

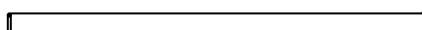
NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

COUNCIL'S MEETING NO. 06/2007-08 DATED 22.08.2007.

Arrangement of business

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| 3 (B-16) | Replacement of existing HT PILCA cable size 300sqmm/3C with HT XLPE size 400 sqmm/3C from Electric Substation Kidwai Nagar(W) to Electric Substation Nehru Park via Electric Substation Booster Pump Sarojini Nagar. | 13 – 15 | |
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ITEM NO. 01 (C-20)

Confirmation and signing of the minutes of the Council's Meeting No. 05/2007-08 dated 18.07.2007 (See pages 4 - 10).

COUNCIL'S DECISION

Minutes confirmed.

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

**MINUTES OF THE COUNCIL'S MEETING NO. 05/2007-2008
HELD ON 18.07.2007.**

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| MEETING NO. | : | 05/2007-2008 |
| DATED | : | 18.07.2007 |
| TIME | : | 03-30 P.M. |
| PLACE | : | PALIKA KENDRA, NEW DELHI. |

PRESENT :

- | | | | |
|-----------|------------------------|---|---------------------|
| 1. | Sh. Parimal Rai | - | Chairperson |
| 2. | Smt. Tajdar Babar | - | Vice Chairperson |
| 3. | Sh. Ashok Ahuja | - | Member |
| 4. | Sh. M. M. Kutty | - | Member |
| 5. | Sh. R.K. Sinha | - | Member |
| 6. | Sh. V.V. Bhat | - | Member |
| 6. | Sh. Mukesh Bhatt | - | Member |
| 7. | Ms. Sima Gulati | - | Member |
| 8. | Sh. Vikram Dev Dutt | - | Secretary, N.D.M.C. |

| ITEM NO. | SUBJECT | DECISION |
|-----------------|---|---|
| 1(C-16) | Confirmation and signing of the minutes of the Council's Meeting No. 04/2007-08 dated 20.06.2007. | Minutes confirmed. |
| 2 (C-17) | Confirmation and signing of the minutes of the meeting of the Committee constituted u/s 9 of NDMC Act for advising the Council on Regulations and Bye Laws, dated 20.06.2007. | Minutes confirmed. |
| 3 (A-17) | Rules for Enlistment of contractors in N.D.M.C., 2007. | The Council approved the proposal of the department with the observation that the word 'Rules' be substituted with the word 'Conditions'. Further resolved by the Council that the quality of work of listed contractors be monitored closely. |

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| 4 (H-1) | Regulations relating to the qualifications of candidates and manner of selection for appointments to posts referred to in Section 43(1)(c) of the N.D.M.C. Act, 1994; (in common parlance called "Recruitment Regulations"). (Architect Deptt.) | <p>Resolved by the Council that the Recruitment Regulations for the post of Chief Architect, Addl. Chief Architect, Sr. Architect, Architect, Dy. Architect & Asstt. Architect, as per Appendix A & B are approved with the directions that the same may be sent to UPSC for their approval and thereupon to the Central Government for its approval, in anticipation of confirmation of the minutes.</p> <p>Further, it is resolved by the Council that the RRs. for the post of Architect Assistant is also approved.</p> <p>The Council also resolved that the representation of the Assistant Architect regarding parity in pay scale with other organizations be examined and put up before the Council.</p> |
| 5 (D-1) | Strengthening of Pension & Gratuity Corpus. | Resolved by the Council that the money so kept apart shall remain in New Delhi Municipal Fund to be utilized for the purposes referred to in Section 50 of the NDMC Act and invested as per Section 52 of the said Act. |
| 6 (A-18) | Augmentation of sewerage in various NDMC areas. SH:- Augmentation of sewerage system from Talkatora Road to Ashoka Road via Dr. Bishamber Dass Marg -Tenders thereof | Resolved by the Council that the tenders of Sh. Gyan Chand Goel, Contractor is accepted at negotiated rates of Rs.67,54,941/- i.e. 48% above the estimated cost of Rs.45,64,149/-. |
| 7 (A-19) | Strengthening and resurfacing of roads in NDMC area during 2005-2006 by Hot Mix Technology. Revised Estimate thereof. | Resolved by the Council that the revised administrative approval & expenditure sanction for Rs.31,21,20,000/- is accorded for the work of strengthening and resurfacing of Roads in NDMC area during 2005-06 by Hot Mix Technology. |
| 8 (B-12) | Purchase of LT, ACB, Two-Tier Panel | <p>Resolved by the Council that purchase order be placed for purchase of one LT Board comprising of three panels amounting to Rs.5,07,480.64 on M/s Kay Bee Electrical Ltd. as an additional quantity against original order no. 64/DP/2006-07/EE(S-1) dated 22.2.2007 making total value of purchase as Rs.54,53,924.11.</p> <p>Further resolved by the Council that the process be expedited and completed by December, 2007.</p> |
| 9 (B-13) | Installation of Two 990 KVA Unitized substations, adjacent to NDMC Fire Control Room and temple near Lok Nayak Bhawan Khan Market, New Delhi. | Resolved by the Council that administrative approval and expenditure sanction to the estimate amounting to Rs.1,22,39,500/- is accorded for installation of two nos. 990 KVA Unitized Sub-stations adjacent to NDMC Fire Control Room and Temple near Lok Nayak Bhawan, Khan Market, New Delhi. |

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| 10 (M-1) | Mid day meal scheme | <p>Resolved by the Council that Mid day meal scheme for the academic session 2007-08 as proposed in the preamble for extending the benefit of the mid day meal scheme upto Sr. Sec. Level, is accorded.</p> <p>Further resolved by the Council that the administrative approval and estimated expenditure sanction amounting to Rs.1,16,92,890/- for supply of mid day meal in NDMC & NDMC Aided Schools for implementing the scheme up to Sr. Sec. level as per rate/ Nutritive value/Weight as proposed in the permeable, is also accorded.</p> |
| 11 (A-20) | Strengthening of Water Supply System in NDMC Area. SH:Shifting of existing CI Pipe passing along/below the open drains and RCC pipes at Golf Link and Jor Bagh. | Resolved by the Council that the administrative approval and expenditure sanction to the preliminary estimate amounting to Rs.57,57,100/- is accorded for strengthening of Water Supply System in NDMC area. |
| 12 (E-1) | The New Delhi Municipal Council (Sanitation and Public Health) Bye-laws, 2007. | Resolved by the Council that the New Delhi Municipal Council (Sanitation and Public Health Bye-laws), 2007, are approved and the same be sent to the Govt. of NCT of Delhi, for approval and publication in the official gazette, in anticipation of confirmation of the minutes. |
| 13 (A-21) | The New Delhi Municipal Council (Execution of Contracts) Bye-laws, 2007. | Resolved by the Council that the NDMC (Execution of Contracts) Bye-laws 2007 are approved and the same be sent to the Govt. of NCT of Delhi, for approval and publication in the official gazette, in anticipation of confirmation of the minutes. |
| 14 (A-22) | The New Delhi Municipal Council (Drainage) Bye-laws, 2007. | Resolved by the Council that the New Delhi Municipal Council (Drainage) Bye-laws 2007 are approved and the same be sent to the Govt. of NCT of Delhi, for approval and publication in the official gazette, in anticipation of the confirmation of the minutes. |
| 15 (B-14) | <p>(a) Replacement of HT/LT panels and augmentation of transformer capacity at Indian Oil Bhawan.</p> <p>(b) Augmentation of LT Distribution system at Indian Oil Bhawan.</p> | Resolved by the Council that administrative approval and expenditure sanction is accorded to the estimate amounting to Rs.53,76,500/- against E-3 and Rs.10,10,000/- against E-4-1 for (a) for replacement of HT/LT panels and augmentation of transformer capacity and (b) Augmentation of LT Distribution System at Indian Oil Bhawan. |

