law Deptt:**
Changes as suggested by the Law Department were incorporated in the Project.
13. **Recommendation**
Placed before the Council for kind information please

COUNCIL'S DECISION

Information noted.

ITEM NO. 11 (B-26)

Purchase of 9 Nos. 1000 KVA, 10.5/0.415 KV Distribution Transformers.

Deptt. : Electricity Department.

Brief History of the Proposal

Following estimates for replacement and augmentation of Plants and equipments at various electric sub-stations were sanctioned by Chairperson as under: -

1. Estimate No. E-8/EE (M/N)/2005-06 for replacement of transformers and HT panels at Electric Sub-station Jiwan Vihar, New Delhi.
2. Estimate No.E-9/EE (M/N)/2005-06 for replacement of HT and LT switchgears and transformers at electric sub-stations at sub-station Modern School.
3. Estimate No.E-14/EE (M/N)/05-06 for replacement/augmentation of plants and equipments at sub-station Kali Bari, New Delhi.
4. Estimate No. E-15/EE (M/N)/2005-06 for augmentation of plant and equipments at Electric Sub-station, Park Street, New Delhi.

In all above sanctioned estimates provision of 1000 KVA oil type, 10.5/0.415 KV distribution transformers was made as under:

- | | |
|--------------------------------------|-------|
| 1. Estimate No.E-8/05-06/EE (M/N) – | 2 Nos |
| 2. Estimate No. E-9/05-06/EE (M/N) – | 1 Nos |
| 3. Estimate No. E-14/EE (M/N) – | 2 Nos |
| 4. Estimate No. E-15/EE (M/N) – | 2 Nos |

Total	<u>7 Nos</u>
-------	--------------

Based on the above requirement a case for the purchase of 9 Nos (7 against sanctioned estimate and two against stock ceiling to meet any emergent requirement for day-to-day maintenance) has been initiated.

DETAILED PROPOSAL ON THE SUBJECT:

Sealed tenders were invited for the purchase of 9 Nos. distribution transformers by giving wide publicity through press and NDMC website. Tenders were invited in three-cover system. Offers from two firms namely; M/s Vijay Electricals Limited and M/s TESLA Transformers were received on due date.

After opening the cover containing techno-commercial offers of participating firms and scrutiny it was found that offers of both the firms meet the conditions of NIT. Case was examined in planning and with the prior approval of Engineer-in-chief price bids of both firms were opened on 11.6.07. On comparison of rates quoted by two firms, M/s Vijay Electrical Limited was found to be the lowest firm and department recommended to purchase the transformers from M/s Vijay Electricals at their total computed cost of Rs.70,00,619.50 (including Excise duty @ 16.48%, CST @ 3% against Form-C, Freight and Insurance of Rs.11, 000/- per transformers, storage insurance of 90 days of Rs.1170/-) + IEEMA PVC effective from 01.3.07 and with 20% ceiling + Rs.1,67,964.16 on account of impulse and heat run tests amounting to Rs.85, 46, 802/-.

FINANCIAL IMPLICATIONS – Rs.85, 46,802/- (Rupees Eighty five lacs forty six thousand eight hundred two)

IMPLEMENTATION SCHEDULE – 6 MONTHS

COMMENTS OF FINANCE:

Finance have concurred in the proposal to award the work in favour of M/s Vijay Electrical Limited for the purchase of 9 Nos. 1000 KVA, distribution transformers at a total cost of Rs.85, 46,802/- subject to the following conditions: -

1. Availability of funds.
2. Approval of competent authority.
3. Correctness of informations and data submitted by the department

COMMENTS OF DEPARTMENT ON COMMENTS OF FINANCE:

1. Funds are available.
2. Approval of competent authority is being obtained and case would be put up to the Chairperson/Council for approval.
3. Information and data submitted are correct.

LEGAL IMPLICATIONS - NIL

COMMENTS OF LAW DEPARTMENT - No legal point is involved in this agenda item. However this has our concurrence subject to correctness of factual position. This issues with the prior approval of LA.

COMMENTS OF DEPTT.ON COMMENTS OF LAW DEPTT - NIL

RECOMMENDATIONS:

Department recommends to place the order for purchase of 9 Nos. 1000 KVA, 10.5/0.415 KV distribution transformers at a total cost of Rs.70,00,619.50 (including Excise duty @ 16.48%, CST @ 3% against Form-C, Freight and Insurance of Rs.11, 000/- per transformers, storage insurance of 90 days of Rs.1170/-) + IEEMA PVC effective from 01.3.07 and with 20% ceiling + Rs.1,67,964.16 on account of impulse and heat run tests, amounting to Rs. 85,46,802/- and at the terms and conditions of NIT.

The expenditure on this account shall be charged to the budget head E.11 "Purchase of Stores" where a provision of Rs. 25 Crores exists during the current financial year 2007-08.

COUNCIL'S DECISION

Resolved by the Council to place the order for purchase of 9 Nos. 1000 KVA, 10.5/0.415 KV distribution transformers at a total cost of Rs.85,46,802/- as explained in the preamble (including Excise duty @ 16.48%, CST @ 3% against Form-C, Freight and Insurance of Rs.11,000/- per transformers, storage insurance of 90 days of Rs.1170/- + IEEMA PVC effective from 01.3.07 and with 20% ceiling + Rs.1,67,964.16 on account of impulse and heat run tests), and at the terms and conditions of NIT.

It was further decided by the Council that since the validity of the tender is only upto 31.10.2007, supply order be placed in anticipation of confirmation of the minutes.

ITEM NO. 12 (B -27)

Name of work : Estimate for replacement of remaining 33 KV feeders from IP Station to NDMC Distribution System.

Name of deptt. : Electricity Department

Brief History of the Case : There are 8 nos. of 33 KV bulk supply feeders feeding NDMC Distribution System from IP Station. Out of these 8 feeders, 2 feeders were replaced by DTL and part of 3 feeders from IP Station to Tilak Bridge were subsequently replaced. The remaining 3 feeders and balance portions of partly replaced 3 feeders are giving frequent trouble and need replacement. These have already outlived their prescribed useful life of 35 years and need immediate replacement to ensure continuity of electricity supply in VVIP area of NDMC including Rashtrapati Bhawan, Parliament House, Central Govt. main office buildings, Con. Place area etc. etc.

Detail Proposal on the subject : An estimate amounting to Rs. 4,70,51,000/- has accordingly been framed for replacement of 33 KV feeders namely Bay No. 28, Bay No. 38 and Bay No. 42. Another estimate amounting to Rs. 2,47,40,000/- has been framed for replacement of remaining portions of 33 KV feeders namely Bay No. 4, Bay No. 10 and Bay No. 16. So the total estimated amount for the complete work comes out to Rs. 7,17,91,000/-.

Financial Implications : The total estimated amount is RS. 7,17,91,000/-

Implementation Schedule : Efforts will be made to complete the works in the shortest possible time say before April – May 2008.

Comments of the Finance Deptt. : Finance have concurred in the first estimate vide their Dy. No. 2101/Fin. dated 26.09.2007 and in the second estimate vide their Dy. No. 2102/Fin. dated 26.09.2007 subject to availability of funds, certifying correctness of information and giving credit for the dismantled cables.

Comments of the Deptt. : Adequate funds will be asked in RE 2007-08 and BE 2008-09. All data and informations given are correct and credit for the dismantled cables shall be given for the exact length of cables which can be economically dismantled.

Legal Implications : NIL

Comments of Law Deptt. : No legal implications involved & thus has their concurrence for placing before Council.

Comments of the deptt. on the comments of Law Deptt. : Nil

Recommendations : The total estimate amounting to Rs. 7,17,91,000/- may be placed before the Council for consideration and decision to

approve and sanction the estimate as explained above and as per concurrence of Finance. The works shall be executed before April – May 2008 and credit for the dismantled cable shall be given on actual basis.

Draft Resolution : Resolved by the Council that the estimate amounting to Rs. 7,17,91,000/- is approved and sanctioned. The works may be taken up in hand for execution in view of their urgency in anticipation to the confirmation of the minutes of the Council.

COUNCIL'S DECISION

Resolved by the Council that administrative approval and expenditure sanction to the estimate amounting to Rs.7,17,91,000/- is accorded for replacement of remaining 33 KV feeders from IP Station to NDMC Distribution System.

In view of urgency, it was decided that the works be taken up immediately, in anticipation of confirmation of the minutes. The Council further resolved that implementation schedule is to be ensured.

ITEM NO. 13 (B-28)**1. Name of the work:**

Award of work for providing Diesel Generator Sets at New Delhi City Centre, Phase-II, New Delhi.

2. Name of Department:

Electricity Department.

3. Brief History of the Case:-

An estimate of Rs.4,42,52,300/- for providing of D.G. Sets at New Delhi City Centre, Phase-II was submitted by Architect Consultants got approved / technically sanctioned by E-in-C. The estimate covers the cost of 2 X 1250 KVA DG Sets, PLC based DG control and operation logic panel D.G. Exhaust system , DG cooling water system. DG fuel storage and transfer system, DG electrical works and their associated works etc.

4. Detailed proposal on the subject:

Based on the estimate draft NIT of Rs.4,08,25,136/- submitted by architect was also got approved by E-in-C. Sealed item rate tender were invited though Director (PR) and placed the same on the NDMC & Delhi Govt. website in three cover system. i.e. Envelope-I (Eligibility Criteria), Envelope-II (Technical and commercial bid) & Envelope-III (Price bid). Among the four firms who submitted their tender only three firm were qualified:

1. M/s. Jackson Engineers Ltd.
2. M/s. Sudhir Gensets Ltd.
3. M/s. Supernova Engineering Ltd.

The offers of fourth firm i.e. M/s. Excel Generator Pvt. Ltd. was rejected due to not fulfilling the eligibility criteria. As per tender conditions technical bid of the three pre-qualified firms were opened and after scrutiny of the technical point at the various stages including architect consultant a pre-bid meeting was held on dated 19/06/07 under the Chairmanship of E-in-C and some decisions / amendments were taken and approved by the Competent Authority which were issued to all the pre-qualified firms.

The price bid of all the three firms were opened on 11/07/07. The tenders were scrutinize at various levels and M/s. Supernova Engineers emerged to be the lowest firm at their quoted price of Rs.3,41,86,330/-. As the validity of the tender was going to expired on 9/10/07 therefore with the prior approval of Chairman the acceptance letter to M/s. Supernova Engineers on dated 08/10/07.

5. Financial Implications: Rs.3,41,86,330/-.

6. Implementation Schedule:

Time of completion of work is 6 months from the 10th day after the date of award order.

7. Comments of Finance Department:

Finance department have concurred in the proposal vide their diary No.2319/Finance dt. 3.10.07.

8. Comments of the Department:

The case may be noted to the Council for obtaining necessary approval to award the work as per concurrence of the Finance Deptt.

9. Legal Implications: - Nil

10. Comments of the Law Department:

No legal issue involved

11. Comments of the department on the comments of Law Deptt.

Nil.

12. Recommendations:

The case may be placed before the council for to award the work to M/s. Supernova Engineers at their lowest quoted rates amounting to Rs.3,41,86,330 /-.

COUNCIL'S DECISION

Resolved by the Council to award the work to M/s. Supernova Engineers at their lowest quoted rates amounting to Rs.3,41,86,330 /-.

ITEM NO. 14 (E-3)**1. Name of the subject / project.**

***Annual Rate Contract for the purchase of Allopathic Medicines for the year 2007-08. * Expenditure sanction for Rs. 1,05, 64,996.64 plus taxes.**

2. Name of the Department/ departments concerned.

Health (Medical Sector.)

3. Brief history of the subject / project.

All the patients admitted for indoor and emergency care in the hospitals under the administrative control of NDMC are entitled to free treatment (including medicines). The patients attending the Out Patient Department and dispensaries are also entitled to free medicines as per NDMC policy.

NDMC has pre-qualified 56 Pharmaceutical firms (**Annexure-I**) (**See pages 42 – 43**) for the supply of its requirements of Allopathic Medicines based on the following qualifying criteria :

1. The firm should have its own manufacturing facility. (Tolling is forbidden) Or the product should either be the original research product / patent product.
2. The annual turn over rate of the firm should be more than Rs. 20.0 crore. The firm should have no liability of income tax / VAT and the firm should produce a certificate from the appropriate authority in support of this.
3. The firm should possess GMP certificate as per schedule-M of the Drugs & Cosmetics Rules and/or should have a WHO-ISO-9002/1 Registration Certificate.
4. The firm should have a minimum experience of 3 years of supply of Allopathic Medicines to the Govt. hospitals/institutions.
5. The firm should not have been convicted for manufacturing sub standard drugs under the Drugs & Cosmetics Act neither there should have been a pending complaint for trial in this regard.
6. The firm should not have been blacklisted by any of the Govt. agencies.

The rates under the rate contract remain valid for a period of 12 months from the date of entering into an agreement with NDMC. The orders are placed quarterly for replenishment of the stocks. However, the department is also empowered to place a supplementary order in-between in respect of any medicine/medicines if so required.

The Council vide its resolution No. 25(E-3) dated 17.05.06 had approved an expenditure of Rs. 177 lacs (inclusive of all taxes) for the procurement of Allopathic Medicines during the year 2006-07. The total budgetary allocations for the same were Rs. 205 lacs. An amount of Rs. 24.0 lacs were kept reserved for local purchases of medicines to fulfill the demands of the employees. A total sum of Rs. 201.12 lacs was spent during the year 2006-07.

4. Detailed proposal of the subject / project.

Sealed quotations were invited from all the firms registered with the NDMC in June, 2007 for entering into the rate contract for the year 2007-08. Only 33 firms responded for the same. A comparative statement was drawn to compare the rates of each and every medicines quoted by different firms. Only those drugs / combinations were approved for the procurement those have the lowest rates. The list of the drugs approved by the Purchase

Sub Committee along with the name of the firms and their rates have appended as **Annexure-II (See pages 44 – 52)**.

Administrative approval and expenditure sanction for a sum of Rs. 1,48,000/- exclusive of the sum of Rs. 48.0 lacs approved earlier in April, 2007 was accorded in June, 2007 for the procurement of Allopathic Medicines for the year 2007-08. A sum of Rs. 2.25 crores have been allocated under the head of account D-2-2-4 in the budget estimates for the year 2007-08 for the procurement of allopathic medicines. However, the Finance revised the earlier concurrence and approved only Rs. 1,05,64,996.64 plus taxes for procurement of allopathic medicines for the year 2007-08 while approving rate contract.

5. Financial implications of the proposed project:

Rs. 1,05,64,996.64.

6. The implementation schedule with timeliness for each stage including internal processing.

The rate contract will come into effect from the date of signing of the agreement with the approved firms. The supply orders will be placed every quarters based on the rate of consumption of various drugs during the preceding quarter. The orders for the first quarter amounting to Rs. 47.0 lacs approximately were placed in the month of April, 2007 based on the last year rate contract with the approval of the competent authority.

7. Comments of the Finance Department on the subject.

"Taking into account the medicines costing Rs. 47,46,540/- plus taxes procured for the current year, we concur in the proposal of the department for procurement of allopathic medicines for the year 2007-08 at a total cost of Rs. 1,05,64,996.64 plus taxes by entering into annual contract with the selected firms subject to :

- a. Approval of the competent authority.
- b. Availability of funds.
- c. Actual price being charged by the rate contracting firms if the drugs prices of any formulation or brand borne in the rate contract falls during the currency of rate contract.
- d. The expenditure may not be incurred beyond the above tendered cost as the same is based on average consumption of last three years with 10-12% increase.
- e. The department shall enter into annual rate contract with the selected firms for a period of 12 months from the date of signing of the rate contract.
- f. Certification by the department that the quantity of the medicines to be purchased are based on the minimum essential requirement for a period of one year strictly as per the policy approved by the Council.
- g. Correctness of information, data and computations.
- h. The department must ensure that the test report as per the drug policy approved by the Govt. of NCT of Delhi are provided along with supply of medicines.
- i. The medicines selected at random from actual supplies received, should be got tested from authorized laboratories
- j. Director (MS) must ensure that the medicines supplied are currently manufactured and they have sufficient shelf life.
- k. The department may also obtain a certificate from the firms to the effect that no batch sold by them has been found discrepant as regard Active Pharmaceuticals ingredients are concerned during the last three years.
- l. Certification by the department that the rates quoted by the L-I firms for each item are fair, reasonable and justified as compared to the last approved

rates/market rates in respect of those items, which are not procured last year.

8. Comments of the department on the comments of Finance Deptt.

Administrative approval and expenditure sanction for a sum of Rs. 148 lacs excluding of Rs. 47,46,540/- plus taxes (expenditure already incurred for the procurement of medicines in the first quarter) was obtained from the competent authority for the procurement of allopathic medicines during the year 2007-08. Finance has concurred an expenditure of Rs. 1,05,64,996.64 plus taxes only for the same after official approval of rate contract. It is apprehended that this amount will not be sufficient to maintain uninterrupted supply line of the medicines during the year 2007-08.

- a. The proposal has been approved by the competent authority.
- b. A sum of Rs. 225 lacs has been allocated in the budgetary estimates for the year 2007-08 under the head of account D-2-2-4 for the procurement of allopathic medicines.
- c. The benefit, if any, on account of official reduction in the prices of the medicines during the year will be passed on to NDMC.
- d. The sanctioned limits are never exceeded by the department without prior approval of the competent authority. Thus, there is no question of exceeding the sanctioned limits in the instant case also.
- e. The department will enter into a rate contract with the approved firms after the approval of the Council.
- f. The quantities concurred by the finance are not in accordance with the proposal of the department. In the opinion of the department, the approved quantities are not the minimum essential requirement of the department for a period of one year.
- g. The data information and computations are correct to the best of our knowledge and belief.
- h. The department will obtain a Test Report from the supplying firms as per the policy.
- i. Medicines will be got tested as per the approved policy of NDMC.
- j. The CMO of the Stores will ensure that the shelf life of medicines supplied by the firms is within the permissible limits.
- k. The necessary certificate regarding non failure of any batch of the medicine during the last three years, will be obtained from the Pharmaceutical firms at the time of receipt of supplies..
- l. To the best of our knowledge and belief, the rates quoted by the firms are fair, reasonable and justified.

9. Legal implications of the subject

Nil.

10. Details of previous Council Resolution, existing law of Parliament and Assembly on the subject.

Nil.

11. Comments of the Law Department on the subject/project.

Nil.

a) Comments of the department on the comments of the Law Department.

N.A.

b) Recommendations.

12. Approval of the annual rate contract with the firms shown in Annexure-II at the rates mentioned against each medicine for a period of 12 months from the date of signing of the agreement.
13. Administrative approval and expenditure sanction of Rs. 1,05,64,996.64 (Rupees one crore five lacs sixty four thousand nine hundred ninety six and paise sixty only) plus taxes for the procurement of allopathic medicines during the year 2007-08.
14. Approval to place supply orders every quarter based on the consumption during the immediate past quarter with a provision to place a supplementary order in-between if so required.
15. Approval to place the supply order in anticipation of the confirmation of the minutes by the Council.

c) Draft Resolution.

Resolved by the Council that administrative approval and expenditure sanction amounting to Rs. 1,05,64,996.64 plus taxes for the procurement of allopathic medicines during the year 2007-08 from the firms approved in the rate contract at the approved rates under the contract by placing supply orders every quarter with a provision of placing supplementary order in-between if the need so arises, is accorded. The permission to place the supply order in anticipation of the confirmation of the minutes is also accorded.

COUNCIL'S DECISION

Resolved by the Council that the annual rate contract for the year 2007-08 for the purchase of allopathic medicines from the approved firms at the rates specified in the rate contract (Annexure-II) are approved. The department will procure medicines from the approved firms in quarterly installments, but will not exceed the amount allocated in the budget estimates for a particular year. Director (MS) will be responsible for the proper maintenance of the inventory so that there is no wastage on account of over stocking or expiry of material.

The Council also accorded approval to place the supply order in anticipation of the confirmation of the minutes.

