

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

COUNCIL'S MEETING NO. 13 /2007-08 DATED 19.12.2007.

Arrangement of business

ITEM NO.	SUBJECT	PAGE	ANNEXURE
1 (C-43)	Confirmation and signing of the minutes of the Council's Meeting No. 12/2007-08 dated 21.11.2007.	3	4 – 8
2 (A-56)	Strengthening of Water Supply System in NDMC Area. SH : Construction of Water Boosting Station at Panchsheel Marg-Sardar Patel Marg Crossing.	9 – 11	
3 (A-57)	Name of Work:- Development of various Markets in NDMC area Sub – Head:- Façade Improvement for Yusuf Zai Market.	12 – 14	
4 (B-33)	Award of work for Replacement/augmentation of LT switchgears & distribution transformers in various electric substations Maintenance South area of NDMC.	15 – 17	
5 (B-34)	Award of work of Replacement of old 11 KV H.T.Feeders and inter-connector cables in Maint. South Division Area.	18 – 20	
6 (B-35)	Award of work of replacement of 11KV HT panels in 30 nos. Electric Substations of Maintenance South Division.	21 – 22	
7 (B-36)	Turnkey execution of system strengthening works in NDMC areas.	23 – 24	
8 (B-37)	Providing Consultancy services for SCADA System in NDMC area for 66/33 KV Electric Supply Distribution System.	25 – 26	
9 (B-38)	Upgradation of street lighting in NDMC area under Phase I & II for the forthcoming Common Wealth Games, 2010.	27 – 29	
10 (H-15)	Grant of regular pay scale to contractual Medical Officers and Specialists of various systems of medicine in NDMC.	30 – 32	
11 (H-16)	Regularization of left out TMR Workers (Card Holders)	33 – 35	36 – 49
12 (I- 1)	Setting up of a Citizen Facilitation Centre - site preparation at SBS Place , Gole Market, New Delhi.	50 - 53	
13 (I-2)	Procurement of IP based CCTV to be installed at Palika Kendra, Palika Parking, Central Park and Palika Bazar, NDMC, New Delhi.	54 - 56	57 – 58
14 (D-4)	Approval of the New Delhi Municipal Council (Maintenance of Accounts) Regulations, 2007.	59 – 66	67 – 76
15 (B-39)	Establishing 33KV Electric Sub-Station at Raja Bazar.	77 - 79	
16 (B-40)	Purchase of five, 11kV, 350 MVA, Vaccum, Single Bus Bar, Indoor type switchboard without remote control.	80 – 82	
17 (A-58)	Construction of Subways/Foot Over Bridges in NDMC Area. Appointment of Consultant.	83 – 87	
18 (K-5)	Relaxation in Terms and conditions for granting licenses to Dhobis working at Dhobi Ghats in NDMC Area.	88 – 90	

19 (G-9)	Appointment of an agency to manage Bulk Power Supply allocated to NDMC.	91 – 93	94 – 105
20 (G-10)	Settlement of disputes and recovery of outstanding electric/water dues.	106 – 111	112 – 113
21 (C-44)	Contracts/Schemes involving an expenditure of Rs. 1 Lac but not exceeding Rs. 50 Lacs.	114	115 – 134
22 (C-45)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	135	136 – 176
23 (S-1)	Report of Vigilance Department	177	178 – 180
24 (C-46)	Providing Winter Uniform to eligible Group 'C' & 'D' employees of the Council.	181 – 184	
25 (A-59)	Presentation of Streetscaping of Sardar Patel Marg by Civil Engg. Department.	185	
	(VOLUME – II)		
26 (E-6)	Policy regarding role of Finance and Medical Departments for the concurrence of preliminary estimates for the procurement of medical consumables.	186 – 187	
27 (K-6)	lkkyfdk LokLF; lsok ;kstk	188 – 191	192 – 198
28 (F-4)	Reduction of transfer duty on transfer of immovable property in NDMC area to 2% & 2.5% in case of women and other than women transferees of property respectively, from the present rate of 3%.	199 - 201	

ITEM NO. 01 (C-43)

Confirmation and signing of the minutes of the Council's Meeting No. 12/2007-08 dated 21.11.2007 **(See pages 4 – 8)**.

COUNCIL'S DECISION

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

MINUTES OF THE COUNCIL'S MEETING NO. 12/2007-08 HELD ON 21.11.2007 AT 3-00 P.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.

MEETING NO.	:	12/2007-08
DATED	:	21.11.2007
TIME	:	3-00 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. K.S. Mehra | - | Member |
| 5. | Sh. V.V. Bhat | - | Member |
| 6. | Sh. Mukesh Bhatt | - | Member |
| 7. | Ms. Sima Gulati | - | Member |
| 8. | Sh. Mansur Ali Sayed | - | Secretary/C.V.O., N.D.M.C. |

ITEM NO.	SUBJECT	DECISION
1 (C-38)	Confirmation and signing of the minutes of the Council's Meeting No. 10/2007-08 dated 17.10.2007.	Minutes confirmed subject to amendment made vide Item No. 13 (C-42).
2 (C-39)	Confirmation and signing of the minutes of the Special meeting of the Council No.11/2007-08 dated 05.11.2007.	Minutes confirmed.
3 (A-49)	S/R of Roads in NDMC Area during 2007-08. SH : Improvement of area along service roads of MP's flats North Avenue.	Resolved by the Council that administrative approval and expenditure sanction for Rs.80,14,000/- is accorded to the preliminary estimate for the work of Improvement to area along service roads of MP's flats, North Avenue.
4 (A-50)	Strengthening of Water Supply System in NDMC Area. SH :Const. of U.G.Tank with boosting arrangement at Kali Bari Marg near Water Supply Control Room.	Resolved by the Council that administrative approval and expenditure sanction to the preliminary estimate amounting to Rs.5,21,00,000/- is accorded for the said scheme for 'Strengthening of Water Supply System in NDMC area'.
5 (B-32)	Estimate for Replacement of 33KV feeders from S/S Park Street to NDMC Distribution System.	Resolved by the Council that the estimate amounting to Rs.4,01,00,000/- is approved and expenditure sanctioned. The works may be taken up for execution on fast track in view of their urgency. Deptt. may initiate action in anticipation of the confirmation of the minutes of the Council.

6 (H-12)	Amendment in Recruitment Rules for the post of Junior Engineers (Electrical).	Resolved by the Council to amend the RRs of Junior Engineers (Electrical), as proposed in the preamble.
7 (C-40)	Contracts/Schemes involving an expenditure of Rs. 1 Lac but not exceeding Rs. 50 Lacs.	Information noted.
8 (C-41)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.
9 (A-51)	Audio/Visual presentation by the Civil Engg. Deptt regarding Streetscaping development of Mother Teresa Crescent.	The Council decided that preliminary estimate be prepared and put up to the Council as per Concept Plan of the audio visual and necessary interventions as pointed out.
10 (H-13)	Grant of Regular pay scale to Medical Officers working in NDMC.	Deferred. It was further directed that the proposal be examined with respect to earlier Resolution moved on this issue by the Vice-Chairperson in 2004 and Council's Resolution No.10(C-16) dated 26.07.2004, including the possibility of extending the similar benefit to employees in other departments.
11 (H-14)	Amendment in the recruitment rules for the post of fireman in the pay scale of Rs. 3050-4590 (V CPC).	Deferred.
12 (A-52)	Redevelopment of Connaught Place.	Resolved by the Council that : (i) The Project Report (Part-I & II) along with specific recommendations of Empowered Committee to carry out the Redevelopment of Connaught Place is approved. The preliminary estimate of the works proposed in the Project Report be brought in different packages duly concurred by Finance Department before the Council for accord of administrative approval and expenditure sanction. (ii) The Project Management Consultancy fee which includes complete package of conceptualization, design and execution / supervision (under the overall supervision of Engineer-in-Chief from NDMC) of the project to be paid to M/s. Engineers India Limited be pegged by the Committee headed by Financial Advisor after working out modalities of capping / freezing of fee to be paid to the consultant including negotiation with M/s EIL after taking into consideration the fee to be paid on machinery etc. which may be repetitive in nature like escalators, transformers etc. pending finalization of negotiation with EIL, conditional payments of Planning stage i.e. 3% as per terms and conditions of Project Management Consultancy agreement be released to M/s. Engineers India Ltd. This is subject to review and adjustment to be made after the Committee headed by Financial

		<p>Advisor recommends the modalities of capping / freezing of fee to be paid to the Project Management Consultant.</p> <p>(iii) The Consultancy fee will not include the Centralized Air Conditioning System. The Centralized Air Conditioning System will be provided based on BOT Model for which Expression of Interest be called separately and Project Management Consultant's fee on this service be paid by the concessionaire.</p> <p>(iv) Since this Redevelopment of Connaught Place has been identified as one of the major projects in City Development Plan, so the detailed Project Report (DPR) be prepared based on the conceptual plan listed in the project report (Part I & II) and approved by the Empowered Committee so as to project the Redevelopment of Connaught Place for funding under JNNURM. The traffic circulation be also finalized and case be submitted to DUAC for approval.</p> <p>(v) As per guidelines under JNNURM, 35% of the cost will be borne by the Mission Directorate, 15% by Govt. of National Capital Territory of Delhi and balance 50% form own resources i.e. NDMC. However the case be taken up for reimbursed of 50% component of NDMC with MOUD / Govt. of NCT of Delhi as per guidelines of JNNURM including reimbursement of 1.5% of estimated cost of Project for preparation of DPR under JNNURM. Till the time funds are released by Govt. of Delhi and Mission Directorate, the expenditure will be met out of NDMC funds to avoid any time and cost overrun of the Project.</p> <p>(vi) The above actions be taken in anticipation of confirmation of minutes of meeting so as to avoid any delay in the Project.</p>
13 (C-42)	Amendment in minutes of the Council Meeting No.10/2007-08 held on 17.10.2007 at 4-00 P.M. placed for confirmation thereof in this agenda vide item no.01 (C-38).	Resolved by the Council to amend the minutes accordingly.
14 (A-53)	Strengthening of Water Supply System in NDMC Area. SH : Interconnection of underground reservoirs at Jor Bagh and Talktora by providing and laying of 300mm dia line from Amrita Shergill Marg to Maulana Azad Road to improve the water supply from Nizamuddin Taping of Sonia Vihar Treatment.	Resolved by the Council that the administrative approval and expenditure sanction to the preliminary estimate amounting to Rs.1,02,34,500/- is accorded for the said scheme. Members expressed their concern about acute shortage of water in some areas of NDMC for a couple of days. Chairman informed the Council about proposed transmission network of water supply in NDMC area, which will come a long way to address the temporary shortfall of water and will also be an important step towards equal distribution of water in all the areas of NDMC.

15 (N-2)	I Phase Mechanization of Horticulture Department.	<p>While considering the proposal, the Council noted the concern of the Members about the delay which generally takes place in removal of the trunks / trees from the roads fell during storm etc. mainly because of primitive nature of manually operated machinery available with the deptt. for cutting / removing of trees etc.</p> <p>Concern of Members regarding poor survival ratio of the plants and theft of tree guards was also noted. These concerns will be addressed by the Hort. Deptt. and position may be clarified in the next meeting.</p> <p>The Council, while advising that the deptt. should adopt better strategy for urban tree management, resolved that administrative approval and expenditure sanction is accorded to the estimate amounting to Rs.217.80 lacs for the work of 1st Phase of Mechanization of Horticulture Department during 2007-08 & 2008-09.</p>
16 (N-3)	Requirement of funds for maintenance & improvement of CPWD colony parks transferred to NDMC and approval of Management Plan.	<p>Resolved by the Council that administrative approval and expenditure sanction is accorded to the annual estimate amounting to Rs.486 lacs for the work of Maintenance of CPWD Colony Parks, Shanti Path, South & North Avenue during 2007-08.</p> <p>It was further resolved that the management plan submitted by the department for colony parks, both CPWD and of NDMC, is approved along with the norms proposed (i) for maintenance and (ii) for manpower deployment of 2 Malis per acre, 1 Sweeper for 4 acre area. Council further approved the department's proposal for maintenance of CPWD Colony Parks through :</p> <p>a) Engaging Contractors b) With the help of RWAs after granting some Financial Aid. c) On Public / Private Partnership basis.</p> <p>Above norms for maintenance and manpower have been agreed to, initially for two years and to be reviewed thereafter.</p> <p>It was also resolved that the department may proceed with the work by meeting the expenditure initially from municipal fund but subsequently may take up with the Delhi Govt. and/or M/o Urban Development for providing necessary funds for this project.</p>
17 (A-54)	Preservation/Restoration of Heritage Building in NDMC area, (Gole Mkt.).SH :(a) Implementation of signage and street furniture (b) Façade restoration of Gole Market and surrounding bldg. (c) Restoration with rehabilitation of structure services, interior restoration and up-gradation.	<p>It was resolved by the Council that due to change in the concept and there being a single tender, the tender is rejected and may be recalled.</p>

18 (A-55)	Preservation/Restoration of Heritage Building in NDMC area. SH : Façade Restoration of N.P. Boys Sr. Sec. School, Mandir Marg, N. Delhi.	Resolved by the Council to award the work to M/s India Guiniting Corporation at their tendered amount of Rs.2,54,91,739/- which is 86.21% above the estimated cost of Rs.1,36,89,629/- and also revised administrative approval and expenditure sanction amounted to Rs.2,54,91,739/- and work to be started in anticipation of confirmation in next Council Meeting.
19 (D-3)	Audio/Visual presentation by the Finance Deptt (e-Government Foundation) on capacity building in respect of e-financial.	Presentation was made before the Council.

(VIKRAM DEV DUTT)
SECRETARY

(PARIMAL RAI)
CHAIRPERSON

ITEM NO.02 (A-56)

1. **Name of the Sub.** : Strengthening of Water Supply System in NDMC Area.

Sub Head : Construction of Water Boosting Station at Panchsheel Marg-Sardar Patel Marg Crossing.

2. **Name of the Deptt.** : Civil Engineering, Public Health Circle, Water Supply Division.

3. **Brief History of the Subject**

Presently, entire Chanakya Puri Area including I.B. Complex, all Embassies and Govt. Guests Houses are supplied water from Palam Reservoir of DJB through 27" dia (675mm) feeder main. The Chanakya Puri Area is having lot of variation in ground levels and Dhaula Kuan and Jesus & Merry College side are at a higher level of about 7-8 metres. The water supply, as such, does not reach this area. Consequent upon this, NDMC has installed an online 100 H.P. booster pump at Sardar Patel Marg-Panchsheel Marg on this 27" dia line for increasing the water pressure. This booster pump exists there for the last about 30 years, however, DJB vide their letters dt. 8.8.05 and dt. 20.08.05 objected to this online booster pump and the matter was brought to the notice of Hon'ble Chief Minister by CEO, DJB during a meeting held on 18.08.05. Though the Hon'ble Chief Minister was apprised of the position of online pump which was 2 km away from Palam Reservoir of DJB and the same runs for limited 2 hours in each shift by throttling the sluice valve, however, it was finally desired by the Hon'ble Chief Minister that some alternative arrangement may be made instead of putting an online booster pump. Accordingly, proposal has been made to construct a water boosting station at Panchsheel Marg-Sardar Patel Marg Crossing for a capacity of 15 lac ltrs. wherein the water will be drawn from Palam Reservoir of DJB and further boosted. An existing taxi stand and tubewell at this site will be got shifted to facilitate construction of underground tank.

4. **Detailed Proposal of the Subject :**

Installation of an online boosting pump by NDMC which feeds entire Chanakya Puri Area including I.B. Complex, all Embassies and Govt. Guests Houses has been objected to by DJB and as such, it has been decided that an underground reservoir of 15 lac ltrs. capacity be constructed at the Crossing of Panchsheel Marg-Sardar Patel Road. This A/A and E/S estimate amounting to Rs. 2,80,32,900/- has been framed on plinth area rates for construction of an underground reservoir of 15 lac ltrs. capacity at the Crossing of Panchsheel Marg-Sardar Patel Road wherein the water from Palam Reservoir will be drawn through feeder main and further boosted in Chanakya Puri Area. The estimate comprises of the following sub heads :-

i)	Construction of U/G tank	-	Rs. 1,80,97,500/-
ii)	Construction of Pump House	-	Rs. 13,96,462/-
iii)	P/L Feeder & delivery lines & shifting of existing lines.	-	Rs. 45,41,064/-
iv)	Shifting of existing taxi stand (LS)	-	Rs. 2,00,000/-
v)	Shifting of tubewells (LS)	-	Rs. 2,00,000/-
vi)	Installation of pump set & connections including electric external connections.	-	Rs. 27,81,287/-
	Contingencies 3%	-	Rs, 8,16,489/-

5. Final Implications of the Proposed Subject :

The Preliminary Estimate amounting to Rs. 2,80,32,900/- has been framed for obtaining administrative approval and expenditure sanction of the Council. A provision of Rs. 5 lacs has been proposed in the revised budget proposals for the year 2007-08 and for Rs. 80 lacs in the budget proposal for the year 2008-09.

6. Implementation Schedule with Timeliness for each stage including Internal Processing :

After accord of administrative approval and expenditure sanction from the Council, the following time schedule will be implemented :-

a)	Approval of detailed estimate after receipt of structural drawings	-	1 Month
b)	Approval of Draft NIT	-	15 days
c)	Call of Tender	-	1 Month
d)	Award of Work	-	2 Months
e)	Execution of Work	-	6 Months

7. Comments of the Finance Department on the Subject :

The observations of the Finance Department dt. 22.11.07 were clarified and finally, Finance has observed as under :-

"We have no objection to the P.E amounting to Rs. 2,80,32,900/- (Rs. Two crore eighty lakh thirty two thousand nine hundred) for the work "Construction of Water Boosting Station at Panchsheel Marg-Sardar Patel Marg Crossing" subject to incurring no liability w/o ensuring hassle free shifting of taxi stand coming in the alignment of proposed scheme and removal of trees in accordance with the rules of Forest and Environment Deptt.

This issues with the approval of F.A."

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

As regards shifting of taxi stand coming in the alignment of proposed scheme, the matter will be taken up with Director (Estate), NDMC with regard to this. Regarding removal of trees, matter will be taken up with Forest and Environment Department separately.

9. Legal Implication of the Subject :

Not applicable

10. Details of Previous Council Resolutions, Existing Law of Parliament and Assembly on the Subject :

Not applicable

11. Comments of the Law Department on the Subject :

Not applicable

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

Not applicable

13. Recommendations :

The case is placed before the Council for consideration and accord of administrative approval and expenditure sanction to the preliminary estimate amounting to Rs. 2,80,32,900/- (Rs. Two crore eighty lakh thirty two thousand nine hundred only) for the above said scheme.

COUNCIL'S DECISION

ITEM NO. 03 (A-57)**1. Name of the Project**

Name of Work:- Development of various Markets in NDMC area.
Sub – Head:- Façade Improvement for Yusuf Zai Market.