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| 16 (H-2) | Withdrawal of Council's Reso. No. 3(xxxi) dated 26.09.2002 and Reso. No. 20(H-16) dated 26.09.2003 regarding changes proposed in respect of Scale of pay and number of posts of Chief Engineer (Civil) & (Elect.) in N.D.M.C. | Resolved by the Council that the Council's Reso. No. 3(xxxi) dated 26.09.2002 and Reso. No. 20(H-16) dated 26.09.2003 are hereby withdrawn. Chief Engineer (Civil) & Chief Engineer (Electric) shall continue to draw their salaries as per their pay scales mentioned in the R.Rs. Further resolved by the Council that in view of the Pension Rules, no recovery is to be effected from the officers who have been given higher scale and their pension fixed in higher scale. |
| 17 (H-3) | Regulations relating to the qualifications of candidates and manner of selection for appointments to posts referred to in Section 43(1)(c) of the N.D.M.C. Act, 1994; (in common parlance called "Recruitment Regulations"). (Civil Engg. Deptt.) | Resolved by the Council that the Recruitment Regulations for the post of Asstt. Engineer (Civil), as per Annexure 'A' are approved with the directions that the same may be sent to UPSC and upon receipt of their approval, be referred to MHA seeking approval of the Central Government & thereupon to the Government of NCT of Delhi for publication in the Official Gazette. Further resolved by the Council that further action be taken in anticipation of confirmation of the minutes. |
| 18 (C-18) | Contracts/Schemes involving an expenditure of Rs. 1 Lac but not exceeding Rs. 50 Lacs. | Information noted. |
| 19 (H-4) | Regulations relating to the qualifications of candidates and manner of selection for appointments to posts referred to in Section 43(1)(c) of the N.D.M.C. Act, 1994; (in common parlance called "Recruitment Regulations"). (Secretary's Estbl. Deptt.) | Resolved by the Council that the Recruitment Regulations for the post of Dy. Director (earlier known as Assistant Secretary) and Section Officer, (earlier known as Office Superintendent) as per Annexure C & D are approved with the directions that the same may be sent to UPSC and upon receipt of their approval, be referred to MHA seeking approval of the Central Government & thereupon to the Government of NCT of Delhi for publication in the Official Gazette and action be taken in anticipation of confirmation of the minutes. Further resolved by the Council that the department shall place before the Council the reasons for delay in placing the above RRs which was to be placed after the enactment of the NDMC Act, 1994. |

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| 20 (H-5) | Regulations relating to the qualifications of candidates and manner of selection for appointments to posts referred to in Section 43(1)(c) of the N.D.M.C. Act, 1994; (in common parlance called "Recruitment Regulations"). (I.T. Deptt.) | <p>Resolved by the Council that the Recruitment Regulations for different posts of IT Department as per (Annexure) are approved with the directions that RRs for the Group A & B posts may be sent to UPSC and upon receipt of their approval, be referred to MHA seeking approval of the Central Government & thereupon to the Government of NCT of Delhi for publication in the Official Gazette. Further resolved by the Council that the RRs for Group C posts are approved.</p> <p>Further resolved by the Council that age limits for DEOs Grade B also to be kept 30 years and relaxation shall be available for govt. employees and NDMC employees.</p> |
| 21 (A-23) | Redevelopment of Connaught Place: Restoration of façade of 'C' Block (sample block). | <p>Resolved by the Council that administrative approval and expenditure sanction of the amount of Rs.1,67,54,500/- is accorded and that the lowest offer of M/s Devi Construction i.e. 19.02% above the Estimated Cost of Rs.1,67,54,500/- with tendered amount of Rs. 1,99,40,445/- is accepted.</p> <p>Further resolved by the Council that the New Delhi Traders Association letter dated 18th July, 2007 be taken on record. After receipt of funds from New Delhi Traders Association, the project cost be reduced accordingly, after physical completion of the work.</p> |
| 22 (A-24) | Rehabilitation of Safdarjung Flyover, New Delhi. | <p>Resolved by the Council that the lowest negotiated offer of M/s J. Sons Co. Ltd. 25.07% above the estimated cost of Rs.1,80,06,878/- for a total tendered value of Rs.2,25,21,888/- is accepted.</p> <p>Further resolved by the Council that Revised administrative approval and expenditure sanction for an amount of Rs.2,55,20,900/- which is 10% more of tendered value is accorded.</p> |
| 23 (N-1) | Annual Estimate for the work "Maintenance of Parks & Gardens" for the year 2007-08. | <p>Resolved by the Council that Administrative approval and expenditure sanction to estimate amounting to Rs.240 lakh (Rupees two crore forty lakh only) is accorded for the work of Maintenance of Parks & Gardens during 2007-08.</p> <p>Further resolved by the Council that action on the item may be taken pending confirmation of the minutes of the meeting.</p> |

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| 24 (H-6) | Enhancement of age of superannuation of Specialist doctors in NDMC from 60 to 62 years. | Deferred. |
| 25 (B-15) | Estimate to Provide SCADA/DMS (Supervisory Control and Data Acquisition/Distribution Management System) in NDMC Electricity Supply Distribution System. | Resolved by the Council that administrative approval and expenditure sanction is accorded to the estimate amounting to Rs.13.16 crores to provide SCADA/DMS (Supervisory Control and Data Acquisition/Distribution Management System) in NDMC Electricity Supply Distribution System. The Council further resolved to accord approval in principle, to approach M/s PGCIL for getting these works executed through them on actual cost plus their charges basis. |
| 26 (C-19) | Action Taken Report on the status of ongoing schemes/works approved by the Council. | Information noted. |
| 27 (L-1) | RESOLUTION MOVED BY THE MEMBERS Regarding renewal policy of licence for shops of Estate Department. This Resolution was moved by the Member vide Resolution No. 35 (L-1) dated 19.07.2006. | It was decided by the Council that Director (Estate) will send the list of all pending renewal/transfer cases on partnership basis to Civil Engineering Department in respect of shops in NDMC area for the inspection of each unit. Civil Engineering Department will submit his report about unauthorized construction of the unit within 30 days. Director (Estate) will initiate the transfer cases of the shops after receiving of NOC/inspection report from Civil Engineering Department. However transfer cases on legal heir basis will be dealt as per usual practice/existing policy. |
| DISCUSSION NOTE | Release of Electric Connection to individual Jhuggi Dwellers in the J.J. Clusters existing in NDMC Area, on temporary basis. | It was decided by the Council that the matter be finalized within next 15 days positively and Council be apprised of the same in its next meeting. |
| 28 (A-25) | Construction of Service Centre at Fire Birgade Lane, New Delhi | Resolved by the Council that Administrative approval and expenditure sanction of the Preliminary Estimate amounting to Rs.84,18,900/- is accorded for construction of Service Centre at Fire Brigade Lane, New Delhi. |
| 29 (A-26) | Construction of Staff Quarters for Service personnel at Sector-VII , Pushap Vihar, Saket, M.B. Road, New Delhi. | Resolved by the Council that 450.90 square meter area be surrendered to L&DO to meet the norms necessary for approval of drawings from MCD Town Planning Deptt. for construction of Staff quarters for Service Personnel at Sector-VII, Pushp Vihar, Saket, MB Road, New Delhi. |

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| 30 (A-27) | Permission to work on NDMC Land for Section from Chelmsford Club to Udyog Bhawan (BC-23) on Central Secretariat – Badarpur Corridor of Delhi MRTS. | <p>Resolved by the Council that the NDMC has no objection for the work of Badarpur Corridor of Delhi MRTS in the area marked as A, B, C & D in the preamble, on the condition that after completion of the work, services will be restored in original position by DMRC Ltd.</p> <p>Further resolved by the Council that the proposal of DMRC to construct elevated track near S.P. Marg and Mother Teresa Crescent was discussed in detail and the Members expressed their concern about the elevated track which would completely spoil the aesthetics of the area which not only has the ridge but is also a part of the Luytens Delhi with Presidential Estate nearby. It was further emphasized that Sardar Patel Marg and Willingdon Crescent area is used by the VVIPs including the President, the Prime Minister and foreign dignitaries for going to and coming from the Airport. The elevated Metro Rail Project is thus, not suited for NDMC areas.</p> <p>After detailed deliberations, the Council resolved that Chairperson is authorized to meet the concerned authorities in DUAC, NCT of Delhi and DMRC and express the Council's concern over the proposed construction of elevated Metro Tracks in NDMC area and impress upon the authorities that elevated track in NDMC area may be avoided and that there should be no elevated Metro track on S.P. Marg and Mother Teresa Crescent area.</p> |
| 31 (A-28) | Requirement of NDMC land on permanent basis in Khan Market in connection with Construction of Central Secretariat – Badarpur Corridor of Delhi MRTS Project, Phase-II. | Resolved by the Council that a No Objection Certificate be issued to DMRC Ltd., so that DMRC can take up the matter for acquisition with the L&DO or the land owning agency. |
| 32(G-4) | Approval of Tariff Structure of Electricity as approved by DERC applicable from 06.01.2007 and levy of electricity tax @5%. | <p>Resolved by the Council that DERC be requested to accord permission to continue with the existing tariff which had a built-in element of Electricity Tax till 30.09.2007, to avoid refund of 5% of tariff to the consumers. The element of Electricity Tax may be transferred to Reserve Electricity Fund.</p> <p>Further resolved by the Council that Central Govt. may again be approached to sanction levy of electricity tax at an early date so that the same is made effective from 01.10.07 and software be developed for bifurcation of electricity tariff and electricity tax.</p> |

ITEM NO. 2 (C-21)

Minutes of the meeting of the Committee, constituted u/s 9 of NDMC Act, for advising the Council on Regulations and Bye Laws, held on 08.08.2007 at the Council Room, Palika Kendra, New Delhi, are placed before the Council for information. **(See page 12)**

COUNCIL'S DECISION

Minutes confirmed.