LIST OF COMPANIES STAND REGISTERED IN NDMC**Group A**

- 1.Serum Institute of India Ltd.
- 2.Lupin Ltd.
- 3.Nicholas Piramal India Ltd.
- 4.East India Pharma Works Ltd.
- 5.Franco India Pharmaceuticals (pvt) Ltd.
- 6.U.S.V. Ltd.
- 7.Novartis India Ltd.
- 8.Alembic Ltd.
- 9.Johnson & Johnson Ltd.
- 10.Wockhardt Ltd.
- 11.Merck Ltd.
- 12.Alkem Lab Ltd.
- 13.Aristo Pharmaecuticals Ltd.
- 14.Abott India Ltd.
- 15.Burroughs Wellcome (I) Ltd.
- 16.Cipla Ltd.
- 17.Dr. Reddy's Lab Ltd.
- 18.Zydus Cadilla Health Care Ltd.
- 19.Reckitt Benisker India Ltd.
- 20.Avintis Pharma Ltd.
- 21.Glaxo Smith Kline Ltd.
- 22.F.D.C. Ltd.
- 23.RPG life Sciences ltd.
- 24.Biological E. Ltd.
- 25.German Remedies Ltd.

GROUP B

- 26.Blue CrossLab. Ltd
- 27.Indoco Remedies Ltd.
- 28.T.T.K. Pharmaceuticals Ltd.
- 29.Wander Ltd.
- 30.Tablets(I)Ltd.

- 31.Karnatka Antibiotic Ltd.
- 32.Ranbaxy Lab. Ltd.
- 33.Nestor Pharmaceuticals Ltd.
- 34.Juggat Pharma
- 35.Biochem Pharmaceuticals Ltd.
- 36.Natco Pharmaceuticals
- 37.Astra-Zeneca Ltd.
- 38.Win Medicare Ltd.
- 39.Dabur India Ltd.
- 40.Arvind Remedies Ltd.
- 41.Concept Pharmaceuticals Ltd.
- 42.Ipca Pharmaceuticals
- 43.Albert David Ltd.
- 44.Bal Pharma
- 45.Parental Drugs (I)Ltd.
- 46.Gland Pharma
- 47.India Immunological Ltd.

GROUP C

- 48.Ozone Pharmaceuticals
- 49.Brawn Laboratories
- 50.Himalaya Drug Co.
- 51.Mac Laboratories
- 52.Triokka Pharmaceuticals
- 53.Rhydburg Pharmaceuticals
- 54.Welcure drugs & Pharmaceutical Ltd.
- 55.Aimil Pharmaceuticals
- 56.Pure Pharma

ANNEXURE-II

List of Registered Firms Quoted L1 Rates Year 2007-08

ANNEXURE END

ITEM NO. 15 (E-4)**1. Name of the subject/project**

Hiring of 21 Nos. tipper trucks for removal of garbage in NDMC area. (Revised estimate)

2. Name of the deptt. concerned

Public Health Deptt.

3. Brief history of the subject/project.

Lifting of garbage regularly & timely is the main function of the civic body. In NDMC area, about 350 MT. of garbage is generated daily. Out of this about 200 MT garbage is disposed off through Sixty numbers departmental Vehicles and the balance 150 MT. garbage is disposed off by providing 21 Nos. Pvt. Tipper/trucks. To get the lifting of garbage work done, an administrative approval and expenditure sanction amounting to Rs.1.52 Crore was accorded by the Council vide its Resolution No. 14 (E-5) dated 28.9.2005 and after completing the requisite formalities, the work of engagement of 21 No. Tippers/trucks was awarded to M/S S.A. Engineers @ Rs.14.40 per K.M. with date of start as 1.6.2006 for a period of one year. The terms of existing contract expired on 31.5.2007. Tenders were invited for above said work for three months i.e. from 1.6.2007 to 31.8.2007 but the same were rejected by the sub-committee appointed by Chairman. The sub-committee appointed by chairman negotiated the rates with M/s. S.A. Engineers, the working contractor and the rates were approved @ Rs.18.20/= per K.M. for three months w.e.f. 1.6.2007 to 31.8.2007. For the extended period the revised administrative approval and Expenditure sanction for Rs.5214700/= has also been approved by the Council vide Reso. No. R-8 (E-2) dated 22.8.2007. The contract has further been extended from 1.9.2007 to 30.9.2007. For this further extended period i.e. from 1.9.2007 to 30.9.2007 the expenditure will be Rs.23.34 Lac for which ex-post-facto approval for extension of the contract and also the revised administrative approval and expenditure sanction has also been approved by Chairperson on 6.9.2007 subject to placing the case before the Council.

4. Detailed proposal on the subject/project

Revised A.A/E.S. for Rs.23.34 Lac. is required on the basis of negotiated rate of Rs.18.20 per K.M. for one month w.e.f. 1.9.2007 to 30.9.2007.

5. **Financial implications of the proposed project/subject.**

The expenditure of Rs.23.34 Lac will be incurred under the head of account D.-2.16.6 i.e. running and maintenance of Tippers/truck for 1.9.2007 to 30.9.2007.

The expenditure from 1.6.2006 to 31.5.2007 has been incurred vide A.A.& E.S. of Rs.1.52 Crore which has been approved by the council. Vide Resolution No.14 (E-5) dated 28.9.05. The expenditure from 1.6.2007 to 31.8.2007 has been incurred vide revised A.A. & E.S. for Rs.,5214700/- which was approved by the Council vide Reso. No. 8 (E-2) dated 22.8.2007. In case any further extension or for any other reason the amount goes on higher side then there will be need of again revised A.A. & E.S.

6. **Implementation schedule with timeliness for each stage including internal processing :-**

This is a matter of revised A.A&E.S. for the above said work from 1.9.07 to 30.9.07 for Rs.23.34 Lac.

7. **Comments of the finance department on the subject**

The case merely involve extension of contract for one month only i.e. from 1.9.2007 to 30.9.2007 involving an amount of Rs. 23.34 lac approx. on existing rates, terms and conditions and was not sent to Finance.

8. **Comments of the department on comments of finance department.**

No comments

9. **Legal implication of the subject/project.**

No legal implications

10. **Details of previous council resolutions, existing law of parliament and assembly on the subject.**

Council has approved A.A. & E.S. for Rs.1.52 crore vide reso. No.14 (E-5) dated 28.9.05 and has also accorded revised AA &ES for Rs.5214700/= vide Reso. No. 8(E-2) dated 22.8.07.

11. **Comments of the law department on the subject/project**

As no legal implications are involved hence case was not sent to law.

12. **Comments of the department on the comments of law department.**

No comments.

13. Recommendations.

The case is placed before the council for according approval to revised A.A. & E.S. for Rs.23.34 Lac for the extended period from 1.9.07 to 30.9.07 on the basis of already approved rates, terms and conditions and penalty clause approved in earlier resolution approved vide Reso. No.8 (E-2) dated 22.8.07 and also to approve placing of a consolidate case for final administrative approval and expenditure sanction after actual expenditure on completion of the work in due course of time, if required.

14. Draft resolution

Resolved by the council that approval to revised A.A.&E.S. for Rs.23.34 Lac is accorded on the basis of already approved rates, terms and conditions and penalty clause approved in earlier resolution approved vide Reso. No.8 (E-2) dated 22.8.07 and also to approve placing of a consolidate case for final administrative approval and expenditure sanction after actual expenditure on completion of the work in due course of time, if required.

COUNCIL'S DECISION

Resolved by the council that administrative approval and expenditure sanction to the revised estimate amounting to Rs.23.34 Lacs is accorded on the basis of already approved rates, terms and conditions and penalty clause approved in earlier resolution, approved vide Reso. No.8 (E-2) dated 22.8.07.

It was decided that after actual expenditure on completion of the work in due course of time, the department will place a consolidated case for final administrative approval and expenditure sanction, if required.

ITEM NO. 16 (K-3)1. **Name of the Subject /Project**

Streamlining/Rationalizing the procedure of booking of Barat Ghars in NDMC area.

2. **Name of the Department/department**

Welfare Department

3. **Brief History of the Subject/project**

History :- There are 11 Barat Ghars in the NDMC area which are mainly booked for social functions like marriages, ring ceremonies, birthday parties and stay of guests. Certain changes are proposed in the policy of booking of Barat Ghars in view of the preparation of new Baratghar Software, observations made by the Vigilance and Audit deptts. and also with a view to streamlining the present procedure and ensuring transparency and optimal utilization.

In order to rationalize the present system, a proposal has been worked out giving the gist of the existing system, the amendments proposed and requisite justification.

4. **Detailed proposal on the Subject/Project**

	EXISTING	PROPOSED	REMARKS
TIME PERIOD	<p>a). Booking of Barat ghar is open for the NDMC Employees and residents of NDMC area without any time limit.</p> <p>b) Non-residents of the NDMC area can book Barat ghars 30days in advance of the actual date of function.</p>	<p>Booking of Baratghars shall be open on first come first basis. Time limit for making booking applications will be as follow:- <u>For Marriages</u></p> <p>a). Booking of Barat ghar shall be open for the NDMC Employees and residents of NDMC area without any time limit on first come first basis.</p> <p>b). Non-residents of the NDMC area can book Barat ghars 30 days in advance of the date of function for marriage purpose only.</p>	<p>To utilize the Baratghars for the purpose for which they are made.</p>

		<p><u>For Other functions</u></p> <p>NDMC employees, Residents and non-residents of NDMC area can book baratghar for Social functions except marriage like Ring Ceremony, Birthday, Marriage reception or Commercial Functions etc, 30days in advance from the actual date of function.</p>	
MAXIMUM LIMIT	Barat Ghars are being booked for 2 days only in favour of single party.	No change. However, Chairman, NDMC is empowered to relax the condition on his/her discretion.	
UTILISATION PURPOSE	Presently Barat Ghars are utilised for the purpose of Marriages, Marriage receptions, Birthdays, Thread ceremony, Ring Ceremony and get together, family-functions, stay of marriage guests etc.	<ol style="list-style-type: none"> 1. Barat Ghars to be utilized for the purpose of Marriages, Marriage receptions, Birthday, Thread ceremony, Ring Ceremony and get together, family-functions, stay of marriage guests etc. 2. The Barat Ghar to be also used for holding of exhibitions, seminars etc. particularly for those Barat Ghars which remain unutilized such as Aliganj & Bapu Dham. 3. Booking of Baratghars is not allowed for Kriya ceremony. 	This is based on the advice given by the Audit department to improve the utilization of the Barat Ghars

<p>MERGER OF FLOORS</p>	<p>All the Baratghars are Single Storey Building except Laxmi Bai Nagar, Sarojini Nagar and Kidwai Nagar Baratghars, presently booked for more then one party on the same date. The rent charges for Social function are as under:-</p> <p><u>Laxmi Bai Nagar</u></p> <p>GF + MF Rs. 4,650/-Per day</p> <p>First Floor- Rs. 2,550/-per day</p> <p><u>Kidwai /Sarojini Nagar</u></p> <p>Ground Floor – Rs. 3,000/-per day</p> <p>First Floor - Rs. 2,550/-per day</p> <p><u>Other Baratghars(Mandir marg, Moti Bagh, Netaji Nagar, Bapu Dham, Aliganj, Lodhi Road, Kaka Nagar and Khan Market)</u></p> <p>Rs. 3,900/- per day</p>	<p>Baratghar, Laxmi Bai Nagar, Sarojini Nagar and Kidwai Nagar may be considered as a Single Baratghar (composite unit) and booking shall be given to the single party. The new rent charges for the Baratghars are to be sum of the Ground Floor + First Floor (Entire Building).</p> <p><u>Laxmi Bai Nagar</u></p> <p>Rs. 7,200/- per day</p> <p><u>Kidwai /Sarojini Nagar</u></p> <p>Rs. 5,550/- per day</p>	<p>These Baratghars mostly booked in favour of single parties (Ground Floor + Mezzanine Floor). There is no separate entry for the first floor as a result the first floor mostly remains vacant and actually utilized by the parties booking the ground floor without any valid booking.</p>
<p>FEES</p>	<p>Varies depending on the Barat Ghar being booked. All the Barat Ghars are Single Storey except Barat Ghar LBN, SN, and KN.</p>	<p>No Change</p>	<p>Would be displayed with the form/Internet</p>

<p>CONCESSI ONAL BOOKING</p>	<p>a). 50% concession is being given to NDMC employees in booking of Barat Ghars only for the marriage of their Son, Daughter, Self and dependents brother & Sister after the necessary verification from the Personnel Deptt.</p> <p>b). 50% concession of Commercial rent would be allowed for bookings (other than marriages) for non-commercial purposes.</p> <p>c). 50% concession of Commercial rent would be allowed for bookings other than marriages for holding exhibition, seminars only in case of Baratghar, Aliganj and Bapu Dham which remain unutilized.</p>	<p>a). 50% concession is to be given to NDMC employees on production of his / her Identity Card and Self undertaking regarding dependency for booking of Barat Ghars only for the marriage of their Son, Daughter, Self and dependents brother & Sister. Performa for undertaking regarding Security exemption and dependency is Annexed at A (See page 62) must be submitted by the NDMC employee.</p> <p>b). 50% concession of Commercial rent would be allowed for bookings (other than marriages) for non-commercial purposes.</p> <p>c). 50% concession of Commercial rent would be allowed for bookings other than marriages for holding exhibition, seminars only in case of Baratghar, Aliganj and Bapu Dham which remain unutilized.</p>	<p>To simplify the procedures.</p> <p>For maximum utilization of Baratghar.</p>
<p>CANCELLA TION OF BOOKING</p>	<p>Rent to be completely forfeited. 100% refund of rent charges in case of death in the immediate family for which documentary proof such as death certificate/production of affidavit duly attested by Ist class Magistrate would be required to be submitted. Exceptional circumstances can be further brought before the Chairperson for consideration if the case so merits.</p> <p>This would be applicable for all categories of booking</p>	<p>No change.</p>	<p>To avoid non-serious and bogus bookings.</p>

Refund of security	Presently Security deposit (in form of Demand Draft) is refunded on the production of NOC from the Caretaker. If the party does not claim Security deposit within 75 days from the date of function the security stand forfeited.	Security Draft will be deposited in the Municipal Treasury alongwith the rent charges. The refund for security will be made on the request of applicant. Caretakers of Baratghars will be responsible for the processing of refund of Security /Rent.	To avoid unnecessary public dealing in the Head Office, harassment of the general public and in the interest of the Council.
MISC.	NDMC Water Supply Control Room are supply water tanker to fill the underground water tank of Baratghar on payment of usual charges from the party during their function at Baratghar when there is acute shortage of water and non-supply of water.	Water Tanker for filling of underground Water Tank of Baratghars in case of short supply and non-supply of water may be provided free of charges on the request of concern Caretaker of Baratghar.	The capacities of underground water tanks are low. To provide proper supply of water to the parties
TERMS AND CONDITIONS	No change	No change	The detailed terms/conditions for booking/users placed at Annexure –B (See pages 63 – 64) for approval.

5. Financial implications of the proposed project/subject

The amount of Rs. 1900/- will charged for load of 45 KW for 8 hours. Security shall be forfeited in case of pilferage of electricity.

6. Implementation schedule with timeliness for each stage including internal processing

As and when approved by the Council

7. Comments of the Finance Department on the subject

Finance Department Concurred the proposal

8. Comments of the Department on comments of Finance Department

Nil

9. Legal implication of the subject/project

Nil

10. Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject

Nil

9. Comments of the Law Department on the Subject/project

Some modifications have been done in the draft, may be modified accordingly. Rest approved to in order.

11. Comments of the Department on the comments of the Law Department

Nil

12. Recommendation

The Case is placed before the Council for approval of Streamlining of booking Barat Ghars, running under Welfare Department.

13. Draft Resolution

Resolved by the Council that Streamlining/Rationalizing the procedure of booking of Barat Ghars in NDMC area.

COUNCIL'S DECISION

Resolved by the Council that Streamlining/Rationalizing the procedure of booking of Barat Ghars in NDMC area is approved.

Further resolved by the Council that the condition No.3 of the proposed utilization purpose of Barat Ghar be deleted.

It was also pointed out by the Council that the condition No. 24 of Terms & Conditions for Booking/Users, placed at Annexure – B, be corrected by replacing 180 days with 75 days, as mentioned in the preamble in para 4, under the head 'Refund of Security'.

Further resolved by the Council that the words 'For marriage purpose only" proposed in para 4 against time period for non residents shall be treated as deleted.

Annexure-A

**NEW DELHI MUNICIPAL COUNCIL
SOCIAL WELFARE DEPARTMENT
PALIKA KENDRA, NEW DELHI**

To,

The Secretary,
New Delhi Municipal Council,
Palika Kendra,
New Delhi.

Sub.:- Undertaking for booking of Barat Ghar

Sir,

I have booked the Barat Ghar _____ From _____ to _____ for the purpose of marriage of _____ who is totally dependant on me and his/her name is entered I my service book. .

I hereby under take that :-

1. If there is any damage to the Municipal property found during the booking/stay. The amount of damage charges may recover from my salary.
2. I further undertake that:-

The information given by me is true and correct and nothing has been concealed, if any in correct information found. NDMC shall have full right to cancel my booking at any time without any notice. For which I will not claim any damages/recovery.

Date

Yours faithfully

Counter Sign

Signature.....
Incharge Department

Name
Designation.....
Employee code no.

Department.....

TERMS AND CONDITIONS FOR BOOKING/USERS

In supersession of the previous terms and conditions, the following conditions shall apply for booking/users:-

1. Booking procedure would be in accordance with the system as decided in the new policy vide its Resolution no. dated: (to be filled in after the council Resolution)
2. Chairman shall have the right to cancel any booking one month prior to the date of booking without assigning any reason and full rent/security money shall be refunded in such cases.
3. Caretaker shall be liable to ensure that the allotted venue is being used by the right person for the right purpose before handing over the site and to see that the records being maintained by him eg. the booking register at the Barat Ghar are matched/reconciling with that being maintained at the Head Quarter. The Caretaker shall be held responsible in case of misuse of building and pilferage of electricity. The Caretaker shall issue NOC in favour of booking party for refund of security within 3 days after vacation of the premises.
4. The NDMC employees/users are not permitted to book the Barat Ghar for other party/users and if it detected that fraudulent booking has been done a penalty 10 times of the rate which are prescribed a rental charge shall be levied, disciplinary action will also be initiated in case of NDMC employees.
5. Caretaker of Barat Ghar shall ensure that a large Board is put up just outside the Barat Ghar/Park displaying the name of the booking party, nature of functions and the names of the bride and bridegroom in case of marriage.
6. The user/allottee has to submit the invitation card of the function to the Caretaker before being allowed to use the premises and the Caretaker shall deposit the same to the Head Office, alongwith the NOC. No NOC will be accepted without enclosed invitation card.
7. NDMC employees would furnish an undertaking regarding deduction from their salary for meeting the damage charges, if security exemption is to be availed of
8. The booking party will be responsible for maintenance of law and order, security arrangements, traffic control, parking of vehicles outside the premises during the function at its own cost.
9. License be obtained from the Excise Department if alcoholic drinks are to be served in parties.
10. The use of loud speakers/D.J. would not be allowed outside the Barat Ghars, Parks and Gardens.

11. The party may apply for temporary electric connection separately if required. The amount of Rs. 1900/- will be charged for load of 45 KW for 8 hours. Security shall be forfeited in case of pilferage of electricity.
12. Generators would be allowed only if they are soundless/non-polluting.
13. Illumination on the trees and hedges shall not be allowed.
14. The party shall inform about damage to the municipal property if any before departure/check out.
15. The party shall not be allowed to keep their articles in the premises before check in.
16. Pasting of bills or posters on boundary walls is strictly prohibited.
17. The stage properties shall be fire proof. No open fire will be allowed in the building (except outdoor kitchen).
18. No fire arms/weapons and Crackers will be allowed within the premises of the building.
19. Entry should be made in the service book of the employees for availing 50% concession which should be ensured by the employee himself/herself.
20. Booking is neither transferable nor changeable.
21. NDMC will not be responsible for any damage/loss due to natural calamities.
22. If any booking is found fictitious or fraudulent, it will be cancelled forthwith and full rent and the security amount will be forfeited, and 10 times that of rate of prescribed rental charge would be levied.
23. Parking arrangement will be made by the party at their own risk and cost.
24. The party shall claim refund of security within 75 days from the completion of the function, failing which security deposited will be deemed to be forfeited.
25. In case of any dispute, only the Delhi Court will have jurisdiction.
26. In case of any dispute, only the Delhi Court will have jurisdiction.