2. Name of the Department Concerned

Civil Engineering Department Zone-II

3. Brief History of the Project

Yusuf Zai Market exists on the outer circle of Connaught Place and starts from State Entry Road to Shankar Market. It has 106 shops and needs Façade Improvement work to give a proper shape considering forth coming Common Wealth games 2010. Traders Association have a long demand for this face lifting work. A meeting was arranged in the chamber of CE(C-II) on 23/10/2007 where members of Yusuf Zai market called "Connaught Place Traders Association" was also present. After detailed discussions, it was decided that DCA will prepare a detailed drawing for façade improvement work within 3 weeks and there after the proposal will be discussed with the traders association before the same is Placed before Chairman, NDMC. Conceptual drawing prepared by DCA was appreciated by Connaught Place Traders Association and now the same is placed before the Council for Conceptual Approval.

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

It is proposed to improve Façade of all the 106 shops of Yusuf Zai market by providing either ACP sheets as being executed for Janpath Road Berm Shops or by proving simple plaster and long lasting paint. Two shops have been identified for these two options and accordingly façade improvement will be finished for selected shops for both the options. Final approved sample will be repeated for all the shops of Yusuf Zai Market.

Façade Improvement work requires change of front wall profile and height of stall. Design prepared by DCA is in such a way that shutters of all the shops requires replacement by Glass Doors and position of all the shutters will be shifted to match the front profile of the market. The cost of internal changes in shops like change of front wall, roof and shutters by Glass Doors will be borne by individual stall holders as agreed by traders association. Final façade improvement work will be taken up by NDMC in due course. Permission for change of front wall and making uniform height of stall will be granted by Project Leader in consultation with the Dir.(Estate) and the execution will be taken up on the basis of approved drawing by

DCA under the supervision of Project Team comprising DCA, Project Leader, AE, JE and representative of Estate department.

5. Scope of Work:

Façade Improvement Plan for the Yusuf Zai Market prepared by DCA has the following features:

1. Change of front wall profile of shops of Yusuf Zai Market on the basis of Façade Improvement Drawing prepared by DCA.
2. Change of roof of shops to achieve uniform height. At present shops have different heights.
3. Façade Improvement of all the 106 stalls on the basis of approved sample.
4. Replacement of shutters by Glass Doors and providing new shutters for all the 106 stalls.
5. Uniform Flex Sheet signage for all the shops.
6. Designer CC tiles on footpath.
7. Electric Cable duct for electric cables.
8. Side walls of corner shops to be finished for advertisement panels.

The Scheme is now placed before the Council for conceptual approval, so that further process of scheme can be initiated and execution work for two sample shops can be taken up.

6. Financial Implication of the Project

Estimated Cost of the Project is around Rs. 2.5 crores.

7. Implementation Schedule

One year.

8. Recommendations

Façade Improvement Drawing for 106 stalls of Yusuf Zai Market be conceptually approved so that further process of preparation of preliminary estimate and other activities can be taken.

9. **Draft Resolution**

Resolved by the Council that the Façade Improvement Drawing for 106 shops of Yusuf Zai Market is conceptually approved and further preparation of detailed drawing, execution work for two sample shops, preparation of preliminary estimate with an approximate cost of Rs.2.5 crores and other activities required for execution of work can be initiated.

COUNCIL'S DECISION

ITEM NO. 04 (B-33)

Name of the Subject: Award of work for Replacement/augmentation of LT switchgears & distribution transformers in various electric substations Maintenance South area of NDMC.

Name of the Deptt: Electricity Department

Brief History : As per the Expert Committee Report constituted under the guidance of Sh. Y.P. Singh, Chairman, ECGRF (submitted in Nov. 2005) to give recommendation for improvement/augmentation of the power supply system of NDMC area, this was recommended to replace those equipments which have served their useful life as well as those which need augmentation / giving frequent troubles and are posing maintenance problems. In line with this report, an estimate amounting to Rs. 6,70,78,984 (Gross) and Rs.6,57,07,673/- (Net) was approved by the Council vide Resolution No. 9 (B-1) dated 19.04.2006 for the replacement/augmentation of LT switchgears & distribution transformers in various electric substations Maintenance South area of NDMC. The existing LT panels are proposed to be replaced by microprocessor controlled LT panels.

Detailed proposal: Sealed tenders were invited for the subject cited works by publishing NIT in leading newspapers besides placing the same on NDMC/Delhi Govt websites as per approved NIT amounting to Rs. 6,73,38,827/- . The NIT was also displayed on various notice boards in NDMC offices. Tender Notices were also sent to various electrical contractor associations. On due date of opening i.e. 24.1.07 tender box was opened and no tender was found in the tender box. The last date of opening was extended upto 14.2.07 but on that day also only two tenders were found in the tender box. E-in-C instructed to extend the date of opening upto 1.3.07. Meanwhile Control & Switchgears represented to NDMC to include their make in the approved list of LT switchgears. The matter was discussed in TEC on 20.2.07 & it was decided to include Control & Switchgears make for LT switchgear. Finally last date of opening of tenders was extended upto 6.3.07. In all six tenders were sold upto due date. Four firms participated. Technical Bids were opened on 6.3.07.

TEC meetings were held on 28.3.07 & 8.5.07 and various technical points were discussed with the representatives of participating firms. The firms were subsequently allowed to submit their revised price bids upto 28.5.07 & finally price bids of all the participating firms were opened on 30.5.07. The comparative statement is as under:-

S.No.	Name of tenderer	Total quoted price - Rs	Remarks
1	M/s Vijai Electrical Ltd.	13,58,99,243/- Less 1% discount on total quoted price Net Rs.13,45,40,251/-	1 st lowest, the firm offered discount only if the complete work comprising of transformers & LT panels is awarded to them.
2	M/s National Engineers & Contractors	Rs. 14,50,74,800	2 nd lowest
3	M/s Control & Switchgears	15,34,72000/- Less discount 2.5% on quoted amount Net 14,96,35,200	3 rd lowest
4.	M/s Fabrico (India Pvt. Ltd.)	15,47,77,000/-	Highest

The lowest bidder M/s Vijai Electrical Ltd. has quoted 105.7% above the estimated cost put to tender Rs. 6,73,38,827/- and 12.09% below the justified amount of Rs. 15,43,560/-. Initially it was proposed to bifurcate the total work in two parts one for transformer & other for LT panels because two bidders were found manufacturer of such respective items. M/s Vijai Electricals Ltd. (first overall lowest) is the manufacturer of distribution transformers & M/s Control & Switchgears Ltd. (third overall lowest) is the manufacturer of LT switchgears and panels. It was proposed to award the work of both the items i.e. transformers & LT panels directly to the respective manufacturers to ensure the timely completion of work & better after sale services in future. This way there was saving of Rs. 55,77,803/-. However, the overall lowest bidder represented against this proposed division of work. The case was, therefore, seen by Finance Department, Law Department & Vigilance Department who finally decided to hold negotiations with the first lowest bidder or award the portion of work of which the lowest bidder is the manufacturer. Vigilance Department also suggested to take the offer of M/s BHEL for the work. But BHEL sent regret letter stating that they do not manufacture distribution transformers & LT panels. With the approval of Chairperson negotiation were held on 19.11.07 in the chamber of F.A. during which the firm agreed to give a total rebate of 2.5% on total quoted rates (including 1% rebate already given by the firm in their original offer). After due deliberations, the negotiations sub-committee recommended to award the total work to L-1 M/s Vijai Electrical Ltd. at their negotiated offer of Rs. 13,25,01,762/-

Financial Implications: Rs. 13,25,01,762/-.

Implementation Schedule: 12 months from 10th day of award of work.

Comments of the Finance Department: Finance Department vide their Dy. NO. 2846 Finance/R-Elect. dated.6.12.07 have commented that negotiations sub-committee under chair of the Finance Advisor has already recommended for award of work to L-1 firm, M/s Vijai Electrical Ltd. at their negotiated offer of Rs. 13,25,01,762/- (inclusive all duties, freight, insurance etc.) after taking into consideration negotiated discount of 2.5% on quoted rates & on the terms & conditions of NIT. There is, as such, no point on which finance can comment now.

Comments of the Department on the comments of Finance Department:

Nil

Legal implications : NIL

Details of previous Council's Resolution: NIL

Comments of the Law Department: we agree for noting the case to Council

Comments of the Department on the comments of Law Department Nil

Recommendations : Recommended that the case may be placed before the Council for consideration and decision to award the work of Replacement/augmentation of LT switchgears & distribution transformers in various electrical substations Maintenance South area of NDMC in favour of M/s Vijai Electrical Ltd. at their negotiated offer of Rs. 13,25,01,762/- (inclusive all duties, freight, insurance etc.) for the entire work on the terms and conditions of NIT. Although the validity of the offer is upto 31.1.08, but for doing the work partly before the onset of the summer season, necessary approval may also be accorded to award the work in anticipation of confirmation of minutes of the Council Meeting.

Draft Resolution : Resolved that the work for Replacement/augmentation of LT switchgears & distribution transformers in various electrical substations Maintenance South area of NDMC be awarded in favour M/s Vijai Electrical Ltd. at their negotiated offer of Rs. 13,25,01,762/- (inclusive all duties, freight, insurance etc.) for the entire work on the terms and conditions of NIT. This is further decided that the work order be issued in anticipation of the confirmation of the Minutes of the Council Meeting.

COUNCIL'S DECISION

ITEM NO. 05 (B-34)

Name of Subject : Award of work of Replacement of old 11 KV H.T.Feeders and inter-connector cables in Maint. South Division Area.

Name of Deptt: Electricity Department.

Brief History of the Case:

Estimate No.02/EE (E) C-VI/2005-06 amounting to Rs.2,58,55,147/- (G) & Rs.2,56,00,457/- (N) was sanctioned by council vide Reso. No. 13(B-5) dt.19/04/2006 for work of Replacement of 30 Nos., old 11 KV H.T. Feeders and inter-connector cables in Maint. South Division Area. This estimate was prepared on the recommendations of expert committee under the Chairmanship of Sh. Y.P.Singh to improve the power supply system of NDMC area.

Detailed proposal on the Subject:

Sealed tenders were invited accordingly for the subject work for replacement of cables off sizes 3x300sq.mm-16.25Km and 3x150sq.mm.-7Km by giving wide publicity through press and NDMC website. NIT was duly approved by E-in-C after examination by Planning and A.O. (E-I). Tenders were invited from the cable manufacturers or their authorised representatives in three-cover system. Offers of the three firms namely M/S KEI Industries Ltd., M/S Ravin Cables Ltd., M/S NICCO Corporation Ltd. were received on due date and time.

After opening the cover containing techno-commercial offer of participating firms and scrutiny it was found that offers of all the three firms meet the conditions of NIT. So price bids of all the three firms were opened on 12/07/07. M/S Ravin Cables Ltd. were found to be the lowest firm and department recommended to award the work to M/S Ravin Cables Ltd. at their lowest quoted price of Rs. 3,00,83,026/-, which are 17.61% below our justified rates amounting to Rs.3,65,16,009/-.

Financial Implications : Rs. 3,00,83,026/-.

ImplementationSchedule : Nine months from the date of Award of Work.

Comments of Finance on the subject :

Finance has seen the case vide their Dy. No. 2746/Fin/R.Elect. Dt.16/11/07 and observed that pre-qualification/eligibility criteria are required to be properly defined/notified in the NITs. Once the same is notified and tenders are invited, the firms are short listed according to this criteria. No deviation from notified criteria can be made during evaluation as per guidelines issued by CVC.

Department has not disputed in its reply that M/S Ravin Cables Ltd. are not satisfying eligibility criteria. Considering the offer of M/S Ravin Cables Ltd. would certainly be a deviation from notified criteria. Finance has not further comments to offer. Case may be submitted to higher authorities for taking a decision on the matter in view of the urgency shown by the department.

Comments of the Deptt. on the comments of Finance:

As per tender documents, offers were invited only from manufacturers/their authorized contractors.

In the instant case, the L-1 viz M/S Ravin Cables Ltd. is a manufacturing firm who had intimated at the time of tender offers "that we would also like to inform you that M/S D.K. traders is our joint venture partner for the subject tender. They shall be undertaking all the installation part of the contract. They are experienced contractor and are having eligibility as per requirement of the tender to undertake the job. Their all the relevant documents are also enclosed herewith for your reference & needful action joint bidding." M/S D.K. Traders are well experienced for doing these types of works. The Finance during discussions has mentioned that the laying experience should also be that of the manufacturer. Observations of Finance essentially relate to this point.

The observations of the Finance in this regard were discussed in detail. It was explained during the discussion that the manufacturers normally do not lay any cable but get laying works done through their associate contractors. Logically, FA agreed with this. Rejection & recall of tenders is unlikely to result in any better situation.

These works are of urgent nature and are required to be executed on top priority as per recommendations of Sh. Y.P.Singh committee report to improve the continuity of electric supply, so we have recommended for placing the case before the Council to award the work to L-1 firm namely M/s Ravin Cables Ltd.

Legal Implications: NIL

Comments of Law Deptt.:

No law point involved. This has concurrence of Law Department.

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

NIL

Recommendations:

Recommended that the case may be placed before the council for consideration and decision to award the work of Replacement of old 11 KV H.T. Feeders and inter-connector cables in Maint. South Division Area, to M/S Ravin Cables Ltd. at their lowest quoted rates of Rs. 3,00,83,026/- on the terms and conditions of NIT. Since the validity of the offer is upto 31.12.07, necessary approval may also be accorded to award the work in anticipation of confirmation of the minutes of the Council Meeting.

Draft Resolution:

The council resolved that the work of Replacement of old 11 KV H.T. Feeders and inter-connector cables in Maint. South Division Area be awarded to M/S Ravin Cables Ltd. at their lowest quoted rates of Rs. 3,00,83,026/- on the terms and conditions of NIT. The work order may be issued in anticipation of confirmation of the minutes of the Council Meeting.

COUNCIL'S DECISION

ITEM NO. 06 (B-35)

Name of the Subject : Award of work of replacement of 11KV HT panels in 30 nos. Electric Substations of Maintenance South Division.

Name of the Deptt: Electricity Department

Brief History of the Subject: The Expert Committee under Sh. Y.P. Singh, Chairman, ECGRF to give recommendation for improvement/augmentation of the power supply system of NDMC area in their report submitted in November, 2005 has recommended replacement of those equipments which have served their useful life as well as those which need augmentation / giving frequent troubles and are posing maintenance problems. In line with this report, an estimate amounting to Rs. 11,68,19,900/- (Gross) and Rs. 11,62,19,680/- (Net) was approved by the Council vide Resolution No. 12 (B-4) dt. 19.04.2006 for the replacement of HT Panels in 30 nos. Electrical Sub-station in Maintenance South area. The existing HT panels are proposed to be replaced with new 11kv, 350 MVA, VCB panels. The panels shall be compatible to SCADA system with a facility to down load the operational details through computer and printer.

Detailed proposal on the Subject: Sealed tenders for the work were invited for the subject work by publishing in leading newspapers besides placing the same on NDMC/Delhi Govt websites as per approved NIT amounting to Rs. 10,27,89,260/- . The NIT was also displayed on various notice boards in NDMC offices. On due date of opening 17-4-07, no tender was found in the tender box. Therefore the last date of opening was extended upto 8-5-2007. In all five tenders were sold and on due date, only three firms participated. Technical Bids were opened on 08.05.2007. One of the firms namely M/s Vijai Electrical LTD was not found technically eligible and his offer was rejected by TEC in its meeting on 19-7-07. The case of rejection of offer was also sent to finance department and law department for their opinion. Finance departments opined that TEC is fully competent to take the final view on technical matters. Law Department also studied the case and agreed with the opinion of TEC for rejection of offer of M/s Vijai Electrical Ltd. Finally the price bids were opened on 5-9-07. The position is as under: -

S.No.	Name of tenderer	Total quoted price - Rs	Remarks
1	M/s AREVA T &D India Ltd	9,53,34,916	1 st lowest
2	M/s ABB Ltd	13,42,98,009	2 nd lowest
3	M/s Vijai Electrical Ltd	Price bid not opened	Technically rejected by TEC

The lowest bidder M/s AREVA T &D India Ltd. has quoted 7.5% below the estimated cost put to tender Rs. 10,27,89,260/- and 17.76% below the justified amount of Rs. 11,59,30,380/-.

Financial Implications of the proposed Subject: Rs. 9,53,34,916/- including taxes

Implementation Schedule: 12 months from 10th day of award of work.

Comments of the Finance Department : Finance Department vide their Dy. NO. 2808/Fin./R-Elect. dated.28.11.07 have concurred in the proposal of the Department to award the work in favour of M/s AREVA, T&D India Ltd. at their quoted rates of Rs.9,53,34,916/- . subject to the following : -

1. Approval of Competent Authority
2. Availability of funds.

Comments of the Department on the comments of Finance Department :

1. The case is being submitted for the approval of competent authority (Council)
- 2 Adequate funds are available

Legal implications of the subject: It does not involve any legal implications.

Details of previous Council's Resolution, existing law of Parliament and assembly on the subject : NIL

Comments of the Law Department: There are no legal issues involved. Case may be placed before the Council.

Comments of the Department on the comments of Law Department : NIL

Recommendations : Recommended that the case may be placed before the Council for consideration and decision to award the work of "Replacement of 11 KV HT Panel in 30 nos. Electric Sub-stations in Maintenance South area" in favour of M/s AREVA T &D India Ltd. at their lowest quoted rates of Rs.9,53,34,916/- for the entire work on the terms and conditions of NIT. Since the validity of the offer upto 24.12.07, necessary approval may also be accorded to award the work in anticipation of confirmation of minutes of the Council Meeting.

Draft Resolution : Resolved that the work for "Replacement of 11KV HT Panel in 30 nos. Electric Sub-stations in Maintenance South area" may be awarded in favour of M/s AREVA T &D India Ltd. at their lowest quoted rates of Rs.9, 53, 34,916/- for the entire work, on the terms and conditions of NIT. The work order be issued in anticipation of the confirmation of the Minutes of the Council Meeting

COUNCIL'S DECISION

ITEM NO. 07 (B-36)**(1) Name of the Project : TURNKEY EXECUTION OF SYSTEM STRENGTHENING WORKS IN NDMC AREAS.**

For speedy execution of the long pending works relating to strengthening of electricity supply in NDMC area, Chairman NDMC alongwith other officers of NDMC discussed with CMD M/s. POWERGRID & his team on 25-7-07 in the office of M/s. POWERGRID and after discussion M/s. POWERGRID agreed to undertake this work for NDMC as a special case for its importance in Delhi. It was followed by visit of NDMC team of POWERGRID office on 1-8-07. Another meeting was held with POWERGRID on 3-8-07. Accordingly the case was placed before the Council and in principle approval was granted to get these works executed through M/s POWERGRID on nomination basis on cost plus basis in its Special Meeting held on 29-8-07. The total estimated cost of the work to be executed by M/s POWERGRID is Rs. 178.0432 crores.

Council vide Reso. No. 09(B-31) dated 5-11-07 resolved that the NDMC may enter into a formal MOU with M/s POWERGRID, for turnkey execution of works, relating to strengthening of the electricity supply system in NDMC area and Chairperson is authorized to nominate an officer to sign the MOU on behalf of NDMC. Department may initiate action in anticipation of confirmation of minutes.