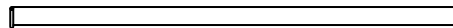
**NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI**

**MINUTES OF THE MEETING OF COMMITTEE CONSTITUTUED UNDER SECTION 9
OF THE NDMC ACT FOR ADVISING THE COUNCIL ON REGULATIONS AND BYE-
LAWS HELD ON 08.08.2007 AT 3.30 PM IN THE COUNCIL ROOM.**

PRESENT:

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

| Item No. | Subject | Decision |
|----------|---|--|
| 1. | The New Delhi Municipal Council (Licensing and Control of Plumbers) Bye Laws, 2007. | The Committee approved the draft bye-laws and recommended the same to be placed before the Council for final approval. |
| 2. | The New Delhi Municipal Council (Filtered Water Supply) Bye-laws, 2007 | The Committee approved the draft bye-laws and recommended the same to be placed before the Council for final approval. |
| 3. | The New Delhi Municipal Council (Budget Estimates) Regulations, 2007. | The Committee approved the draft bye-laws and recommended the same to be placed before the Council for final approval. |



ITEM NO. 03 (B-16)

(1) **Name of the Project :** Replacement of existing HT PILCA cable size 300sqmm/3C with HT XLPE size 400 sqmm/3C from Electric Substation Kidwai Nagar(W) to Electric Substation Nehru Park via Electric Substation Booster Pump Sarojini Nagar.

(2) **Name of the Department :** Electricity (11 KV Planning)

(3) **Brief History of the Project :**

HT PILCA cable size 300 sq. mm/3C was laid from Electric Substation Kidwai Nagar (West) to Electric Substation Nehru Park via Electric Substation Booster Pump Sarojini Nagar in 1986. E.E.(M/S) has informed that this cable has served for 20 years only against its prescribed life of 35 years, but needs to be replaced immediately as a number of joints have been made in this cable due to digging work carried out by various Agencies like; MTNL, IGL, NDMC (Civil Engg. Deptt. & Water Supply Deptt.). This cable has become so weak that it cannot take continuous load in peak hours during summer season. In case of failure of this HT cable due to one reason or the other, it becomes difficult to restore the supply in the residential quarters in Sarojini Nagar area as well as supply to the Booster Pump, Sarojini Nagar is also effected. In case this cable is loaded to 75% of its capacity in summer season the feeder becomes faulty very frequently. E.E.(M/S) has therefore proposed to replace this cable with HT XLPE cable size 400 sq.mm/3 C.

Accordingly an estimate amounting to Rs. 55,35,000/- has been framed for replacement of existing HT PILCA cable of size 300 sq. mm/3C with HT XLPE cable size 400 sq.mm/3C from Electric Substation Kidwai Nagar (West) to Electric Substation Nehru Park via Electric Substation Booster Pump Sarojini Nagar.

(4) **Detailed proposal on the Project :**

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| (a) | The existing system : | Existing HT PILCA cable of size 300 sq. mm/3C with HT XLPE cable size 400 sq.mm/3C from Electric Substation Kidwai Nagar (West) to Electric Substation Nehru Park via Electric Substation Booster Pump Sarojini Nagar |
| (b) | Deficiencies of the existing system : | This cable has served for 20 years only against its prescribed life of 35 years, but needs to be replaced immediately as a number of joints have been made in this cable due to digging work carried out by various Agencies like; MTNL, IGL, NDMC (Civil Engg. Deptt. & Water Supply Deptt.). This cable has become so weak that it cannot take continuous load in peak hours during summer season |
| (c) | Extent of utilization of existing system : | Existing cable will be dismantled to the extent viable. |
| (d) | Necessity of augmentation of the system : | To restore the supply in the residential quarters in Sarojini Nagar area as well as supply to the Booster Pump, Sarojini Nagar |
| (e) | Technical viability of the proposed scheme : | The scheme has been technically cleared by the then C.E.(E)II. |

The following has been proposed in the estimate :

Replacement of existing HT PILCA cable of size 300 sq. mm/3C with HT XLPE cable size 400 sq.mm/3C.

(5) **Financial implications of the proposed project** : An estimate amounting to Rs. 55,35,000/- has been framed for replacement of existing HT PILCA cable of size 300 sq. mm/3C with HT XLPE cable size 400 sq.mm/3C from Electric Substation Kidwai Nagar (West) to Electric Substation Nehru Park via Electric Substation Booster Pump Sarojini Nagar. The Expenditure shall be charged to the Head : E-3 "Replacement of old 11 KV cables, LT cables, service lines and meter boards" for which a provision of Rs. 200 lacs has been approved vide Budget Book 2007-08 Page No. 134 item No. 2 and shall be revised suitably during R.E. 2007-08.

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

The work is likely to be completed by March, 2008, however the completion of work depends on a number of factors like; availability of cable in Store, valid annual cable laying contract etc. etc.

(7) **Comments of the Finance Deptt. on the subject** :

The Finance Deptt. has concurred in to the proposed estimate vide No. 1283/Finance dated 18-6-07 subject to :

- i) Availability of funds.
- i) Approval of the Competent Authority.
- ii) Correctness of information and data submitted by the Deptt.
- iii) Codal provision shall be adhered during execution of the work.
- iv) The Project Report be got signed by SEE(P).
- v) Department must ensure that the electric cables are not damaged in the process of road digging and the suggestions made at S.No.1&2 of page 12/N be followed which has the approval of Chairperson dated 7-12-06.

(8) **Comments of the Deptt. on comments of Finance Deptt.**

- i) Funds are available. The Expenditure shall be charged to the Head : E-3 "Replacement of old 11 KV cables, LT cables, service lines and meter boards" for which a provision of Rs. 200 lacs has been approved vide Budget Book 2007-08 Page No. 134 item No. 2 and shall be revised suitably during R.E. 2007-08.
- ii) Necessary approval is being sought from the competent authority.
- iii) Information and data submitted by the deptt. are correct.
- iv) The work would be executed by the executing division as per the Codal provision.
- v) Project report has been signed by SEE(P).
- vi) Due precautions shall be taken.

(9) **Legal implication of the Project** : No legal implication is involved.

(10) **Details of previous Council Resolution** : N.A.

(11) Comments of L.A. on the project :

Law Deptt. has opined that *"it is observed that no law point is involved in this matter, therefore, this has our concurrence."*

(12) Recommendation : The case may be noted to the Council for sanction of estimate amounting to Rs. 55,35,000/- (Rupees Fifty five lakh thirty five thousand only) for replacement of existing HT PILCA cable of size 300 sq. mm/3C with HT XLPE cable size 400 sq.mm/3C from Electric Substation Kidwai Nagar (West) to Electric Substation Nehru Park via Electric Substation Booster Pump Sarojini Nagar and also to accord administrative approval and expenditure sanction to the estimate.

(13) Draft Resolution : Resolved by the Council that estimate amounting to Rs. 55,35,000/- (Rupees Fifty five lakh thirty five thousand only) is sanctioned and A/A & E/S accorded for replacement of existing HT PILCA cable of size 300 sq. mm/3C with HT XLPE cable size 400 sq.mm/3C from Electric Substation Kidwai Nagar (West) to Electric Substation Nehru Park via Electric Substation Booster Pump Sarojini Nagar

COUNCIL'S DECISION

Resolved by the Council that administrative approval and expenditure sanction to the estimate amounting to Rs. 55,35,000/- is accorded for replacement of existing HT PILCA cable of size 300 sq. mm/3C with HT XLPE cable size 400 sq.mm/3C from Electric Substation Kidwai Nagar (West) to Electric Substation Nehru Park via Electric Substation Booster Pump Sarojini Nagar.

Council further directed the department to complete the work, in all respect, strictly as per the time schedule of the contract.

ITEM NO. 04 (B-17)

SUBJECT: Purchase of LT XLPE Cable of size 3.5C x 300sq.mm duly ISI Marked- 7.071 Km

DEPARTMENT – Electricity department

BRIEF HISTORY OF THE PROPOSAL -

LT, XLPE cable of size 3.5 C X 300 sq.mm is required for the execution of various sanctioned works in the Distribution North, South and Road Lighting divisions, besides, for day-to-day maintenance and upkeep of the electrical distribution system in the department.