ITEM NO. 17 (A-44)**1. Name of the Project**

Name of Work:- Development of various Markets in NDMC area

Sub – Head:- Redevelopment of Janpath Mini Market opposite Indian Oil Bhawan
(Between Outer Circle & Tolstoy Marg)

2. Name of the Department Concerned

Civil Engineering Department Zone-II

3. Brief History of the Project

On the basis of discussions held in the various Empowered Committee Meetings and meeting held in the Chamber of Ld. Chairman, Project Architect has prepared a revised redevelopment plan for shops and tharas of Mini Market, Janpath by keeping sizes and sequence of shops and tharas same according to the records of Estate Department, NDMC. Redevelopment plan consists of relocation of shops and tharas of Mini Market, in the parking lot available between Jeevan Bharti Building and present position of Mini Market. A model of redevelopment plan has also been prepared.

Present position of Mini Market:

Janpath Mini Market consists of New Mini Market, Old Mini Market and Tehbazari Tharas and is existing on the stretch connecting Parliament Street and Janpath Road and is in between Indian Oil Building & Jeevan Bharti Building. Mini Market includes 20 shops of New Mini Market, 37 shops of Old Mini Market and around 100 Tehbazari Tharas. All the shops had different areas varying between 30 sq. feet to 60 sq. feet. At present all the shops have different heights, signboards, damaged A.C./G.I. corrugated roof sheeting and sunken/low floor level almost same of the existing pavement. There is no proper drainage system and street light etc.

4. Detailed Proposal of the Project**Proposal**

It is proposed to construct an underground parking for cars and scooters (86 ECS) in the parking lot between Jeevan Bharti Building and present position of Mini Market Stalls and to relocate all the 57 stalls of Mini Market and 100 Tharas on the roof of underground parking making the entire area around Indian Oil Bhawan neat, clean and beautiful.

Scope of Work:

Redevelopment Plan for the Mini Market prepared by Project Architect has the following features:

1. 57 Shops and 100 Tharas of different sizes have been redeveloped in the parking area between Jeevan Bharti Building and the present position of Mini Market shops with underground parking for Cars & Scooters (86 ECS).
4. Extra sitting arrangement/benches have been proposed along Indian Oil Building.
5. Shops and shopping area outside shops have been raised as compared to the existing road level.
6. Proper ramps have been proposed at entry and exit of the Market for easy movement of shoppers and physically challenged people.
7. A pair of stone columns facing Janpath Road have been proposed from aesthetic /architectural point.
8. Construction of 1 more BOT toilet have been considered in addition to 1 existing BOT toilet near Bank of Baroda.

Before taking any further decision about the redevelopment plan of Mini Market a meeting was arranged in the NDMV Council Room on 9.10.07 inviting members of the three associations concerned namely Janpath New Mini Market, Janpath Old Mini Market and Janpath Tehbazari Tharas. The redevelopment plan was discussed in detail and Model of the redevelopment plan was also shown to them.

The Scheme is now placed before the Council for conceptual approval, so that further process of scheme can be initiated.

5. Financial Implication of the Project

The budget provision of Rs.60.00 lacs is available vide item no.318 page-166 in the current year budget book. However revised budget provision would be obtained on the basis of preliminary estimate when approval of the scheme is conceptually approved by the Council.

6. Implementation Schedule

One year after the award of work .

7. Recommendations

Redevelopment Plan prepared for the stalls and tharas for Mini Market Janpath be conceptually approved so that further process of preparation of preliminary estimate and other activities can be taken.

8. Draft Resolution

Resolved by the Council that the Redevelopment Plan prepared for the development of stalls and tharas of Mini Market is conceptually approved and further preparation of detailed drawing, preliminary estimate and other activities required for execution of work can be initiated.

COUNCIL'S DECISION

Resolved by the Council that the Redevelopment Plan prepared for the development of stalls and tharas of Mini Market is conceptually approved and further preparation of detailed drawing, preliminary estimate and other activities required for execution of work be initiated, subject to obtaining of all statutory clearances from concerned agency.

ITEM NO. 18 (O-4)**1. Name of the subject/project**

Audit Comments on Monthly Accounts for the month of July 2006.

2. Name of the Department/Departments concerned

Office of the Chief Auditor.

3. Brief history of the subject/project

Sub-section Section 59(1) of the NDMC Act 1994 envisages that the Chief Auditor shall conduct a monthly examination and audit of the accounts of the Council and shall report thereon to the Chairperson, who shall publish monthly an abstract of the receipts and expenditure of the month last preceding signed by him and by the Chief Auditor. As contemplated in above provisions of the Act, Audit comments on Monthly Accounts are prepared along with Monthly Abstracts of Receipts and Expenditure for information of the Council. **(See Booklet)**

4. Detailed proposal on the subject/project

Draft Agenda item on Audit Comments on Monthly Accounts for the month of July,2006 (enclosed as a separate booklet) highlighting excess expenditure and receipts over budget provision, non-maintenance of records relating to Suspense Accounts, difference in the books of Compilation and Cash Branch, non-accountal of amount of dishonoured cheques in books, non-remittance of Cess charges and irregularities in Bank Reconciliation Statement.

5. Financial implications of the proposed project/subject

Nil.

6. Implementation schedule with timelines for each stage including internal processing

Not Applicable.

7. Comments of the Finance Department on the subject

Not Applicable, since Draft Agenda Item incorporates Comments on Monthly Accounts as part of Statutory Audit function envisaged in NDMC Act, 1994.

8. Comments of the Department on comments of Finance Department

Not Applicable.

9. Legal implication of the subject/project

Nil.

10. **Details of previous Council Resolution, existing law of Parliament and Assembly on the subject**

Till date seven Agenda Items have been laid in the Council on the Monthly Accounts.

The details of previous Council Resolutions are as under:-

S.No.	Resolution Number and date	Details of Monthly Accounts
1.	Item No.9(C5) dated 8.02.05	12 Monthly Accounts for the year 2002-03
2.	Item No.10(06) dated 8.02.05	12 Monthly Accounts for the year 2003-04
3.	Item No.8(0-7) dated 3.03.05	03 Monthly Accounts for the period April-2004 to June-2004
4.	Item No.5(0-2) dated 22.07.05	03 Monthly Accounts for the period July-2004 to September 2004
5.	Item No.7(0-3) dated 28.09.05	03 Monthly Accounts for the period October-2004 to December-2004
6.	Item No.7(0-4) dated 23.11.05	03 Monthly Accounts for the period January-2005 to March-2005
7.	Item No.9(0-2) dated 15.12.06	12 Monthly Accounts for the period April 2005 to March 2006
8.	Item No.6(0-1-) dated 20.06.07	Monthly Accounts for the period April-June 2006

11. **Comments of the Law department on the subject/project**

Not applicable, since Draft Agenda Item incorporates Comments on Monthly Accounts as part of Statutory Audit function envisaged in NDMC Act, 1994.

12. **Comments of the Department on the comments of Law Department**

Not Applicable.

13. **Recommendation**

The Audit Comments on Monthly Accounts for the month of July, 2006 is presented to the Council. **(See Booklet)**

14. **Draft Resolution**

Resolved by the Council that information regarding audit comments on Monthly Accounts for the month of July, 2006 as reported by the Chief Auditor is noted.

COUNCIL'S DECISION

Information noted.

ITEM NO. 19 (L-4)**1. Name of the subject/project****FIXATION OF FLAT RATES FO LICENCE FEE FOR RESIDENTIAL ACCOMMODATION IN NDMC AREA**

New Delhi Municipal Council adopted the Govt. of India orders contained in OM No/18011/4/2003-Pol III dated 22.06.04 regarding revised Licence Fee for Municipal Accommodation w.e.f. 01.06.05 in r/o municipal employees and those on deputation in NDMC rates shall be applicable w.e.f. 01.07.04 vide Reso No. 14 (23) dated 27.05.03. But inadvertently the Ors. Of Type (also called D1) having living area beyond 106 Sqm. could not be included in the Reso.

Statement indicating the formula for fixation of flat rates of L/F for Type – V onwards Quarters as under:

Resolved as under:

Type	Range of Living Area in Sq.m.	Existing Flat Rates of L/F w.e.f. 01.01.01	Revised rates of L/F w.e.f. 01.07.04
D-II	Upto 106	Rs. 434.00	Rs. 520.00
D-I	Upto 159.5	Rs. 645.00	Rs. 773.00
C-II	Beyond 159.5	Rs. 771.00	Rs. 924.00
C-I	189.5 to 224.5	Rs. 906.00	Rs. 1087.00
VII	243 to 350	Rs. 1299.00	Rs. 1557.00
VIII	350.5 to 522	Rs. 1911.00	Rs. 2290.00

Now Read as under:

V also called D-II	Upto 106 Sqm	Rs. 434.00	Rs. 520.00
V also called D-I	Beyond 106 Sqm	Rs. 527.00	Rs. 632.00
VI also called C-II	Upto 159.5	Rs. 645.00	Rs. 773.00
VI also called C-I	Beyond 159.5	Rs. 771.00	Rs. 924.00
VII also called E-II	189.5 to 224.5	Rs. 906.00	Rs. 1087.00
VIII also called E-III	243 to 350	Rs. 1299.00	Rs. 1557.00
VIII also called E-III	350.5 to 522	Rs. 1911.00	Rs. 2290.00

The Chairman has seen the case.

The case is accordingly placed before the council for correction in the above rates and Type.

COUNCIL'S DECISION

Resolved by the Council that the fixation of flat rates of licence fee, as proposed in the preamble, for residential accommodation in NDMC area, is approved.

Further resolved by the Council to implement the scheme in anticipation of confirmation of the minutes of the Council.

ITEM NO. 20 (C-30)**Sub.:- Recommendations of Committee chaired by Smt. Sima Gulati, Member, NDMC : Redevelopment of Hanuman Plaza, B.K.S. Marg.**

1. As per Council Resolution No. 02(A-10) dated 31 May'07 and corrigendum item No. 14(A-31) dated 23 Aug.'07 a committee headed by Smt. Sima Gulati and Project Team of Streetscaping was constituted to discuss with members of Hanuman Mandir Trust for Redevelopment of Hanuman Mandir Plaza on cost sharing basis.

2. The Committee had two rounds of discussion with representatives of Hanuman Mandir Trust & the entire scheme was explained to them by the Project Leader on 12 Jul.'07. The trust was requested to consider the development of project on sharing basis. In response to the request regarding contribution by the trust towards Redevelopment of area around Hanuman Mandir, the trust vide their letter dated 23 Jul.'07 (Annexure 'A') has categorically stated that they will not be able to contribute financially at this stage. However the trust has recorded their deep appreciation for incorporating their suggestions in the Redevelopment Plan. Following suggestions have also been given by the trust:-

- (a) Change of name from Hanuman Plaza to Shri Hanuman Mandir Vatika.
- (b) Relocation of chudiwallas & garbage bin.
- (c) Removal of beggars/drug addicts in the vicinity.

3. Recommendations of Committee are as follows:

- (a) The request of change of name from "Hanuman Plaza" to "Shri Hanuman Mandir Vatika" be considered by the Council.
- (b) The relocation of Chudiwallas may not be possible in view of limited space available. Since they have been earmarked a separate space at different level below main Plaza of the Mandir so no change is recommended at this stage.
- (c) Shifting of garbage bins be resolved after discussion with RWA's for finalization of alternate location.
- (d) Delhi Police be approached for removal of beggars/drug addicts from the vicinity.

COUNCIL'S DECISION

Resolved by the Council that the recommendations of the Committee, as mentioned in para 3 of the preamble, is approved.

ඒක ලාභික 21 (K-4)**1- දකි;ඪ දකි ඛෙ**

o^{1/4}] fo/ok ,oa foDykax (lkekftd vkfFkZd lgk;rk) isa'ku ;kstuk

2- ජොඞ්කි දකි ඛෙ

dY;k.k foHkcx

3- ජො"ක; දකි ලාභික ජොජි.ක

ubZ fnYyh uxjikfydk ifj"kn~ {ks=k esa fuokl djus okys o^{1/4}] foDykax] vlgk; fo/okvksa dks lkekftd vkfFkZd lgk;rk ;kstuk ds vUrxZr fnYyh ljdkj ds vè;kns'k ds ifjizs; esa ias'ku o^{1/4} o ns; fvfFk;ksa ls cdk;k (,fj;j) dk Hkqxrku A

4- ජො"ක; දකි ජො-ඳ්' ඛෙ ජොජි.ක

ubZ fnYyh uxjikfydk ifj"kn~ }kjk lkekftd vkfFkZd lgk;rk ;kstuk ds vUrxZr ikfydk {ks=k esa fuokl djus okys o^{1/4}ksa] foDykaxksa rFkk vkfFkZd :i ls vlgk;] fo/okvksa dks vkfFkZd lgk;rk ds :i esa ekgokj isa'ku nh tkrh gS A bl ;kstuk dk 'kqHkkjEHk ikfydk esa o"කZ 1966 esa fd;k x;k] fts fnYyh ljdkj ds vè;kns'kksa ds vk/kj ij ^o^{1/4}koLFkk lgk;rk ;kstuk* ds vUrxZr ykxw fd;k x;k A ftdk eq[; mn~ns'; ikfydk {ks=k esa fuokl dj jgs mijksDr of.kZr lekt ds detksj oxZ ds ykxksa dk thou Lrj lq/kjuk o mUgsa vkfFkZd lgk;rk nsdj l'kDr ,oa LokoyEch cukuk gS A bl ;kstuk ds vUrxZr ikfydk ifj"kn~ {ks=k ds fo/k;d o

ifj"kn~ ds lnL;ksa }kjk bu oxksZa ds ukeksa dh laLrqfr dh tkrh gS A ftudh tkWap ds ckn Lohd'fr yh tkrh gS A rnqijkar bu ukeksa dks lksa'kuHkksfx;ksa dh lwph esa ys fy;k tkrk gS A

mijksDr ds ifjizs{; esa fuEu ckrS mYys[kuh; gS %

- 1- ikfydk {ks=k esa tc ;g ;kstuk o"kZ 1966 esa ykxw dh xbZ rks ml le; bl ;kstuk ls ykHkkfUor gksus okyksa dks :lk;s 30@& ekgokj isa'ku ds :i esa fn;k tkrk Fkk A fofHkUu pj.kksa esa ekgokj isa'ku o`f¼ gksrs&gksrs :lk;s 100@& lkzfrekg rd o"kZ 1985 esa fu/kZfjr gqbZ A
- 2- ikfydk ifj"kn~ ds lkzLrko la[;k 01 fnukWad 20-06-1994 ds }kjk isa'ku dh jkf'k :lk;s 100@& ls c<+kdj :i;s 200@& izfrekg o`f¼ dj nh xbZ o ;g o`f¼ fnukWad 01-04-1994 ls ykxw ekuh xbZ A
- 3- ikfydk izLrko la[;k 3(kk) ds&3 fnukWad 23-04-2003 ls ;g lksa'ku jkf'k :i;s 200@& izfrekg ls c<+kdj :i;s 300@& izfrekg dj nh xbZ tks fnukWad 01-02-2002 ls ns; ekuh xbZ A blh izLrko esa o`¼koLFkk dh vk;q 55 o"kZ ls c<+kdj 60 o"kZ dj nh xbZ A
- 4- iqu% ikfydk izLrko la[;k 8 (ds&kk) fnukWad 26-08-2005 ds }kjk isa'ku dh jkf'k esa :i;s 50@& dh o`f¼ ds lkFk :i;s 350@& izfrekg dj nh xbZ] tks orZeku esa Hkh ykxw gS A lkFk gh blh ikfydk izLrko ds vuqlkj fu.kZ; fy;k x;k fd bl lkekftd] vkfFkZd lgk;rk ;kstuk ds ykHkkfUorksa dks ubZ fnYyh fLFkr ifj"kn~ {ks=k esa fofHkUu Mkd?kjsa ds ekè;e ls isa'ku dk Hkqxrku fd;k tk;sxk A ftl lkj dk;Zokgh iw.kZ gksus dks gS A

5- orZeku esa lkekftd] vkfFkZd lgk;rk ;kstuk ds vUrxZr fofHkUu oxksZa ds isa'ku Hkksfx;ksa dk fooj.k fuEu izdkj ls gS %

1-	o`¼k isa'ku	&	366
2-	foDykax isa'ku	&	478
3-	fo/ok lksa'ku	&	38
4-	us=kghu@ewd cf/j	&	11
	lkwoZ esa vuqeksfnr ekeys	&	856
	Uk;s ekeys	&	37
	OkrZeku esa dqy lksa'ku ekeys	&	893

6- ikfydk ifj"kn~ {ks=k esa ykxw bl lkekftd vkfFkZd lgk;rk ;kstuk dh vkxkeh fuEu dk;Zokgh ij fopkj %

d) fnYyh ljdkj }kjk fnYyh jkti=k ,iQ&54(4)@94 Mh-,l-MCYk;w@lkh-,y-th-17496&506 fnukWad 09-06-2006 o`¼koLFkk lgk;rk fu;ekoyh 1975 esa la'kks/u dj fn;k x;k gS ftlds vuqlkj isa'ku dh jkf'k :i;s 350@& ls c<+kdj :lk;s 400@& izfrekg dj nh xbZ gS A ;g jkti=k fnukWad 09-06-2006 dks izdkf'kr fd;k x;k tks fnukWad 01-04-2006 ls izHkkoh gksxk A vf/lwpuk dh izfr fnYyh ljdkj ds lacaf/r foHkkx ls ikfydk lkfj"kn~ ds dY;k.k foHkkx esa foyEc ls izklr gksus ds dkj.k isa'ku jkf'k dh o`f¼ ugha dh tk ldh A

[k) blh Øe esa fnYyh ljdkj ds ctVh; foHkkx ls Kkr gqvkd fd ,d ckj vkSj fnYyh ljdkj }kjk o`¼koLFkk isa'ku esa o`f¼ dh tk jgh gS A foyEc ls izklr fnYyh ljdkj ds jkti=k ds vuqlkj fnYyh ljdkj us jkti=k la[;k ,iQ&54(4)@94 Mh-,l-MCYk;w@lkh-,y-th-6945&6955 fnukWad 05-07-2007 }kjk o`¼koLFkk lgk;rk fu;ekoyh o"kZ 1975 esa la'kks/u dj fn;k x;k gS ftlds vuqlkj isa'ku jkf'k :i;s 400@& izfrekg ls c<+kdj :i;s 600@& izfrekg dj nh xbZ gS A ;g isa'ku o`f¼

fnukWad vizSy] 2007 ls izHkkoh gksxh A bu nksuksa isa'ku o`f¼;ksa dk orZeku esa Hkqxrku cdk;k (,fj;) lfgr izHkkoh ffrFk;ksa ls vko'd gks x;k gS A mijksDr ^d* o ^[k* ds ifjizs{; esa izLrkfor gS fd %

1- ubZ fnYyh uxjikfydk ifj"kn~ {ks=k esa fuokl djus okys 60 o"kZ ls vf/d vk;q oxZ ds o`¼ksa] foDyKaxksa ,oa vkfFkZd :lk ls vlgk; fo/okvksa dks fnYyh ljdkj ds jkti=kksa ds vk/kj ij :i;s 350@& esa :i;s 50@& izfrekg dh o`f¼ ds lkFk dqy :i;s 400@& lkzfrekg fnukWad 01-04-2006 ls ekU; rFkk :i;s 200@& izfrekg dh o`f¼ ls dqy :i;s 600@& izfrekg dh nj ls fnukWad vizSy] 2007 ls ns; isa'ku o`f¼ dh Lohd`fr A

2- rnkuqlkj cdk;k (,fj;) jkf'k dk ns; ffrFk;ksa ls Hkqxrku dh Lohd`fr A

7- izLrkhfor fo"k; esa foRrh; vjDhizsr

bl ;kstuk ds fy, orZeku foRrh; o"kZ esa :i;s 40]00000@& yk[k dk ctV 'kh"kZ Mh&4-6-4 esa lkzko/ku gS A ekg vxLr] 2007 rd 893 isa'ku/kfj;ksa dks Mkd?kj }kjk Hkqxrku fd;s tkus gsrq #i;s 19]28]273@& O;; fd;k tk pqdk gS vkSj bl en esa dqy jkf'k #i;s 20]71]727@& 'ks"k gS A

8- vkUrjD izfD;k lfgr izR;sd Lrj gsrq le;ksfpRrh ds lkFk dk;kZUo;u vuqlwph

ikfydk lkfj"kn~ dh cSBd esa lkkfjr gksus dh ffrFk ls dk;kZUo;u

9- fo"k; ij foRr foDhkhx dh fVf'k

foRr foHkkx }kjk lgefr iznku dj nh xbZ gSA

10- foRr foHkkx dh fVJi.kk Iki foHkkx dh fVJi.kk

la'kksf/r izk:i izLrkfor

11- fo"k; ij dkuuwk vfHkizsr

;g ;kstuk fnYyh ljdkj dh o¼koLFkk lgk;rk ;kstuk ij vk/kfjr gS A

12- fo"k; ij laln rFkk fo/ku lHkk ds fo|eku dkuuu rFkk ifj"kn~ ds iwoZ izLrko

izLrko la[;k 65 fnukWad 19-04-1966

izLrko la[;k 33 fnukWad 26-11-1985

izLrko la[;k 01 fnukWad 19-08-1994

izLrko la[;k 03 (kk) ds&3 fnukWad 23-04-2003

izLrko la[;k 08 (ds&2) fnukWad 26-05-2007

13- fo"k; esa foj/ foHkkx dh fVJi.kk

foj/ foHkkx }kjk lgefr iznku dj nh xbZ gSA

14- foj/ foHkkx dh fVJi.kk Iki foHkkx dh fVJi.kk

;Fkk izLrkfor

15- vuq'kalk

ubZ fnYyh uxjikfydk ifj"kn~ {ks=k esa fuokl djus okys 60 o"kZ ls vf/d vk;q oxZ ds o`¼ksa] foDykaxksa ,oa vkfFkZd :lk ls vlgk; fo/okvksa dks fnYyh ljdkj ds jkti=kksa ds vk/kj ij ;s 350@& esa ;s 50@& izfrekg dh o`¼ ds lkFk dqy ;s 400@& lkzfrekg fnukWad 01-04-2006 ls ekU; rFkk ;s 200@& izfrekg dh o`¼ ls dqy ;s 600@& izfrekg dh nj ls fnukWad vizSy] 2007 ls ns; isa'ku o`¼ dh Lohd`fr lkFk gh cdk;k (fj;j) jkFk dk ns; fvfFk ls Hkqxrku dk izLrko ifj"kn~ ds le{k fopkjFkZ ,oa vuqeksnuKfKZ izLrqr fd;k tk jgk gS A

ifj"kn~ dk fu.kZ;

Resolved by the Council that the proposal as mentioned in para 15 of the preamble, is approved.