Accordingly a meeting was held in the Council Room on 23-11-07 at 11.15 a.m. by the Chairman, NDMC (in chair), FA, LA, C.E.(E), Director (Commercial), S.E.(P), S.O. to Chairman, E.E.(P-11 KV), E.E.(P-33KV) alongwith officers of M/s POWERGRID in connection with the works being entrusted to M/s POWERGRID for execution.

Threadbare discussions were held regarding the modalities, terms and conditions of Agreement to be signed between POWERGRID and NDMC.

POWERGRID sent the revised draft agreement accordingly, which was reviewed by the deptt. and processed.

Comments of Finance Deptt. :

F.A. has vetted the revised draft agreement.

Comments of Law Deptt. :

L.A. has vetted the revised draft agreement.

Agreement has been signed on 28-11-07 by Secretary NDMC and Executive Director (Business Development) of POWERGRID and copy of the same is placed below.

Remarks of Chief Engineer (E)

The case is placed before the Council for information of signing Agreement with M/s POWERGRID for turnkey execution of works, relating to strengthening of the electricity supply system in NDMC area and approval of actions taken.

Draft Council's Decision

Resolved by the Council that the information is noted that NDMC has entered into Agreement with M/s POWERGRID for turnkey execution of works, relating to strengthening of the electricity supply system in NDMC area and actions taken are approved.

COUNCIL'S DECISION

ITEM NO. 08 (B-37)

(1) **Name of the Project :** Providing Consultancy services for SCADA System in NDMC area for 66/33 KV Electric Supply Distribution System.

Council accorded approval to the estimate amounting to Rs.13.16 crores for the work of estimate to provide SCADA/DMS (Supervisory Control and data acquisition/distribution management system) in NDMC electricity distribution system, vide item No. 25(B-15) dated 18-7-07.

For speedy execution of works for Providing Consultancy services for SCADA System in NDMC area for 66/33 KV Electric Supply Distribution System, Chairman NDMC alongwith other officers of NDMC discussed with CMD M/s. POWERGRID & his team on 25-7-07 in the office of M/s. POWERGRID and after discussion M/s. POWERGRID agreed to undertake this work for NDMC as a special case for its importance in Delhi. It was followed by visit of NDMC team of POWERGRID office on 1-8-07. Another meeting was held with POWERGRID on 3-8-07. The total estimated cost of the work to be executed by M/s POWERGRID is Rs. 13.16 crores.

Council vide Reso. No. 08(B-3) dated 5-11-07 resolved that the NDMC may enter into a formal MOU with M/s POWERGRID, for providing Consultancy services for SCADA System in NDMC area for 66/33 KV Electric Supply Distribution System and Chairperson is authorized to nominate an officer to sign the MOU on behalf of NDMC. Department may initiate action in anticipation of confirmation of minutes.

Accordingly a meeting was held in the Council Room on 23-11-07 at 11.15 a.m. by the Chairman, NDMC (in chair), FA, LA, C.E.(E), Director (Commercial), S.E.(P), S.O. to Chairman, E.E.(P-11 KV), E.E.(P-33KV) alongwith officers of M/s POWERGRID in connection with the works being entrusted to M/s POWERGRID for execution

Threadbare discussions were held regarding the modalities, terms and conditions of Agreement to be signed between POWERGRID and NDMC.

POWERGRID sent the revised draft agreement accordingly, which was reviewed by the deptt. and processed.

Comments of Finance Deptt. :

F.A. has vetted the revised draft agreement.

Comments of Law Deptt. :

L.A. has vetted the revised draft agreement.

Agreement has been signed on 28-11-07 by Secretary NDMC and Executive Director (Business Development) of POWERGRID and copy of the same is placed below.

Remarks of Chief Engineer (E)

The case is placed before the Council for information of signing Agreement with M/s POWERGRID for providing consultancy services for SCADA System in NDMC area for 66/33 KV Electric Supply Distribution System and approval of actions taken.

Draft Council's Decision

Resolved by the Council that the information is noted that NDMC has entered into Agreement with M/s POWERGRID for providing consultancy services for SCADA System in NDMC area for 66/33 KV Electric Supply Distribution System and actions taken are approved.

COUNCIL'S DECISION

ITEM NO. 09 (B-38)

Name of work : Upgradation of street lighting in NDMC area under Phase I & II for the forthcoming Common Wealth Games, 2010.

Name of the Department : Electricity Department.

Brief History of the Subject:

This was proposed & decided that the Street Lighting in NDMC area be upgraded to meet the requirements of Common Wealth Games 2010. The Committee under the Chairmanship of Director (Operation) DTL was accordingly constituted having members from NDMC, PWD, MCD, MES, DTL and BSES. The street lighting requirements were deliberated and discussed at length and after lot of considerations, this Committee finalized the reports/specifications for upgradation of street lighting in the entire Delhi.

NDMC is having a unique distinction particularly for its green coverage. IIT Delhi was also appointed as Consultant to suggest Energy Efficiency Measures/Improvement of Road Lighting having specific requirements of NDMC area. The recommendations of IIT were also received and Power Point Presentation was also given in the Council Room which was witnessed by all including Chairman NDMC.

Based on the recommendations this was finalised to go ahead with the upgradation work of street lighting in NDMC area.

Detailed proposal on the subject

The upgradation work of street lighting will be done in four phases. Under first and second phase, 67 main important roads have been covered and the same are proposed to be completed by December, 2008. An estimate amounting to Rs.53,42,95,183/- Gross and Rs.53,20,04,083/- Net has accordingly been framed. The new street lighting is proposed on new polygonal GI Poles with IP 66 HPSV and metalhalide fittings. The street lighting cable between poles will be laid in pipes preferably with trenchless technology to avoid cutting of roads to the extent possible. The serviceable dismantled fittings and steel poles will be repaired and used to provide street lighting in colony roads & service roads. The old unserviceable fittings and RCC/PCC/unserviceable steel/cast iron poles shall be discarded and disposed off.

Under Phase III, the remaining main roads on which similar street lighting will be provided, will be taken up and shall; be completed by December, 2009. The work of

upgradation on the remaining service lane/colony roads including Scada/automation for entire street lighting will be carried out in phase IV and proposed to be completed by April, 2010.

Financial Implications :-

The estimated amount of the work is Rs.53,42,95,183/- Gross and Rs.53,20,04,083/- Net .

Implementation Schedule

The work is proposed to be completed by December 2008.

Comments of the Finance Department.

Finance Department vide their Diary No.2434/Finance-R-Elect. dated 20.11.2007 have concurred in the estimate amounting to Rs.53,42,95,183/- Gross and Rs.53,20,04,083/- Net subject to availability of funds, correction of the estimated amount by Planning division, codal provisions to be adhered, correctness of information, data, specifications and guidelines, replacement of existing lamp posts in DIZ area and use of dismantled serviceable material.

Comments of the Department

Adequate funds shall be made available as discussed in NDMC at various platforms.. The estimate amount has been got corrected by the Planning division, codal provisions will be adhered, the estimate is as per the specifications and guidelines and dismantled serviceable material will be reused as per site requirement. The estimate for replacement of existing lamp post in Sector IV, DIZ area is already under sanction. The remaining work will be taken in phase IV of the scheme. The proposed upgradation scheme does not have any impact on the proposal of street scaping project.

Legal implications.

NIL

Comments of the Law Department on the subject.

We agree with the proposal.

Comments of the Department on the comments of Law Department.

NIL

Recommendation :

The case is noted to the Council for according administrative approval and expenditure sanction to the estimate amounting to Rs.53,42,95,183/- Gross and Rs.53,20,04,083/- Net (Phase I & II) for upgradation of street lighting in NDMC area for the forthcoming Common Wealth Games, 2010.

Draft Resolution :

Resolved by the Council that the estimate amounting to Rs.53,42,95,183/- Gross and Rs.53,20,04,083/- Net is approved and sanctioned. It was further decided that the work may be taken in hand for execution in view of urgency & shortage of time in anticipation of the confirmation of the minutes of the Council.

COUNCIL'S DECISION

Resolved by the Council that the estimate amounting to Rs.53,42,95,183/- Gross and Rs.53,20,04,083/- Net is approved and sanctioned.

Further resolved by the Council that the work be taken in hand for execution in view of urgency and shortage of time, in anticipation of confirmation of the minutes by the Council.

It was further resolved by the Council that the Deptt. should take note of the concern expressed by the Members to ensure that IP66 fittings are dust proof, water proof, insect proof, easily washable from ground level and PU paint is exactly of the same specification as is being done by the PWD. The tender document may include all such details. Proper painting of poles and their height be suitably examined before calling of tenders.

The Council also desired that the Pilot Project for upgraded street lighting system, currently being done on Simon Bolivar Marg be examined and observations made thereon, shall be suitably incorporated in this project, when the tenders are called for.

ITEM NO. 10 (H-15)**1. Name of the subject / project.**

Grant of regular pay scale to contractual Medical Officers and Specialists of various systems of medicine in NDMC.

2. Name of the Department and Departments concerned.

Personnel Department.

3. Brief history of the subject / project

At the time of constitution of NDMC Health Services in early 70's, NDMC had adopted the same recruitment rules, age, qualification, experience, pay scale and other service conditions for its members of the services as were applicable to the members of the Central Health Services. All the consequent amendments and modifications in the service conditions of Central Health Services like benefits under Tikkoo Committee Report and time scale promotions etc etc were also adopted by NDMC. The latest in the series was the adoption by NDMC to raise in the retirement age of the Specialists cadre to 62 years.

The Medical Officers and the Specialists of various systems of medicine besides the pay of scale are entitled to NPA, DP, DA, CCA, Transport Allowance, Conveyance Allowance, PG Allowance, Contingency Allowance and HRA. NDMC was paying its members (Medical Officers & Specialists) appointed on contract emoluments equivalent to regular appointees till December, 2001, but the total emoluments payable to the contractual employees were cut down in December, 2001 by limiting the rate of the admissible allowances to 75% excluding HRA to bring them at par with their counter-parts in CHS and Delhi Govt.

Govt of NCT of Delhi vide its order No. 8/11/2001-H.FW dated 25.07.2001 adopted the Hon'ble CAT judgment in OA No. 2108/99 which had become final after the dismissal of SLP and a Review Petition in other similar cases by the Hon'ble Supreme Court of India. The court had awarded the applicants the same scale of pay and allowances, leave, increment, medical facilities and other benefits of service conditions as were applicable to other Medical Officers. The Municipal Corporation of Delhi vide its OO No. ADC(H)/PC/2007/5250 dated 14.09.2007 also approved the enhancement of the monthly remuneration of the contractual Medical Officers of MCD.

The Medical Officers and the Specialists of various systems of medicine working on contract in NDMC are still being paid a consolidated salary computed on the minimum of the basic pay of the post plus 75% of the admissible allowances excluding HRA.

4 .Detailed proposal of the subject :

The Medical Officers of the various systems of medicines and the Specialists working or to be subsequently appointed on contract in NDMC are entitled to the same service conditions as are applicable to the similarly placed members of the Central Health Services and the medical services of the Govt of NCT of Delhi :The Govt. of NCT of Delhi revised the emoluments of its Medical Officers and Specialists appointed on contract in consonance with the relief awarded by the Hon'ble court in its judgment in OA No. 2108/99. The Municipal Corporation of Delhi also extended the same relief to its contractual Medical Officers and Specialists vide OO No. ADC(H)/PC/2001/5250 dated 14.09.07. The present proposal is for the revision of the emoluments of the contractual Medical Officers and the specialists working in NDMC to bring

them at par with their counter-parts in the Central Health Services, Delhi Govt. and Municipal Corporation of Delhi (MCD).

The benefit of relief under Hon'ble CAT judgment in OA No. 2108/99 is available only to the contractual Medical Officers and Specialists vide Govt. of NCT of Delhi order No. 8/11/2001/H&FW dated 25.07.2001. No other category of contractual employees would be entitled to claim relief accorded to the Medical Officers and Specialists in the above said order of Govt. of NCT of Delhi as this relief in the said order has specifically been extended only to the Medical Officers and Specialists. This fact has further been substantiated in the judgment of the Hon'ble High Court of Delhi in a civil writ petition of the contractual school teachers of NDMC wherein the Hon'ble High Court while rejecting the prayer of the petitioners observed :

" Equal pay for equal work is not a mere demagogic slogan. It cannot be held that in each and every case such a direction must follow irrespective of and without taking into account the other relevant circumstances and considerations. The relief must be moulded in each case having regard to all the relevant facts and circumstances of that case. It cannot be a mechanical act, but a judicious one. It is for the claimants of parity to substantiate a clear cut basis of equivalence and a resultant hostile discrimination."

5. Financial implications of the proposed subject / project :

The contractual Medical Officers of the various systems of medicine and the Specialists of the Health Department will be paid basic pay of the post plus all the allowances as admissible at par with the regular employees instead of 75% excluding HRA being paid to them at present.

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

Not applicable.

7. Comments of the Finance Department on the subject :

The finance department have no objection in NDMC following the practice of Govt. of NCT of Delhi and MCD in paying the GDMOs and Specialists employed on contract at par with their regular counter-parts. However, the date of effect should be from the date of approval of the competent authority as has been done in MCD.

8. Comments of the deptt on the comments of finance deptt.

The observations of the finance are noted and the enhancement of remunerations will be effective from the date of approval by the Council.

9. Legal implications of the subject :

Nil.

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

The Council has been adopting various orders issued by the Govt. of India, Govt. of NCT of Delhi and MCD from time to time.

11 .Comments of the Law Department on the subject :

No legal points involved.

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

Nil.

13 Recommendations :

It is recommended that the remunerations of the contractual Medical Officers in different systems of medicines and the Specialists employed by NDMC be revised on the pattern adopted by the Govt. of NCT of Delhi and MCD in their office orders No. 8/11/2001/H&FW dated 25.07.2001 and OA No. ADC(H)/PC/2007/5250 dated 14.09.2007 respectively i.e. full allowances be paid in place of 75% of admissible allowances excluding HRA being paid at present w.e.f. the date of approval by the Council.

14 Draft resolution :

Resolved by the Council that the scale of pay, allowances, medical and other facilities of the contractual Medical Officer of various systems of medicines and the Specialists employed by NDMC are revised at par with their counter-parts under the Govt. of NCT of Delhi and MCD wef the date of approval by the Council.

COUNCIL'S DECISION

ITEM NO. 11 (H-16)**1. NAME OF THE SUBJECT:**

REGULARIZATION OF LEFT OUT TMR WORKERS (CARD HOLDERS)

2. NAME OF THE DEPARTMENT :

PERSONNEL DEPARTMENT

3. BRIEF HISTORY OF THE SUBJECT:

The NDMC vide its **Reso. No. 8** dated 18.03.1999(**Annexure 'A' See pages 36 - 49**) decided as under:-

- 1 That the RMR employees would be regularized only after he completes 6 years of continuous service.
- 2 That no posts would be created for regularization and the regularization take place against vacancies arising out of retirement, resignation, death etc.
- 3 That the employee must fulfill the educational and other qualifications prescribed in the recruitment rules
- 4 That they must be verified by Medical Board on age and health condition..
- 5 That the employee must be verified by the police that he has no criminal case pending against him.
- 6 Roster system shall be followed in case of SC/ST category.
- 7 Sanitation workers will be covered by the same policy.

Council vide Resolution No. 3(ii) dated 24.05.2002 decided that the TMR workers (card holders) may be given RMR status who had worked 500 days and above as on 31.12.1998 but the worker must have worked for certain period between 01.01.1997 to 31.12.1998 not leaving a maximum gap of two years to ascertain his continuity as Muster Roll employee,

NDMC vide order dated 21.03.2007 decided to regularize 978 RMR workers and 48 TMR workers with cut off date as 02.01.2007 after adjusting/transferring Group D posts from various Departments. The orders have already been implemented

Subsequently, on receipt of large number of representations from left out TMR workers, the Deptt. decided to gather detailed information from the respective Head of Departments. Accordingly, a circular was issued on 11.09.2007 to this effect.

It will be pertinent to mention that there is no policy of regularization in case of TMR workers. However, the then Chairperson has decided to cover the TMR Card Holder Workers, who were issued muster Roll Cards prior to 1999.

4. DETAILED PROPOSAL ON THE SUBJECT:

As per decision of the Council mentioned above, RMR workers who have completed 6 years of service as on 2.1.2007 are eligible for regularization. In the last exercise of regularization, the TMR workers who had completed 500 days up to the year 2000 were also considered and were given RMR status from that date and subsequently regularized w.e.f. 2.1.2007. The left out TMR workers who have completed 500 days up to December 2001 are to be regularized. Hence it is proposed that the said cut-off date may now be substituted from the year 2000 to year 2001 for 500 days for

considering them as RMR and then after six years of service and regularization of gap period, be regularized w.e.f. 2.1.2008.

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

The regularization of TMR Card Holders/RMR workers shall be subject to availability of the vacancies and hence there is no financial implication. The regularization will be made subject to verification of original muster roll card and days by the respective HODs. The workers who are still in Court, their regularization will be subject to withdrawal of Court Case or as per final decision of the Court.

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

As and when vacancy arises

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

Finance Department has observed that Draft Agendum is incomplete as department has mentioned "as per decision of the Council" under the head Detailed Proposal of the subject. It is department who has to submit its proposal and not by the Council. Similarly, no recommendations has been given under heading "Recommendations". The Council would not be able take any decision in the absence of specific proposal and recommendations of the department. Draft Agendum, as such, should be complete in all respect. However, it appears from the preamble of the draft agendum that department intends to regularize some of left out TMR workers(cardholders and RMR workers). This is tantamount making appointments. In this regard a reference is invited to section 36 of the New Delhi Municipal Council Act. 1994 which inter-alia provides that the power of appointing municipal employees whether temporary or permanent to category 'D' post shall vest in the Secretary. Since the employees mentioned in the draft agendum are group 'D' employees, we do not see any point for placing the case for regularization of the left out TMR workers before the Council. This is also in view of the fact that earlier also 978 RMR workers and 48 TMR workers were regularized as mentioned in the preamble of the draft agendum and no such case was submitted to the Council. It is not clear why different treatments are given in similar type of cases. In Council, instead, we are of the view cases needing policy decision should be placed. In this case, however, if there is any deviation from the earlier policy adopted for regularization of TMR wokers, deviations may be identified and case submitted to the Council for consideration and decision.

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

In past also the cut-off date and procedure for regularization has been decided by the Council.