DETAILED PROPOSAL ON THE PROJECT

Sealed tenders were invited for the purchase of 7.071 Km LT XLPE Cable of size 3.5 C x 300 sq.mm by giving due publicity to the tenders as per Codal provisions. After following due tendering procedures for calling tenders M/s Krishna Electrical Industries Ltd. emerged as the lowest tenderers at their quoted rates of Rs. 5,99,400/- per Km + ED @ 16.32% + CST@ 3% against Form-C + F & I @ Rs. 12,300/- per kilometer. Since the rates of the lowest firm were higher, negotiations were conducted with the lowest firm and the minutes of the meeting of the negotiation Sub-committee under the Chairmanship of E-in-C were duly signed by all members. Finance also concurred in the proposal of the department and made certain observations, which were duly replied by Engineer-in-chief. On the recommendation of Engineer-in-chief, Chairperson accorded approval to place the supply order on the firm in anticipation of the approval of the Council as the validity of the firm was till 30.6.07.

The order has since been placed on M/s Krishna Electrical Industries Limited vide S.O. No.12/DP/07-08/EE (S-I) dated 26.6.07 on the following terms and conditions.

| S. No. | DESCRIPTION | UNIT | Qty. | Rate/Unit (in Rs.) | AMOUNT (Rs.) |
|--------------|--|------|----------|-----------------------|--------------------|
| 01. | LT Aluminium conductor XLPE armoured cable as per ISS: 7098/Part-I/1988 with latest amendment duly ISI Marked and of size 3.5Core/300 sq. mm. as per specifications attached | Km | 7.071 Km | 5,99,400/- | 42,38,357/- |
| Total | | | | | 42,38,357/- |

OTHER TERMS AND CONDITIONS: -

| | | | |
|----|--|---|--|
| 1 | Discount Terms | : | Nil |
| 2 | Central Excise Duty | : | Extra @ 16.32% subject to statutory variation |
| 3 | CST | : | 3 % against form 'C' |
| 4 | Transit Insurance & Freight | : | Extra Rs.12,300/- per kilometer |
| 5 | Octroi Duty | : | NIL |
| 6 | Price | : | Firm |
| 7 | Unloading | : | Unloading of material shall be your responsibility. |
| 8 | Place of Delivery | : | At our Store, Vidyut Bhawan, Auraangzeb road, New Delhi-110011. |
| 9 | Delivery Period | : | Within One Month, the delivery period shall commence from the 3 rd day of dispatch of supply order. |
| 10 | Compensation/liquidated damages | : | Recovery from the contractor as agreed liquidated damage equivalent to ½ % of the prices of any stores which the contract or fails to deliver within the period fixed for delivery in schedule for each week or part of week. The liquidated damages in any case will not exceed 5% of the contract price for undelivered/delayed portion. |
| 11 | Payment Term | : | 100% within 30 days after receipt of material in good condition at our store. |
| 12 | Performance guarantee | : | A Bank guarantee amounting to 2 % of the total value of order (inclusive Guarantee of taxes & duties) valid unto guarantee period shall be furnished by you as performance guarantee. The above shall be deducted from the bills. |
| 13 | Risk Purchase | : | The department reserves the right to make risk purchase if you fail to comply with the contractual obligations. |
| 14 | Inspection | : | Supplies shall be inspected at 'site' by the purchaser or his representative whose decision shall be final, or at the discretion of the purchaser the inspection may be got done through DGS&D/RITES/By our Engineers. The date on which the material is offered for inspection shall be taken as the date of delivery. Inspection fee will be reimbursed to the agency on production of satisfactory test report and against receipt of fee along with their bill for the supply. |

| | | | |
|----|-------------------------------------|---|---|
| 15 | Agreement | : | You will be required to execute an agreement (Proforma attached with in 10 days of receipt of this order) on Rs.50/-non-judicial stamp paper to be procured by you, failing which the supply order is liable to be rejected and amount of deposit made by you towards the Earnest Money shall be forfeited. |
| 16 | Arbitration | : | In case of any dispute, the matter shall be referred to the Sole Arbitrator, appointed by the Chairperson, NDMC. |
| 17 | Jurisdiction | : | In case of any legal dispute the venue shall be New Delhi Courts. |
| 18 | Guarantee | : | 12 months from the date of commissioning or 18 months from the date of delivery whichever is earlier against manufacturing defects. |
| 19 | Additional | : | The department reserves its right to place order for additional quantity up to 20% at the rates accepted within delivery period. |
| 20 | Other Terms & Conditions | : | As per our NIT. |

FINANCIAL IMPLICATIONS – Rs. 51,64,932/-

IMPLEMENTATION SCHEDULE - Within one month.

COMMENTS OF FINANCE- Finance concurred in the proposal to place supply order with M/s Krishna Electrical Industries Ltd. at their quoted price amounting to Rs.51,64,932/- and advised to take action accordingly well before the expiry of the validity of the tender and opined that concurrence is subjected to the approval of the competent authority, availability of funds and the validity of the tender be got extended further to facilitate the Council's approval. Finance also made suggestions for streamlining the tendering procedures.

COMMENTS OF DEPARTMENT ON COMMENTS OF FINANCE

In view of concurrence of finance and approval of Chairperson a supply order has been placed on the lowest firm M/s Krishna Electrical Industries Ltd. for purchase of 7.071 Kilometers LT XLPE Cable of size 3.5 C x 300 sq.mm amounting to Rs. 51,64,932/- in anticipation of ex-post-facto approval of the Council as the validity of the lowest firm was till 30.6.07. The observations of finance have also been replied as under :-

1. Case is being put up to seek ex-post-facto approval of the Council.
2. Funds are available under the Budget Head E.11 "Purchase of Stores"
3. The order has already been placed on the firm with in the validity of tender.
4. Needful done.
5. Observation of finance for streamlining the tendering procedures, have been duly complied with and CE (E-II) has issued a circular vide No.168/CE (E-II)/PS/DES dated 19.6.07 detailing guidelines for eligibility criteria for calling tenders.

LEGAL IMPLICATION OF THE SUBJECT - No legal implications are involved.

DETAILS OF PREVIOUS COUNCIL'S RESOLUTION – Not applicable

COMMENTS OF LAW DEPARTMENT- No law point is involved in the agenda item. This has our concurrence.

COMMENTS OF DEPARTMENT ON COMMENTS OF LAW DEPARTMENT - In view of above, the case is being put up to Chairman/Council for approval.

RECOMMENDATIONS- Departments recommends to seek ex-post-facto approval of the Council and regularization of action taken for the purchase of 7.071 Km, LT, XLPE Cable of size 3.5C x 300 sq. mm. from M/s Krishna Electrical Industries Ltd. at their quoted/offered rate amounting to Rs. 51,64,932/- and at the terms and conditions of NIT.

COUNCIL'S DECISION

Resolved by the Council to accord ex-post-facto approval and regularize the action taken for the purchase of 7.071 Km, LT, XLPE Cable of size 3.5C x 300 sq. mm. from M/s Krishna Electrical Industries Ltd. at their quoted/offered rate amounting to Rs. 51,64,932/- and at the terms and conditions of NIT.

It was further directed by the Council that the deptt. shall give a certificate to the effect that DGS&D rate contract was not in place at the time of purchase of this material.

ITEM NO. 05 (B-18)

SUBJECT: Purchase of LT XLPE Cable of size 3.5C x 400sq.mm duly ISI Marked- 10.331 Km

DEPARTMENT – Electricity department

BRIEF HISTORY OF THE PROPOSAL -

LT, XLPE cable of size 3.5 C X 400 sq.mm is required for the execution of various sanctioned works in the Distribution North, South and Road Lighting divisions, besides, for day-to-day maintenance and upkeep of the electrical distribution system in the department.

DETAILED PROPOSAL ON THE PROJECT

Sealed tenders were invited for the purchase of 10.331 Km LT XLPE Cable of size 3.5 C x 400 sq.mm by giving due publicity to the tenders as per codal provisions. After following due tendering procedures for calling tenders M/s Cap Cab (India) Ltd. emerged as the lowest tenderers at their quoted rates of Rs. 8,05,000/- per Km + ED @ 16.32% + CST@ 1% against Form-C. Since the rates of the lowest firm were higher, negotiations were conducted with the lowest firm and the firm offered a discount of 3% on their basic rate. The minutes of the negotiation Sub-committee under the Chairmanship of E-in-C were duly signed by all members Finance also concurred in the proposal of the department and made certain observations, which were duly replied by CE (E-II). Since the validity of the lowest firm was till 23.6.07, Chairperson accorded approval to place the supply order on the firm subject to ex-post –facto approval of the Council.