Further resolved by the Council to implement the scheme in anticipation of confirmation of the minutes.

ITEM NO. 22 (A-45)**CORRIGENDUM****AMENDMENT IN RESOLUTION NO. 21(A-23) DATED 18.7.2007, OF THE COUNCIL.**

In the Council's Meeting No. 05/2007-08 held on 18.07.2007, an item regarding "Redevelopment of Connaught Place: Restoration of façade of 'C' Block (sample block)" was placed vide Item no. 21(A-23). After confirmation of the minutes, Resolution No. 21(A-23) was issued to the concerned deptt.

In the said Resolution, the decision of the Council was recorded as under :-

"Resolved by the Council that administrative approval and expenditure sanction of the amount of **Rs.1,67,54,500/-** is accorded and that the lowest offer of M/s Devi Construction i.e. 19.02% above the Estimated Cost of Rs.1,67,54,500/- with tendered amount of Rs.1,99,40,445/- is accepted.

Further resolved by the Council that the New Delhi Traders Association letter dated 18th July, 2007 be taken on record. After receipt of funds from New Delhi Traders Association, the project cost be reduced accordingly, after physical completion of the work."

It is proposed to amend the amount as highlighted above, which inadvertently mentioned as Rs.1,67,54,500/- instead of Rs.1,99,40,445/-.

Chairperson has seen the case.

Now, approval of the Council is sought to amend the above decision / Resolution, as under :

"Resolved by the Council that administrative approval and expenditure sanction of the amount of **Rs.1,99,40,445/-** is accorded and that the lowest offer of M/s Devi Construction i.e. 19.02% above the Estimated Cost of Rs.1,67,54,500/- with tendered amount of Rs.1,99,40,445/- is accepted.

Further resolved by the Council that the New Delhi Traders Association letter dated 18th July, 2007 be taken on record. After receipt of funds from New Delhi Traders Association, the project cost be reduced accordingly, after physical completion of the work."

The Corrigendum is placed before the Council for approval of amending the Resolution No. 21(A-23) dated 18.07.2007, as proposed above.

COUNCIL'S DECISION

Resolved by the Council to amend the Resolution No.21 (A-23) dated 18.07.2007, as mentioned in the Corrigendum.

ITEM NO. 23 (C - 31)**CONTRACTS/SCHEMES INVOLVING AN EXPENDITURE OF RS. 1 LAC BUT NOT EXCEEDING RS. 50 LACS.**

Section 143 (D) of NDMC Act, 1994 provides that every contract involving an expenditure of Rs. 1 lac but not exceeding Rs.50 lacs under clause 143 (c) shall be reported to the Council. In pursuance of these provisions a list of contracts entered/executed **in September 2007**, have been prepared. A Comprehensive list of the contracts entered into for the various schemes is accordingly laid before the Council for information. **(See pages 79 - 91).**

COUNCIL'S DECISION

Information noted.

Annexure 79 - 91

Annexure end

ITEM NO. 24 (C-32)**ACTION TAKEN REPORT ON THE STATUS OF ONGOING SCHEMES/WORKS APPROVED BY THE COUNCIL.**

In the Council Meeting held on 28.8.1998, it was decided that the status of execution of all ongoing schemes/works approved by the Council indicating the value of work, date of award/start of work, stipulated date of completion & the present position thereof be placed before the Council for information.

The said report on the status of the ongoing schemes/works upto August 2007 had already been included in the Agenda for the Council Meeting on 19.09.2007.

A report on the status of execution of all the ongoing schemes/works awarded **upto September 2007** is placed before the Council for information. **(See pages 93 - 134).**

COUNCIL'S DECISION

Information noted.

Annexure 93 – 134

Annexure end

ITEM NO. 25 (A-46)

PRESENTATION BY DESIGN AND PROVISION OF CONSULTANCY SERVICES FOR STREETS CAPING AND BEAUTIFICATION OF MANDIR MARG AND 3 SIDES OF NEHRU PARK i.e. VINAY MARG, PANCHSHEEL MARG AND SATYA MARG.

The presentation was made before the Council.

ITEM NO. 26 (C-33)

Minutes of the meeting of the Committee, constituted u/s 9 of NDMC Act, for advising the Council on Regulations and Bye Laws, held on 19.09.2007 at the Council Room, Palika Kendra, New Delhi, are placed before the Council for information. **(See page 137)**

COUNCIL'S DECISION

Information noted.

**NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI**

**MINUTES OF THE MEETING OF COMMITTEE CONSTITUTED UNDER SECTION 9
OF THE NDMC ACT FOR ADVISING THE COUNCIL ON REGULATIONS AND BYE-
LAWS HELD ON 19.09.2007 AT 4.30 PM IN THE COUNCIL ROOM.**

PRESENT:

- | | | | |
|----|---------------------|---|----------------------|
| 1. | Sh. Parimal Rai | - | Chairperson |
| 2. | Smt. Tajdar Babar | - | MLA/Vice-Chairperson |
| 3. | Sh. Ashok Ahuja | - | MLA/Member |
| 4. | Smt. Sima Gulati | - | Member |
| 5. | Shri Mukesh Bhatt | - | Member |
| 6. | Sh. Vikram Dev Dutt | - | Secretary |

Item No.	Subject	Decision
1.	Approval of the New Delhi Municipal Council (Procedure and Conduct of Business) (Amendment) Regulations, 2007.	The Committee approved the draft Regulations and recommended that the same may be placed before the Council for final approval.
2.	Approval of the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations, 2007.	The Committee approved the draft Regulations and recommended that the same may be placed before the Council for final approval.
3.	The NDMC (Property Tax Return) Bye-laws, 2000.	The Committee approved the withdrawal of Resolution No. 3(XXV) dated 20/01/2000 relating to the NDMC (Property Tax Return) Bye-laws, 2000 and recommended that it may be placed before the Council for final approval.
4.	The NDMC (Assessment List) Bye-Laws, 2001.	The Committee approved the withdrawal of Resolution No. 3(XXII) dated 23/03/2001 relating to the NDMC (Assessment List) Bye-laws, 2001 and recommended that it may be placed before the Council for final approval.

Sd/-
(VIKRAM DEV DUTT)
SECRETARY

Sd/-
(PARIMAL RAI)
CHAIRPERSON

ITEM NO. 27 (C-34)**1. Name of the subject / project :**

Approval of the New Delhi Municipal Council (Procedure and Conduct of Business) (Amendment) Regulations, 2007.

2. Name of the Department :

Law Department.

3. Brief History of the subject / project :

(a) Sub-section (5) of section 28 of the NDMC Act, 1994 provides as under:-

“(5). The Council may make regulations for the transaction of business at its meetings:

Provided that the time, place and procedure for the first meeting after the constitution of the Council under section 4 shall be determined by the Administrator.”

(b) Section 9 of the Act deals with setting up of Committees by the Council and is as under:-

*“(9) **Setting-up of Committees.**--- (1) The Council may constitute as many committees as it thinks fit for the exercise of any power or discharge of any function which the Council may by resolution delegate to them or for inquiring into, reporting or advising upon any matter which the Council may refer to them.*

(2) Any such committee shall consist of member of the Council only:

Provided that a committee may, with the sanction of the Council, co-opt not more than two persons who are not members of the Council, but who in the opinion of the Council possesses special qualifications for serving on such committee.

(3) Each committee constituted under this section shall be presided by the Chairperson of the Council.

(4) Any matter relating to a committee constituted under this section, not expressly provided in this Act may be provided by regulations made in this behalf.”

(c) Accordingly the Council, with the prior approval of the Central Government, under sub-section (2) of section 387 of the Act made the NDMC

(Procedure and Conduct of Business) Regulations, 1997, a copy of which is at **Annexure I. (See pages 142-156).**

4. Detailed proposal on the subject/project:

(1) Attention in this connection is invited to Chapter VIII of the said Regulations, 1997 (Regulations 45 to 49) relating to the "Committees". Regulation 46 is as under:-

"46. Quorum in Committee.--- (1) Quorum of any meeting of the Council shall be 5 members out of the total number of the members of the Council:

Provided that there shall be present at least two out of the five non-official members to constitute a quorum.

(2) If at any time fixed for any sitting of the Committee, or if at any time during any such sitting, there is no quorum the Chairperson of the Committee shall either suspend the sitting until there is a quorum or adjourn the sitting to some future day.

(3) When the Committee has been adjourned in pursuance of sub-regulation (2) on two successive times fixed for sittings of the Committee, the Chairperson shall report the fact to the Council."

(2) Although the heading of Regulation 46 is "Quorum in Committee" sub-regulation (1) thereof deals with quorum of any meeting of the **Council**. It may be stated that under section 24, the quorum necessary for the transaction of business at a meeting of the Council is to be prescribed by the Central Government. That Government, by their notification No. S.O. 84(E) dated 31st January 1996 (**Annexure II**) (see pages 157), have prescribed that the quorum necessary for the transaction of business at a meeting of the Council shall be five members out of which at least two of the members shall be those who are members of the Council under clauses (b) and (d) of sub-section (1) of section 4 of the Act. The quorum for the meeting of the Council is not to be prescribed by the Council and is required to be prescribed by rules made by the Central Government.

- (3) (i) It is therefore suggested that regulation 46 may be amended on the following lines:-
- (a) The quorum for a meeting of a Committee may be three.
 - (b) If there is no quorum at a meeting, the Chairperson may adjourn the meeting or suspend the meeting until there is a quorum.
 - (c) At an adjourned meeting, no quorum will be necessary for transaction of business which was brought before the original meeting.
 - (d) The procedure for transaction of business at a meeting of a Committee may, as nearly as possible, be regulated in the same manner as for transaction of business at a meeting of the Council.

(ii) It is, therefore, proposed that regulation 46 may be substituted so as to provide the above matters.

(4) Section 26 of the Act deals with "Method of deciding questions" at a meeting of the Council. Sub-section (2) thereof provides that the voting shall be by show of hands, but the Council may, subject to such regulations as may be made by it, resolve that any question or class of question shall be decided by ballot. The NDMC (Procedure and Conduct of Business) Regulations, 1997 does not deal with the method of deciding a question in the case of equality of votes on any matter. It is, therefore, proposed to make necessary provision by inserting a new regulation 12A in Chapter II of the said Regulations, 1997.

(5) Accordingly NDMC (Procedure and Conduct of Business) (Amendment) Regulations, 2007 has been drafted, a copy of which is at **Annexure III (See pages 158-159)**.

5. Financial implications of the proposed project / subject:

No financial implication is involved.

6. Implementation schedule with timeliness for each stage including internal processing:

After the Council has approved the amendments to be made in the regulations, they will be sent to the Central Government, as required under sub-section (2) of section 387, for their approval. Once the approval from Central Government is received, it will be forwarded to the Government of NCT of Delhi for publication in the Official Gazette. This exercise is likely to take about six months.

7. Comments of the Finance Department on the subject:

No necessary.

8. Comments of the Department on comments of Finance Department:

Not applicable.

9. Legal implications of the subject/Project

As stated earlier, the Amendment Regulations have been drafted in accordance with the provisions of sections 9(4), 26(2) and 28(5) of the Act.

10. Details of previous Council Resolution, existing law of Parliament and Assembly on the subject:

As indicated in para 3 above.

11. Comments of the Law Department on the subject:

The Law Department has vetted the draft NDMC (Procedure and Conduct of Business) (Amendment) Regulations, 2007.

12. Comments of the Department on the comments of the Law Department:

Not applicable.

13. Recommendations:

The draft NDMC (Procedure and Conduct of Business)(Amendment) Regulations, 2007 **Annexure III (See pages 158-159)** as recommended by the Committee on Bye-laws/ Regulations in its meeting held on 19.9.2007 be approved by the Council. Thereafter they be sent to the Central Government for approval, and to the Government of NCT of Delhi for publication in the Official Gazette.

14. Draft Resolution:

Resolved by the Council that the NDMC (Procedure and Conduct of Business)(Amendment) Regulations, 2007 **(Annexure III) (See pages 158-159)** be approved by the Council and sent to the Central Government for approval in anticipation of confirmation of the minutes. Thereafter they may be sent to the Government of NCT of Delhi for publication in the Official Gazette.

COUNCIL'S DECISION

Resolved by the Council that the NDMC (Procedure and Conduct of Business)(Amendment) Regulations, 2007 is approved and the same be sent to the Central Government for approval, in anticipation of confirmation of the minutes and after receipt of such approval, they be sent to the Government of NCT of Delhi for publication in the Official gazette.

Annex. 142-159

Annex. End

ITEM NO. 28 (C-35)**2. Name of the subject / project :**

Approval of the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations, 2007.

2. Name of the Department :

Personnel Department.

3. Brief History of the subject / project :

(1) The then Chief Commissioner, Delhi, vide his notification No. F.3(64)41-LSG dated 6th August, 1941 approved the revised bye-laws under section 31 of the Punjab Municipal Act, 1911(Punjab Act 3 of 1911) to regulate the business of the Committee. These bye-laws contained inter-alia provisions relating to (i) Appointment, punishment and retirement of officials and servants of the Committee and (ii) Duties of Heads of Departments, Officers and servants of the Committee.

(2) Clause (a) of sub-section (2) of section 416 of the NDMC Act, 1994 provides inter-alia that any appointment, notification, order, scheme, rule, bye-law, etc. issued or made under the said Punjab Municipal Act, 1911 and in force immediately before the establishment of the Council, shall, in so far as it is not inconsistent with the provisions of the NDMC Act continue in force and be deemed to have been made or issued under the provisions of the NDMC Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, bye-laws, etc. made or issued under the said provisions.

4. Detailed proposal on the subject/project:

(1) It is proposed to make fresh regulations relating to the conditions of service of Municipal officers and other Municipal employees under the NDMC Act. Clause (a) of sub-section (1) of section 43 and section 39 [other than the second proviso to sub-section (1) thereof] of the NDMC Act provides that the Council may make regulations to provide for the tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence, other conditions of service and punishment of officers and other employees appointed under Chapter VI of the Act.

- (2) A draft of the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations, 2007 has accordingly been drafted, a copy of which is at **Annexure-I (See pages 164-168)**. The draft regulations provide that they shall apply to all municipal officers or other municipal employees whose pay and allowances are chargeable to the "General Account" of the New Delhi Municipal Funds, referred to in sub-section (2) of section 44. In regard to any person for whom in respect of matters covered by these regulations, special provision is made by or under any law for the time being in force, that special provision will apply and in respect of matters not covered by the said special provision, these regulations shall apply. The Chairperson has also been empowered to exclude any class of municipal officers from the operation of all or any of these regulations. [Regulation 3].
- (3) The service regulations as amended from time to time and including orders issued thereunder by the Central Government applicable to Government servants in the civilian service of Central Government have been made applicable to the municipal officers mutatis-mutandis. [Regulation 5 (1) read with Regulation 4(1)].
- (4) The Council has been given the power to add to the list of service rules any rule made by the Central Government in this regard. [Regulation 4(2)]
- (5) The Council has been clothed with the power to pass resolution, if it deems necessary that any provision in the service rules should be made applicable in a modified form or should not be made applicable. In that event that service rule will have effect only in that modified form or be of no effect, as the case may be. [Regulation 5(3)].
- (6) It has been provided that the powers exercisable by the President in the service rules shall be exercised by the Chairperson and those by the Head of Department and Head of Office shall be exercised by the Secretary and Director (Personnel) or such other municipal officer as the Chairperson may, by order, specify.

5. Financial implications of the proposed project / subject:

No financial implication is involved.

6. Implementation schedule with timeliness for each stage including internal processing:

After the Council has approved the regulations, they will be sent to the Central Government as required under sub-section (2) of section 387, for their approval. Once the approval from Central Government is received, they will be forwarded to the Government of NCT of Delhi for publication in the Official Gazette. This exercise is likely to take about six months.

7. Comments of the Finance Department on the subject:

Since no financial implications are involved, Finance Department has not been consulted.

8. Comments of the Department on comments of Finance Department:

Not applicable.

9. Legal implications of the subject/Project

As stated earlier the regulations have been drafted under section 43(1)(a) of the Act.

10. Details of previous Council Resolution, existing law of Parliament and Assembly on the subject:

As indicated in para 3 above.

11. Comments of the Law Department on the subject:

The Law Department has commented as under:-

"Since engaging daily wage workers, muster roll is now not permissible, should we have proviso two to regulation 4(3?).

May delete the proviso please."

12. Comments of the Department on the comments of the Law Department:

The suggestion made by Law Department has been accepted and the proviso deleted.

13. Recommendations:

The draft regulations **Annexure I (See pages 164-168)**.as recommended by the Committee on Bye-laws/regulations in its meeting held on 19.9.07 be

approved by the Council and sent to the Central Government for approval. These may thereafter be sent to the Government of NCT of Delhi for publication in the Official Gazette.

14. Draft Resolution:

Resolved by the Council that the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations, 2007 [**Annexure-I**] (**See pages 164-168**). be approved and sent to the Central Government for approval in anticipation of the confirmation of the minutes. Thereafter they may be sent to the Government of NCT of Delhi for publication in the Official Gazette.

COUNCIL'S DECISION

Resolved by the Council that the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations, 2007 is approved and the same be sent to the Central Government for approval in anticipation of the confirmation of the minutes and after receipt of such approval they be sent to the Government of NCT of Delhi for publication in the Official Gazette.

Annex. 164-168

Annexure End

ITEM NO. 29 (F-2)**1. Name of the subject/Project.**

NDMC (Property Tax Return) Bye-laws, 2000.

2. Name of the Department

House Tax Department

3. Brief History of the subject/Project.

The Council in its meeting held on 20/01/2000 {vide Resolution No. 3(xxv) had approved the proposal to adopt the DMC Property Tax Return Bye-Laws, 1994 with certain modifications. Necessary public notice inviting suggestions/objections from public was issued on 01/02/2000 and published in The Hindustan Times (English), Times of India (English), and Hindustan (Hindi). No objection/suggestion was received.

4. Detailed proposal on the subject/project.

(1) The Council vide Resolution No. 12(F-4) dated 12/02/2007 accepted provisionally the recommendations made by the Committee set up under section 9 of the NDMC Act to adopt Unit Area Method (UAM) of property tax on the pattern of MCD and further resolved that the matter be brought before the public for inviting objections/suggestions.