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

Nil

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

Resolution No.-8 dated 18.03.1999
Resolution No.-3(ii) dated 24.02.02005

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

As per Council's resolution all card holders who are TMRs were to be regularized. In the Council's Resolutions, those RMR card holders who had completed 500 days as on 31.12.98 and 31.12.2000 were to be given RMR status and regularized on completion of six years as RMR. The above guidelines are to be strictly followed. If there are some cardholders who could complete 500 days up to 31.12.2000 may be recommended for being given RMR on completion of 500 days and then six years for regularization. It has to be ensured that these persons are regularly working in NDMC and not those who had left before 1999 and given this benefit. Agenda to Council has to be on a limited issue to extend the date from 31.12.2000 to 31.12.2001 say to accommodate TMR cardholders and not to extend the scheme as the same shall be violation of Supreme Court decision in Uma Devi. Decision of Delhi High Court in Ram Kishore VS. NDMC cwp 8842/2004 DATED 24.4.2007 may also be kept in view. The Court had declined relief in cases who were not covered by Council's resolution. If there are cases who should have been given RMR for working up to 31.12.2000 and not given RMR and regularized may be given regularization, without any reference to Council.

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

No comments required.

13. **RECOMMENDATION:**

It is proposed that the cut-off date for counting 500 days for TMR workers may be taken as 31.12.2001 for considering them as RMR and then after six years of service and regularization of gap period, they may be regularized w.e.f. 1.1.2008

14. **DRAFT RESOLUTION:**

The matter is placed before the Council for approving the proposal for taking the cut-off date for counting 500 days for TMR workers as 31.12.2001 for considering them as RMR and then after six years of service and regularization of gap period they may be regularized w.e.f. 1.1.2008. Other conditions as prescribed in the last Council Resolution shall remain the same.

COUNCIL'S DECISION

ANNEXURES

14 PAGES

36 – 49

ANNEXURE ENDS

ITEM NO. 12 (I-1)

1. **Name of the Subject/project:** Setting up of a Citizen Facilitation Centre - site preparation at SBS Place , Gole Market, New Delhi.
2. **Name of the deptt./deptts. Concerned:** Information Technology Department.
3. **Brief history of the subject/project:** The Site Preparation of CFC at Gole Market was awarded to M/s NCCF vide W.O. No. 35/Dir(IT)/W.O. Dated 19.02.2005 for which Administrative Approval & Expenditure sanction of Rs. 77,09,949/- has been obtained from the council . The item no. 4.4 that of vitrified tiles was separately awarded vide W.O. No.2/Dir(IT)/05 Dated 28.04.2005 for Rs. 7,17,600/-. As per work order the stipulated date of start and completion was 13.03.05 and 27.05.05 respectively. The Total estimated cost put to tender was Rs. 84,27,549/-.

The execution of work was delayed due to some court case but the extension of time was granted by the competent authority up to 31st August, 2005. Finally the work was completed on 10.08.05 well within the extended period granted. The inauguration of the said project was carried out by Chief Minister Smt. Shiela Dikshit, on 10th August, 2005 and was appreciated by the officials of NDMC including Chairperson, NDMC.

4. **Detailed proposal on the subject/project:** During execution, a work monitoring committee was formed with the approval of Competent Authority. The monitoring committee comprised of the following members.
 1. Shri Sanjib Sen Gupta, Chief Architect
 2. Shri G.P. Sharma, S.E (Civil)
 3. Shri B.M. Sukhija, Chief Engineer (Electric)
 4. Shri A.K. Balani, Director (IT)

All the work pertaining to above stated subject was carried out with the approval, decision and direction of Project monitoring committee.

The amount of work = Rs. 77,09,948/-

Rates quoted by M/S NCCF for vitrified tiles = Rs. 7,17,600/-

The above stated work was awarded to M/s NCCF vide W.O. No. 35/Dir(IT)/W.O. Dated 19.02.2005 and tender amount is 77,09,949/-. The item no. 4.4 that of vitrified tiles was separately awarded vide W.O. No.2/Dir(IT)/05 Dated 28.04.2005 for Rs. 7,17,600/-. As per work order the stipulated date of start and completion was 13.03.05 and 27.05.05 respectively. **The Total estimated cost put to tender was Rs. 84,27,549/-.**

The execution of work was delayed due to some court case but the extension of time was granted by the competent authority up to 31st August, 2005. Finally the work was completed on 10.08.05 well within the extended period granted. The inauguration of the said project was carried out by Chief Minister Smt. Shiela Dikshit, on 10th August, 2005 and was appreciated by the officials of NDMC including Chairperson, NDMC.

The defect liability period of the contractor has also been completed on 9th august, 2006. During execution two running bills were paid amounting to Rs.23,69,810/- and Rs. 24,38,684/- to NCCF on 20.06.2005 and 18.08.2005 respectively. The concerned JE's of Civil, electrical and Air conditions completed their measurement along with completion certificate and along with rates. The security

deposit @10% amounting to Rs.4,80,872/- was deducted from the two aforesaid running bills, which is also pending for the payment to the NCCF.

First Running bill: - June, 2005

Gross amount	=	Rs. 23,69,810/-
Security @ 10%	=	Rs. 2,36,981/-
Amount paid	=	Rs. 20,08,553/-

Second Running bill: - August, 2005

Gross amount	=	Rs. 24,38,684/-
Security @ 10%	=	Rs. 2,43,891/-
Amount paid	=	Rs. 20,66,931/-

Difference of VAT Paid (4% to 12.5%) on Rs. 48,08,494/- = Rs. 2,77,061/-

Then the firm has submitted bill for the final payment. The bill submitted have been seen and found that there are number of deviation in respect to agreement i.e. additional items, extra items and substituted items. Before preparation of the final bill the stated items have to be approved by the competent authorities. The NCCF have also submitted their rates for the above stated items which are placed on the file. The details of the items are as below.

1) Additional Quantity Statement no. 1

This additional Quantity statement has been prepared on the basis of measurements submitted and the rates considered are same as of agreement rates even beyond deviation limit of 20%. This has been approved by the work monitoring committee. All the additional items along with rates and elaborated technical reason are given in the additional quantity statement No. 1 for Rs. 10,98,547.85/-

2) Extra Item Statement no.1

During execution, with the approval of project monitoring committee, certain extra items were executed which were not taken in the details estimated while preparation but these items were necessary for the completion of project. This extra item statement has been prepared on the basis of quantities submitted for the extra items. The rates for these extra items have been submitted by the N.C.C.F. The details of extra items along with rates and detailed technical reasons are given in extra item statement No. 1 for Rs.4,16590/-

3) Substituted item statement no.1

During execution of work, certain substituted items were carried out with the approval of project monitoring committee. The substituted items were carried out against the existing agreement items. Since agreement items were not suitable as per the site condition and approved drawings. The rates of the civil work and electrical work are as per the rates submitted by the N.C.C.F. (Govt. agency) for Rs. 9,30,324/- with excess of Rs.5,33,286/-.

There are number of deviation in respect to agreement i.e. additional items, extra items and substituted items but The deviated amount Rs. 20,48,423.85/- is well within the total approved amount of Rs. 84,27,548. Before preparation of the final bill the stated items have to be approved by competent authorities.

Chairperson, NDMC has accorded the following approvals.

- a) **Additional Quantity Statement for Rs.10,98,547.85/- ----(i)**
- b) **Extra item statement for Rs. 4,16,590/- ----(ii)**
- c) **Substituted item statement for Rs. 9,30,324/-**
Approved cost for Substituted item was Rs. 3,97,038/-
With excess of Rs. 9,30,324/- - Rs. 3,97,038/- = Rs.5,33,286/-
- Substituted item statement with excess of Rs. 5,33,286/- ----(iii)**

The Total Amount of Deviation (I+II+III) = Rs. 10,98,547.85 + Rs. 4,16,590 + Rs. 5,33,286 = **Rs. 20,48,423.85/-**

The above cited work was awarded to M/s NCCF for which Administrative Approval & Expenditure sanction of Rs. 77,09,949/- has been obtained from the council. Later on work of flooring of site which was inadvertently left out in the tender document involving estimated expenditure of Rs. 7,17,600/- was also included in the scope of work. This has resulted that the actual expenditure on the work had crossed the limit of 10% beyond the Administrative Approval & Expenditure sanction granted by the council. The actual expenditure as per the final bill & measurement books is Rs. 85,54,670/-.

The contractor is pressing hard for the early payment which has already been delayed as the case was under the process of getting Additional Quantity, extra items and substituted items approved from the Chairperson, NDMC. In order to avoid any further hardship to the payment within 10% of the Administrative Approval & Expenditure sanction of Rs. 77,09,949/- granted by the council has been released at p-94/N. The balance payment for Rs. 73,726/- and the security amount of Rs. 5,00,000/- will be released after obtaining revised Administrative Approval & Expenditure sanction of Rs. 85,54,670/- from the competent authority.

Final running bill:- March ,2007

Gross Amount (as per measurement books)	= Rs. 85,54,670/-
Amount already paid in two running bills	= Rs. 48,08,494/-
Net amount to be Paid	= Rs. 37,46,176/-
Security withheld	= Rs. 19,148/-
Amount withheld for revised AA & ES	= Rs. 73,726/-
Amount paid to the firm	= Rs. 34,56,853/-

Total work cost=Rs. 85,54,670/-

Total payment made= Rs. 84,80,944/-

Total security with held (Pending for payment) = Rs. 5,00,000/-

Amount withheld for revised AA & ES= Rs. 73,726/-

Finance department has concurred the proposal vide Diary no. 2556/ finance dated 5/11/2007 for the revised expenditure sanction amounting to Rs. 85,54,670/- for the work of site preparation of CFC at Gole Market awarded to M/s NCCF. The work has been completed as per terms & conditions of the agreement and statutory recoveries including other recoveries have been effected from the bills of the contractor.

Chairman, NDMC has accorded the approval (at P- 106/N) for Revised Administrative Approval & Expenditure sanction of Rs. 85,54,670/- and to release the balance payment for Rs. 73,726/- and the security amount of Rs. 5,00,000/- to M/s NCCF.

- 5. Comments of the Finance deptt. on the subject :** The Finance deptt. has concurred the proposal vide Diary no. 2556/ finance dated 5/11/2007 for the revised expenditure sanction amounting to Rs. 85,54,670/- for the work of site preparation of CFC at Gole Market awarded to M/s NCCF subject to the approval of the council and certification that the work has been completed as per terms & conditions of the agreement and statutory recoveries including other recoveries have been effected from the bills of the contractor.
- 6. Comments of the Deptt. on comments of Finance Deptt. :** IT Department has certified that the work has been completed as per terms and conditions of the agreement and statutory recoveries including other recoveries have been effected from the bills of the contractor.
- 7. Legal implication of the subject/project:** None.
- 8. Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject :**

Council Reso. No. 12(I-2) in Agenda Book no. Vol. II – 08.02.2005

Council Decision : Resolved by the Council that Administrative approval & Expenditure sanction amounting to Rs. 77,09,949/- for the work of site preparation for the Citizen facilitation Centre at Shaheed Bhagat Singh Place is accorded.

It was further resolved that the approval to place the order on M/s NCCF for execution of the site preparation work at the negotiated rates amounting to Rs. 77,09,949/- accorded in anticipation of the confirmation of the minutes.

- 9. Recommendation :** The deptt. recommends that approval for Revised Administrative Approval & Expenditure sanction of Rs. 85,54,670/- and to release the balance payment for Rs. 73,726/- and the security amount of Rs. 5,00,000/- to M/s NCCF.
- 10. Draft Resolution :** It is resolved that approval for Revised Administrative Approval & Expenditure sanction of Rs. 85,54,670/- and to release the balance payment for Rs. 73,726/- and the security amount of Rs. 5,00,000/- to M/s NCCF.

COUNCIL'S DECISION

ITEM NO. 13 (I-2)

1. Name of the Subject/project: Procurement of IP based CCTV to be installed at Palika Kendra, Palika Parking, Central Park and Palika Bazar, NDMC, New Delhi.

2. Name of the deptt./deptts. concerned : Information Technology Department.

3. Brief history of the subject/project: A request has been received from the security department for installation of IP based CCTV at Palika Kendra, Palika Parking, Central Park and Palika Bazar. In this connection the companies dealing in the CCTV equipments made a presentation on 05/06/2006 in the council room. It was agreed by all the officers that latest versions of all the equipments should be procured to avoid the upgradation problems in the next 3 years. The committee headed by Director (GA) consisting of Director (IT), CSO and Sh. SK Tyagi (EE, Palika Parking) was formed to finalize the specifications for the issue of open tender notices for the IP based CCTV system in consultation with Sh. SK Singh, ACP (Communication of Delhi Police) who is looking after the installation of CCTV System in the police Department. Ground Survey was carried out on 22/06/2007 in the presence of constituted committee with the consultant ACP (Communication of Delhi Police). Rough Diagram was drawn at the ground and handed over to ACP (Communication of Delhi Police) for final shape.

4. Detailed proposal on the subject/project: A meeting was held on 17/10/2007 in the chamber of Director (IT) where DD (IT), Director (GA) & CSO was also present. It was decided in the meeting that the proposed CCTV system would be procured by the IT Department.

IT department has contacted M/s SC Software Inc. to conduct the survey & submit quotation for IP based CCTV to be installed at Palika Kendra, Palika Parking, Central park and Palika Bazar. Accordingly the firm has submitted the proposal. Later on the copy of work order issued by Delhi Police to the M/s Pan Telecom Pvt. Ltd. has been obtained. The requirements of NDMC & Delhi Police are almost same but vary in the quantities & some items.

5. Financial implications of the proposed/subject: The budgetary estimate prepared & submitted by ACP (Communication of Delhi Police) is Rs. 1,23,80,000/-. The budgetary estimated price for installation of IP based CCTV at Palika Kendra, Palika Parking, Central Park and Palika Bazar obtained from M/s SC Software Inc. is Rs. 1,22,22,200/- (Vat Extra as applicable). The budgetary estimate prepared by comparing both the estimates is Rs. 1,10,16,000/- (Vat Extra as applicable). Hence the budgetary estimated price for installation of IP based CCTV at Palika Kendra, Palika Parking, Central Park and Palika Bazar would be Rs. 1,10,16,000/- (Vat Extra as applicable). The amount of AMC for a period of 3 years is Rs. 33,04,800/- (VAT @ 4% extra). Hence the total estimate with a 3 years AMC period is Rs. 1,10,16,000/- + Rs. 33,04,800/- = Rs. 1,43,20,800/- (Vat Extra as applicable), this is just budgetary estimate the exact cost will be based upon L1.

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

The expected time for implementation would be **Six months** which would include publishing of NIT, submission of bids, evaluation of bids, finalization of contract, signing of contract and agreement, commissioning and installation of IP based CCTV at Palika Kendra, Palika Parking, Central Park and Palika Bazar.

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

Finance department has concurred the proposal (at P-51/N) vide Diary no. 2914/finance dated 10/12/2007 for the budgetary estimate amounting to **Rs. 1,43,20,800/- (Vat Extra as applicable)** for Procurement of IP based CCTV to be installed at Palika Kendra, Palika Parking, Central Park and Palika Bazar, Subject to the following conditions: -

- a) Availability of Funds
- b) Approval of the competent authority
- c) Correctness of information & data submitted by the department.
- d) Codal provision shall be adhered for the execution of the work.
- e) Department has taken amount of AMC @ 10 % of the estimated cost for the three years where as in the award letter of M/s Pan Telecom issued by Delhi police the AMC has awarded at Approx. 2.5 % of the total cost, thus the amount of the AMC seems to be on the higher side. Department may ensure the correctness of rates taken in the estimate for the purpose of AMC of CCTV System.

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

- a) The budget expenditure sanction of **Rs. 1,43,20,800/- (Vat Extra as applicable)** to be charged against the IT Head of account C.15.4 in which a provision of Rs. 1.25 Crores has been proposed in RE of 2007 – 08.
- b) Chairman, NDMC has seen the case.
- c) It is certified that information & data submitted by the IT department is correct depending upon the Ground Survey carried out on 22/06/2007 in the presence of constituted committee with the consultant ACP (Communication of Delhi Police). Rough Diagram was drawn at the ground and handed over to ACP (Communication of Delhi Police) for final shape (21/N to 23/N). Technical specifications and allied technical details are at P- 60/c to 69/c. Schedule of requirement for CCTV with cost analysis is given at P-73/C to 74/C.
- d) It is certified that all the Codal provision shall be adhered for the execution of the work.
- e) Generally, the AMC of PCs, Networking equipments and other related peripherals estimate 10% of the total cost of the equipments. The AMC amount proposed by the department also includes the cost of the 2 no. of the resident engineers during the AMC period. Hence we have considered the AMC @ 10 % of the total contract amount on yearly basis. But IT Department ensures that only reasonable & justified amount will be considered for the AMC of CCTV System obtained through open tendering process.

9. Legal implication of the subject/project: None.

10. Comments of the Law deptt. on the subject : Nil.

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

12. Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject : Nil

13 Recommendation : The deptt. recommends that Administrative Approval and Expenditure Sanction of **Rs. 1,43,20,800/- (Vat Extra as applicable)** for Procurement of IP based CCTV to be installed at Palika Kendra, Palika Parking, Central Park and Palika Bazar, NDMC , New Delhi .

14. Draft Resolution: It is resolved that Administrative Approval and Expenditure Sanction of **Rs. 1,43,20,800/- (Vat Extra as applicable)** for Procurement of IP based CCTV to be installed at Palika Kendra, Palika Parking, Central Park and Palika Bazar, NDMC , New Delhi .