Chairperson, while approving the case, also desired clarifications on certain conditions of NIT. The observations have been duly clarified while submitting the case to Chairperson/Council for approval. The order has since been placed on M/s Cap Cab (India) Ltd. vide S.O. No.11/DP/07-08/EE (S-I) dated 22.6.07 on the following terms and conditions.

| S. No. | DESCRIPTION | UNIT | Qty. | Rate/Unit (in Rs.) | AMOUNT (Rs.) |
|--------------|--|------|-----------|--------------------|--------------------|
| 01. | LT Aluminium conductor XLPE armoured cable as per ISS: 7098/Part-I/1988 with latest amendment duly ISI Marked and of size 3.5Core/400 sq. mm. as per specifications attached | Km | 10.331 Km | 8,05,000/- | 83,16,455/- |
| Total | | | | | 83,16,455/- |

OTHER TERMS AND CONDITIONS: -

| | | | |
|----|--|---|--|
| 1 | Discount Terms | : | 3% |
| 2 | Central Excise Duty | : | Extra @ 16.32% subject to statutory variation |
| 3 | CST | : | 1% against form 'C' |
| 4 | Transit Insurance & Freight | : | Inclusive |
| 5 | Octroi Duty | : | NIL |
| 6 | Price | : | Firm |
| 7 | Unloading | : | Unloading of material shall be your responsibility. |
| 8 | Place of Delivery | : | At our Store, Vidyut Bhawan, Aurangzeb road, New Delhi-110011. |
| 9 | Delivery Period | : | Within One Month, the delivery period shall commence from the 3 rd day of dispatch of supply order. |
| 10 | Compensation/liquidated damages | : | Recovery from the contractor as agreed liquidated damage equivalent to ½% of the prices of any stores which the contract or fails to deliver within the period fixed for delivery in schedule for each week or part of week. The liquidated damages in any case will not exceed 5% of the contract price for undelivered/delayed portion. |
| 11 | Payment Term | : | 100% within 30 days after receipt of material in good condition at our store. |
| 12 | Performance guarantee | : | A Bank guarantee amounting to 2% of the total value of order (inclusive Guarantee of taxes & duties) valid unto guarantee period shall be furnished by you as performance guarantee. The above shall be deducted from the bills. |
| 13 | Risk Purchase | : | The department reserves the right to make risk purchase if you fail to comply with the contractual obligations. |
| 14 | Inspection | : | Supplies shall be inspected at 'site' by the purchaser or his representative whose decision shall be final, or at the discretion of the purchaser the inspection may be got done through DGS&D/RITES/By our Engineers. The date on which the material is offered for inspection shall be taken as the date of delivery. Inspection fee will be reimbursed to the agency on production of satisfactory test report and against receipt of fee along with their bill for the supply. |

| | | | |
|----|-------------------------------------|---|--|
| 15 | Agreement | : | You will be required to execute an agreement (Proforma attached within 10 days of receipt of this order) on Rs.50/-non-judicial stamp paper to be procured by you, failing which the supply order is liable to be rejected and amount of deposit made by you towards the Earnest Money shall be forfeited. |
| 16 | Arbitration | : | In case of any dispute, the matter shall be referred to the Sole Arbitrator, appointed by the Chairperson, NDMC. |
| 17 | Jurisdiction | : | In case of any legal dispute the venue shall be New Delhi Courts. |
| 18 | Guarantee | : | 12 months from the date of commissioning or 18 months from the date of delivery whichever is earlier against manufacturing defects. |
| 19 | Additional | : | The department reserves its right to place order for additional quantity up to 20% at the rates accepted within delivery period. |
| 20 | Other Terms & Conditions | : | As per our NIT. |

FINANCIAL IMPLICATIONS – Rs. 94,77,324/-

IMPLEMENTATION SCHEDULE - Within one month.

COMMENTS OF FINANCE- Finance concurred in the proposal to place supply order with M/s Cap Cab (India) Ltd. at their negotiated rate and advised to take action accordingly well before the expiry of the validity of the tender and opined that concurrence is subjected to the approval of the competent authority and availability of funds and the validity of the tender be got extended further to facilitate the Council's approval. Finance also made suggestions for streamlining the tendering procedures.

COMMENTS OF DEPARTMENT ON COMMENTS OF FINANCE

1. In view of concurrence of finance and approval of Chairperson a supply order has been placed on the lowest firm M/s Cap Cab (India) Ltd. for purchase of 10.331 Kilometers LT XLPE Cable of size 3.5 C x 400 sq.mm amounting to Rs. 94,77,324/- in anticipation of ex-post-facto approval of the Council as the validity of the lowest firm was till 23.6.07.
2. Case is being put up to seek ex-post-facto approval of the Council.
3. Funds are available under the Budget Head E.11 "Purchase of Stores"

4. The order has already been placed on the firm with in the validity of tender. Observation of finance for streamlining the tendering procedures, have been duly complied with and CE (E-II) has issued a circular vide No.168/CE (E-II)/PS/DES dated 19.6.07 detailing guidelines for eligibility criteria for calling tenders.

LEGAL IMPLICATION OF THE SUBJECT- No legal implications are involved.

DETAILS OF PREVIOUS COUNCIL'S RESOLUTION – Not applicable

COMMENTS OF LAW DEPARTMENT- No legal point is involved after removing anomaly items of NIT. However, this draft agenda has our concurrence.

COMMENTS OF DEPARTMENT ON COMMENTS OF LAW DEPARTMENT - In view of above, the case is being put up to Chairman/Council for approval.

RECOMMENDATIONS- Department recommends to seek ex-post-facto approval of the Council and regularization of action taken for the purchase of 10.331 Km, LT, XLPE Cable of size 3.5C x 400 sq. mm. from M/s Cap Cab (India) Ltd. at their negotiated rate amounting to Rs. 94,77,324/- and at the terms and conditions of NIT/Tender.

COUNCIL'S DECISION

Resolved by the Council to accord ex-post-facto approval and regularize the action taken for the purchase of 10.331 Km, LT, XLPE Cable of size 3.5C x 400 sq. mm. from M/s Cap Cab (India) Ltd. at their negotiated rate amounting to Rs.94,77,324/- and at the terms and conditions of NIT/Tender.

It was further directed by the Council that the deptt. shall give a certificate to the effect that DGS&D rate contract was not in place at the time of purchase of this material.

ITEM NO. 06 (H-7)

| | | |
|----|---|--|
| 1. | Name of the subject/project | Enhancement of age of superannuation of Specialist doctors in NDMC from 60 to 62 years. |
| 2. | Name of the department/departments concerned | Personnel Department – Health Establishment |
| 3. | Brief history of the subject/project | <p>Ministry of Health and Family Welfare Govt. of India vide orders dated 16.11.2006 has enhanced the age of superannuation of Specialist doctors of Central Health Service belonging to (i) Teaching; (ii) Non-Teaching; (iii) Public Health sub-cadres from 60 years to 62 years with immediate effect. (Annexure A, See page)</p> <p>The same has also been adopted by the Municipal Corporation of Delhi vide O.O. No. Supdt.(M) / CED (M)/2006/R.K./76 dated 18.12.06. (Annexure B See page)</p> <p>The Govt. of NCT of Delhi has also forwarded these orders to Dean MAMC, Director DHS, G.B. Pant, DFW all the Medical Supdt. of Hospital under GNCT of Delhi vide No. 6/50/2006/H&F/W/4711-20 dated 07.12.2006</p> |
| 4. | Detailed proposal on the subject | Age of superannuation of Specialist doctors in NDMC be also enhanced from 60 to 62 years on the analogy of C.H.S., Govt. of NCT of Delhi and MCD. Only Specialists (non Teaching) like Physician, Surgeon, Gynecologist, Anaesthetist, ENT Specialist, Epidemiologist, Radiologist etc. will be covered under these orders |
| 5. | Financial implications of the proposed project/subject | Nil (Almost all the Specialist are drawing maximum pay and stagnation increments at present or by the time of their retirement at the age of 60 years.) |
| 6. | Implementation schedule with timeliness for each stage including internal processing. | Not applicable |
| 7. | Comments of the Finance Department on the subject | <p>The finance department has commented as under : “On perusal of the Draft Agendum, it is revealed that there are no financial implications of the proposal as per para 5 of the Agendum. So, we have no objection to the proposal of the Department for enhancing the age of superannuation of Specialist Doctors in NDMC belonging to teaching, non-teaching & Public Health sub-cadres from 60 years to 62 years as per GOI/MH&FW order dated 16.11.2006.”</p> <p>The finance department has advised incorporation of certain details in column 4,9,11 & 12</p> |
| 8. | Comments of the Department on comments of Finance Department. | Observations of the Finance deptt. have been complied in the draft agendum in Col. No. 4 ,9 11 & 12 |
| 9. | Legal implication of the subject/project | NIL |

| | | |
|-----|---|---|
| 10. | Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject | The Council has been adopting the various orders issued by the Govt. of India from time to time. The Reso. No. and its date is not readily available. |
| 11. | Comments of the Law Department on the subject/project | The law department has advised that the category of doctors eligible under the notification be specified to avoid the possibility of ineligible categories like ISM&H etc do not claim the benefit |
| 12. | Comments of the Department on the comments of Law Department. | It is clarified that only Specialists cadre (Teaching, Non teaching and Public Health) alone will be covered under these orders. List of eligible doctors as on date is annexed as Annexure "C" (See page) . GDMO (Cadre—allopathic); cadres of Homeopathic & Ayurvedic Physician, Sr. Physician and Chief Physician will not be covered under these orders. It is further clarified that no cadre of Specialists doctors exists in NDMC for Homeopathic and Ayurvedic systems of medicine. |
| 13. | Recommendation | It is recommended that the age of superannuation of Specialist doctors be enhanced from 60 years to 62 years w.e.f. 16.11.2006 as per orders No. A12034/3/2005-CHS.V. dated 16.11.2006, Ministry of Health and Family Welfare, Govt. of India |
| 14. | Draft Resolution | Resolved that the age of superannuation of Specialist doctors (Teaching, non-teaching and Public Health) is enhanced from 60 to 62 years with immediate effect. The same may be implemented in anticipation of confirmation of minutes of the Council. |

COUNCIL'S DECISION

Deferred.