(2) In view of the proposed adoption of UAM it will not be necessary to make any Bye-laws on this subject as had been initially approved by the Council in its meeting held on 20/01/2000.

(3) It is therefore proposed that resolution No. 3(xxv) dated 20/01/2000 relating to NDMC (Property Tax Return) Bye-laws, 2000 may be treated as withdrawn.

5. Financial implications of the proposed project/subject.

Not applicable

6. Implementation schedule with timeliness for such stage including in the processing.

Not applicable.

7. Comments of the Finance Deptt. on the subject.

Not applicable.

8. Comments of the Deptt. on comments of Finance Deptt.

Not applicable.

9. Legal Implications on the subject/project.

Nil.

10. Details of previous Council Resolution, existing law of Parliament and Assembly on the subject.

As indicated in para No. 3 above

11. Comments of the Law Deptt. on the subject.

Not applicable.

12. Comments of the Deptt. on the comments of the Law Deptt.

Not applicable.

13. Recommendations.

It has been recommended by the Committee of Bye-laws/Regulations in its meeting held on 19.9.2007 that Resolution No.3(xxv) dated 20/01/2000 be withdrawn.

14. Draft Resolution.

Resolved by the Council that its Resolution No. 3(xxv) dated 20/1/2000 approving the proposal of the Department to adopt the Delhi Municipal Corporation (Property Tax Returns) Bye-laws, 1994 with certain modifications be withdrawn.

COUNCIL'S DECISION

Resolved by the Council that the Resolution No. 3(xxv) dated 20/1/2000 of the Council, approving the proposal of the Department to adopt the Delhi Municipal Corporation (Property Tax Returns) Bye-laws, 1994 with certain modifications, be withdrawn.

ITEM NO. 30 (F-3)**1. Name of the subject/Project.**

The NDMC (Assessment List) Bye-laws, 2001.

2. Name of the Department

House Tax Department

3. Brief History of the subject/Project.

Section 70(1) of the NDMC Act, 1994 provides that the Council shall cause an assessment list of all lands and buildings in New Delhi to be prepared in such form and manner and containing such particulars with respect to each land and building as may be prescribed by bye-laws. A draft of the NDMC(Assessment List) Bye-laws, 2001 was approved by the Council on 23.3.01 vide item No. 3(XXII), with the directions that objections and suggestions to the draft bye-laws be invited through public notice. Necessary public notice was issued in the Hindustan Times (English), Time of India (English) and Nav Bharat Times (Hindi) on 29.3.2001 inviting objections/suggestions from the public. Objections/suggestions were received from 10 persons.

(2) The draft bye-laws were placed before the Council on 22.1.2002 vide item No. 3(1) stating that the bye-laws were by and large acceptable and that the bye-laws could be forwarded to the Government of NCT of Delhi for notification. The Council, however, deferred its decision and desired that the department should give in brief the objections/suggestions received, together with the recommendations of the department to such objections/suggestions in a tabular statement. Necessary tabular statement was drafted but could not be placed before the Council.

5. Detailed proposal on the subject/project.

(1) The Council vide Resolution No. 12(F-4) dated 12.2.2007 accepted provisionally the recommendations made by the Committee set up under section 9 of the NDMC Act to adopt Unit Area Method (UAM) of property tax on the pattern of MCD and further resolved that the matter be brought before the public for inviting objections/suggestions.

(2) In view of the proposed adoption of UAM it will not be necessary to make any Bye-laws on this subject as had been initially approved by the Council in its meeting held on 23.3.2001.

(3) It is therefore proposed that resolution No. 3(XXII) dated 23.3.2001 relating to NDMC (Assessment List) Bye-laws, 2001 may be treated as withdrawn.

5. Financial implications of the proposed project/subject.

Not applicable

6. Implementation schedule with timeliness for such stage including in the processing.

Not applicable.

7. Comments of the Finance Department on the subject.

Not applicable.

8. Comments of the Deptt. on comments of Finance Department.

Not applicable.

9. Legal Implications on the subject/project.

Nil.

10. Details of previous Council Resolution, existing law of Parliament and Assembly on the subject.

As indicated in para No. 3 above

11. Comments of the Law Deptt. on the subject.

Not applicable.

12. Comments of the Deptt. on the comments of the Law Deptt.

Not applicable.

13. Recommendations.

It has been recommended by the Committee on Bye-laws/Regulations in its meeting held on 19.9.2007 that Resolution No.3(XXII) dated 23.3.2001 be withdrawn.

14. Draft Resolution.

Resolved by the Council that its Resolution No. 3(XXII) dated 23.3.2001 approving the proposal of the Department in respect of draft NDMC (Assessment List) Bye-laws, 2001 be withdrawn.

COUNCIL'S DECISION

Resolved by the Council that the Resolution No. 3(xxii) dated 23.3.2001 of the Council, approving the proposal of the Department in respect of draft NDMC (Assessment List) Bye-laws 2001, be withdrawn.

ITEM NO. 31 (M-4)**1. Name of the Subject/Project**

Cash disbursement to all the students of Classes Nursery to XIIth of NDMC Schools & NDMC's aided schools in the academic year 2007-2008 and inviting tender for providing two sets of stitched uniform to all the students for Summer & Winter for the Academic Session 2008-09.

2. Name of the Department : **Education Department.**

3. Brief History of the Subject/Project

The agenda for providing two sets of stitched Uniform for summer and winter to each student of classes Nursery to XIIth of NDMC and NDMCs Aided Schools was approved vide item No.17(M-7). The decisions could not be materialized due to procedural delay in vetting of tender documents. It was in July 2007 that Final vetting of Tender Documents from Finance and Law Departments was completed. Thus, realizing the fact that considerable time is required to call the tender so the department propose to make cash payment to all the students on the basis of the last year re-imburement rate i.e. Rs. 250/-, Rs. 380/-, Rs. 420/- per students of Nursery, Primary and Middle respectively and Rs. 550/- per student of Secondary and Senior Secondary immediately and inviting tender for the Next Academic Year 2008-09.

4. Details Proposal on the Subject/Project

The department in lieu of providing two sets of stitched uniform now proposes to make cash payment to each student of classes Nursery, Primary & Middle at the rate of Rs. 250/-, Rs. 380/- & Rs. 420/- respectively and Rs. 550/- to Secondary and Senior Secondary students. The expenditure for providing uniform to student of Primary classes is to be met out of plan fund under the Head of welfare scheme of Govt of NCT of Delhi and expenditure for Nursery, Middle, Secondary & Senior Secondary is to be charged to Non Plan fund.

5. Financial implication of the proposed Project/Subject:

An estimated expenditure amounting to Rs.1,03,30,100.00 is likely to be incurred as detailed under.

At present there are

Level	Enrollment as on 31.7.2007	Proposed per head rate	Amount
Nry.	2582	250	6,45,500.00
Pry.	15057	380	57,21,660.00
Middle	5495	420	23,07,990.00
Sec.	1956	550	10,75,800.00
Sr. Sec	1053	550	5,79,150.00
Total			1,03,30,100.00

The total amount payable as per proposed rate works out to be Rs.1,03,30,100/-.

6. Implementation Schedule with time limits for each state including internal processing Two Months

7. Comments of Finance departments

The Finance Department concerned to the proposal of making cash payment to all the students of classes Nursery to XII subject to the following conditions.

1. Sufficient funds are available under the respective heads of A/c to which the expenditure is proposed to be charged. In case of insufficiency of funds, necessary appropriation is made before restoring to RE.
2. Approval of the competent authority is obtained.
3. The draft agendum to be laid before the Council incorporates in it the entire sequence of events of the case and the yardsticks / norms approved by the Council during the year 2006-07 as well as the modalities / codal formalities for payment of cash in lieu of stitched uniforms.
4. The fund distributed to the students is invariably utilized for procurement of prescribed uniforms.
5. The uniforms are uniform in colour, designs and fabrics
6. The process for the issuance of stitched uniforms to the students in the next year is initiated well in time taking care of all the difficulties experienced in the procurement of uniforms during the last three years altogether.

8. Comments of the department on the comments of the Finance department:

1. The department shall ask for allocation of sufficient fund in RE-2007-08.
- 2& 3. The Education Department initiated the case for providing two sets of stitched uniform for summer and winter to all the students of classes Nursery to XII for the Academic Session 2007-08 well in time i.e in the month of December, 2006. The case was submitted to Finance Department for vetting the Tender Document in the month of December, 2006 itself. The file had been in and out between Finance and Education raising observation one after other by the Finance and clarification by the Education Department. The Tender Documents were vetted by Finance Department in the month of May, 2007 and by Law Department in the month of July, 2007, thus schedule fixed for Summer Uniform was already passed and leaving no scope to provide the stitched uniform to all the students for Summer and Winter before the end of the Academic Session as considerable time was required to invite and finalize the tender at that

stage. Realizing the fact that the stitched uniform cannot be provided, the department proposed in the month of July, 2007 to disburse cash payment to each school student for Summer and Winter at the rate of Rs.420/-, Rs.610/- & Rs.690/- for Nursery, Primary and Middle respectively and Rs.950/- for Secondary and Sr. Secondary (department calculated against one Summer and Winter uniform). The Finance Department concurred in the month of September, 2007 for disbursement of cash at the rates approved by the Council during 2006-07 those are at the rate of Rs.250/-, Rs.380/- and Rs.420/- to each student of classes Nursery, Primary and Middle respectively and Rs.550/- for Secondary and Sr. Secondary (Finance calculated last year single uniform rate).

The case is laid before the Council for approval to disbursement of cash as concurred by Finance Department detailed as above.

- 4& 5. The Head of school ensures that students in all in classes wear proper uniform.
6. The department shall invite tender for providing two sets of stitched uniform to all the students of classes of Nursery to XII of NDMC and NDMC's Aided schools in the month of December, 2007 for the Academic Session 2008-09.
9. The modalities of distribution of cash in lieu of stitched uniform shall be followed as under.
 - a) Advance in the name of Head of schools will be drawn, who will deposit the same into their own school bank accounts. In the cases of small schools housed in same building as big schools and having no bank account, the uniform advance will be drawn in the name of the Head of School of the senior school.
 - b) Class teachers shall make cash Payment to parents of each student. To ensure an early payment to students, the Nodal officers shall coordinate in all the school under their zones.

10. Legal implication of the Subject/Project	Nil
11. Details of previous council resolutions, existing law of parliament & assembly on the subject	Nil
12. Comments of Law department on the Subject/Project	Not required as A A & ES needed
13. Comments of the department on the comments of the Law department	Nil

14. Recommendation:

The matter is placed before the council for kind consideration and decision on the following:

1. To adopt policy for giving cash payment to all the students of classes Nry to XII of NDMC schools and NDMC Aided schools @ Rs.250/-, Rs.350/-&, Rs.420/- for Nursery, Primary, Middle, respectively and Rs.550/- for Sec and Sr. Sec. students respectively in the current academic year 2007-2008;
2. Administrative approval & expenditure sanctioned amounting to Rs.1,03,30,100/-(Rs. One Crore three Lacs Thirty thousand One hundred only) to make the cash payment for all students of NDMC & NDMC Aided school for Nry to XIIth in the current year 2007-2008.
3. Providing two sets of stitched uniform to all students of classes Nursery to XII of classes Nursery to XII of NDMC schools and NDMC's Aided schools for Summer and Winter for the Academic Session 2008-09 and inviting tender thereof in the month of December, 2007 on the basis of estimate concurred by Finance for the Academic Session 2007-08.

COUNCIL'S DECISION

Resolved by the Council that the policy for giving cash payment to all the students of classes Nry. To XII of NDMC schools and NDMC Aided Schools @ Rs.250/-, Rs.350/- and Rs.420/- for Nursery, Primary, Middle, respectively and Rs.550/- for Sec. and Sr. Sec. students, respectively, in the current academic year 2007-2008 is adopted.

Further resolved by the Council that administrative approval & expenditure sanction amounting to Rs.1,03,30,100/- is accorded to make the cash payment for all students of NDMC & NDMC Aided School for Nry. To XII in the current year 2007-08.

It was further resolved by the Council that two sets of stitched uniform be provided to all students of classes Nursery to XII of NDMC schools and NDMC's aided schools, for Summer and Winter, for the Academic Session 2008-09 and the tenders thereof be invited in the month of December, 2007 on the basis of estimate concurred by finance for the Academic Session 2007-08.

ITEM NO.32 (M-5)**Proposal:**

Re-employment of all retiring teachers up-to PGT level subject to fitness and vigilance clearance till they attain the age of 62 years may be adopted for NDMC Education Department.

1. Name of the Subject /Project:

Re-employment of all retiring teachers up-to PGT level subject to fitness and vigilance clearance till they attain the age of 62 years

2 Name of the department:: Education Department**3 Brief History of the case:**

In pursuance of Cabinet Decision No.1113 dated 4.9.2006 conveyed vide letter No.F.3/3/2004-GAD/CN/20491-502 dated 8.9.2006, the Lieutenant Governor, GNCT of Delhi approved automatic re-employment of all retiring teachers up-to PGT level subject to fitness and vigilance clearance, till they attain the age of 62 years vide notification No. F.30-3 (28)/Co-ord./2006/689-703 dated 29.1.2007. NDMC wants to adopt the same for NDMC teachers also as per the terms & conditions of NDMC given in para-4 below. This agenda was deferred with directions to give list of all retiring teachers in the month of Sept.,2007 their examination by sub-committee & also recommendations of the sub-committee.

In pursuance of above directions a list of all teachers retiring is placed at **annexure-A (See page 180)** and recommendations of sub-committee for re-employment is placed at **Annexure-B (See page 181)** .

4 Detailed proposal on the subject / project:

The re-employment of retiring teacher's upto PGT levels will be on the following terms & conditions:

- i) The retiring teachers of the NDMC shall be eligible for consideration for re-employment against clear vacancy upto his/her attaining the age of 62years. The re-employment will be subject to fitness and vigilance clearance of the retiring teachers, i.e. the pensioner. For physical fitness of retiring teacher a certificate from authorized medical practitioner is required to be submitted to the Head of School, where the retiring teacher has last served. The professional fitness of the retiring employee shall be assessed by a sub-

committee consisting of Dir.(Edn.), DD(Edn.), DEO(A) & DEO(G) after considering work and conduct report, vigilance clearance and medical certificate/fitness submitted by the pensioner. The sub-committee shall ensure that the teachers who are free from Vigilance angle are only re-employed.

- ii) The Dy. Director (Edn.) will be authorized and responsible for issuing the re-employment orders of all teachers after checking vigilance clearance and fitness one month in advance of retirement of the pensioner. However, the Dy. Director (Edn.) will obtain the necessary approval of the Secretary, NDMC before issuing the office orders for re-employment in each case.
- iii) The re-employed pensioner will be bound by the instructions contained in the Central Civil Service (Fixation of pay of Re-employed Pensioners) Orders, 1986. All service conditions will be subject to the provisions of these rules.
- iv) The re-employed pensioner shall have to execute the agreement containing the terms and condition in Annexure-I of CCS (Fixation of pay of Re-employed Pensioners) orders, 1986 with provision as provided therein. The re-employed pensioner shall furnish receipt as provided therein. The re-employed pensioner shall furnish receipt as provided in Annexure-II of CCS (Fixation of pay of Re-employed Pensioners) Orders 1986 along with the pay bill every month.

The agreement containing the terms and conditions in Annexure-I of CCS (Fixation of pay of re-employed pensioners) order 1986 will only be applicable to re-employed pensioners whose pension has not been fixed and their pay is to be drawn without waiting for fixing to avoid delay. In case where pension has been fixed as on date of his retirement, the said agreement is not required to be executed.

- v) The pay of re-employed pensioners appointed shall be fixed in accordance with the provisions of CCS (Fixation of pay of Re-employed Pensioners) Orders 1986 i.e. the initial pay on re-employment plus the gross amount of pension shall not exceed (i) the pay he drew before his retirement or (ii) Rs. 26000/- whichever is less, in pursuance of O.M. No. 8(34)-Estt.III/57 dated 25/11/1958 as modified from time to time.

The Dy. Director (Edn) will however act upon as per the instructions contained in the CCS (Fixation of pay of Re-employed Pensioners) orders 1986 and other procedures and guidelines issued from time to time. The initial pay of re-employment teacher shall be fixed at the same stage as the

last pay plus DP drawn at the time of retirement. However, the pension shall be reduced from the last pay plus DP drawn, in terms of para 4 (b)(ii) of CCS (Fixation of pay of re-employed pensioners) orders 1986.

- vi) All terms and conditions provided in Annexure-I of Central Civil Services (Fixation of pay of Re-employed Pensioners) Orders, 1986 shall be part of the agreement which will be executed by the retiring teacher on Non-Judicial stamp paper of Rs. 100/-.
- vii) The benefits of re-employment will be applicable from the date of adoption of the scheme by the Council.

5 Final implications of the proposed project/subject:

It is only re-employment of retiring teacher's upto PGT levels for 2 years without affecting their retrial benefits subject to fitness & Vigilance clearance.

6 Implementation schedule with timelines for each stage including internal processing:

The automatic re-employment of retiring teacher's up-to PGT level will be implemented with immediate effect after being approved by the Council.

7 Comments on the Finance Department on the subject:

The Finance Department has concurred the proposal of department that there is no extra financial burden to grant re-employment for a period of two years up-to the age of 62 years to the retiring teachers of NDMC subject to the condition that the re-employment is granted against a clear vacancy.

The Finance Department has also observed that the column No.5, 7, 8, 12, 13,14 and 15 of the draft agendum are not filled properly and advised to do so.

8. Comments on the department on comments of the Finance Department:

As desired by the finance, required changes in the column No.5, 7, 8, 12, 13,14 and 15 have been done.

9. Legal implication of the subject:

No legal implication is involved in this case, however, the case was referred to the Law Department and they have observed that the agenda item is within the competence of Council and may be put up to Council for approval.

10. Details of previous Council's Resolutions, existing law of Parliament and Assembly on the subject:

The Govt. of NCT of Delhi vide notification No. F.30-3 (28)/Co-ord./2006/689-703 dated 29.1.2007 introduced the scheme for the first time. The terms & conditions were also issued vide No. F.30-3 (28)/Co-ord./2006/4637-72 dated 28.2.2007 and No. F.30-3 (28)/Co-ord./2006/5932-6012 dated 22.3.2007. However, the NDMC has given its own terms & conditions in para-4 above for Automatic Re-employment of Retiring Teachers upto PGT levels on the basis of the terms & conditions issued by the Directorate of Education, Govt. of NCT of Delhi on 28.2.2007 and 22.3.2007.

11. Comments of the Law Department on the subject / project:

The Legal Advisor has observed that the agenda item is within the competence of Council and may be put up to Council for approval.

12. Comments on the department on comments of the Law Department:

As per legal cell's advice, agenda is being placed before the Council.

13. Recommendations

Automatic Re-employment of all retiring teachers up-to PGT level subject to fitness and vigilance clearance till they attain the age of 62 years may kindly be approved.

14. Draft Resolution:

Re-employment of all retiring teachers up-to PGT level subject to fitness and vigilance clearance till they attain the age of 62 years is approved.

COUNCIL'S DECISION

Resolved by the Council that re-employment of all retiring teachers up-to PGT level, subject to fitness, vigilance clearance and clear vacancy, till they attain the age of 62 years, is approved strictly as per Delhi Govt. Scheme.

Further resolved by the Council that the policy of re-employment of retiring teachers upto PGT level in NDMC, be applicable on the teachers retiring in the month of October, 2007 onwards.

Annexure-A

List of the teachers who had retired on 30th September 2007 from the Council on Superannuation of 60 years of age for examination of their cases for re-employment upto 62 years of age :

S.No.	Name & Emp. Code No.	Designation	Date of retirement	Name of the school
1	Smt. Zubida Siddiqui 205824	Assistant Teacher	30.09.2007	NP Pry. School Lodhi Road
2	Smt. Savitri Grover 205056	- do -	30.09.2007	NP Middle School Sangli Mess
3	Smt. Indra Taneja 225236	- do -	30.09.2007	NP Model Pry. School No.1, Kidwai Nagar(East).

Annexure-B**Recommendation of Sub-committee for re-employment**

Details of medical examination reports, no inquiry report and work & conduct report of the retiring teachers who had retired from Municipal Service on superannuating age of 60 years on 30th September, 2007.