COUNCIL'S DECISION

Closed circuit surveillance television System for Palika Kendra

S. No.	Description	Qty
1	Outdoor P/T/Z IP enable camera with 25x optical zoom	1
2	Fixed IP enable camera with varifocal lens	7
3	Video Converter / digitizers / Encoder connectivity to P/T/Z Environment	1 set for 8 Cameras
4	Video Converter	1 set for 8 Cameras
5	42" color LCD High Resolution Monitor for monitoring in Control Room (8 Cameras at each monitor) for 24x 7 days	03
6	42" color LCD High Resolution Monitor for monitoring by Chairman, CVO& CSO from their offices)	03
7	Digital Keyboard for P/T/Z Cameras	03
8	Pre configures PC workstation	03
9	Horn type speakers of 25 watt each, 3 speaker at each camera location for all camera location (IP 65 protected)	24
10	Audio Amplifiers	1 set of 800 W
11	Pre configures professional high end server station for multi channel recording on open architecture hardware	2
12	RAID 5 hard disk unit 2 TB or more having capability to record all cameras for one week	1

Closed circuit surveillance television System for Palika Bazar

S. No.	Description	Qty
1	Outdoor P/T/Z IP enable camera with 25x optical zoom	3
2	Fixed IP enable camera with varifocal lens	20
3	Video Converter / digitizers / Encoder connectivity to P/T/Z Environment	1 set for 23 Cameras
4	Video Converter	1 set for 23 Cameras
5	42" color LCD High Resolution Monitor for monitoring in Control Room (8 Cameras at each monitor) for 24x 7 days	02
6	Digital Keyboard for P/T/Z Cameras	01
7	Pre configures PC workstation	01
8	Ceiling Mounted speaker 8 w or better each to be installed on the ceiling evenly to cover complete Palika bazaar dividing market area into multi zone having minimum 4 zone	300
9	Audio Amplifiers	1 set of 1500 W

Closed circuit surveillance television System for Palika Parking

S. No.	Description	Qty
1	Outdoor P/T/Z IP enable camera with 25x optical zoom	1
2	Fixed IP enable camera with varifocal lens	14
3	Video Converter / digitizers / Encoder connectivity to P/T/Z Environment	1 set for 18 Cameras
4	Video Converter	1 set for 18 Cameras
5	42" color LCD High Resolution Monitor for monitoring in Control Room (8 Cameras at each monitor) for 24x 7 days	02
6	Digital Keyboard for P/T/Z Cameras	01
7	Pre configures PC workstation	01
8	Horn type speakers of 25 watt each, 3 speaker at each camera location for all camera location (IP 65 protected)	54
9	Audio Amplifiers	1 set of 1500 W

Closed circuit surveillance television System for Central Park

S. No.	Description	Qty
1	Outdoor P/T/Z IP enable camera with 25x optical zoom	1
2	Fixed IP enable camera with varifocal lens	2

ITEM NO. 14 (D-4)**1. Name of the Subject/Project :**

Approval of the New Delhi Municipal Council (Maintenance of Accounts) Regulations, 2007

2. Name of the Department :

Accounts Department

3. Brief History of the Subject/Project :

- (i) Prior to the enforcement of the New Delhi Municipal Council Act 1994, the New Delhi Municipality was being administered under the Punjab Municipal Act, 1911 (Punjab Act 3 of 1911), as applicable to New Delhi. At present the accounts are being compiled and maintained as prescribed in the Punjab Municipal Accounts Code 1930, which was made applicable to Delhi with certain modifications by Chief Commissioner's Notification No. B.4 (118)/33-Education dt.2.1.1934, as amended from time to time.
- (ii) Under the Punjab Municipal Accounts Code 1930, the accounting system is on cash basis, where revenue is recognized on actual receipt of cash and expenditure is booked on actual payments. In this system, only receipts and payment accounts are prepared. In the absence of a balance sheet, true and fair position of assets and liabilities is not available.
- (iii) Under Section 416 (2) (a) of the NDMC Act 1994 any rule, bye law etc. issued or made under the said Punjab Municipal Act 1911 and in force immediately before the establishment of the Council, continues in force, in so far as it is not inconsistent with the provisions of the NDMC Act, and is deemed to have been made or issued under the provisions of the latter Act.
- (iv) In the affidavit of the Government of India filed before the Hon'ble Supreme Court in the case of Almitra H. Patel & Anr. Vs. Union of India & Ors. [Writ Petition (Civil) No.888/1996] it was recommended that Urban Local Bodies (ULBs) should maintain their accounts on mercantile system of accounting, i.e. double entry system. The Hon'ble Supreme Court in its order dated

13.12.2001 observed that perhaps "the Government of India will have to amend the regulations as a result of which the urban local bodies in Delhi, namely, MCD, NDMC and Cantonment Board will be required to maintain accounts as per the mercantile system of accounting." When the matter was placed for consideration and decision of the Council, it approved (vide its Resolution No.3(XII) dt. 24.4.2002) the change in Accounting System from Single Entry System on cash basis to Double Entry System on accrual basis. It may be added that the system of accounting on accrual basis seeks to present a more reliable state of the financial health of the organization and is more intelligible to the stakeholders. As the accrual system of accounting based on double entry system is more easily comprehensible and makes financial appraisal of an organization easier, it paves the way for raising money from the open market, as and when the occasion arises.

- (v) Based on the guidelines issued by the Ministry of Finance, Government of India, the Comptroller and Auditor General of India constituted a Task Force which suggested adoption of accrual basis of accounting by ULBs. Thereafter the Ministry of Urban Development, Government of India, formulated a National Municipal Accounts Manual (NMAM) detailing accounting policies, procedures, guidelines designed to ensure correct, complete and timely recording of municipal transactions and produce accurate and relevant financial reports. The Manual is a comprehensive document and defines accounting concepts, accounting conventions, accounting principles, Chart of Accounts and Accounts Codification Structures, General Accounting Procedures, Accounting for transactions like property and other Taxes, Cess, Water Supply, Rentals, Fee and Other Incomes, Public Works, Health and Sanitation, Reconciliation procedures, Financial Statements, Specimen of Forms, Registers, etc.
- (vi) The Council vide its Resolution No.15(D-13) dt.26.8.05 resolved that the NMAM with suitable modifications as per requirement of NDMC may be

adopted in terms of the provisions of section 58 of the NDMC Act, 1994. The Council further resolved that the Chairperson, NDMC is authorized to effect such modifications/amplifications in consultation with the Financial Advisor, NDMC as are deemed necessary. The work of modifying the NMAM is in hand and will be submitted to the Council for approval shortly.

(vii) However, section 58 of the NDMC Act, 1994 is as under:-

“58. Accounts to be kept – There shall be kept in such manner and in such form as may be prescribed by regulations the General Account of all receipts and expenditures of the Council.”

Since section 58 requires that the manner and form of keeping accounts is to be prescribed by the Regulations, a draft of the NDMC (Maintenance of Accounts) Regulations 2007 has been prepared (**Annexure-I See pages 67 - 76**).

4. **Detailed Proposal on the Subject/Project :**

The following are some of the main topics included in the NDMC (Maintenance of Accounts) Regulations 2007 :-

- (i) **Commencement**:- Ordinarily the date of commencement of any rule/regulation/bye-law is the date of its publication in the Official Gazette. However, it is preferable that any new system of accounting should begin from the start of the financial year. It has, therefore, been provided that the Regulations shall come into force from such date as the Council may appoint and that different dates may be appointed for different provisions [Regulation 1(2)].
- (ii) **Manual** :- Since the Council vide Resolution No.15(D-13) dated 26.8.05 has already approved that the NMAM may be adopted with suitable modifications/amplification to be made by the Chairperson, in consultation with the Financial Advisor, the provisions to be incorporated in the Manual do not find a place in the draft Regulations. The Manual with suitable modifications/amplifications is under preparation and will be brought before the Council for approval shortly. In view of the above, the expression

"Manual" has been defined as a Manual approved by the Council which shall include matters as laid down in Regulation 2(1) (d).

(iii) **Accounting System :-**

(a) Generally all accounting transactions of the Council shall be on accrual basis, using the double entry system and segment/sub-segments under the Accounts of the Council may be created, if necessary [Regulation 3 (1)].

(b) Account of all receipts and expenditures of the Council shall be kept in the format appended to the Manual to be approved by the Council [Regulation 3(2)].

(c) The work relating to Cash and Accounts shall be handled by different officials [Regulation 3(5)].

(iv) **Correction of misclassified items:-** Necessary provisions have been made about the corrections of misclassified items [Regulation 5].

(v) **Monthly and Annual Accounts :-** (a) At the end of each month, a monthly abstract of all ledger balances shall be drawn up by 15th of the second month following the month to which the accounts relate and placed before the Council for approval. Thereafter the approved accounts shall be forwarded to the Chief Auditor for his monthly examination and report to the Chairperson. Similarly annual abstract of accounts shall be prepared by 30th June each year.

(b) The Chairperson has been clothed with the power to extend the above date/period, subject to certain conditions, and report to the Council, [Regulations 7 and 8].

(vi) **Annual Financial Statement :-**

(a) An Annual Financial Statement for the preceding year shall be prepared by 30th June each year. It shall be placed before the Council for approval and thereafter submitted to the Chief Auditor. [Regulation 9(1)].

(b) Audit of the Annual Financial Statement shall be completed by the Chief Auditor within six months from the close of the year, placed before the Council for approval and adoption within nine months of the close of the year [Regulations 9(4), 9(5)].

(c) Provisions as per para (v)(b) above has also been made for extension of dates/period referred to in (a) and (b)above, [Regulation 9(6)].

(vii) **Financial Adviser as Technical Adviser** :- The Financial Advisor shall be responsible for the proper maintenance of all accounts and for their internal check and examination, subject to the superintendence, direction and control of the Chairperson [Regulation 14].

(viii) **Asset Register** :- An asset register in the format specified in the Manual shall be maintained and regular physical verification of various assets will cause to be done [Regulations 15 and 16].

(ix) **Computerized Accounting** :- The accounting records shall be computerized wholly or partly as per the discretion of the Chairperson [Regulation 17].

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

No financial implications are involved.

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

After the draft Regulations have been approved by the Council, they will be sent, under sub-section (2) of section 387 of The New Delhi Municipal council Act, 1994, to the Central Government for approval. Thereafter, the Regulations would be sent 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 comments.

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

Not applicable.

9. **Legal implications of the subject/Project :**

As stated in Para 3 above, these Regulations are being made under section 58 of the NDMC Act, 1994.

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 :**

“(1) Maintenance of accounts is the responsibility of Chief Accounts Officer and not Financial Advisor and as such F.A. be replaced by C.A.O. or any other officer subordinate to F.A. duly authorized in this behalf by Chairperson.

(2) Manual is also being prepared under section 58. What are contents of Manual are not known. How can we refer in our regulation of the Manual which is yet to be framed.

(3) The Regulations appear to recognize Cash Book, Ledgers, Vouchers, etc. It also recognizes in 2(d) C (i) general procedure for accounting of income or accrual or cash basis. It is against Government directive which provides for accrual double entry system. This is not coming in Regulations.

(4) Do not give any dates for finalization of accounts and submission to Audit. If you fail, this would itself be a good ground for objection.

(5) We may reconsider after Manual has been drafted. ”

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

The comments of Finance Department seriatim on the points raised by Law Department in Para 11 above are as under:-

(1) F.A. has been defined as the F.A. of the Council and includes an officer subordinate to him, authorized by the Chairperson. While the designation "Financial Adviser" appears in section 46 of the Act, the designation of "C.A.O." does not so appear. In any case, the C.A.O. is subordinate to F.A. In view of the definition given in regulation 2(1) (c), the point raised by Law Department has been squarely met.

(2) "Manual" has been defined in regulation 2(1)(d) and the main contents of the Manual have been indicated therein.

(3) Regulations 2(d)(C)(i) and (ii) have been suitably modified as per advice of Law Department.

(4) While it is necessary to specify the dates/period within which the accounts are to be prepared/completed, power has been given to Chairperson to extend the prescribed date/period, subject to certain conditions and report to the Council.

(5) While the Manual is a very comprehensive documents as indicated in Para 3(v) above, the Accounting Regulations deal with broad outlines of the manner and form in which the General Accounts of receipts and expenditures of the Council are required to be kept. The regulations need not be held up on that score.

13. **Recommendations :**

The draft regulations were circulated on 12.11.2007 to the Members of the Committee set up under section of the NDMC Act, 1994 for advising the Council on framing Bye-laws/ Regulations with the request to sent to their response by 16.11.2007, so that the Regulations are placed before the Council in the next meeting. Since no response has been received from the members, it is recommended that the draft Regulations as per **Annexure-I (See pages 67 - 76)** be approved by the Council and that they may be sent to the Central Govt. for approval. Thereafter they may be sent to the Govt. of NCT of Delhi for publication in the Official Gazette.

14. **Draft Resolution :**

Resolved by the Council that the NDMC (Maintenance of Accounts) Regulations 2007 is approved and after obtaining the approval of the Central Govt., they be sent to the Govt. of NCT of Delhi for publication in the Official Gazette.

COUNCIL'S DECISION

ANNEXURES 10 PAGES

67 – 76

Annexure ends

ITEM NO. 15 (B-39)

1. **Name of work-** Establishing 33KV Electric Sub-Station at Raja Bazar.

2. **Name of the Department-** ELECTRICITY DEPARTMENT

3. **Brief history of the proposals-** The load of DIZ area, Gole Market, Baird Lane, Shivaji Stadium, Talkatora Stadium, Lady Harding Medical College Complex, State Emporia Buildings etc. is being fed from 33KV S/S Baird Lane and alternatively from S/S Hanuman Road. The S/S Baird Lane and S/S Hanuman Road are already operating at their maximum capacity. There is also a proposal for construction of new block in Lady Harding Medical College and hospital complex. Therefore, a new 33KV S/S has been proposed at Raja Bazar to meet the growing load demand of State Emporia Buildings and its adjoining area and new proposed buildings. This proposed 33KV S/S would relieve load on S/S Baird Lane.

The land for construction of 33KV Sub-station has already been allotted to NDMC by L&DO. The building plans have been finalized and drawings issued to Civil Engg. Department. The scheme is a part of Xth five-year plan, which has been technically cleared by CEA, vide No. DPD/UT/312(NDMC)/2005/43 dt. 29.3.06.

4. **Detailed proposal on the Project-**

The following has been proposed in the estimate.

- (i) 16/20MVA, 33/11KV Pr. Transformer – 2nos.
- (ii) 33KV, 1250 A, 1500 MVA, DBB Indoor Type GIS 7 Panel Board – 1 Bd.
- (iii) 11KV, 1250 A, 350 MVA, SBB Indoor Type SF-6/VCB 13 Panel Board- 2Bds.
- (iv) The S/S is proposed to be fed through 33KV, 3x400 Sq.mm XLPE Cable from 220KV S/S H.C. Mathur Lane (to be established by DTL) and 66KV S/S B.D. Marg.

The cost of the above equipments comes out to Rs. 1193.41 Lacs.

The cost of the construction of building, as intimated by Civil Engineering Deptt., is Rs. 133.59 Lacs.

Total estimated cost of the project comes out to Rs. 1327.00 Lacs including 3% contingencies. The scheme has now been out-sourced to M/s Power Grid Corp. of India Ltd. for turnkey execution of 33KV ESS.

5. **Financial Implications-** The estimated cost for establishing 33KV S/S at Raja Bazar is Rs. 1327.00 lacs chargeable to the head of a/c E.4.1.

- 6. Implementation schedule with timeliness for each stage including internal processing:** - The scheme has been our-sourced to M/s PGCIL for turnkey execution and as per MOU completion time is 24-30 months.

7. Comments of the Finance Department on the subject-

The finance deptt. has concurred in the preliminary estimate amounting to Rs. 1327.00 lacs subject to-

1. Department has not recorded the basis on which lump sum provision of Rs. 123.29 lacs in r/o items 2 (j), 2(ii) and 2(iii) has been kept in the estimate despite our observations dated 2.11.07. Since it is not a small amount; provisions for these items needs to be kept after preparing analysis of rates after ascertaining market rates as amount involved in lump sum provision is not a small sum.
2. Neither CEE; nor SE(P) has put his signature at pages 61,64,65 and 67/C of the estimate. This may be done now.
3.
 - i) Approval of the competent authority.
 - ii) Availability of funds.
 - iii) Certification by the department that the work would be got executed after adhering the codal provisions.

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

- I) As mentioned in CPWD Works Manual-2003, Clause 4.1, the Preliminary estimate is prepared for ready and rough calculation, so as to give an approximate idea of the cost involved in the proposal. However the work has been out-sourced to M/s PGCIL for turnkey execution of the work.
- II) CEE & SE (P) has now signed the estimate.
- III)
 1. Approval of the competent authority being sought.
 2. Rs. 3.60 crores has been kept for this work in the RE 2007-08 and suitable provision will be kept in the subsequent years.
 3. The work has been out-sourced to the PGCIL and execution will be done as per codal provision.

- 9. Legal implications of the Project:** - No legal implication is involved.

10. Details of Previous Council Resolution- Nil

- 11. Comments of the Law Deptt. on the Project:** No legal point involved.

12. Comments of the depts. on the Law Deptt: NIL

13. Recommendation- The case may be noted to the Council for sanction of the estimate amounting to Rs. 1327.00 lacs and also be accord administrative approval and expenditure sanction for the estimated amount for establishing 33KV ESS at Raja Bazar. The work has been out-sourced to M/s PGCIL for turnkey execution of the work.

14. Draft Resolution- Resolved by the Council that the estimate amounting to Rs. 1327.00 lacs is sanctioned and A/A & E/S accorded for the estimate amount for establishing 33KV Electric Sub-Station at Raja Bazar. The work has been out-sourced to M/s PGCIL for turnkey execution of the work.

COUNCIL'S DECISION

ITEM NO.16 (B-40)

Subject: Purchase of five, 11kV, 350 MVA, Vaccum, Single Bus Bar, Indoor type switchboard without remote control.

Department: Electricity Department

Brief History of Proposal

Based on the sanctioned estimates, having provision of 11kV, 350 MVA, Vaccum, Single Bus Bar Indoor type switchboard without remote control panels, for various works, an NIT amounting to Rs. 1,03,45,188/- was approved by CE (E-II) for the purchase of HT Panels on 22.06.06.

DETAILED PROPOSAL ON THE SUBJECT:

Sealed tenders were invited for the purchase of five Nos. 11 KV, 350 MVA, HT panel Board in three-cover system. In response to the tender enquiry offers from five firms namely: 1. M/s BHEL, 2. M/s Crompton Greaves Limited, 3. M/s Areva T & D Limited and 4. M/s ABB Limited and 5. M/s Siemens Ltd. were received on the due date.

After opening the covers containing techno-commercial offers of the participating firms, certain deviations were observed in the offers of the firms and accordingly Techno-commercial discussions were held by the Standing Technical Evaluation Sub-committee under the chairmanship of Engineer-in-chief on 08.12.06 with the participating firms. After the discussions it was found that offers of two participating firms namely; M/s Areva T & D Ltd. and M/s BHEL still had deviations with respect to NIT and these were again discussed by the Technical Evaluation Sub-committee in its meeting held on 09.02.07 under the chairmanship of Engineer-in-chief wherein it was decided to reject the offers of both these firms.

The case was thereafter referred to Law & finance department who agreed with the decision. Chairperson accepted the recommendations of the sub-committee to reject the offers of M/s BHEL and M/s Areva T & D Ltd..

Thereafter price bids of remaining eligible firms were opened and M/s Crompton Greaves Ltd. emerged the lowest tenderer at a total computed cost of Rs.1,09,53,008/-. The case was examined in Planning and thereafter in finance. Finance concurred the proposal for purchase on 05.12.07.

FINANCIAL IMPLICATIONS – Rs. 1,09,53,008/- (Rupees One Crore Nine Lacs Fifty Three Thousand Eight Only).

IMPLEMENTATION SCHEDULE: Five months with a drawing-submission period of three weeks.

COMMENTS OF FINANCE:

Finance concurred in the proposal of the department to place the supply order on M/s Crompton Greaves Limited at their computed cost of Rs.1,09,53,008/- for purchase of 5 Nos. 11 KV, 350 MVA, SBB, Vaccum, Indoor type switchboards without remote control, subject to certification of following conditions:

1. Availability of funds.
2. Approval of the Competent authority
3. Correctness of information and data submitted by the Department.
4. The justification statement be got signed by Planning Division before seeking approval of the Competent Authority.
5. Check list/Scrutiny note of Planning Division be got signed by SE (E-II), SE (P) and CE (E) before seeking approval of the Competent Authority.
6. It may be certified that no procurement has been made so far against the estimates mentioned at page N/4 against which the procurement is proposed.

COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE:

1. Funds are available.
2. Approval of competent authority is being obtained and case is being put up to Chairman/Council for approval.
3. The information and data submitted by the Department are correct.
4. The case has been duly examined by Planning & found in order. Signatures of planning division are appearing on N/124 in the file.
5. Needful done.
6. It is certified that no procurement has been made so far against the estimates against which procurement is proposed.