It was further decided by the Council that the matter be placed again before the Council in its next meeting with necessary corrections in the agenda item alongwith the details whether the policy had been adopted in Govt. of NCT of Delhi, or not.

ITEM NO. 07 (U-1)**NAME OF THE SUBJECT/PROJECT**

Annual Estimate for the work "Security and Traffic Services / Arrangements at NDMC Buildings under Group Contract A to H" for the year 2007-2008.

NAME OF THE DEPARTMENT/DEPARTMENTS CONCERNED

Security Department

BRIEF HISTORY OF THE SUBJECT/PROJECT

The Security and Traffic services at all the Offices, Commercial Complexes, Hospitals and Electric Sub- Stations etc owned by the NDMC are being looked after by the Security Department of NDMC. At present the security and traffic services of some of the properties of NDMC are looked after by security personnel deployed through private security agencies. The NDMC is receiving more than Crore of Rupees as revenue from the licenses given to shopkeepers in commercial complexes for running their trades.

DETAILED PROPOSAL ON THE PROJECT/SUBJECT

Since the Buildings/Commercial Complexes belong to NDMC, it is imperative to provide security personnel by the NDMC for the safety and security of NDMC properties. The engagement of departmental labour not only poses management problems but also invites litigation for regularization. It was felt by the competent authority that we must deploy such type of security guards, who have experience in this field and are provided by a professional agency. Therefore, it was decided that NDMC would deploy Ex-servicemen from a security agency or from DGR by calling open tenders. It was observed that Security Guards provided by DGR were costly. It was decided by the competent authority during April 1999 that 250 Ex-servicemen would be deployed through private security contractor (photocopy of the same places at page 2/C). These 250 security guards were divided in to 5 manageable sub-groups contracts namely A, B, C, and D & E for better control. Due to addition of several other Places/Buildings during the last 6 years, the strength of security guards is increased up to 560 and the same was regrouped as A to H. After processing tenders, all groups have been finalized and awarded to private agencies. Due to increase in the strength and switching over to new security contracts there will be additional expenditure this year.

Now an estimate amounting to Rs.4,58,58,422.00 (Rupees Four Crore Fifty Eight Lakh Fifty Eight Thousand Four Hundred Twenty Two Only) for Group Contracts A,B,C,D,E,F,G& H has been prepared and placed in the file at page 62/C. The contract wise details to arrive at the figure shown in the estimate are contained in Annexure I to IX. Rates for preparing estimate for group A TO G are based on Minimum Wage Rates in Delhi applicable w.e.f. 01.02.2007 Vide Not. No.F-12 (142)/02/MW/Lab./1016 dated 13.03.2007 photocopy placed in the file at P-71, 72/C. Rates for Group Contract H are based on the Notification issued by the Ministry of Defence, Dte Gen of Resettlement vide No.- Nil - dated 17th April 2007 applicable w.e.f. 01.02 2007 photocopy placed in the file at page 73/C. Budget Provision of Rs.350 Lakh under the Head of Account C.3.8. (X) B SECURITY exists in the current financial year. Provision for excess amount of the estimate will be taken in the revised estimate for the year 2007-08. The brief of the estimate are as under: -

| S.NO. | CONTRACT GROUP | AMOUNT OF ESTIMATE |
|-------|--|-----------------------|
| 1. | Wages of daily wage security personnel, Deployment of 5 Delhi Armed Police Constables and Miscellaneous works. | 30,89,868.00 |
| 2. | Contract Group A | 49,91,697.00 |
| 3. | Contract Group B | 45,56,156.00 |
| 4. | Contract Group C | 49,25,522.00 |
| 5. | Contract Group D | 47,56,239.00 |
| 6. | Contract Group E | 46,09,884.00 |
| 7. | Contract Group F | 51,98,789.00 |
| 8. | Contract Group G | 55,61,135.00 |
| 9. | Contract Group H | 81,69,132.00 |
| | TOTAL | 4,58,58,422.00 |

FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT/SUBJECT

Rs.4,58,58,422.00 (Rupees Four Crore Fifty Eight Lakh Fifty Eight Thousand Four Hundred Twenty Two Only).

IMPLEMENTATION SCHEDULE WITH TIMELINESS FOR EACH STAGE INCLUDING INTERNAL PROCESSI

NOT APPLICABLE

COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT

Finance department has concurred in the Estimate for Security and Traffic Services/Arrangements at NDMC Buildings under Group Contract A, B, C, D, E, F, G & H for the year 2007-08. Further their concurrence is subject to: -

1. Availability of funds.
2. Approval of the Competent Authority.
3. Correctness of information and data submitted by the Department.
4. The codal formalities should be followed before incurring any expenditure.
5. Department is strictly advised to obtain concurrence of Finance Department in future for providing any additional strength of Security Personnel as each such decision will involve a charge upon NDMC Fund which in terms of section 48 of the Act read with section 46 & 47 thereof would require financial scrutiny.

COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE DEPARTMENT:

1. Budget Provision of Rs.350 Lakh under the Head of Account C.3.8. (X) B. Security exists in the current financial year 2007-08. Provision for excess amount of the estimate will be taken in the revised estimate for the year 2007-08.
2. The case is being submitted for approval of the Chairperson, NDMC and thereafter the same will be laid before the Council for approval.
3. Information and data submitted by the department are as per record and correct.

4. Department will follow all the instruction and codal formalities in this regard.
5. Noted for future.

LEGAL IMPLICATION OF THE SUBJECT/PROJECT.

There is no legal implication in this case.

DETAIL OF PREVIOUS COUNCIL RESOLUTIONS, EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THE SUBJECT.

Estimate for the year 2006-07 was sanctioned by the Council vides Reso. NO.XII (U-1) dated 13.10.2006.

COMMENT OF THE LAW DEPARTMENT ON THE SUBJECT /PROJECT

"This meets our approval".

COMMENT OF THE DEPARTMENT ON THE COMMENTS OF LAW DEPARTMENT.

No comments.

RECOMMENDATIONS

Recommended for according Administrative approval and expenditure sanction to estimate amounting to Rs.4,58,58,422.00 (Rupees Four Crore Fifty Eight Lakh Fifty Eight Thousand Four Hundred Twenty Two Only) for the work Security and Traffic Services/Arrangements at NDMC Buildings under Group Contract A TO H for the year 2007-08.

DRAFT RESOLUTION

Resolved by the Council that Administrative approval and expenditure sanction is accorded to estimate amounting to Rs.4,58,58,422.00 (Rupees Four Crore Fifty Eight Lakh Fifty Eight Thousand Four Hundred Twenty Two Only) for the work of Security and Traffic Services/Arrangements at NDMC Buildings/Premises under Group Contract A, B, C, D, E, F,G & H during the period 2007-08. Resolved further that action on the item may be taken pending confirmation of the minutes of the meeting.

COUNCIL'S DECISION

Resolved by the Council that administrative approval and expenditure sanction is accorded to estimate amounting to Rs.4,58,58,422/- for the work of Security and Traffic Services/Arrangements at NDMC Buildings/Premises under Group Contract A, B, C, D, E, F,G & H, during the period 2007-08.

It was further decided that further action be taken in anticipation of confirmation of the minutes.

Further directed by the Council that a proper & correct assessment in respect of deployment of security guards at the various points be worked out again.

It was also directed by the Council that feasibility of deploying female security guards in the inner circle of the Working Women Hostels in NDMC, be worked out.

ITEM NO. 08 (E-2)**1. Name of the subject/project**

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

2. Name of the deptt. concerned

Public Health Deptt.