S.No.	Name & Emp. Code No.	Designation	Medical Fitness report	Vigilance clearance	Work & conduct report	Re-employed
1	Smt. Zubida Siddiqui 205824	Assistant Teacher	Not received till date	OK	OK	Refusal for re-employment
2	Smt. Savitri Grover 205056	- do -	Not received till date	OK	OK	Not recommended as did not submit medical report
3	Smt. Indra Taneja 225236	- do -	OK	OK	OK	Yes fit for re-employment.

Sd/-
Dy. Dir.(Edn.)

Sd/-
DEO(A)

Sd/-
DEO(G)

Sd/-
Director(Edn.)

ITEM NO.33 (B-29)

Name of work : In principle approval to process purchase cases for material as per assessment of the Constituted Committee to prepare road map for the revamp of electrical system in NDMC area.

Name of deptt. : Electricity Department

Brief History of the Case : Replacement/augmentation of electrical system in NDMC area has not been done as required for the last around 8 to 10 or more years, however there has been appreciable load growth in the area due to fast development, with the result the same is loaded beyond its full capacity. The necessity for augmentation has thus become inevitable as also brought out by the Expert Committee in its Report on "Power Supply Position in NDMC area" submitted by Sh. Y.P. Singh – Chairman, Electricity Consumer Grievances Redressal Forum for NDMC in November 2005.

To prepare a road map for the revamp of the electrical system in NDMC area, a Committee has been constituted vide office order No. 220/PS/Secy./D/07 dt. 23.07.2007 under the overall guidance of Sh. Y.P. Singh comprising of Sh. P.K. Jain – EE (Plg.), Sh. Vijay Singh – EE (System Control), Sh. V.P. Verma – AEE (Plg.), Sh. Ramesh Chandra – AEE (M/F) & Sh. D.K. Sharma – retired engineer (DVB).

It is understood that the aforesaid Committee shall submit its report shortly. The Chairman while reviewing progress of works of Electricity Deptt. on 08.10.07 has desired that for timely execution of proposals contained in the proposed report of the specially constituted Committee, an assessment of the requirement of material may immediately be taken from them so that we can start taking action for procurement of requisite material after obtaining necessary approval of the Council and for this the case should be noted in the next Council's Meeting to be held on 17.10.2007. Accordingly, the committee members were requested to submit an assessment of material alongwith estimated approximate cost for noting the case to the Council.

**Detail Proposal on
the subject**

: An assessment of the material required report has been taken from the Committee on 12.10.2007 and the same is placed at **Annexure-I (See page 186)**. The estimated cost of these materials may be around Rs. 222.77 Crores for distribution network. 33 KV and above cases have already been initiated for purchase of material against schemes already sanctioned and cleared by CEA as part of Five Year Plan Schemes. Some of these schemes are being given to M/s PGCIL for execution on fast track and so the material being procured can be utilized for the schemes now submitted worth about Rs. 125 Crores by the Committee for 33 KV works.

The overall cost of Committee Report may be to the tune of Rs. 450 Crores including civil repairs of Electric Sub-stations etc. etc.

The Council vide Resolution No. 17 (B-25) dt. 19.09.07 has accorded in principle approval to initiate purchase cases for material **Annexure-II (See page 187)** in anticipation of sanction of estimates costing within Rs. 40 Crores.

Necessary cases have since been initiated for preparation of NIT etc. but tenders not called so far for purchase of material as per this resolution of Council, but now these cases can be amended to include additional quantities as per the assessment of the aforesaid Committee. The total quantity of material to be purchased will be limited to the assessment of said Committee.

**Financial
Implications**

: Financial implications in the proposal is anticipated to be within Rs. 223 Crores including Rs. 40 Crores already approved by the Council vide Resolution 17 (B-25) dt. 19.09.2007.

**Implementation
Schedule**

: Immediately on receipt of in principle approval of the Council purchase cases shall be initiated as per normal practice by way of preparing NIT and calling tenders. However, position may be reviewed again at the time of making actual purchases/issue of supply orders by which time our estimates shall also be available for better evaluation of the cases.

Normal delivery for equipments may start between 6 to 10 months whereas for cables this may start from 2 to 6 months.

The entire quantity of material will however be taken in parts so that the same are utilized immediately on their receipt in Stores. All the works are being planned to be executed by December 2009, by which time our 33 KV and 66 KV schemes are also expected to be completed by M/s PGCIL.

Recommendations of the Deptt. : The case may be placed before the Council for consideration and to accord in principle approval to initiate purchase cases for entire material as per assessment of the specially constituted Committee placed at Annexure 'I' to short cut time and making the material available for proper utilization against various sanctioned estimates. The material shall be utilized immediately on their receipt in Stores and all the schemes proposed/covered in the Report of Constituted Committee are expected to be completed by December 2009.

COUNCIL'S DECISION

Resolved by the Council that concept in principle is approved to initiate purchase cases for entire material as per assessment of the specially constituted Committee for the material indicated at Annexure I of the agenda item at an estimated cost of Rs.223 crores, to shorten time and making material available for proper utilization against various sanctioned estimates.

It was further decided that normal purchase procedure shall be followed and the cases, as required, will be sent to Finance for their concurrence and after obtaining approval of the competent authority, the supply orders will be placed.

It was also decided that the facts brought out by the Expert Committee in its Report on "Power Supply Position in NDMC area" submitted by Sh. Y.P. Singh – Chairman, Electricity Consumer Grievances Redressal Forum for NDMC in November 2005, be placed before the Council, along with the comments, if any, of the Committee constituted vide office order No. 220/PS/Secy./D/07 dt. 23.07.2007 under the overall guidance of Sh. Y.P. Singh comprising of Sh. P.K. Jain – EE (Plg.), Sh. Vijay Singh – EE (System Control), Sh. V.P. Verma – AEE (Plg.), Sh. Ramesh Chandra – AEE (M/F) & Sh. D.K. Sharma – retired engineer (DVB).

Annexure-I

Annexure-II

ITEM No.34 (W-8)**1. Name of the Subject:**

Sub-City Plan (CDP) under JNNURM for NDMC area.

2. Name of the Department:

Projects Department.

3. Brief History of the Subject:

India's urban sector has been witnessing a rapid demographic shift. Around 1/3rd of the country's population already lives in urban areas. Cities not only contribute more than half of country's GDP, but also provide more than 60% of the employment potential in manufacturing, trade, commerce, financial services and transport sectors. However, despite increasing role of the cities in the life of the nation, the growth of urban infrastructure and services has been far from adequate. Public infrastructure deficiencies in the cities get reflected in the poor quality of life indices.

Process of urbanization is expected to continue unabated. The forces of globalization will, in-fact, accelerate the pace of urban population growth. The same applies to a great extent to the capital city of Delhi and to the NDMC area. Though the static population of NDMC is believed to have remained static, but there has been a growth in the floating population in this area which has put a tremendous strain on urban services. Thus there are problems of road congestion, pollution, pressure on sewerage, electricity and water networks etc.

Government of India has launched the Jawaharlal Nehru National Urban Renewal mission (JNNURM) to promote the sustainable development of cities by eliminating constraints in the management of, and investment in, urban infrastructure and services. Through this it also seeks to strengthen municipal governments and their functioning.

NDMC lies at the heart of Delhi city. New Delhi Municipal Council (NDMC) administers an area of 43 sq kms within the larger city spread over 1580 sq. kms. Housing a population of 3 lakhs only, it is both an integral part of Delhi city, as well as a distinct sub city / entity, in terms of demographic and economic profile; land use; development norms and regulations; systems of governance and civic procedures. Housing the historic "Lutyens Bungalow Zone" and traversed by broad avenues lined with fully grown trees, New Delhi enjoys the lowest density of development in Delhi

city. It is also the site of the city's pre-eminent cultural institutions for the visual and performing arts, research, recreation and entertainment. The area provides critical functions to the city serving as a Central Business District (CBD), and offering recreational spaces, etc. The area on a whole enjoys a better quality of development and service, as compared to the rest of the city. However, the city is facing pressures and changing in response to these. Therefore, NDMC area too should envision progressive goals and strategies in a similar direction.

The first step for accessing funds under the JNNURM Scheme is preparation of a City Development Plan. Though NDMC area was included in the CDP of Delhi, a separate Sub-city Plan for NDMC was envisaged keeping in view the special position of this area within Delhi and to have a focus on the needs of this area. Accordingly, NDMC commissioned M/s ILFS Ecosmart Ltd for the preparation of the Sub-city Plan, with the objective of accessing funds from JNNURM. However, more importantly, the sub city plan is an exercise in introspection by NDMC on its current state of affairs and an attempt to plan the path ahead to make it one of the leading municipalities of the world i.e. *"A world class municipality for a world class city"*

4. Detailed proposal on the Subject:

The Sub City Development Plan for NDMC area addresses three key aspects:

1. Evaluation of the Municipal Area, through secondary sources, so as to develop a thorough understanding of the area's strengths and weaknesses; opportunities available and threats.
2. Multi -Stakeholder Consultations / Workshops aimed at sharing the above, in order to evolve a broad based vision for future development. This will also include formulation of a development strategies
3. Investment Plan and financial alternatives for the NDMC
4. A preliminary diagnostic assessment of the key areas to be targeted for capacity within the NDMC, in order that the organization may better fulfill its obligations. The diagnostic aims to identify key areas of inefficiency, particularly as related to functions involving a high degree of customer interface;

The Sub-City Plan (SCP) outlines a vision for the future development of New Delhi. The SCP for the area under NDMC examines the specific needs of the area, the challenges it faces and the unique potential that it holds to contribute more fully to the overall development and vision of the city of Delhi as a whole. Based upon a thorough understanding of the area's current state of development, the challenges it

faces and its potential, it sets out an agenda for development, in order to achieve the development vision. In this process, it identifies priority areas of intervention and alternative strategies for achieving set goals. It further seeks to ensure that project investment decisions arrived at through this process are financially and institutionally sustainable by addressing the organizational needs of the municipal government, in terms of capacity building of staff; its financial accounting and budgeting procedures; and systems for ensuring accountability and transparency in processes of governance.

In a nut shell, the Sub-City Plan aims to provide a blue print for the development of a functionally efficient, socially equitable, people friendly, responsive and sustainable urban entity.

The executive summary of the report is placed at **Annexure "A"**. (See pages 192 – 203)

5. **Financial implications of the proposed subject:**

The City Development Plan for NDMC area identifies a total capital outlay of Rs.1,46,676 lakhs till the year 2012, out of which NDMC will have to provide Rs.57,487.5 lakhs in the next five years. The remaining amount can be sourced from MoUD(GOI), GNCTD and Pvt. Sector. In addition the O & M cost of Rs.1,13,013.19 lakhs is to be borne by NDMC.

6. **Implementation schedule with timelines for each stage including internal proceeding:**

Besides identification of projects for funding, each municipal body and state govt has to commit to a reforms agenda and execute an MoA to this effect with the Central Govt. NDMC has already signed MOA under JNNURM with MoUD, GNCTD, MCD & DJB. The timelines for implementing the reforms will be as per MOA already signed. The timelines for projects are specified in the City development Plan

7. **Comments of the Finance Deptt. on the Subject:**

NA

8. **Comments of the Deptt. on Comments of Finance Deptt.:**

NA

9. **Legal implications of the Subject:**

NA

10. Detail of previous Council Resolutions, existing law of Parliament and Assembly on the subject:

Information regarding the signing of MoA was provided to the council in its meeting held on 22-08-07 (Resolution No.27/W-3).

11. Comments of the Law Deptt. on the subject:

NA

12. Comments of the Deptt. on the comments of Law Deptt:

NA

13. Recommendation

Placed before the Council for information.

COUNCIL'S DECISION

Information noted.

Annexure (Page 192-203)

Annexure End

ITEM NO. 35 (L-5)

- 1. Subject of the Resolution:** Allowing digging of the ground floor for lowering down the floor level in built up shops / stalls.
- 2. Name of the Members:**
- | | |
|----|-------------------|
| 1. | Smt. Tajdar Babar |
| 2. | Sh. Mukesh Bhatt. |
| 3. | Ms. Sima Gulati. |

- 3. Type of Resolution:** Recommendation

- 4. Details of Resolution:** Generally NDMC builds up shops /stalls having 3 mtrs. Ceiling height which is not compatible to the normal habitable height. The allottees of such shops / stalls find difficulty in cases of running licensable trades where specific height of normal habitation is mandatorily required. To cope up with such difficulties, they normally dig up the ground to lower down the floor level making it compatible to the habitation height as required, sometime without seeking approval from NDMC, for acquiring licenses for such licensable trades. Some damage is caused to the NDMC property in this process which leads to action against such erring units and as such disputes arise. In most of such cases, even license fee are held up on account of litigation.

NDMC being a local body is expected to be well aware of various mandatory requirements in case of licensable trades and thus, it should construct its shops / stalls of the habitable height so that there may not be any further litigation / damages to its property and inconvenience to the licensees.

Keeping in view of the above and since the ceiling height is impossible to be raised, "*It is resolved that all such units which do not have the habitable height be allowed to dig up the ground, wherever possible, to lower down the floor level to the conforming height mandatorily required for a licensable trades, in case if they choose to pursue licensable trades, by levying one time additional charges in lump sum and simultaneously be granted trade change permission so that litigation and damage to the municipal property could be avoided*".

- 5. Reply of the Department. :-** Being a technical matter, department has sent the same to the Architect Department and the views of the department are as below:-

"In accordance to the provisions of BBL 83, buildings do not have basement should have a plinth of min. ht. Of 450 m.m. from surface of the surrounding Ground level. Hence lowering down of ground floor of the shops as mentioned in Resolution u/s 23 of NDMC At, 994 as placed herewith is not in consonance to the provisions of BBL 83.

In accordance to the building byelaws the shops are considered as Habitable room. In BBL 83, the maximum height of the Habitable room has been specified as not more than 4 meters measured from the surface of the floor to the lowest point of the ceiling (bottom of slab). However, no minimum ht. Has been specified in the BBL 83, but para 12.2.1 of Part 3 at page 30 of National Building Code-2005 specified the min. height measured from the surface of the floor to the lowest point of the ceiling (bottom of slab) as 2.75 m. Hence it may not be appropriate to say that the shops/stalls having 3 mtrs. Ceiling ht. Is not compatible to the normal habitable height. In case of shops/stalls having 3 mtrs. Ceiling ht. Should have no reason to lower down its floor contrary to the provisions of BBL 83 & NBC."

6. **Reference of the section of the NDMC Act : N.A.**

7. **Examination in view of the provision of NDMC Act : N.A.**

8. **Any other Law Department's view in this regard:**

Views of the Law Department are reproduced as below:-

NDMC licenses are covered by sections 327, 331, 332 & 325. There is no such mandatory requirement of specific height in NDMC licenses u/s 325, 327, 331 & 332.

There appears no justification to dig up the ground to raise the height. It is not obligatory on NDMC to permit change in trade which requires change in structure of the shops / stalls.

9. **Financial implications if any : N.A.**

10. **Recommendation of the Department:**

Keeping in view of the views expressed by the Architect department & Law department, the recommendations of the resolution may not be acceptable.

COUNCIL'S DECISION

The Council decided that the recommendations of the resolution is not acceptable.

It was further resolved by the Council that the Estate Deptt., in consultation with the Architect deptt., may take action for the redevelopment of the other similar shops in NDMC area, on the pattern of Janpath Market, Momo Market and Tibetan Market etc.

ITEM NO. 36 (L-6)**1. Name of the subject/project**

Allotment of various shops/stalls/kiosks/offices in NDMC area.

2. Name of the department/departments concerned

Estate Department

3. Brief History of the subject/project

As per policy of NDMC, Estate Deptt was allotting the vacant units on the basis of inviting sealed tenders through advertisement in the news papers/website. At present we have 57 vacant units in NDMC area out of which 27 have been offered to the shopkeepers of Gole Market Round about. During the last tender, it was found that one or two tenders were submitted blank so that rates can be manipulated. It was detected by the scrutiny committee of the tenders and decided that procedure of allotment of vacant units should be simplified. Accordingly, a committee was constituted with the approval of the then Chairperson and after the meeting; the comments of the Committee on various issues and its recommendations are as under:

1. **License fee on Super Covered Area Basis:** - Committee is of the view that more than 95% of the shops in market are allotted/occupied on the basis of covered area basis. These vacant shops could not be allotted due to fixation of reserve price based on every year 10% enhancement after vacation of the shop. So the reserve price was increased too much and if reserve price is fixed at super covered area, 25% will further increase the reserve price of vacant shops. These shops are lying vacant since long hence it is suggested that license fee will be charged on the basis of covered area basis. However, new, multistory complexes built in future could be considered for allotment on super covered area basis.
2. **Re-fixation of reserve price:** - Committee is of the view that the earlier reserve price was fixed by adding 10% from the date the units was vacated.. This was resulting into higher reserve price for the reason that these units remain vacant. Hence Committee decided that reserve price may be fixed on the basis of earlier tendered rate or market trend or reflection for similar locations.
3. **Participation Fee/Earnest Money:** - Committee is of the view that there should be 2 slabs of participation fee/earnest money as the reserve price of shops varies from Rs. 3000/- to Rs. 31000/-. Committee was of the opinion that where the reserve prices is less than Rs. 10,000 or upto Rs. 10000/-, participation fee/earnest money would be Rs. 20,000/- and beyond Rs. 10,000/- of reserve price the earnest money would be Rs. 50,000/-. Committee is further of the view that the bidder with earnest money of Rs. 20,000 would be allowed to bid for any one of the shops where the reserve price is upto Rs. 10,000/-, whereas those with the earnest money of Rs. 50,000/- can bid for any one of the shops advertised irrespective of the slabs of reserve price. If the bidder fails in one bid, he can participate in other bid depending on the slabs given for earnest money. It was also decided by the Committee that in case the bidder opt for another shop other than applied for, he will have to deposit Rs. 1,000/- towards cost of fresh bid document.
4. **Affidavit for non owning of Shop:** - Committee is of the view that as per the policy of the Council the individual applying for allotment of shop will have to furnish the required affidavit on non owning of shop but Govt. Deptts./Autonomous

Body/Govt. Undertaking/Govt. Boards and Pvt. Ltd. Cos. can apply for allotment of any number of units.

5. Income Tax PAN Holder: - In the previous, Bidding, the applicant was required to submit 5 years Income Tax return documents but Committee is of the view that it would be just and fair if any bidder who is PAN Holder can apply for allotment of shop. Committee observed that past experience on this matter requires the liberalization & moreover it will increase competition.

In the light of the above, recommendations of the Committee are as under: -

1. That the license fee may be charged on covered area basis instead of charging licence fee on super covered area basis.
2. That the reserve price may be fixed on the basis of earlier tendered rate or market trend/reflection.
3. That the Participation fee/Earnest money will be Rs. 20,000/- &Rs. 50,000/- depending on the reserve price of the units.
4. That the individual applying for allotment of unit will have to furnish an Affidavit as per policy of the Council but Govt. Deptt. /Autonomous Body/Govt. Undertaking/Govt. Boards and Pvt. Ltd. Cos. need not to furnish any affidavit and they can apply for any No. of Unit.
5. That the bidder applying for allotment of vacant unit should be PAN Holder.
6. That the cost of Bid Form will be Rs. 1,000/- per Bid Form.
7. That the fresh Bid Form will have to be furnished by the bidder in case he is not successful in the bid applied for and will have to pay the cost of Bid Form afresh.
8. That the bidder will not have any right if offer at or above the reserve price is not accepted by Licensor, NDMC.
9. That the existing approved terms and conditions of allotment shall be applicable.

4. Detailed proposal on the subject/project.

As per Annexure 'A'.

5. Financial implication of the proposed project/subject.

N.A.

6. Implementation schedule with timeliness for each stage including internal processing.

N.A.

7. Comments of the Finance Department on the subject

Additional Financial Advisor was Chairman of the Committee.

8. Comments of the Department on Comments of Finance Deptt.

N.A.

9. Legal implication of the subject/project.

N.A.

10. Details of the previous Council Resolutions, existing law of Parliament and Assembly on the subject.

N.A.

11. Comments of the Law Department on the subject/project.

Legal Advisor has already seen the case.

12. Comments of the Department on the comments of Law Department.

N.A.

13. Recommendations.

Allotment of vacant units in NDMC area is recommended to be allotted through advertisement by inviting open bids as per details mentioned in Annexure 'A'.