LEGAL IMPLICATIONS: NIL

COMMENTS OF LAW DEPARTMENT:

No law points is involved in the matter therefore department may take the action at their own end.

COMMENTS OF DEPARTMENT ON COMMENTS OF LAW DEPARTMENT: NIL

RECOMMENDATIONS: Department recommends to place the order for purchase of 5 Nos. 11 KV, 350 MVA, Vaccum, SBB, Indoor type switchboards without remote control on M/s Crompton Greaves Limited at a computed amount of Rs. 1,09,53,008/- and at the terms and conditions of the NIT.

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

DRAFT COUNCIL'S DECISION

Resolved by the council to place the order for purchase of 5 Nos. 11 KV, 350 MVA, Vaccum, SBB, Indoor type switchboards without remote control on M/s Crompton Greaves Limited at a computed amount of Rs.1,09,53,008/- and at the terms and conditions of the NIT.

It was further decided by the council that since the validity of the offer is only upto 31.12.2007, supply order be placed in anticipation of confirmation of the minutes.

COUNCIL'S DECISION

ITEM NO. 17 (A-58)**1. Name of the Subject / Project :**

Construction of Subways/Foot Over Bridges in NDMC Area.
Appointment of Consultant.

2. Name of the Department :

Civil Engineering Department, EE(RIP)

3. Brief History of the subject / project :

(a) The proposal of construction of foot over bridges with lift facilities in NDMC on BOT basis at following eight locations was approved in principle by the Council on 26 Aug.'05.

- ◆ Aurbindo Marg near Safdarjung Airport.
- ◆ Aurbindo Marg near Delhi Haat/INA Market.
- ◆ Africa Avenue opposite S.N. Depot.
- ◆ Park Street near R.M.L. Hospital.
- ◆ Mandir Marg near St. Thomas School.
- ◆ Baba Kharak Singh Marg, Bangla Sahib Road, T-Junction.
- ◆ Shahjahan Road near UPSC.
- ◆ Mother Teresa Marg near Gate No. 16, Presidential Estate.

(b) Accordingly the proposal was initiated to appoint the consultant for Design, preparation of estimate etc. of FOB's and then issue tenders based on the approved design. Initially three consultants made the presentation of conceptual plan out of which only one was short-listed. But the short-listed consultant also didn't turn up thereafter. It was therefore decided to re-examine the whole issue of construction of FOB's on BOT basis. After re-examination it was found that at following locations humped subways can be constructed due to reasons indicated against each.

- Shahjahan Road : The elevated structure at Shahjahan Road may not be suitable as this will block the view of India Gate from Shahjahan Road.
- Mandir Marg : Sufficient space is available for the construction of subway to maintain aesthetic of the area .

- Baba Kharak Singh Marg : Underpass-cum subway can be constructed to facilitate the smooth flow of vehicles making U turn near Gurudwara Bangla Sahib & in front of Police station .
- Africa Avenue : Sufficient space is available for the construction of subway.

(c) Foot Over Bridges were found feasible at following locations:-

- Aurobindo Marg near Safdarjung Airport : The subway cannot be constructed as underground metro train is passing through.
- Aurobindo Marg near Delhi Haat/INA Markets : The underpass/subway can not be constructed as underground metro train is passing through.
- Park Street near R.M.L. Hospital.
- Mother Teresa Marg at gate No. 16, Presidential Estate.
- Tilak Marg : Not originally planned but there is a demand of the residents of Tilak Marg for the foot over bridge near W-Point.

(d) Besides there is also a need to construct underpass on Shantipath near Moti Bagh flyover.

(e) Accordingly approval in principle was accorded by the Competent Authority for construction of FOB's and humped subways at above locations.

(f) A meeting was also held by the Hon'ble MOS (UD) on 29 Nov.'07 in which Chairman, NDMC & Secretary were present. Hon'ble Minister desired that construction of FOB's be taken up on the fast track. Chairman, NDMC agreed to put the project on fast track so that construction can commence in next three months. Minutes of the meeting was issued wherein it has been desired that all such works shall be completed by Dec.'08

(g) In order to proceed further on the Project there is need to appoint the consultant to give the conceptual drawings, design & estimates for these FOB's and subways/underpass.

4. Detailed proposals of the subject / Project :

(a) A meeting was held in the chamber of Chairman to discuss the issue of FOB's and Subways/underpass on 03 Dec.'07 in which Secretary, CE(C), SO to Chairman, F.A., Director (Projects) & EE(RIP) were present. It was decided to examine the proposal of Delhi Integrated Multi-Modal Transit System Limited

which is a joint venture of Govt. of Delhi and IDFC Ltd. for appointment as consultant for construction of subways & foot-over bridges in NDMC Area.

- (b) Delhi Integrated Multi-Modal Transit System Limited is a Special Purpose Vehicle formed by Govt. of NCT of Delhi and IDFC with 50% equity participation of GNCTD & IDFC. It has been formed essentially to plan, prepare, design and implement projects related to the creation of multi-modal transportation network. The mandate also includes foot-over bridges & subways.
- (c) Since DIMTS has been formed primarily for the purpose of creation of projects such as subways/foot-over bridges etc. and the subways/foot-over bridges planned to be constructed in the NDMC area are a part of overall integrated multi-modal transit system in Delhi so it will be appropriate to appoint DIMTS as consultant for this project.
- (d) DIMTS is proposed to be engaged as a consultant for preparation of conceptual plan, structural design and estimates including clearances from the statutory bodies.
- (e) The foot-over bridges & subways/underpasses are proposed at following locations:-
- (i) **Subways/underpasses**
- Shahjahan Road
 - Africa Avenue
 - Mandir Marg
 - Baba Kharak Singh Marg (underpass-cum subway)
 - Shantipath (Underpass)
- (ii) **Foot over bridges**
- Aurbindo Marg near Safdarjung Airport.
 - Aurbindo Marg near Delhi Haat/INA Market.
 - Park Street near RML Hospital.
 - Mother Teresa Crescent at gate No. 16, Presidential Estate
 - Tilak Marg

5. Financial Implications of the proposal :

The financial implications will be worked out after accord of approval in principle by the Council for appointment of Delhi Integrated Multi-model Transit System Ltd. as a consultant for the project.

6. Implementation schedule with timelines for such stage including internal processing,

Implementation schedule with timelines will be worked out after appointment of the consultant and approval of conceptual plans.

7. Comments of Finance Department on the Subject:

Finance Department does not have any objection for engaging DIMTS as a consultant for the subject work as sufficient justification has been brought on record for engaging appointment of DIMTS as consultant on nomination basis under Rule 176 of GFR.

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

No comments as Finance Department has no objection to the proposal for engaging DIMTS as consultant.

9. Details of previous Council Resolution existing Law of Parliament & Assembly on the Subject:

The Council vide Reso. No. 11(A-13) dated 26 Aug.'05 had approved in principle the construction of eight footover bridges on BOT basis.

10. The comments of Law Department on the subject:

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

12. Recommendations :

The case is placed before the Council for accord of approval in principle to engage Delhi Integrated Multi-Model Transit System as a consultant for construction of footover bridges, subways/underpasses in NDMC area & to enter into a agreement with DIMTS after finalization of terms & conditions & consultancy fee.

COUNCIL'S DECISION

ITEM NO.18 (K-5)**1. Name of the Subject and Project:**

Relaxation in Terms and conditions for granting licenses to Dhobis working at Dhobi Ghats in NDMC Area.

2. Name of the Department/ Departments concerned

Welfare Department

3. Brief History Of the Subject / Project

Sixteen nos. of Dhobi Ghats are being run under the control of NDMC. For smooth functioning of Dhobi Ghats in NDMC area and for election of Pradhans of Dhobi Ghats seven registered voluntary organizations of Dhobi Samaj were recognized by Council vide Resolution no. 3(xiii) dated 21-01-03. As per orders of the chairperson dated 30-12-04, the work of issuing the Dhobi license was delegated to Welfare Department and the licensing power was delegated to Director (Welfare).

It was decided that in the first phase the licenses would be issued only to the Dhobis already working at Dhobi Ghats with the recommendation of the Pradhan of the Dhobi Ghat. Thereafter fresh licenses may be issued on the basis of guidelines being followed by the Health Department and mentioned in Resolution no. 3(xiii) dated 21-01-03.

In a meeting held under the chairmanship of Vice Chairperson, NDMC on 5-5-05 it was further decided that only the Dhobis residing in NDMC area may be considered for issue of Dhobi Licence.

At present the following conditions are being followed for grant of licence:-

1. The List of Dhobis presently working at Dhobi Ghats is prepared and no. of Dhobis working at these Ghats frozen accordingly.
2. After the death of working dhobi his/her dependent is allowed to work as a dhobi at same Dhobi Ghat.
3. Dhobis working in Dhobi Ghat has to be a resident of nearby area of the Dhobi Ghat for which he/she should produce, the residential proof. It was further decided in a meeting of Vice Chairperson on 20-3-06 that the residents of NDMC area should only be considered for the grant of licence and accordingly, only residents of NDMC area are being considered.
4. The licence is not being issued to a person who is a govt./semi govt. employee.
5. The recommendation of Pradhan of respective Dhobi Ghat is required on the application for the grant of the Dhobi licence.
6. The age of the applicant should not be less than 18 years at the time of application for grant of license.
7. The applicant should be physically fit and should not be suffering from any infectious, contagious or any other loathsome disease.

4. Detailed proposal on the subject/project

As per the Council's Resolution no. 3(xiii) dated 21.01.2003, the dhobis who are not residing in the vicinity of the Dhobi Ghat are not entitled for the license. The phrase "residing in vicinity" was further clarified and understood as 'residing in NDMC area'.

This condition is debarring all dhobis who reside outside NDMC area, to get a license even when traditionally they themselves and or their forefathers were working in these Dhobi. Ghats Shifting of the residence of these dhobis has taken place either on account of resettlement of JJ Clusters or shortage of space for full family.

The following amendments are proposed in the existing policy in view of several requests from Dhobis:

1. The requirement of being a resident of NDMC area for issuance of licence be relaxed in case of Dhobis presently working in Dhobi Ghats in NDMC area, provided they are able to give proof for the same. They should not be working in any other Dhobi Ghat of Delhi. The relaxation would be applicable only for the present generation of Dhobis and not extended to their legal heirs.
2. The existing pre-condition of recommendation of Pradhan of the respective Dhobi Ghat for issuance of licence to Dhobis be done away with. The licence be issued to the applicants who fulfill all other existing conditions for grant of license, as approved by the Council.

5. Financial implications of proposed subject/project

Nil

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

Nil

7. Comments of the Finance Department on the subject

Not required

8. Comments of the department on comments of Finance Department

No comments

9. Legal implication of the subject/ project

Nil

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

Council's Resolution no. 3(xiii) dated 21.01.2003

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

Nil

12 Comments of the Department on the comments of law department

Nil

13 Recommendations

The following amendments are proposed in the existing policy in view of several requests from Dhobis:

1. The requirement of being a resident of NDMC area for issuance of licence be relaxed in case of Dhobis presently working in Dhobi Ghats in NDMC area, provided they are able to give proof for the same. They should not be working in any other Dhobhi Ghat of Delhi. The relaxation would be applicable only for the present generation of Dhobis and not extended to their legal heirs.
2. The existing pre-condition of recommendation of Pradhan of the respective Dhobi Ghat for issuance of licence to Dhobis be done away with. The licence be issued to the applicants who fulfill all other existing conditions for grant of license, as approved by the Council.

COUNCIL'S DECISION

ITEM NO.19 (G-9)**1. Name of the Subject/Project**

Appointment of an agency to manage Bulk Power Supply allocated to NDMC.

2. Name of the Department/Departments concerned

Power/Commercial Department

3.. Brief History of the subject/Project

In the past NDMC was procuring power from erstwhile Delhi Vidyut Board (DVB), later from its successor entity Delhi Transco Ltd. (DTL). After 31st March, 2007, NDMC was allocated 350 MW of power from Badarpur Thermal Power Station (BTPS) of NTPC in line with other DISCOMS as DTL has stopped the bulk power supply business.

NDMC being a deemed distribution licensee under the Electricity Act, 2003, it have to perform all the functions of a Discom under the Electricity Act, 2003, National Electricity Policy, 2005 and various regulations issued by DERC. One of the functions is to manage allocated Power Supply in best possible manner to take commercial and technical advantage in dynamic energy market.

Sale of short-term surplus power is also one of the requirements under the provision of the guidelines given by DERC. The management of bulk power supply is a complex procedure and requires specialize skills of Power Trading utility.

4. Detailed proposal on the subject/project

There are around 22 power trading companies which have been issued a licence by CERC under the Electricity Act, 2003 to carry out the power trading activity. As per the experience and the market share M/s. PTC India Ltd. Limited is much ahead of the others, moreover CERC has also fixed the maximum trading margin as per its notification dated 23.01.2006 at 4 paise per Kwh which is applicable to all trading companies. Moreover, the trading utility have to collect from buyer, hence, no financial liability would be created for NDMC.

At present, most of the surplus power sale is taking place under UI where there is no control over the sale price as it is governed by the over all grid frequency.

Further, as per directions of DERC, surplus power of NDMC have to be made available to other Discoms of Delhi, if they are short of power at cost price. Management of this system is also a complex procedure where NDMC is finding it difficult to manage efficiently.

In view of above, NDMC requires urgently an agency to manage the Bulk Power Supply.

M/s. PTC (India) Ltd, has submitted a proposal to manage Bulk Power Supply of NDMC with no direct cost to NDMC with assurance of price of sale of power well above the net average procurement cost.

There is provision under GFR Rule 176 under some special circumstances: it may become necessary needs to select a particular consultant where adequate justification is available for such single-source selection in the context of the overall interest of the Ministry or Department. Full justification for single-source selection should be recorded in the file and approval of the competent authority obtained before resorting to such single-source selection.

It is already indicated that management of Bulk Power is a specialize job and experience, presence in energy market, size of operation and infrastructure are the important factor for selection of a utility to perform efficiently. M/s PTC (India) Ltd, who has already conducted techno-commercial study of electricity distribution system of NDMC area, are fully aware of operation of NDMC and market leader in the field.

In the given circumstances and urgency of appointment of agency to manage bulk power supply, Council may appoint M/s PTC (India) Ltd an agency to manage Bulk Power supply of NDMC under the provisions of GFR Rule 176.

5. Financial implication of the proposed/subject

There is no direct payment to be made to M/s PTC (India) Ltd for sale of surplus power; however, it may bring more revenue to NDMC by way of efficiently selling the surplus power in the energy market.

6. Implement schedule with timeliness for such stage including internal proceeding:

This can be implemented immediately after the acceptance of the proposal.

7. Comments of the Finance Department on the Subject:

FA has seen the case and has given the comments as under:

"I have no comments to offer from the view of Finance. However, it is advisable, if the Electricity Department also offer their views in respect of Point 3 & 7 of agreement. Also specific approval of the competent authority may be obtained for appointing M/s. PTC India Ltd."

8. Comments of Department on comments of Finance Department:

In reference to the minutes of FA, the comments of CE (Electric) have been sought for which are as under:

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

The appointment of the agency for the sale of surplus power is of new concept and no previous Council Resolution exists on the subject.

10. Comments of the Law Department:

LA has seen the case and given the comments as under:

"May kindly see the MOU from the view of the Finance after the changes, if they are suggested by Finance the amended draft shall be vetted from the Legal angle please."

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

Since Finance Department has recommended that they have no comments to offer from the view of Finance and as such the agenda is placed before the Council for the consideration.

12. Recommendations:

The case is laid before the Council for approval to appointment of M/s. PTC India Ltd. to manage Bulk Power Supply allocated to NDMC on the terms and conditions as per the enclosed draft agreement.

COUNCIL'S DECISION

ANNEXURE 12 PAGES

94 – 105

ANNEXURE ENDS

ITEM NO. 20 (G-10)**1. Name of the Subject/Project**

Settlement of disputes and recovery of outstanding electric/water dues.

2. Name of the Department/Departments concerned

Commercial Department

3.. Brief History of the subject/Project

The Council is collecting over Rs.550.00 crores per year through electricity/water charges. Every year some of the collection remained in dispute mainly due to the defective energy meters, misuse and late payment surcharge and carried over as arrears. As on date the accumulated arrears of these electricity/water consumption charges is above Rs.100.00 crores against the various consumers of different categories viz. Government Offices, Non Gazetted (NGM), Gazetted Officers (GOB), Private shops and establishments, Members of Parliament and Ministers. These dues also include the arrears of pre 1996 for which the details are not available. A Summary of these arrears is enclosed for all the categories upto October / November 2007 billing cycles. A separate list is also enclosed herewith which shows that an arrears of Rs.87,000/- involving 790 cases having arrears less than Rs.500.00 whereas a sum of Rs.7,57,511/- involving 314 cases having individual arrears between Rs.500.00 to Rs.10,000.00.

A large part of these arrears are also involved in prolong litigation in District Court, Consumer Forums/State/National Commission, High Court from where number of cases have now been referred to the Council for amicable settlement of pending disputes through mediation. The Commercial Department is facing great difficulty in dealing with such type of cases in absence of any specific policy/guidelines so far. Earlier a case was placed before the Council vide Item No.02 (G-7) dated 05.11.2007 with the proposal for the waiver of the late payment surcharge on the dues as outstanding against the Govt. Departments. The said item was postponed with the remarks that the department had asked to place the item again with more details about other Govt. Offices also. Similar case for settling of electricity charges was also laid before the Council vide Item No.03 (G-1) dated 31.05.2007 suggesting reducing surcharge to 20% of outstanding undisputed demand. This was deferred for want of comments of the Finance Department.

Thus to reduce these arrears to its least and enhance the annual collection of municipal dues through settlement of disputes, a comprehensive policy is required to be framed to deal with and settle such cases of all categories almost similar in nature instead of any particular case.

4. Detailed proposal on the subject/project

The broad objective of introducing this policy is to liquidate the long pending dues of NDMC, which remained unrecovered mainly due to the following reasons:

- a) arising of any dispute in demand due to provisional billing, defective energy meter, imposition of misuse charges and accumulation of late payment surcharge during the disputed period.
- b) stay/interim order from the various Courts when consumer moves the court.

- c) the consumer is no longer living in the old premise and the present where about are not known.
- e) the actual user/consumer is not alive and such dues cannot be recovered from his legal heirs either due to non-availability of their present status or otherwise.
- f) the arrears are so petty that their recovery cost is much higher.
- g) non-availability of the details of the demand prior to 1996.