3. Brief history of the subject/project.

Lifting of garbage regularly & timely is the main function of the civic body. In NDMC area 350 MT. garbage is generated daily. Sixty numbers deptt. Vehicles are engaged for disposing approx. 200 MT. garbage daily and the balance 150 MT. garbage has been disposed off by providing 21 No. Pvt. Tipper/trucks. Award for 21 No. Tippers/trucks was given to M/S S.A. Engineers @ Rs.14.40 per K.M. with date of start as 1.6.2006 for one year and the terms of existing contract has been expired on 31.5.2007. Tenders were invited for above said work for three months i.e. from 1.6.2007 to 31.8.2007 but the same were rejected by the sub-committee appointed by Chairman. The sub-committee appointed by chairman negotiated the rates of M/s. S.A. Engineers, the working contractor and the rates were approved @ Rs.18.20/= per K.M. for three months w.e.f. 1.6.2007 to 31.8.2007. For this period the revised administrative approval and Expenditure sanction for Rs.5214700/= has been approved by chairman in anticipation of approval of council. The A.A/E.S. for Rs.1.52 crore has been approved by the council vide resolution No.14 (E-5) dated 28.9.05 for the said work from 1.6.2006 to 31.5.2007. On the basis of these negotiated rates of Rs.18.20/= per K.M. from 1.6.2007 to 31.8.2007 the revised estimate of Rs.5214700=00 has been concurred in by the finance and approved by the Chairman.

4. Detailed proposal on the subject/project

Revised A.A/E.S. for Rs.5214700=00 is required on the basis of negotiated rate of Rs.18.20 per K.M. for three months w.e.f. 1.6.2007 to 31.8.2007.

5. Financial implications of the proposed project/subject.

The expenditure of Rs.52,14,700=00 will be incurred under the head of account D.-2.16.6 i.e. running and maintenance of Tippers/truck for 1.6.2007 to 31.8.2007.

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

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

This is a matter of revised A.A&E.S. for the above said work from 1.6.07 to 31.8.07 for Rs.52,14700/=.

7. Comments of the finance department on the subject

In view of the facts and circumstances sated by the Deptt. at page 15/N, we have no option but to agree to the proposal of the deptt. to accord approval of the competent authority for acceptance of the offer of M/s. S.A. Engineers, the existing contractor at their agreed rate of Rs.18.20 per K.M. per day for three months or earlier when M/s. Ramky takes over the work. This is subject to that the condition regarding penalty may be kept as it was earlier for 21trucks as it does not appear to be logical that requirement is for 21 trucks and penalty has been kept as for 18 trucks resulting in undue benefit and option for giving only 18 trucks to the contractor.

Simultaneously, revised Administrative Approval & Expenditure sanction from the competent Authority may also be obtained for an amount of Rs.52, 14,700/=

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

The revised A.A. & E.S of Rs.52,14,700/= as concurred in by the finance has been approved by Chairperson, for placing before the council.

9. Legal implication of the subject/project.

No legal implications

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

Council has approved A.A. & E.S. for Rs.1.52 crore vide reso. No.14 (E-5) dated 28.9.05.

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

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

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

No comments.

13. Recommendations.

The case may be laid before the council for approval of revised A.A. & E.S. for Rs.5214700/- from 1.6.07 to 31.8.07 and acceptance of rate @ Rs.18.20/- per K.M. for three months w.e.f. 1.6.07 to 31.8.07 and decreasing of penalty clause from 21 tipper/trucks to 18 tipper/trucks.

14. Draft resolution

Resolved by the council that ex post-facto sanction of revised A.A.&E.S.for Rs.5214700 is accorded on the basis of Rs.18.20/- per K.M. and decreasing of penalty clause from 21 tipper/trucks to 18 tipper/trucks.

COUNCIL'S DECISION

Resolved by the Council that ex post facto administrative approval and expenditure sanction is accorded for revised estimate amounting to Rs.52,14,700/-, on the basis of Rs.18.20/- per K.M. and decreasing the penalty clause from 21 tipper/trucks to 18 tipper/trucks for three months' period from 1.06.2007 to 31.08.2007.

Further resolved by the Council that no extension for of hiring trucks shall be given beyond 1st September 2007.

It was further directed that the department will submit a report to the Council, giving reasons for not fixing the responsibility, regarding delay in finalization of tender, as was directed vide Council's Resolution passed in December 2006.

ITEM NO. 09 (O-3)**1. Name of the subject/project**

Annual Audit Report for the year ended March 2006

2. Name of the Department/Departments concerned

Office of the Chief Auditor

3. Brief history of the subject/project

Section 59 (17) of the New Delhi Municipal Act, 1994 envisages that as soon as may be after commencement of each year, the Chief Auditor shall deliver to the Council a report of the entire accounts of the Council for the previous year. As contemplated in the above provisions of the Act, Annual Audit Report on the accounts of the Council for the year ended March 2006 has been prepared for presentation before the Council.

4. Detailed proposal on the subject/project

The office of the Chief Auditor was created in September 1996 vide Council Resolution No.3 (V) dated 19.8.1996. The office has so far presented eight Annual Audit Reports before the Council as detailed below:

| S.No. | Report for the year end | Date of Presentation |
|--------------|--------------------------------|-----------------------------|
| 1. | March 1997 | 10 February 1999 |
| 2. | March 1998 &1999 | 23 March 2001 |
| 3 | March 2000 | 8 August 2002 |
| 4 | March 2001 | 31 October 2003 |
| 5 | March 2002 | 2 July 2004 |
| 6 | March 2003 | 27 April 2005 |
| 7 | March 2004 | 15 December 2005 |
| 8 | March 2005 | 15 November 2006 |

Present proposal is for presentation of ninth Annual Audit Report for the year ending March 2006.

The Annual Audit Report basically highlights the deficiencies in the accounting system, budgetary control mechanism and functioning of several Departments. It also highlights cases of non-recovery of arrears of Council's dues resulting in accumulation of heavy arrears in various Departments.

5. Financial implications of the proposed project/subject

Nil

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

Not applicable

7. Comments of the Finance Department on the subject

Not applicable as the Draft Agenda Item relates to presentation of Annual Audit Report, which is a statutory audit function envisaged in NDMC Act, 1994.

8. Comments of the Department on comments of Finance Department

Not applicable.

9. Legal implication of the subject/project

Nil

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

The details of previous Council Resolutions regarding presentation of Annual Audit Reports are as under:

- (i) Item No.1 dated 10.02.1999
- (ii) Item No.3 (xii) dated 23.03.2001
- (iii) Item No.3 (xxx) dated 08.08.2002
- (iv) Item No.11 (O-4) dated 31.10.2003
- (v) Item No.11 (O-2) dated 02.07.2004
- (vi) Item No.13 (O-1) dated 27.04.2005
- (vii) Item No.05 (O-6) dated 15.12.2005
- (viii) Item No. 08(O-1) dated 15.11.2006

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

Not applicable, since the Draft Agenda Item is for presentation of Annual Audit Report on the accounts of the Council as part of statutory audit function envisaged in NDMC Act, 1994.

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

Not applicable.

13. Recommendation

The Annual Audit Report on the accounts of the Council for the year ended March 2006 may be presented to the Council.

14. Draft Resolution

"Information noted. The Council further decided that the reply (Action Taken Note) to the paras of the Annual Audit Report may be furnished by the Departments to the Chief Auditor within six weeks so that the Chief Auditor may place the same before the Standing Committee on Audit in NDMC alongwith her recommendations".

COUNCIL'S DECISION

Information noted by the Council.

ITEM NO. 10 (K-2)1. **Name of the Subject/project**

Re-designation of Caretaker Gr- I & II as Manager (Community Services) and Dy. Manager (Community Services) respectively.

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

Social Welfare Department

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

History: - The Social/Labour Welfare Department had came into existence from the very date of formation of New Delhi Municipal Council the than New Delhi Municipal Committee.

11 Nos. of Baratghars and 17 Nos. of Community Halls/Centres and 1 No. of Daksh Club for Group C & D NDMC employees are running under the Social Welfare Department to serve the Community residing in NDMC area or non-NDMC area, which are looked after by the Caretakers. Caretakers deals with the booking parties which includes VIPs and VVIPS. The services of the Caretakers are essential services. They have to attend the office on holidays or in odd hours if there are bookings. Caretakers keep co-ordination with the different departments of NDMC like Civil, Electric and Horticulture etc. for the smooth running of the project. Issue of NOC to the users, Civil & Electric Maintenance, up keep of record of bookings, reply of outstanding audit para, arrangement of adequate water supply of their institution, maintenance of stock and T&P register, arrangement of sanitary articles to keep proper cleanliness, preparation of monthly progress report & muster roll record of the class IV employees of their Institutions, recovery of damage charges from the users. Compilation/ Allocation of the record, deposit of Service Tax Education Cess & filing of Service Tax return to Central Excise Department, Central Government along with the bookings of Barat Ghars/Centres/ Parks further Caretakers are wholly responsible for the handing over and taking over the building to the parties. These are few from of the job profile of Caretakers in the present scenario.