COUCIL'S DECISION

Resolved by the Council that simplified procedure for allotment of shop is approved. However, department should held regular allotment process after reducing reserved price of vacant shops in subsequent allotments.

**NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA: NEW DELHI
(ESTATE DEPARTMENT)**

OPEN BID NOTICE

NDMC invites open bids from the Corporate Houses/Govt. Departments or any other agency/individuals on the prescribed forms for the licensing of following office space, shops, stalls and godown space for the trade other than Eatables, Manufacturing, auto repair, Barber, Parlor, in NDMC area on "**AS IS WHERE IS BASIS**"

S.No.	Location /premises No.	Covered area in sq ft.	Reserve Price (Rs.)	Earnest Money	Trade permitted
1	Office Space at Chanderlok Bldg.	112 at stilt floor	Rs.19,000/- p.m.	Rs.50,000/-	Office Purpose
2	Shop No. G-11, Palika Bhawan,	195	Rs.20,500/-	Rs.50,000/-	Non-licensable Trade
3	Shop No. G-15, Palika Bhawan,	195	Rs.20,500/-	Rs.50,000/-	Non-licensable Trade
4	Shop No. M-18, Palika Bhawan,	195	Rs.12,300/-	Rs.50,000/-	Non-licensable Trade
5	Shop No. M-23, Palika Bhawan,	177	Rs.15,000/-	Rs.50,000/-	Non-licensable Trade
6	Shop No. M-5, Palika Bhawan,	110	Rs.15,000/-	Rs.50,000/-	Non-licensable Trade
7	Shop No. M-51, Palika Bhawan,	244	Rs.19,000/-	Rs.50,000/-	Non-licensable Trade
8	Shop No. M-38, Palika Bhawan,	195	Rs.17,000/-	Rs.50,000/-	Non-licensable Trade
9	Shop No. M-2, Palika Bhawan,	193	Rs.17,000/-	Rs.50,000/-	Non-licensable Trade
10	Shop No. M-33, Palika Bhawan,	195	Rs.17,000/-	Rs.50,000/-	Non-licensable Trade
11	Stall No. S-32, Palika Bazar,	76.07	Rs.11,200/-	Rs.50,000/-	Non-licensable Trade
12	Stall No. S-48, Palika Bazar,	135	Rs.15,000/-	Rs.50,000/-	Non-licensable Trade
13	Shop No.237A, Palika Bazar,	196.26	Rs.24,000/-	Rs.50,000/-	Trade is permissible as per Trade Zone-1-B
14	Shop No.261A, Palika Bazar,	205.62	Rs.23,000/-	Rs.50,000/-	Trade is permissible as per Trade Zone-1-A
15	Shop No. 1- Palika Parking,	148.81	Rs.15,500/-	Rs.50,000/-	Non-licensable Trade
16	Shop No. 3, Palika Parking,	125.89	Rs.15,000/-	Rs.50,000/-	Non-licensable Trade
17	Shop No. 6, Palika Parking,	142.46	Rs.15,000/-	Rs.50,000/-	Non-licensable Trade
18	Shop No. 7, Palika Parking,	126.11	Rs.15,000/-	Rs.50,000/-	Non-licensable Trade
19	Shop No. 11, Palika Parking,	145	Rs.15,000/-	Rs.50,000/-	Non-licensable Trade

20	Shop No. 12, Palika Parking,	145	Rs.15,000/-	Rs.50,000/-	Non-licensable Trade
21	Shop No. 13, Palika Parking,	147.20	Rs.15,500/-	Rs.50,000/-	Non-licensable Trade
22	Shop No. 15, Palika Parking,	128	Rs.14,500/-	Rs.50,000/-	Non-licensable Trade
23	Shop No. 16, Palika Parking,	131.59	Rs.15,000/-	Rs.50,000/-	Non-licensable Trade
24	Shop No. 17, Palika Parking,	145.48	Rs.15,500/-	Rs.50,000/-	Non-licensable Trade
25	Shop No. 19, Palika Parking	132.24	Rs.14,500/-	Rs.50,000/-	Non-licensable Trade
26	Shop No. 20, Palika Parking ,	142.46	Rs.15,000/-	Rs.50,000/-	Non-licensable Trade
27	Shop No. K-9, Palika Parking,	127	Rs.32,000/-	Rs.50,000/-	Non-licensable Trade
28	Shop No. K-10, Palika Parking,	168.61	Rs.29,000/-	Rs.50,000/-	Non-licensable Trade
29	Shop No. K-16, Palika Parking,	83.93	Rs.10,000/-	Rs.50,000/-	Non-licensable Trade
30	Shop No. 1 Subway, Super Bazar	71.23	Rs.15,000/-	Rs.50,000/-	Non-licensable Trade
31	Shop No. 3, Subway, Supar Bazar	123.85	Rs.15,000/-	Rs.50,000/-	Non-licensable Trade
32	Shop No. 4, Subway Super Bazar,	123.85	Rs.15,000/-	Rs.50,000/-	Non-licensable Trade
33	Stall No. 26, Mini Mkt, Dharam Marg Malcha Marg(Reserved for handicapped)	98.41	Rs.31,000/-	Rs.50,000/-	Non-licensable Trade
34	Stall No. 27, Mini Mkt, Dharam Marg Malcha Marg	98.41	Rs.31,000/-	Rs.50,000/-	Non-licensable Trade
35	Stall No. 28, Mini Mkt, Dharam Marg Malcha Marg,	98.41	Rs.31,000/-	Rs.50,000/-	Non-licensable Trade
36	Shop No. 5, Tilak Lane,	114.76	Rs.12,800/-	Rs.50,000/-	Non-licensable Trade
37	Shop No. 6, Tilak Lane,	55.31	Rs.12,800/-	Rs.50,000/-	Non-licensable Trade
38	Shop No. 7, Tilak Lane,	123.31	Rs.13,300/-	Rs.50,000/-	Non-licensable Trade

Note: Allotment of shop from Sl. No. 33, 34, 35, 36, 37 & 38 will be subject to outcome of the pending Court case.

39	Shop No. 4, NW Moti Bagh,	151	Rs.10,900/-	Rs.50,000/-	Non-licensable Trade
40	Shop No. 23, CSC, Sarojini Nagar	53.10	Rs.15,000/-	Rs.50,000/-	Non-licensable Trade
41	Office Space at Mayur Bhawan,	89.26 at 8th floor	Rs.7,700/- p.m.	Rs.20,000/-	Office Purpose
42	Shop No. M-29, Palika Bhawan,	45.50	Rs.4,100/-	Rs.20,000/-	Non-licensable Trade

43	Shop No. M-27, Palika Bhawan,	45.50	Rs.3,000/-	Rs.20,000/-	Non-licensable Trade
44	Shop No. G-27, Palika Bhawan,	45	Rs.6,800/-	Rs.20,000/-	Non-licensable Trade
45	Shop No. G-26, Palika Bhawan,	45	Rs.6,800/-	Rs.20,000/-	Non-licensable Trade
46	Stall No. S-9, Palika Bazar	30.45	Rs.6,700/-	Rs.20,000/-	Non-licensable Trade
47	Stall No. S-27, Palika Bazar,	35.94	Rs.7,300/-	Rs.20,000/-	Non-licensable Trade
48	Shop No. K-15, Palika Parking	76.29	Rs.8,000/-	Rs.20,000/-	Non-licensable Trade
49	Shop No. UG-32, Palika Place,	77.77	Rs.4,300/-	Rs.20,000/-	Non-licensable Trade
50	Shop No. LG-57, Palika Place,	54.27	Rs.4,000/-	Rs.20,000/-	Non-licensable Trade
51	Shop No. 21, CSC, Netaji Nagar,	112	Rs.9,500/-	Rs.20,000/-	Non-licensable Trade
52	Godown No. 1, Netaji Nagar,	108.93	Rs.9,900/-	Rs.20,000/-	Storage purpose only
53	Shop No. 11, adjoining Udyan Marg & Mandir Marg	73.50	Rs.3,000/-	Rs.20,000/-	Non-licensable Trade
54	Shop No. 12, adjoining Udyan Marg & Mandir Marg	73.50	Rs.3,000/-	Rs.20,000/-	Non-licensable Trade
55	Shop No. 13, adjoining Udyan Marg & Mandir Marg	73.50	Rs.3,000/-	Rs.20,000/-	Non-licensable Trade
56	Shop No. 5, XY- Block, Sarojini Nagar,	51.43	Rs.3,000/-	Rs.20,000/-	Non-licensable Trade
57	Show Window No. 1, Regal Subway	35.39	Rs.7,000/-	Rs.20,000/-	For display of Posters only

MEMORANDUM OF INFORMATION AND PARTICULARS OF OFFICE SPACE/SHOPS/STALLS/GODOWN ETC IN NDMC AREA

Cost of Bid form	Rs.1,000/- each (Non-refundable)
Date of issue of Bid forms	between 10.00 AM to 1.00 PM
Date of Bidding of Office space/Shops/stalls Sl. No. 1 to 10 Sl. No. 11 to 20 Sl. No. 21 to 30 Sl. No. 31 to 42 Sl. No. 43 to 50 Sl. No. 51 to 59	
Amount of Participation fee/Earnest Money to be enclosed with Bid form	Rs.20,000/- for units having reserve price of Rs.10,000/- or less and Rs.50,000/- for units having reserve price of more than Rs.10,000/-.

- i) Bidders are advised in their own interest to visit and see the premises in question before bidding.
- ii) Bid forms duly filled in together with terms & conditions of allotment signed by the Bidder and Bank Draft/Pay Order of requisite amount towards participation fee/earnest money drawn in favour of Secretary, NDMC, should be deposited before the start of Bid on the dates as mentioned above.
- iii) Incomplete Bid forms or having cuttings/overwriting will not be entertained and are liable to be rejected. In this connection decision of the competent authority shall be final and binding.
- iv) The allotment shall be made purely on "AS IS WHERE IS BASIS" and no representation shall be entertained in this regard.
- v) Auction/Bidding of vacant units will be held at Community Centre, Punchkuin Road, New Delhi on the dates as mentioned above.
- vi) **ELIGIBILITY FOR ALLOTMENT:**
 - a) Bids are invited on the prescribed form from Individual, Corporate Houses/Govt. Department or any other agency. He/she will have to furnish a proof of the same in such manner, as may be required by the NDMC.
 - b) The applicant should not be less than 18 years of age.
 - c) The applicant shall have to pay Participation fee/Earnest Money in the shape of Bank Draft/Pay Order drawn in favour of Secretary, NDMC, New Delhi alongwith the Bid forms.
 - d) If the applicant is an individual then he/she should not have any property on lease/licence or owned either in his/her spouse or any of the dependent un-married children in the National Capital Territory of Delhi at the time of Bid for the same.
 - e) The applicant shall have to annex with his/her Bid form a certificate issued by the competent authority or such other authority as may be decided by the NDMC from time to time entitling the applicant to apply under any of the reserved category.
 - f) The applicant should not be unsound mind.
 - g) The applicant should not be declared insolvent.
 - h) The applicant applying for allotment of shops will have to furnish the required affidavit on non-owning of shop but Govt. Deptt./Autonomous Body/Govt. Undertaking/Govt. Boards and Pvt. Ltd Co. can apply for allotment of any number of units.

- i) The applicant should not be defaulter of Municipal dues of NDMC or any Municipal Authority within the NCT of Delhi.
- j) The applicant shall have to enclose the attested photocopy of Voter Identity Card/ Driving License/ Passport or Bank Statement in original in support of residential proof with the Bid form.
- k) The Bidder applying for allotment of vacant units should be PAN Holder.
- l) The fresh Bid form will have to be furnished by the bidder, in case he/she is not successful in the bid applied for and will have to pay the cost of Bid Form afresh.
- m) The representative of Bidder will have to produce authorization if bid is given by the representative on behalf of Bidder.
- n) Bidder can accompany only one person at the time of Bidding.
- o) The bidder will not have any right if offer at or above the reserve price is not accepted by Licensor, NDMC.

HOW TO APPLY

The bid form alongwith terms and condition of licence will be available **at Citizen Facilitation Centre, located at Saheed Bhagat Singh Place, Gole Market; Palika Bhawan, R.K.Puram & Babar Road near Bengali Market New Delhi on payment of Rs.1000/-** each on all working days from _____ to _____ between 10:00 a.m. to 1:00 p.m. The bid form alongwith terms & conditions may be download from the web site www.ndmc.gov.in. which will be valid after the cost of the bid form is paid.

The bid form alongwith terms & conditions duly signed and completed in all respect accompanied by the requisite participation fee/Earnest Money **(in the shape of Bank Draft payable to Secretary, NDMC)** should be deposited on the bidding day before the start of the bidding. For any clarification/enquiry in respect of above please contact **JOINT DIRECTOR (ESTATE), Room No. 5006, Palika Kendra, New Delhi** between **10:00 a.m. to 1:00 p.m.** on any working day. The participation fee/Earnest Money of the unsuccessful bidder who will not be willing to participate in other bidding will be refunded at the spot on written request.

NDMC RESERVED THE RIGHT OF ALLOTMENT OR REJECTION OF ANY/ALL BIDS WITHOUT ASSIGNING ANY REASON WHATSOEVER.

DIRECTOR (ESTATE)

ITEM NO. 37 (L-7)

Minutes of the meeting of the Committee, constituted to review Relocation of shops from Safdarjung & AIIMS, held on 11.10.2007 at 11-15 A.M. in Palika Kendra, New Delhi, are placed before the Council for information. **(See page 216)**.

COUNCIL'S DECISION

Information noted.

Further it was decided by the Council that the grievances / request submitted by relocated licensee will be looked into by the Committee.

MINUTES OF THE MEETING OF THE COMMITTEE, CONSTITUTED TO REVIEW RELOCATION OF SHOPS FROM SAFDARJUNG & AIIMS,

<p>Resolution: REG. RELOCATION OF SHOPS FROM SAFDARJUNG & AIIMS</p>	<p>Council's Observations: The matter has been referred back to the Committee constituted for the purpose with the directions to have a re-look into the matter.</p>
---	---

The minutes of meeting held regarding above-mentioned subject is reproduced below: -

The Committee deliberated upon the views expressed during the last Council meeting by Vice Chairperson and other members regarding relocating of all the chemist shops nearer to the Safdarjung Hospital. The Committee also examined its own earlier recommendations and unanimously reiterated that all the 40 shops to be re-located are providing services to the patient's attendants, patients and employees working in these hospitals/institutions and these shops have been re-located within 125-150 meters. Hence, the Committee feels that its earlier recommendations are logical, rational and serve the public interest without causing any loss of revenue to the Council. In summation, the Committee recommends that its earlier recommendations are appropriate and well thought of and do not need any change in the criteria for re-allocation of the shops, which have already been constructed.

This is for kind information of the Council.

ITEM NO. 38 (H-8)**RESOLUTION MOVED BY SMT. TAJDAR BABAR, VICE CHAIRPERSON, SH. MUKESH BHATT, & MS. SIMA GULATI, MEMBERS, NDMC, U/S 23 OF NDMC ACT 1994.**

Smt. Tajdar Babar, Vice Chairperson, Sh. Mukesh Bhatt, & Ms. Sima Gulati, Members, NDMC have moved a Resolution u/s 23 of NDMC Act 1994, to be included in the Council Meeting scheduled to be held on 17th October 2007, which is as under :-

“NDMC from time and again has been passing resolutions for various good causes and it has equally given priority to the labour temporarily employed by it for execution of the various civic works towards discharging its obligatory as well as discretionary functions. It has reconsidered/revised its policy for employment of TMR/RMR and their subsequent regularization.

A resolution No.08 dated 18.03.1999 was passed by NDMC, inter alia, banning future recruitment of TMR/Daily wages as well as issuance of Muster Roll cards thereto in respect of TMR workers appointed after 1998 and regularization/absorption of RMR employees who have worked continuously for 6 years. The fact remains that there are still many workers who have been working prior to 1998 but they have not been issued muster roll cards and hence deprived of the regularization/absorption as permanent. Even subsequent to 1998, the work requirement compelled NDMC to engage workers on daily wages but without card to meet out its requirement. These workers have also worked for considerable days continuously beyond 1998 till date and their services are required since the challenge for providing better civic amenities has increased manifold.

Although the services of these so called TMR/daily wages workers are being utilized by NDMC in regular manner with intermittent/artificial break but, without any security to their future and future of their families. NDMC, being a state within the meaning of Article 12 of the Constitution of India, is supposed to act as a model employer and to protect the interest of its workers, although in temporary position.

Delhi being declared a host city of the Common Wealth Games has many challenges to meet in order to combat the emerging situation. Certainly the civic bodies have to cope with such challenges and hence there are many mega dream projects to complete before 2010. In such circumstances, the role of labour cannot be ignored. In the light of above, the principle of natural justice would be met if the interests of these labourers/workers are protected judiciously.

Keeping in view of the above "It is resolved that:-

- (a) Since, the criteria of grant of RMR status has now been relaxed by the former Chairperson Smt. Sindhushree Khullar, hence all those daily wage/muster roll workers (with or without Card) who have been employed/engaged either prior to 1998 and/or after 1998 be regularized in service against the available vacancies in different departments of NDMC by fixing a criteria of 500 days and above working days till 31st July, 2007 and by drawing a comprehensive seniority list based on this criteria, AND
- (b) The remaining candidates who could not be regularized for want of available vacancies be regularized either by creating new posts after proper work assessment in different department or a standing seniority list be drawn and, as and when, vacancy arises, they should be absorbed against those vacancies in order of their seniority.
- (c) Subsequent after completion of exercise under (a) to (b), a complete ban be imposed for a period of atleast 10 years in view the present manpower strength and geographical area of NDMC for further drawal/employment of muster roll/daily wages workers."

COUNCIL'S DECISION

It was decided by the Council that the said Resolution, moved by hon'ble Vice Chairperson and Members, be referred to the Committee framed for regularization of RMR/TMR/Daily Wages Workers for examination and necessary action and a report be placed before the Council at the earliest.

ITEM NO.39 (H-9)**1. NAME OF THE SUBJECT:**

Representation of Shri Ram Asheesh, Junior Engineer (Elect.) to National Commission For Scheduled Castes for his promotion.

2. NAME OF THE DEPARTMENT :

Personnel Department.

3. BRIEF HISTORY OF THE SUBJECT:

The case is regarding further promotions of Junior Engineer (Elect.) in New Delhi Municipal Council. From the year 1973 senior most Junior Engineer (Elect.) were being promoted to the post of Supdt. Techs, and Senior most Supdt. Techs were promoted to the post of Assistant Engineer (Electrical). Unqualified Junior Engineers (Elect.) who are neither degree nor diploma holders, only ITI / Certificate holders were eligible for promotion from Junior Engineer (Elect.) to Supdt. (Tech.) and from Supdt. (Tech.) to the post of Assistant Engineer (Electrical).

Vide Resolution No.3(XXIII) dated 28.1.2002 the Council approved the following:

- i) The cadre of Supdt. (T) in the existing scale of Rs.6000-10800 and Jr. Engineer (E) is merged and designated as Jr. Engineer (Elect.) with the pay scale of Rs.5500-9875 w.e.f. the date of resolution i.e. 28.1.2002.
- ii) The present incumbents against the post of Supdt. (T) were allowed to retain their existing scale as personal to them till they vacate the posts.
As per N.D.M.C. Act 1994 being a group 'A' post the Recruitment Rules for the post of Assistant Engineer (Electrical) are to approved by UPSC and the posts are to be filled by UPSC. Fresh Recruitment Rules have been framed in consultation with U.P.S.C. in which 70% for promotion from departmental quota failing which by deputation including short term contract and 30% Direct Recruitment are provided. Out of the 70% promotions 50% from departmental Junior Engineers (Elect) possessing diploma in Electrical Engineering having 8 years regular service and 20% departmental Junior Engineers (Electrical) possessing degree in Electrical Engineering having 5 years regular service are to be promoted. R.R.s have been finalized in consultation with U.P.S.C. on 13.4.2005.) R.R.s have been approved by the Council. ON 29.12.2006 vide Resolution No. 4 (H-7) dated 29.12.2006.

The post of Assistant Engineer (Elect.) is now to be filled from Junior Engineers (Elect.). Consequently there is no promotional avenue for the unqualified Junior Engineers (Elect.) [ITI / Certificate holders].