The Council is always justified in demanding from the defaulters the element of surcharge and also the misuse charges since as per the principles of the equity those consumers who pay their dues properly and conform to the pattern of the consumption as per terms and conditions agreed upon by them and to maintain the uniformity. At one time the late payment surcharge was chargeable @ 3% per month in compoundable manner on the demand if remained unpaid and was subsequently reduced to 1.5% for domestic consumers and 2% for non-domestic consumers non- compoundable. This was uniformly charged later on @ 1.5% per month non-compoundable for all types and categories of consumers. Thus, Late Payment Surcharge (LPSC) is one of the major reasons resulting in increase in demand to multiples of the Principal demand. The other reasons for huge accumulation of dues are basically due to imposition of misuse charges @ 200%, 100% now reduced to 50% w.e.f. 26.08.2004 and raising the demand on provisional basis for a considerable period with or without replacement of energy meters. The Chairman, ECGRF has also held in the matter of Central Court Hotel V/s NDMC and Basumal Jagat Narain V/s NDMC the following opinion:

"It is the considered view that since the demand and bills remained in dispute for such a long period of about 15 years the late payment surcharge is not liable to charge on such disputed demand. The dispute was primarily on account of the bills being issued on actual / CP basis and in-between of bills was required to be affected by the NDMC which was not done."

In the case of Laxmi Munjal, since NDMC could not settle the dispute, it was referred by the Delhi High Court to Lok Adalat of High Court and in the case of Sagar Apartment, the High Court has referred the matter to Grievance Committee of NDMC.

As such, the Commercial Department recommends the following proposals being the part of the comprehensive policy to settle the dispute, collect undisputed amounts and reduce infractious arrears and generate additional revenue to the NDMC ;

- (i) The principal demand of the consumption charges should not be normally reduced or waived unless the amount is unrecoverable.
- (ii) The arrears upto a total of Rs.500.00 of over one year, on 01.01.2007 (not current demand of 2007) may be permitted to be waived for all the categories.
- (iii) The misuse charges may, in deserving cases and subject to legal issues, if any, resolved should not be more than the present level of misuse charges i.e. @ 50% of the applicable tariff. If there are any special reasons, it can be less than 50% with reason to be recorded..
- (iv) The cases where arrears are outstanding against the Government offices, buildings and departments, the principal demand should be recovered without having any late payment surcharge on the basic principle that no

surcharge should be charged on the consumption from Government to Government basis. This is the principle involved by NCT of Delhi in settlement of Electricity Tax dispute between MCD and NDMC.

- (v) Cases of arrears for the period prior to September, 1996 where details are not available may be settled amicably so that consumption charges are recovered.
- (vi) Considering the opinion of the Chairman, ECGRF, no surcharge should be levied in the disputed cases pending either before any court or with the department where the principal demand could not be paid in the shelter of any stay/interim order, if the consumer agrees to deposit the entire undisputed demand of the disputed period in one stretch or within in a reasonable time.
- (vii) In the cases of the disputed demand, where no dispute is pending but arrears still exist, may be settled after charging late payment surcharge on one time basis by restrict it at the simple rate of interest as payable under The Interest Act 1978 as permissible under section 7(2A) of Public Premises Act 1971.
- (viii) The cases having the arrears between Rs.500/- to Rs.10,000/- should be settled on a moderately escalating scale of rebate/remission based on the analogy of section 132 of The NDMC Act as fixed either by the Chairman or as recommended by the Grievances Redressal Committee.
- (ix) If any other case still does not cover under the above proposed clauses of settlement, the Chairman, NDMC may be empowered to settle such case by setting up a Committee for settlement of disputes.

5. Financial implication of the proposed/subject

This will enable the department to recover the long outstanding arrears, which have been reflected in Audit reports, and the department has afforded the reasons that the arrears could not be recovered due to the certain constraints which are beyond the control of the department. The main objective of the proposed policy is to recover long outstanding arrears after settlement of disputes through a comprehensive policy in this regard applicable uniformly for all the categories.

6. Implement schedule with timeliness for such stage including internal proceeding:

The proposal is put up for the consideration and approval with the motive for the settlement of pending dues / cases and to generate revenue for the NDMC where the same could not be recovered since long. This being a first attempt of the department to settle the long pending disputes and collection of more revenue to the NDMC from the backlog arrears, the same is proposed to be implemented immediately during the current financial year and upto 31.3.2008. Thereafter, the policy will be laid before the Council to consider the number of cases settled and collection of additional revenue on this account.

7. Comments of the Finance Department on the Subject:

The Finance Department recommends the following principles for the settlement of the cases / dues;

- Main demand should not be waived or reduced unless the amount is irrecoverable.
- The misuse charge may, in deserving cases and subject to legal issues, if any, being resolved be brought to the present level of misuse charges.
- Surcharge element may, on a one time basis, be restricted to an across the board 10% rate without being compounded. This would expectedly reduce surcharge to a realistic level.
- The opinion of the Chairman, ECGRF, in disputed court cases needs reconsideration..
- While squaring up accounts of individual consumers due, if any paid, should first be applied against the principle demand followed by misuse charges and surcharge.
- All the payments upto Rs.500/- against all consumers, even if it would include, in part, the main demand, appears to be reasonable and practical. Time and energy of GRC and other Council instruments could be used to focus upon high value demands with a greater financial dividend.
- All outstanding dues falling in the range of Rs.50/- to Rs.10,000/- should be settled subject to rebate/remission (on the analogy of section 132 of the NDMC Act) and treatment on a moderately escalating scale of rebate.
- It is also recommended that NDMC should review its entire policy on recovery dues and bring it alongside the policies as are followed by Revenue Departments of the Govt. of India/Commercial Entities with such modifications as may be warranted under each category.

8. Comments of Department on comments of Finance Department:

On the basis of the comments, guidelines and recommendations of the Finance Department, this comprehensive policy of the department is framed and laid before the Council for the consideration and approval.

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

This being a first attempt of the department to settle the long pending disputes and collection of more revenue to the NDMC from the backlog arrears, the same is proposed to be effective immediately during the current financial year and upto 31.3.2008 only at first instance. Thereafter, the policy will be submitted to the Council to review considering the number of cases settled and collection of additional revenue on this account.

10. Comments of the Law Department:

The proposal is over due. Cases are being referred by various Courts, Mediation Cell of Civil Courts and High Courts to the Grievance Cell of NDMC for settling the disputes. The Officers of NDMC are finding it difficult to agree to settlement in the absence of guidelines on the subject. The scheme will settle most of the disputed cases, pending with the department and in the courts.

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

If the Council accepts the proposed policy of the department, it would certainly settle the long pending disputes in various courts or with the department besides collection of more revenue from the backlog arrears pending since long. The present arrears of above Rs.100.00 crores will also rationalize to a realistic level.

12. Recommendations:

In view of the recommendations of the Commercial Department broadly based on the guidelines advised by the Finance and Law Department, the case for making a comprehensive policy/guidelines for the settlement of disputes and recovery of electricity/water dues is laid before the Council for consideration and taking decisions on the following proposals:

- (i) The principal demand of the consumption charges should not be normally reduced or waived unless the amount is unrecoverable.
- (ii) The arrears upto a total of Rs.500.00 of over one year, on 01.01.2007 (not current demand of 2007) may be permitted to be waived for all the categories.
- (iii) The misuse charges may, in deserving cases and subject to legal issues, if any, being resolved should not be more than the present level of misuse charges i.e. @ 50% of the applicable tariff. If there are any special reasons, it can be less than 50% with reasons to be recorded..
- (iv) The cases where arrears are outstanding against the Government offices, buildings and departments, the principal demand should be recovered without having any late payment surcharge on the basic principle that no surcharge should be charged on the consumption from Government to Government basis.
- (v) Cases of arrears of the period prior to September 1996 where details are not available may be settled amicably so that consumption charges are recovered.
- (vi) If opinion of the Chairman, ECGRF is accepted there may be cases where dispute may be continued in courts. Undisputed demand will have to be paid with interest and surcharge on disputed demand to be reduced on reduction of demand no surcharge should be levied in the disputed cases pending either before any court or with the department where the principal demand could not be paid in the shelter of any stay/interim order, if the consumer agrees to deposit the entire principal demand of the disputed period in one stretch or within in a reasonable time.
- (vii) In the cases of the disputed demand, where no dispute is pending but arrears still exist may be settled after charging late payment surcharge on one time basis be restricted to an across the board at the simple rate of interest as payable under The Interest Act 1978 as permissible under section 7(2A) of P.P.Act 1971.
- (viii) The cases having the arrears between Rs.500/- to Rs.10,000/- should be settled on a moderately escalating scale of rebate/remission based on the analogy of section 132 of The NDMC Act as fixed either by the Chairman himself or as recommended by the Grievances Redressal Committee.
- (ix) If any other case still does not cover under the above proposed clauses of settlement, the Chairman, NDMC may be empowered to settle such case or by setting up a Committee for settlement of disputes.

- (x) If the proposed policy is approved by the Council, the same may be implemented immediately in anticipation of the confirmation of the minutes of the meeting by giving wide publicity through public notice in the daily newspaper, NDMC website etc.

COUNCIL'S DECISION

ANNEXURE 2 PAGES

ANNEXURE ENDS

ITEM NO. 21 (C-44)**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 November 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 115 - 134).

COUNCIL'S DECISION

ANNEXURE 20 PAGES

115 – 134

ANNEXURE ENDS

ITEM NO. 22 (C-45)

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 October 2007 had already been included in the Agenda for the Council Meeting on 21.11.2007.

A report on the status of execution of all the ongoing schemes/works awarded **upto November 2007** is placed before the Council for information. (See pages 136 - 176).

COUNCIL'S DECISION

ANNEXURE 136 – 176

ANNEXURE ENDS

ITEM NO. 23 (S-1)**REPORT OF VIGILANCE DEPARTMENT****Item No.07 (A-41)**

Name of work:- Development of various market in NDMC area.

S.H.:- Development of Malcha Marg Maket.

The aforesaid case was placed before the Council vide Item No.07 (A-41) on 17.10.07. The Council made the following decision with regard to the delay in placing the case before the Council whereas the work was completed in October 2003.

"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."

Accordingly, the matter has been examined by the Vigilance Department in detail as per notes placed below and it has been observed that initially the delay was on account of non timely processing of the approval of various items by the concerned J.E. for 10 months period after completion of the work for which Sh. Shiv Kumar Sharma, J.E. (C) is primarily responsible.

Further, since the delay in processing for seeking the approval of various items prima facie appears to be procedural delay without involving any ulterior motive and that the council has not suffered any financial loss on account of the delay the concerned official, therefore, as per the approval of the Chairman, NDMC warning have been issued to Sh. Shiv Kr. Sharma to be more careful in future.

The Action Taken Report (**See pages 178 - 180**) is accordingly placed for information of the Council.

COUNCIL'S DECISION

Sub: Delay in processing the case which has been put up before the council.

In the Council meeting held on 17.10.07, approval of the revised preliminary estimate and related to the were placed before the Council. The details of the same is as follows:-

Name of work:- Development of various market in NDMC area.

S.H.:- Development of Malcha Marg Maket.

Item No.07 (A-41)

Name of the project

Development of various market in NDMC Area.

SH.: Development of Malcha Marg Market.

Agency	:	M/s K.R. Anand
Stipulated date of start	:	12.12.02
Stipulated date of completion	:	11.06.03
Actual date of completion	:	27.10.03
Extension of time granted on	:	11.03.04

The concerned division has intimated that the three departments vis-a-vis Civil Engineering, Electrical Engineering & Horticulture Department were involved in the case. The various items, related to the work has to be got approved by the concerned authorities after processing for approval of the various Addl./Extra/Substitute and recommendations of the various statements in the competency of the Executive Engineer, Superintending Engineer, Chief Engineer and thereafter the processing of Revised Preliminary Estimates with due scrutiny by the Planning in September 2006 and thereafter scrutiny by the Finance during the period September 2006 to October 2007 and after the concurrence of the Finance Department, it has been placed before the Council.

Thus, it is noted that the items were processed in August, 2004, whereas the work was completed in October, 2003 i.e. after almost 10 months. The various items could have been processed for approval simultaneously with the execution of the work or immediately after completion of the work i.e. Oct. 2003.

In this case, for the aforesaid lapse S/Sh. K.L. Katiyal the then E.E. Road (Now retired), C.M.Narang the then A.E. (Civil) (Now Retd.) and Shiv Kumar Sharma, J.E. is responsible for not processing the case timely.

Further, since there is no loss to the Council for delaying the finalization of the account of the aforesaid work, therefore, in the first instant the officer may be warned to be careful in future and instructions may be issued to one and all to process the finalisation of the accounts immediately after completion of the work to avoid such delays.

Name of work: Development of various market in NDMC area.

SH: Development of Malcha Marg Market.

Return back with observation		Sending with replies		Remarks
(N/P-113)	04.08.04	16.08.04 to AAO for further replies	(N/P-114)	Due to non available of proper record due to shuffling of division RM-I to R-IV the various file related to R.P.E. not available and Elect. Work expenses detail received on 09.12.04 later on R.P.E. prepared.
(N/P-116)	31.05.05	01.06.05	(N/P-117)	
(N/P-117)	07.06.05	16.06.05	(N/P-119)	Extra Item/Add. Qty. Satement falling in competency of SE (R-II) are approved on 07.02.06.
(N/P-123)	23.06.05	08.09.05	(N/P-125)	
(N/P-126)	22.09.05	30.09.05	(N/P-127)	
(N/P-128)	07.11.05	21.11.05	(N/P-129)	
(N/P-130)	09.12.05	09.01.05	(N/P-132)	
(N/P-134)	07.02.06	17.02.05	(N/P-135)	
(N/P-141)	24.02.06	12.04.06	(N/P-143)	
(N/P-143)	13.04.06	10.05.06	(N/P-145)	
(N/P-149)	17.05.06	13.07.06	(N/P-149)	
(N/P-150)	20.07.06	04.08.06	(N/P-154)	
(N/P-162)	20.09.06	25.09.06	(N/P-163)	All remaining item R.P.E. scrutinized by SE(P) on 20.09.06
(N/P-163)	04.10.06	31.10.06	(N/P-164)	
(N/P-165)	10.11.06	26.12.06	(N/P-166)	
(N/P-166)	27.12.06	23.01.07	(N/P-168)	
(N/P-169)	21.02.07	23.02.07	(N/P-171)	
(N/P-178)	23.05.07	13.07.07	(N/P-180)	
(N/P-182)	08.08.07	10.08.07	(N/P-183)	
(N/P-185)	31.08.07	<u>03.09.07</u>	(N/P-186)	
		01.10.07		
(N/P-186)	03.10.07	04.10.07	(N/P-187)	
(N/P-188)	09.10.07	-	-	In Council meeting for agenda item

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

No.____/Vig./Imp./2007

Dated _____

OFFICE ORDER

Under orders of the Chairman/Disciplinary Authority, NDMC Sh. Shiv Kumar Sharma, J.E. (C) is warned to be careful in future.

This is with reference to the revised Preliminary Estimate initiated for revised A/A & E/S for the work development of various market in NDMC area, S.H.- Development of Malcha Marg Market which was placed before the Council vide item No.07 (A-41) on 17.10.07. The said work was completed in October 2003 but the concerned items thereof were processed in August 2004 after almost 10 months. The Council has desired to enquire into the matter to find out the reasons for delay in placing the agenda item before the Council.

**(Philip Bara)
Director (Vig.)**

1. Sh. Sh. Shiv Kumar Sharma, J.E. (C), NDMC, New Delhi

Through: C.E. (Civil)

2. Chief Engineer (Civil)
3. Director (P)
4. S.O. (CE-II)
5. S.O. (CBS) Through: S.O. (CE-II)
6. Office Order File
7. Office Copy

Copy to:-

1. PS to Chairman for kind information of Chairman please.
2. PS to Secretary for kind information of Secretary Please
3. PA to CVO for kind information of CVO please.

ITEM NO. 24 (C-46)**1. NAME OF THE SUBJECT**

Providing Winter Uniform to eligible Group 'C' & 'D' employees of the Council.

2. NAME OF THE DEPARTMENT

General Administration Department

3. BRIEF HISTORY OF THE SUBJECT

On the recommendations of the Sub-Committee, with the concurrence of the Finance Department and orders of Chairman N.D.M.C. for procurement of summer uniform such as Terricot cloth (white and grey) and saree with blouse have already been procured and being distributed to the eligible employees.

In the meantime the **winter** uniform for the year 2007-08 has also become due. In this connection it is submitted that in the recent past, all the establishments were requested to provide a list of eligible Group C & D employees. As per the list, in all 7973 gents and 1046 ladies are entitled for receipt of uniform. During the intervening period about 500 employees have since retired. Hence, the Department is required to make procurement for 8519 employees. It may, however, be mentioned here that the Winter uniform is issued bi-annually and no winter uniform has been issued in the last two years with the result that all the above mentioned employees have become eligible for issue of winter uniform.

The following Committee was constituted to recommend and monitor the purchase of winter uniform for eligible Group 'C' and 'D' employees:-

1. Secretary (In Chair)
2. Addl. F.A.
3. Director (GA)
4. L.W.O.
5. Sh. S.K. Solanki, Rep. of Staff Side
6. Sh. Ganga Ram, Rep. of Staff Side

This proposal is based on the recommendations of the above mentioned Committee.

4. DETAILED PROPOSAL ON THE SUBJECT

The eligible Council's employees are provided following livery items keeping in view the description, scale and pattern notified by the Department of Personnel & Training, Govt. of India:-

1. Woolen suit comprising buttoned-up coat and pants (Blue), one in two years.
(As per prevalent practice, we are providing grey woolen cloth for pant and coat bi-annually in NDMC)
2. Weltd Shoes-Bi-annually (for Drivers) one pair in two years.
(As per past practice we are providing shoes of same quality to all the eligible staff).
3. Overcoat-one in five years
(As per practice no overcoat is issued to the Drivers. Rather they are issued one Jersey in two years.)
4. Woolen Socks (Blue)

WOOLEN CLOTH

Department of Personnel & Training has fixed the rate for woolen serge @ Rs.160/- per meter. NDMC's last purchase rate was Rs.172/- per meter. The Department propose to make procurement at the last approved rates. Total requirement of cloth is as follows:-

- i. Eligible Male employees = 7523 x 2.80 meter = 21,064.40 meters
 - ii. Eligible Lady employees = 996 x 1.80 meter = 1792.80 meters
- Total: 22,857.20 meters
(22,857.20 x Rs.172/- = Rs.39,31,438.40)

WOOLEN JERSEY

Regarding **woolen jersey** it has been mentioned in the Uniform book that it has been decided in consultation with Ministry of Home Affairs that the Woolen Jersey/Cardigans may be purchased from super bazaar, Kendriya Bhandar or other State Government agencies or on DGS&D rate contract. The rates as per current DGS&D Rate Contract for the Jersey ranges from **Rs. 250/- to Rs.275/-** per piece depending upon size. The last purchase rate of jersey (gents & ladies) was Rs.185/- per piece.