The Court Case CWP No.16364 / 69 if 2004 (Mam Chand and ors. VS New Delhi Municipal Council.) regarding maintaining quota of the post of Supdt. (T) from unqualified Junior Engineers (Electrical) and separate Seniority List of Supdt. (T) and Junior Engineers (Electrical) and for unqualified candidates for the post of Assistant Engineer (Electrical) is pending in the Hon'ble High Court of Delhi, New Delhi. In the interim order dated 11.10.2004 the court has observed as: "The appointments, if any made, to the post of Assistant Engineer (Electrical) in

respect of 6 post which the petitioner claims fall to the share of unqualified candidates, will be subject to the outcome of the writ petition."

Shri Ram Ashees approached National Commission for Scheduled Castes with his various representations for his promotion and other Junior Engineers (Elect.) from unqualified categories have filed Court Case as mentioned above on the identical subject (**Annexure 'A' See pages 223 - 225**). As per record note of meeting held on 31.1.2007 regarding six posts vacant the Secretary submitted before the Commission that in accordance with existing RR's the case requires to be placed before the council of N.D.M.C. in February 2007 and ATR (action taken report) will be sent to the Commission by 31st March 2007. The case may be laid before the council that as the matter is sub-judice, administrative action shall follow the outcome of the Court case. The National Commission for Scheduled Castes be informed accordingly. Copy of representation of Sh. Ram Asheesh submitted to Commission and replies of NDMC is Annexed.

Due to deletion of Unqualified (Certificate Holders) Clause from Recruitment Rules of Promotions of Supdt. (Tech.) and Assistant Engineer (Electrical) in the year 1999, and merger of the post of Supdt. (Tech.) in the year 2002, and Revised Recruitment Rules for the post of Assistant Engineer (Electrical) have no quota of promotion for Certificate holders to the post of Assistant Engineer (Electrical).

The earlier Recruitment Rules consisted of 50% for Direct and 50% for Departmental promotions. Out of the 50% of the departmental promotional quota, 25% were reserved for Unqualified persons (Certificate Holders). However, with the need of the time and the advancements of the technological skills it was felt that the persons on the post of Assistant Engineer (Electrical) may be either Degree Holders or Diploma Holders. For the Direct quota Recruitments [50%] the education qualification has been earmarked as Degree Holders and this being a Group 'A' post the recruitment is to be made by U.P.S.C. Vide order dated 8.3.2004 subject (**Annexure 'B' See page 226**). 4 Jr. Engineers(Elect.) (unqualified) were promoted as Asstt. Engineer(Elect.). Sh. Ram Asheesh has quoted this order as precedence for his promotion. However, it is mentioned here that the four J.E.s promoted vide above order were earlier working as Superintendent(Tech.) and were again made JE(Elect.) after merger of the posts of Superintendent(Tech) & JE(Elect.). Hence his case is different than the case vide which four JEs were promoted.

4. **DETAILED PROPOSAL ON THE SUBJECT:**

The case is submitted for the Council for consideration as National Commission for Schedule Caste has been given assurance that the matter will be laid before the Council.

5. **FINANCIAL IMPLICATIONS OF THE PROPOSED SUBJECT:**

It has no financial implication.

6. **IMPLEMENTATION SCHEDULE WITH TIMELINESS FOR EACH STAGE INCLUDING INTERNAL PROCESSING:**

The decision of the Council shall be considered for submission to National Commission for Scheduled Castes.

7. **COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT:**

No financial angle is involved.

8. **COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE DEPARTMENT:**

No comments.

9. **LEGAL IMPLICATION OF THE SUBJECT:**

The case of promotion of certificate holders is pending in the Hon'ble High Court of Delhi in the Court Case CWP No.16364 / 69 of 2004 (Mam Chand and ors. VS New Delhi Municipal Council.) The case is laid before the Council that as the matter is sub-judice, administrative action shall follow the out come of the Court case. The National Commission for Scheduled Castes be informed accordingly.

10. **DETAILS OF PREVIOUS COUNCIL RESOLUTIONS, EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THE SUBJECT:**

1. Chairman's approval dated 28.9.99.
2. Recruitment Rules for the post of Assistant Engineer (Electrical) as approved by U.P.S.C. on 13.4.2005
3. Copy of Resolution No. 17 of ordinary meeting held on 5.7.91
4. Copy of Council's Resolution No.3((xxiii) dated 28.10.2002
5. Copy of Court Orders dated 11.10.2004 in CWP No.16364-69 (Mam Chand and ors Vs New Delhi Municipal Council.)
6. Copy of Courts orders dated 25.05.2006 in the CWP No.50/2004 (N.D.M.C. Electrical Engineers Vs. New Delhi Municipal Council.

11. **COMMENTS OF THE LAW DEPARTMENT ON THE SUBJECT:**

Asstt. Engineer(Elect.) is category 'A' post and as per Section 40 of the NDMC Act 1994 no appointment to any category 'A' post can be made except after consultation with UPSC. Under section 43(1) (c) read with section 43(2), Council has to make RRs to be approved by the Centray Govtt. and notified in official gazette. Case is also pending in High Court. We can move the High Court for early disposal of the writ petition.

12. **COMMENTS OF THE DEPARTMENT ON THE COMMENTS OF THE LAW DEPARTMENT.**

No comments.

13. **RECOMMENDATION:**

In view of the legal implications mentioned at Col. No.9 & comments of the Law Deptt., recruitment to Group 'A' post is to be done with the consultation of the UPSC. As RRs for the post, which do not includes unqualified people to be promoted as AE(Elect.), has the approval of the Council as well as UPSC, at this stage his case cannot be considered. Further, a case is pending in Hon'ble High Court. We must wait for outcome of the case.

Matter is put up before the Council for consideration of the representation of Certificate holders.

COUNCIL'S DECISION

As the matter is sub-judice, the Council decided to wait for the decision of the Hon'ble Court before any further action in the matter.

Annexure 223 – 226

Annexure end

ITEM NO. 40 (W-9)**1. Name of the subject/Project**

Public Private Partnership (PPP) project for Development of an Integrated Waste Treatment Complex at Okhla Compost Plant site – **Changes in the Concession agreement.**

2. Name of the Department

Projects Department.

3. Brief History of the subject/project:

Council, after due consideration of the legal issues and the financial implications, gave in principle approval to the draft Concession Agreement for this project during its meeting held on 16/05/07.

NDMC had agreed to provide land for this project at Okhla and commit to the conditions envisaged in the Concession Agreement in view of the following benefits that were to accrue to NDMC:-

- (i) That the proposed plant envisages a comprehensive solution to the issues of waste management
- (ii) that NDMC would earn a share of the revenues from the operation of the plant calculated @ Rs.0.05 per unit of electricity sold;
- (iii) that NDMC would earn a share of carbon credits from the project;
- (iv) that net proceeds from the dismantling of the existing super structure at the site would come to NDMC;

In return, NDMC has agreed to abide by the normal contractual obligations and the following specific obligations;

- (i) To provide approximately 15 acres of land at Okhla for the duration of the concession agreement;
- (ii) Commitment to supply a minimum of 200 metric tones of municipal solid waste from its area;
- (iii) To pay the cost of construction of the boundary wall. (which was to be eventually paid out of the revenue share of NDMC from the project);
- (iv) To permit the operator to negotiate with bulk generators of waste, a suitable fee for transportation and disposal of MSW;

4. Detailed proposal on the subject/project

DERC has approved Tariff based bidding for this project. The Commission has recommended that CDM benefits and royalty for sale of electricity should not be shared with the Govt. agencies as this is likely to increase the tariff to the detriment to the citizens of Delhi. The commission feels that the local bodies are being adequately benefited by way of reduction in disposal cost and environmental benefits.

Because of the DERC orders, the concession agreement is likely to be revised. NDMC has requested M/s IL&FS to take up the matter again with DERC to ensure that the best possible benefits are provided to NDMC.

In the event DERC does not concede NDMC's request, the concession agreement shall have to be modified. The following is the summary of important changes envisaged:

Sr. No.	Clause	Present Clause	Recommended Revision
1.	2.1 (i)	to receive all the fiscal incentives and benefits accruing in respect of or on account of the Project. It may however be noted that revenue from Carbon Credits, if any, shall be dealt with as per directions of Delhi Electricity Regulatory Commission (DERC). If DERC does not give any directions about Carbon Credits, the revenue from Carbon Credits shall be distributed between MCD and TOWMCL in ratio of 75:25 that is 75% to MCD and 25% to TOWMCL. The revenue of Carbon Credits to be distributed shall be determined after deducting from revenues from Carbon Credits, actual expenses incurred by TOWMCL in obtaining the Carbon Credits.	to receive all the fiscal incentives and benefits accruing in respect of or on account of the Project.
2.	11	<p>11.1 Quantum of Royalty Amount</p> <p>TOWMCL shall, from the COD of the Power Plant, pay to NDMC in accordance with Clause 11.2 below and subject to approval of DERC, Rs.0.05 (five paise) for every unit of electricity sold from the Power Plant. The Royalty Amount would increase proportionately to any increase in approved tariff after the first year of commercial operations. TOWMCL shall submit to NDMC a copy of the monthly statement of purchase of electricity that is obtained from the bulk purchasers of the electricity.</p>	<p>11.1 Quantum of Royalty Amount</p> <p>No Royalty Amount shall be payable to NDMC in line with DERC order dated 20/08/2007. NDMC shall however be eligible to receive license rental as per terms of the License Agreement.</p>

		<p><u>11.2 Payment of Royalty Amount</u></p> <p>The amount payable by TOWMCL under Clause 11.1 above shall become due and payable on the certification, by the statutory auditor, of the annual accounts of TOWMCL for the relevant financial year and shall be paid by TOWMCL to NDMC within a period of two (2) months from the date of such certification of the relevant accounts. TOWMCL shall provide NDMC with the calculation of the amount payable to NDMC and the total units of electricity sold from the Power Plant, duly certified by the auditor of TOWMCL.</p> <p><u>11.3 No other payments</u></p> <p>Except for the payment of the Royalty Amount from the sale of electricity as mentioned in Clause 11.1 above, and any other amounts payable under this Agreement, NDMC shall not be entitled to any further or other compensation, fee, charges, reimbursements or payments whatsoever, for or in connection with the Concession and any other rights and benefits whatsoever granted by NDMC to TOWMCL under this Agreement.</p>	<p><u>11.2 Payment of License Rental</u></p> <p>The amount payable by TOWMCL under License Agreement shall be paid as per provisions of the License Agreement.</p> <p><u>11.3 No other payments</u></p> <p>Except for the payment of the License Rental as mentioned in Clause 11.1 above, and any other amounts payable under this Agreement, NDMC shall not be entitled to any further or other compensation, fee, charges, reimbursements or payments whatsoever, for or in connection with the Concession and any other rights and benefits whatsoever granted by NDMC to TOWMCL under this Agreement.</p>
3.	13.3	<p><u>Benefits to Project to Accrue Directly to TOWMCL :</u></p> <p>NDMC hereby agrees that if there is any financial or tax benefits or otherwise in respect or on account of the Project (including but not limited to viability gap funding, grants, carbon credits, tax benefits, etc.), they shall accrue directly and exclusively to TOWMCL alone and not to NDMC and NDMC hereby undertakes that it shall not claim or file and application claiming such benefits to the prejudice of TOWMCL. NDMC agrees to facilitate the grant or receipt of all such benefits by TOWMCL. NDMC agrees to</p>	<p><u>Benefits to Project to Accrue Directly to TOWMCL :</u></p> <p>NDMC hereby agrees that if there is any financial or tax benefits or otherwise in respect or on account of the Project (including but not limited to viability gap funding, grants, carbon credits, tax benefits, etc.), they shall accrue directly and exclusively to TOWMCL alone and not to NDMC and NDMC hereby undertakes that it shall not claim or file and application claiming such benefits to the prejudice of TOWMCL. NDMC agrees to</p>

		<p>facilitate the grant or receipt of all such benefits by TOWMCL, whether on its own behalf or on behalf of NDMC and for the purpose to give all needed recommendations, no-objections, authorizations, etc. However, NDMC shall not be liable to bear any cost on account of any and/or all benefits. It may however be noted that revenue from Carbon Credits, if any, shall be dealt with as per directions of Delhi Electricity Regulatory Commission (DERC) does not give any directions about Carbon Credits, the revenue from Carbon Credits shall be distributed between MCD/NDMC and TOWMCL in ratio of 75:25 that is 75% to MCD/NDMC and 25% to TOWMCL. The distribution of revenue from Carbon Credits between MCD and NDMC shall be done in the same ratio as of MSW delivered by each. The revenue of Carbon Credits to be distributed shall be determined after deducting from revenues from Carbon Credits, actual expenses incurred by TOWMCL in obtaining the Carbon Credits.</p>	<p>facilitate the grant or receipt of all such benefits by TOWMCL. NDMC, whether on its own behalf or on behalf of NDMC and for the purpose to give all needed recommendations, no-objections, authorizations, etc. However, NDMC shall not be liable to bear any cost on account of any and/or all benefits.</p>
4.	19	<p><u>TRANSFER AND HANDBACK OF PROJECT FACILITIES</u></p> <p>Upon the completion and expiry of the Term of this Agreement or early Termination of this agreement, TOWMCL shall, after receiving all payments due from NDMC under this Agreement, either:</p> <p>(i) transfer, to NDMC, the Plant at Okhla (together with the Project Facilities) and the Site, in a condition as may be mutually agreed to between the Parties, together with the right, title and interest of TOWMCL,</p> <p>(ii) in the event NDMC does not want to take over the Plant, TOWMCL (or the Lenders, as the case may be) shall hand back Vacant Possession of the Site, free from all physical structures of the Plant, to NDMC, without any additional compensation whatsoever.</p>	<p><u>TRANSFER AND HANDBACK OF PROJECT FACILITIES</u></p> <p>Upon the completion and expiry of the Term of this Agreement or early Termination of this agreement, TOWMCL shall, after receiving all payments due from NDMC under this Agreement, shall exercise following operations:</p> <p>(i) transfer, to BSES Rajdhani Power Limited ("Procurer"), the Plant at Okhla (together with the Project Facilities) and the Site, in a condition as may be mutually agreed to between the Parties, together with the right, title and interest of TOWMCL. Under such case, the Procurer shall assume the role of TOWMCL and shall take over majority shareholding in TOWMCL.</p>

		<p>In order to enable TOWMCL (or the Lenders, as the case may be) to deliver Vacant Possession of the Site free from all physical structures of the plant, an additional period of six (6) months from the expiry or early termination of the Term of this Agreement shall be provided.</p> <p>It is to be noted that on expiry of the Term of this Agreement, if NDMC wants the Plant, then the Payments to be made by NDMC to TOWMCL will be equal to "Book Value" of the Project facilities. In any case, before Handback of Project facilities. TOWMCL will execute all such documents and writings as required for transfer of Project to NDMC provided however, in the event of early termination, if NDMC wants the Plant, then the transfer of the Plant (including the Project Facilities) shall occur together with any Encumbrances created in favour of the Lenders under the relevant Financing Documents. TOWMCL will also execute all such documents and writings as required in that behalf. TOWMCL will also transfer/ endorse all licenses, permissions, permits or consents then existing in respect of the Project Facilities to NDMC or issue the necessary no objections in that regard or surrender such licenses, permissions etc. in favour of NDMC.</p>	<p>(ii) in the event Procurer does not want to take over the Plant, NDMC shall have the option to take over the Plant.</p> <p>(iii) in the event neither Procurer nor NDMC want to take over the Plant, TOWMCL (or the Lenders, as the case may be) shall hand back Vacant Possession of the Site, free from all physical structure of the Plant, to NDMC, without any additional compensation whatsoever.</p> <p>In order to enable TOWMCL (or the Lenders, as the case may be) to deliver Vacant Possession of the Site free from all physical structures of the Plant, an additional period of six (6) months from the expiry or early termination of the Term of this Agreement shall be provided.</p> <p>It is to be noted that on expiry of the Term of this Agreement, if NDMC wants the Plant, then the Payments to be made by relevant Party to TOWMCL will be equal to "Book Value" of the Project facilities. In any case, before Hand back of Project facilities. TOWMCL will execute all such documents and writings as required for transfer of Project to Procurer or NDMC, provided however, in the event of early termination, if Procurer or NDMC wants the Plant, then the transfer of the Plant (including the Project Facilities) shall occur together with any Encumbrances created in favour of the Lenders under the relevant Financing Documents. TOWMCL will also execute all such documents and writings as required in that behalf. TOWMCL will also transfer/ endorse all licenses, permissions, permits or consents then existing in respect of the</p>
--	--	---	---

		<p>For the sake of clarity, upon handback of Project by TOWMCL to NDMC, the employees of TOWMCL remain to be employees to TOWMCL only. NDMC shall not be responsible for taking over the management and control of TOWMCL and any acts and deeds of TOWMCL in relation to the Project or otherwise.</p> <p>In the event NDMC is taking over the Plant instead of insisting of delivery of Vacant Possession of the Site, it will, if necessary, have to enter into suitable agreements with the owners of the technology being used in the Project Facilities for directly obtaining any necessary licence and right on non-exclusive and non-transferable basis, to continue to use the relevant technology only for the purposes of operation and maintenance of the Plant.</p> <p>For the purpose of this Clause 19, "Book Value" is the value net of depreciation computed on straight-line basis as per the rates specified in Companies Act, 1956.</p>	<p>Project Facilities to Procurer or NDMC, as the case may be, or issue the necessary no objections in that regard or surrender such licenses, permissions etc. in favour of NDMC.</p> <p>For the sake of clarity, upon handback of Project by TOWMCL to Procurer or NDMC, the employees of TOWMCL remain to be employees to TOWMCL only. Procurer or NDMC shall not be responsible for taking over the management and control of TOWMCL and any acts and deeds of TOWMCL in relation to the Project or otherwise.</p> <p>In the event Procurer or NDMC is taking over the Plant instead of insisting of delivery of Vacant Possession of the Site, it will, if necessary, have to enter into suitable agreements with the owners of the technology being used in the Project Facilities for directly obtaining any necessary licence and right on non-exclusive and non-transferable basis, to continue to use the relevant technology only for the purposes of operation and maintenance of the Plant.</p> <p>For the purpose of this Clause 19, "Book Value" is the value net of depreciation computed on straight-line basis as per the rates specified in Companies Act, 1956.</p>
--	--	--	---

5. Financial implications of the proposed project/subject:

NDMC will still save Rs. 4.0 crores (approx.) for savings in landfill tipping fee, besides a saving on anticipated increased transportation costs.

6. Implementation schedule with timelines for each stage including internal proceeding:

Mechanical completion is to be achieved within Twenty Four (24) months.

7. Comments of the Finance Deptt. on the subject

Finance Deptt has advised that

- i) the plant should be transferred to NDMC and not to BSES as envisaged in the clause 19(i)
- ii) department may brought on record how NDMC would be compensated with regard to ground rent being paid to DDA

8. Comments of the Deptt. on comments of Finance Deptt.

i) The department has already written to ILFS to take up the matter with DERC for reconsideration of its order and restoration of benefits originally envisaged in the draft concession agreement including transfer of vacant possession of land to NDMC at the end of the concession period.

ii) as stated earlier, there will be savings on account of tipping fee paid at the landfill site which will more than offset the ground rent being paid to DDA for the land

As this project is a joint venture of several agencies and seeks to address the burning issue of Water Management, which concerns all, in the event DERC does not accede to NDMC's request, then the only saving to NDMC will be on account of savings in tipping fee & transportation charges.

9. Legal implications of the subject/project

As informed / approved earlier.

10. Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject

The MOU with M/s ILFS was approved by the Council vide Resolution No 6(W-1), Dated 26/8/05.

The Concession Agreement was accepted in principle vide Resolution No. 14(W-1), Dated 16/05/07.

11. Comments of the Law Deptt. on the subject/project

Law department has given its concurrence to the proposal

12. Comments of the Deptt. on the comments of Law Deptt.

NIL

13. Recommendation

We need to support such projects, in larger interest of Delhi as a whole, being driven by GNCTD. Placed before the Council for its approval on the likely changes in Concession Agreement in view of the DERC orders.

COUNCIL'S DECISION

To support such projects, in larger interest of Delhi as a whole, the Council approved in principle, the likely changes in Concession Agreement, to be made in view of the DERC orders.

**(VIKRAM DEV DUTT)
SECRETARY**

**(PARIMAL RAI)
CHAIRPERSON**