A team consisting of officers from Labour Welfare Officer, General Admn. Department and two representatives of Staff visited Ludhiana on 27.10.2007 regarding procurement of woolen Jersey and Socks from DGS&D approved firms. The employees' representatives have not approved any of the samples of socks and Jersey offered by the DGS&D approved firms. These are proposed to be procured by inviting limited tender inquiries from State Govt. Emporia, Kendriya Bhandar etc. The total estimated expenditure for purchase of Jerseys will be as follows:-

$$\begin{aligned} \text{Total number of eligible employees } & 8519 \times 275/- \\ & = \text{Rs.23,42,725/-} \end{aligned}$$

SHOES

Shoes are proposed to be procured at DGS&D rate contract from DGS&D approved firms. The rate of shoes at DGS&D rate contract ranges from Rs.239-256 depending upon size of the shoe. The total expenditure for procurement of shoes for total number of 8519 eligible employees works out to **Rs.21,80,864/- @ Rs.256/- per piece.**

SOCKS

The Department is required to purchase 3300 pair of socks at DGS&D rate contract. The approximately expenditure for purchase of socks will be 3300 x Rs.30.50 = **Rs.1,00,650/-**

STITCHING CHARGES

The DOPT has approved Rs.500/- as stitching charges for gents buttoned up coat and pant. Therefore, the total expenditure on account of re-imburement of stitching charges to gents employees works out to (7523 x 500) **Rs.37,61,500/-**. For lady employees the stitching charges are approved at the rate of Rs.400/- for stitching of ladies coat. Therefore, the total expenditure for re-imburement of stitching charges to 996 lady employees works out to **Rs.3,98,400/-**

Thus the total tentative amount required for procurement of the above items works out as under:

1. Woolen Cloth	Rs. 39,31,438/-
2. Jersey	Rs. 23,42,725/-
3. Footwear	Rs. 21,80,864/-
4. Socks	Rs. 1,00,650/-
5. Stitching Charges	Rs.41,59,900/-

Total: Rs.127,15,577/-

5. FINANCIAL IMPLICATIONS

An estimated expenditure of Rs.127,15,577/- only as detailed in para 4 above is likely to be incurred for the procurement of winter livery items.

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

Three months from the date of publication of the tender notice.

7. COMMENTS OF THE FINANCE DEPARTMENT

The Finance Department has concurred in the proposal with the following observations:-

- (1) Approval of the Competent Authority;
- (2) Certification of concerned facts and figures;
- (3) The tender be advertised on website also for wider publicity;
- (4) The rate of stitching may be rechecked.

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

The comments of the Finance Department have been noted for compliance and the rates of stitching charges have been re-checked and modified accordingly. The Department has calculated the stitching charges for ladies coat @ Rs.450/- whereas approved rates for the same are Rs.400/-. Necessary rectifications have been made in the estimate for stitching charges for ladies coat in the Agenda.

9. LEGAL IMPLICATION OF THE SUBJECT

There is no legal implication involved in the matter.

10. DETAILS OF PREVIOUS COUNCIL RESOLUTIONS, EXISTING LAW OF PARLIAMENT & ASSEMBLY ON THE SUBJECT.

None.

11. COMMENTS OF THE LAW DEPARTMENT

The Law Deptt. has given its concurrence to the proposal as no legal issue is involved in the matter.

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

No comments required.

13. RECOMMENDATIONS

It is recommended to procure the winter livery items by following the codal formalities.

14. DRAFT RESOLUTION

Resolved by the Council that the proposal contained in the Agenda for procurement of winter livery items at an estimated cost of Rs.1,27,15,577/- is approved subject to completion of various codal formalities. The Department may initiate action for procurement of livery items in anticipation of confirmation of the minutes by the Council.

COUNCIL'S DECISION

ITEM NO. 25 (A-59)

Presentation of Streetscaping of Sardar Patel Marg by Civil Engg. Department.

ITEM NO. 26 (E-6)**1. Name of the Subject / Project.**

Policy regarding role of Finance and Medical Departments for the concurrence of preliminary estimates for the procurement of medical consumables.

2. Name of the department

Health (Medical Sector)

3. Brief history of the subject/project.

At present the quantities of various medical consumables projected by the department for the calculation of preliminary estimates for procurement are subject matter of review by the Finance Department. In the event of divergence of opinion between the departments over the quantities projected in the preliminary estimates, its resolution often takes substantial time which in turn results in delays in procurement. It has necessitated review of the existing system for seeking concurrence of preliminary estimates.

4. Detailed proposal of the subject.

During the deliberations on the expenditure sanction for the procurement of allopathic medicines in the Council meeting dated 17.10.07, it emerged that assignment of definite roles to the various departments involved in the process of procurement of medical consumables shall expedite the process of finalization of the proposals. Accordingly, the following definite roles have been proposed for these departments to avoid over-lapping of functions :

A. Role of the Finance Department for the concurrence of the preliminary estimates and approval of the rate contract.

1. Monitoring of budget allocations so that the expenditure does not exceed the sanctioned allocations.
2. To ensure that the proposed expenditure is for the purpose for which the funds are allocated.
3. That all codal requirements proposed in the General Financial Rules to ensure total transparency, competitiveness, fairness and elimination of arbitrariness in the process of procurement have been observed.
4. Enforcement of efficiency, economy and accountability in the procurement system.
5. That the proper care was taken in the evaluation, selection, ranking the responsive bids and selection of the successful bidder for placing of contract.

B. Role of the Medical Department.

1. Determination of the quantities of the consumables based on fair and justifiable grounds.
2. Proper Inventory Management to avoid over-stocking or short falls.
3. To ensure that there is no wastage of municipal funds on account of mis-use or expiry of supplies or on account of inventory carrying cost due to over-stocking.

5. Financial implications for the proposed subject.

Nil

6. Implementation schedule with time limit for each stage including internal processing.

N.A.

7. Comments of the Finance Department on the subject.

In the matters of concurrence for quantities and estimated cost, a substantive decision needs to be taken, formulating a policy spelling out the specific point of reference.

8. Comments of the Department on comments of finance dettt.

None.

9. Legal implications of the subject/project.

Nil

10. Details of previous Council Resolutions./Existing Law of Parliament and Assembly on the subject.

None.

11. Comments of the Law Department on the subject.

Nil.

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

None.

13. Recommendations :

The policy formulated in para 5 is noted to Council for information and adoption.

COUNCIL'S DECISION

The policy regarding procurement of Medical consumables as enumerated in para 4 (A) & (B) was noted by the Council.

It was further resolved by the Council that Sh. Mukesh Bhatt, Member of the Council may be associated by the Deptt. in the procurement process.

en la0 27 (K--6)-

- fo"K;@Jkfi;Kstuk dk uke % lkkfydk LokLF; lsok ;kstuk

2- foHkKx dk uke % Je dY;k.k foHkKx

3- fo"K;@Jkfi;Kstuk dk laf{kGn foaj.k %

ubZ fnYyh uxjikfydk lkfj"kn~ esa dk;Zjr~@lsokfuo`Ùk ,oa muds vkfjrkSa ds jksxxzLr gksus dh n'kk esa dsUnzh; LokLF; lsok ;kstuk ds vk/kj lkj fu/kZfjr ewY;ksa ,oa fu;eksa ds vuqlkj futh vLirkyksa ls fpdfRlk lafo/k lkzklr djus ds fy;s vè;{k} ubZ fnYyh uxjikfydk lkfj"kn~ }kjk vuqeksfnr fd;k x;k A ftlesa lkzFke pj.k esa eSDL ,oa mlls lacaf/r vLirkyksa rFkk c=kk vLirky dks vuqcfU/r fd;k x;k Fkk A bl lkzFØ;k esa le;kuqlkj fofHkUu vLirkyksa ls vuqcfU/ fd;s x;s A eSDL ,oa mlls lacaf/r vLirkyksa ls fd;s x;s vuqcfU/ dh vof/ 1-4-2006 ls 31-3-2007 rd fu/kZfjr dh xbZ A vof/ lekIr gksus ds mijkUr eSDL ,oa mlls [EcfU/r vLirkyksa us dsUnzh; LokLF; lsok ;kstuk ds vUrxZr fu/kZfjr ewY;ksa ,oa fu;eksa lkj ;g fpdfRlk lafo/k miyC/ djkus esa viuh vleFkZrk n'kkZbZ A muds }kjk fpdfRlk lafo/k miyC/ djkus ds fy;s fn;s x;s 16-5-2007 ds lk=k esa lkfj"kn~ deZpkfj;ksa dk bykt djus dh 'krksZa lkj lkfj"kn~ }kjk fopkj djrs gq, lkzLrko lao 4(ds&t) fnukad 31-5-2007 (vuqyXud&t) ds vUrxZr fu.kZ; fy;k x;k %&

lkfj"kn~ }kjk lkkfjr fd;k x;k fd vè;{k} ubZ fnYyh uxjikfydk lkfj"kn~ dh Lohd`fr ls lkfj"kn~ esa dk;Zjr~@lsokfuo`Ùk deZpkfj;ksa ,oa muds vkfjrkSa dks futh vLirkyksa ls fpdfRlk lafo/k dk ykHk fnukad 1-6-2007 ls 31-5-2008 rd lkzklr djus ds fy;s dk;ksZÙkj Lohd`fr lkznku dh tkrh gS rFkk fuEufyf[kr dk vuqeksnu fd;k tkrk gS %&

- (1) dsUnzh; LokLF; lsok ;kstuk ds vUrxZr fu/kZfjr ewY;ksa lkj g`n; laca/h jksxksa dk ,oa tksM+ksa dk lkzR;kjksi.k eSDL gSYFkds;j ls lacaf/r nsodh nsodh vLirky] lkdsr] ukS,Mk] lkhreiqjk ,oa lkViM+xat vLirkyksa esa mipkj dh lafo/k lkzklr djuk A

bl ;kstuk ds fy;s 3]oo]oo]ooo (rhu djksM+) #lk;s dk ctV lkzko/ku j[lkk x;k gS fdUrq okLrfod O;; crkuk lEHko ugha gS D;ksafd bu vLirkyksa ls ykHkkfUOr gksus okys deZpkfj;ksa ,oa muds vkfjrkksa dh la[;k dk lkwoZuqeku ugha yxk;k tk ldrk gSA

5- vkarfjd IkzfD;k lfyar IkzR;sd Lrij gsrq le;ksfprrk ds lHkh dh;kZU;uvuqlwrh%.

dqN ugha

6- fo"k; Iki foUk foHkkx dh fVli.kk %

foUk foHkkx dh lkj"kn- ds le{k lkz:lk lkzLrqr djus dh vuqefr bl 'krZ lkj gS fd eSo eSDl gSYFk ds;j vius 17-5-2007 ds lk=k dh 'krksZa ds vuq:lk bykt lkj 35 lkzfr'kr dh nj ls dVksrh@NwV lkzku djuk tkjh j[ksxkA

7- foUk foHkkx dh fVli.kk Iki foHkkx dh fVli.kk %

foUk foHkkx dh mijksDr fVli.kk dk lkkyu fd;k tk;sxkA

8- fo"k; Iki dkuwuh vfHkizsr %

;g ;kstuk Hkkjr ljdkj dh dsUnzh; LokLF; lsok ;kstuk ds vk/kj lkj gS A fo"k; lkj laln@fo/kulHkk ds fo|eku dkuwuh rFkk lkj"kn- ds lkwoZ lkzLrko % izLrko lao 4(ds&t) fnukad 31-5-2007 vuqYud ds :lk esa layXu gS A

9- fo"k; Iki foj/ foHkkx dh fVli.kk %

dksbZ ughaA

10- foj/ foHkkx dh fVli.kk Iki foHkkx dh fVli.kk %

dksbZ ughaA

11- vuq'kalk %

lkff"kn~ us lkzLrko la[;k o4@(ds&t) fnukad 31-5-2007 ds vUrxZr ubZ fnYyh uxjikfydk lkff"kn~ ds deZpkfj;ksa dks eSDl ,oa mlls [Ec¼ vLirkyksa esa bykt djkus ds [EcU/ esa lkff"kn~ ds lkzLrko fuEufyf[kr fu.kZ; fy;s x;s Fks %&

- (1) dsUnzh; LokLF; lsok ;kstuk ds vUrxZr fu/kZfjr ewY;ksa lkj g'n; laca/h jksxksa dk ,oa tksM+ksa dk lkzR;kjksi.k eSDl gSYFkdsj ls lacaf/r nsodh nsdh vLirky] lkdsr] ukS,Mk] lkhreiqjk ,oa lkViM+xat vLirkyksa esa mipkj dh lafo/k lkzklr djuk A
- (2) dsUnzh; LokLF; lsok ;kstuk ds vUrxZr uoEcj] 2006 ls lkwoZ fu/kZfjr ewY;ksa lkj lkSFkkykth] jsfM;ksykh ds mipkj dh lafo/k lkzklr djuk A (eSDl gSYFk dsj ukS,Mk] lkViM+xat ,oa lkhreiqjk)
- (3) dsUnzh; LokLF; lsok ;kstuk ds vUrxZr uoEcj] 2006 ls lkwoZ tek\$5 lkzfr'kr nj ds vk/kj lkj eSfMdy ,oa lftZdy dh mipkj lafo/k ukS,Mk] lkViM+xat ,oa lkhreiqjk esa flFkr eSDl gSYFkdsj ds vLirkyksa ls lkzklr djuk rFkk dsUnzh; LokLF; lsok ;kstuk ds vUrxZr tks chekfj;kWa lwph¼ ugha gS mu chekfj;ksa esa mijksDr vLirkyksa dks vLirkyksa dh njksa esa 35 lkzfr'kr dh dVksrh dj mipkj dh lafo/k lkzklr djuk ,oa lkwoZ esa fd;s x;s mipkj lkj blh vk/kj lkj yfEcr ekeyksa ds fcyksa dk Hkqxrku djuk A
- (4) eSDl lajj&Lisf;fyVht vLirky] lkdsr ,oa vkbZ ,aM MsUVy dsj vLirky] lkap'khy ekxZ] ubZ fnYyh esa vLirky }kjk fu/kZfjr ewY; lwph esa 35 lkzfr'kr dh NwV lkzklr dj mipkj dh lafo/k lkzklr djuk A ;g lafo/k dsoy vkikrdkyhu lkjflFkfr;ksa esa gh miyC/ gksxh rFkk dksbZ Hkh dkLeSfVd mipkj lafo/k miyC/ ugha djkbZ tk;sxh A
- (5) mijksDr ds vuqlkj fo'ks"k n{krk lkzklr vLirkyksa esa Hkh lafo/k lkzklr dh tk;s A

bu fu.kZ;ksa ds lanHkZ esa vc eSDI ,oa mlls [Ec¼ vLirkyksa us nokbZ;kWa] 'kjhj esa fu:fir oLrq,Wa ,oa miHkksx dh oLrqvksa lkj viuh lkzdkf'kr ewY; lwph ls 35 lkzfr'kr dh NwV lkznku djus esa vLkeFkZrk lkzdV dh gS A

vr% ;g lkzLrkfor fd;k tkrk gS fd vLirkyksa esa HkrhZ ds nkSjku nokbZ;ksa] 'kjhj esa fu:fir oLrq,Wa ,oa miHkksx dh oLrqvksa lkj gq, O;; lkj mijksDr Øekad la[,k 3 ,oa 4 esa mYysf[kr 35 lkzfr'kr NwV dks bu rhuksa lkj lkznku u fd;k tkuk ekuk tk;s A

Økfr'kr dh fu.kZ:

Annexure 7 pages

192 – 198

Aneexure ends

ITEM NO. 28 (F-4)**1 Name of the Subject**

Reduction of transfer duty on transfer of immovable property in NDMC area to 2% & 2.5% in case of women and other than women transferees of property respectively, from the present rate of 3%.

2 Name of the Department

Property tax department of NDMC

3 Brief History of the subject

The Govt. 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. The mission also aims to strengthen Municipal Governments and their functioning.

This is a reform based program under which the local bodies and States have to commit to a reform agenda and sign an MOA with the Central Govt. The Memorandum of agreement has already been signed on 11/09/07 between the Govt. of India, Govt of NCT of Delhi, MCD and NDMC. The various signatories to the MOA have committed to certain timelines for implementation of the mandatory and optional reforms envisaged under the JNNURM. One of such reform is the reduction in duty on transfer of property (stamp duty + transfer duty) to a maximum of 5% during the mission period.

4. Detailed proposal on the subject :

The Government of Delhi had earlier taken a decision to reduce the stamp duty to 2% & 3 % for women and men respectively from the existing rate of 5%. A duty on transfer of immoveable property is payable on instruments to be registered. The transferee can be a company or a cooperative Society as well. As such term to be used shall be "women" and "others" and not men and women. The GNCTD had requested NDMC and MCD to reduce the transfer duty charged under the NDMC Act and the DMC Act to 2% in case of women transferees of property in Delhi. This would have reduced the overall duty to 6% for others (i.e 3% + 3%) and 4% for women (i.e 2% + 2%). Thus reducing the average duty to 5%. The New Delhi Municipal Council, vide resolution No 27(W-3) dated 22/8/2007, gave in principal approval for the above reduction of transfer duty to 2% from 3% in case of women transferees.

However while signing the MOA, the Government of India, made it clear that the total duty has to be uniformly kept below 5% for both men and women and the concept of meeting the target by averaging the applicable duty for men and women was not agreed to.

Therefore the Principal Secretary, GNCTD vide letter D.O. No. 12(7)/UD/JNNURM/201 dated 29/11/07 (ANNEXURE A) has requested NDMC to reduce the transfer duty to 2.5 % for men. The state govt. will also reduce the stamp duty to 2.5% for men. The reduction in transfer duty to 2% for women has already been agreed to in principle by the Council as stated above. Thus, if accepted, the final rates of transfer duty as proposed by GNCT of Delhi would be as follows:

Instruments of the description specified under section-93(2)(b) of NDMC Act	2.5% of the amount specified in the instrument
---	--

This is further to be reduced to 2% in respect of individually/jointly held immoveable property by women (provided that in cases of jointly held immoveable property, the reduced rate of duty on transfer of immoveable property shall apply only to the share(s) held by woman/women).

5 Financial implications of the proposed subject:

It is anticipated that the financial burden on NDMC as a result of reduction in Transfer duty would be more than adequately compensated by way of funding of various projects under the JNNURM Scheme. Also, the impact of reduction in transfer duty is likely to be offset by the increase in the circle rates announced for Delhi.

6 Legal implication of the subject

There are no legal implications

7 Comments of the law department on the subject

Under section-93(2)(b) duty on transfer of property shall be levied at such rate as may be determined by the Council not exceeding 5% on the amount specified against each instrument specified in the above clause. Thus rate of 2.5% is within the permissible limit as provided in section-93(2)(b). However, differential duties on woman/women and others is not permissible under section-92(2)(b). The reduction from 2.5% to 2% of the amount specified against the instrument to be transferred in the case of woman/women for her share may be covered under section-124 of the Act as rebate from payment of duty and not from

levy. This can be restored at the time of determining the rate under section-55(2) of the Act for 2008-09.

8 Comments of the Deptt. on the Comments of Law Deptt.

The comments of Law Department are accepted and the rate schedule for the year 2008-09 shall be prepared accordingly.

9 Comments of the Finance Deptt on the subject

Finance has no objection to the proposal

10 Comments of the Deptt. on Comments of Finance Deptt.

NIL

11 Recommendation

The council may give in-principal approval for reduction in transfer duty as proposed in table of para 4 above. Actual reduction to be made effective from FY 2008-09. The same will be brought before the council in the rate schedule for the year 2008-09.

COUNCIL'S DECISION