4. **Detailed proposal on the subject/project**

Present Pay scales and no. of post Proposed re-designation of LW/SW Deptt

| S No | Name of Post | Pay scale (in Rs.) | No. of post Sanctioned | Name of Post | Pay scale | No. of Posts Sanctioned | Against the post |
|------|------------------|----------------------|------------------------|--------------------------------|----------------------|-------------------------|---------------------------------------|
| 1 | Caretaker Gr. I | 4200-9100 (SS Scale) | 04 | Manager Community Services | 4200-9100 (SS Scale) | 04 | Equal to Caretaker Gr. I |
| 2 | Caretaker Gr. II | 4000-7100(SS Scale) | 14 | Dy. Manager Community Services | 4000-7100 (SS Scale) | 14 | Equal to Caretaker Gr. II (SS Scale) |
| 3 | Caretaker Gr. II | 3050-4590 (CPC) | 09 | Dy. Manager Community Services | 3050-4590 | 09 | Equal to Caretaker Gr. II (CPC Scale) |

Grounds & justification for re-designation of posts of Caretaker Gr- I & II as Manager (Community Services) and Dy. Manager (Community Services) respectively :-

1. The names of the Caretaker staff are very gauche in the present scenario.
2. Barat Ghars and Community Centres/Halls are being used by VIPs and VVIPs so the designation of Caretaker seems very awkward.
3. To welcome the Common Wealth Games 2010 (Public dealing persons) should have pleasing designations.
4. There are no financial implications as these post are merely changes its name not the pay scale.
5. Caretakers are working like wise ministerial staff for which they are getting SS Scale.
6. RRs of Caretaker Gr.I & II will apply for Manager Community Services and Dy. Manager Community Services respectively.
7. Manager Community Services will be eligible for the promotion of Labour Welfare Supervisor.
8. Council has already re-designated some post in near past with out giving them financial benefits like :-

| | | |
|----------------------|------------------------|------------------------------|
| Civil Department | a) Enquiry Attendant | Supervisor |
| Social Welfare | a) Warden | Manager |
| | b) Assistant Warden | Assistant Manager |
| Horticulture | a) Mali | Sr. Mali |
| Electric Department | a) Shift in-charge | Shift Officer |
| Personnel Department | a) Deputy Secretary | Joint Director |
| | b) Assistant Secretary | Deputy Director |
| Finance Department | a) Joint Director | Joint financial Advisor |
| | b) Finance Officer | Deputy Financial Advisor |
| Accounts Department | a) Director Accounts | Chief Accounts officer. |
| | b) Joint Director | Joint Chief Accounts Officer |

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

Nil

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

As and when approved by the Council

6. **Comments of the Finance Department on the subject**

Finance Department concurred the proposal

7. **Comments of the Department on comments of Finance Department**

Nil

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

Nil

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

Nil

10. **Comments of the Law Department on the Subject/project**

There is no legal point involve in the proposal

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

Nil

12. **Recommendation**

The Case is placed before the Council for approval of re-designation of Posts of Caretaker Gr.I & II working at Barat ghars, Community Halls/Centres running under Social Welfare Department as Manager Community Services and Dy. Manager Community Services

13. **Draft Resolution**

Resolved by the Council that Post of Caretaker Gr.I & II working at Barat ghars, community Halls/Centres running under Social Welfare Department are re- designated as Manager Community Services and Dy. Manager Community Services respectively.

COUNCIL'S DECISION

"Resolved by the Council that Post of Caretaker Gr.I & II, working at Barat ghars, community Halls/Centres, running under Social Welfare Department, are re-designated as Manager, Community Services and Dy. Manager Community Services respectively."

ITEM NO. 11 (A-29)**1. Name of the subject / project :**

The New Delhi Municipal Council (Licensing and Control of Plumbers) Bye-laws, 2007.

2. Name of the Department :

Civil Engineering Department.

3. Brief History of the subject / project :

(a) The New Delhi Municipal Committee bye-laws to regulate the filtered water supply in Delhi were framed under the provisions of clauses (l) and (v) of section 188 and sub-section (1) of section 199 of the Punjab Municipal Act, 1911, as applicable to New Delhi. These were confirmed by the Chief Commissioner vide Notification No. 9942 dated 2nd August 1937. Appendix I to these bye-laws contained rules for the grant of licenses to plumbers under the bye-laws relating to Drainage and Filtered Water Supply in New Delhi and approved by the New Delhi Municipal Committee vide Resolution No. 34 dated the 11th March 1941 and as amended from time to time. A copy of the said Appendix I is attached as **Annexure-I. (See pages 44 – 50)**

(b) Sub-sections (4) to (9) of section 193 of the NDMC Act, 1994 are as under:-

(4) The Council may make bye-laws for the guidance of licensed plumbers and a copy of all such bye-laws shall be attached to every license granted to a plumber by the Council.

(5) The Council may, from time to time, prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the purpose of this Chapter.

(6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charges prescribed therefore, under that sub-section.

(7) The Council shall make bye-laws providing for---

(a) the exercise of adequate control on all licensed plumbers;

(b) the inspection of all works carried out by them; and

(c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the charges made by a licensed plumber.

(8) *No licensed plumber shall contravene any of the bye-laws made under this section or execute carelessly or negligently any work under this Act or make use of bad materials appliances or fittings.*

(9) *If any licensed plumber contravenes sub-section (8), his license may be suspended or cancelled whether he is prosecuted under this Act or not."*

(c) The Council is thus empowered to make bye-laws to provide for matters enumerated above.

(d) Accordingly the NDMC (Licensing and Control of Plumbers) Bye-laws, 2006 were drafted in consultation with Civil Engineering Department, Finance Department and Law Department and placed before the Committee set up under section 9 of the NDMC Act, 1994 for advising the Council on regulations/bye-laws. A copy of the draft Bye-laws is attached as **Annexure II. (See pages 51 – 63)**. The Committee in its meeting held on 24.11.2006 approved the proposal to invite objections/suggestions on the draft bye-laws from public and to give wide publicity through official website and publishing in newspapers. A notice inviting objections/suggestions from public within a period of 30 days from the date of its publication was issued on 30.12.2006 and published in three newspapers – The Hindustan Times (English); Hindustan (Hindi) and Milap (Urdu).

(e) Only one objection dated 29.1.2007 has been received, namely from Shri Rakesh Pathak, Advocate, Residents' Welfare Association (Regd.), Indira Gandhi Bhawan, 7- Jantar Mantar Road, New Delhi-110001, which is as under:-

"I suggest that list of authorised plumbers giving name, address and phone number, date of issue and expiry of their licenses, should be displayed at prominent place or notice board of Executive Engineer (Water Supply) in every zone."

4. Detailed proposal on the subject/project:

(1) It is proposed to accept the suggestion made by Shri Pathak. A new draft bye-law 11 has been inserted. A revised draft of the bye-laws is at **Annexure III. (See pages 64 – 76)** The revised draft covers the following main matters.

(a) Before carrying out any work connected with drainage and filtered water supply to any premises, every plumber has to obtain a license from the Council (this however does not apply to plumbing work in respect of any Central or State or Government or Council [bye-law 3] building/premises if the work is being executed under the direct supervision of a Civil Engineer/Public Health Engineer of that Government or Council) .

(b) An application Form for grant of license has been prescribed. [bye-law 4]

- (c) A candidate has to fulfill the following qualifications for getting a license:- [bye-law 5]
- (i) (a) He should be a qualified ITI plumber, or be a Diploma/Degree holder in Civil Engineering of a recognized Institute; or
- (b) he should have passed 12th class examination of a recognized Board and have a minimum three years experience of execution of sanitary or water plumbing works in any Government Department/Local body/licensed Architect/Engineer; and
- (ii) he should have smoke testing machine/hydraulic machine in proper working order.
- (d) If necessary written and oral tests for judging the suitability for grant of a license may also be conducted. [bye-law 6]
- (e) The Council is competent to fix the amount of security deposit and the license fee which shall not be less than Rs. 5000/- and Rs. 2000/- respectively. [bye-law 8]
- (f) A list of licensed plumbers shall be displayed at the notice board. [Bye-law 11]
- (g) The life of a license is 5 years from the date of issue after which either a fresh license is to be obtained or the existing license got renewed in which case, no fresh Security Deposit is required. [bye-law 12]
- (h) Bye-law 13 provides that no licensed plumber shall charge/demand more than the charges prescribed by the Council.
- (i) Adequate control is to be exercised on all licensed plumbers. The work done by them can be inspected at any time without notice by the competent officer of the Council. [bye-law 14]
- (j) The pipes, fittings, appliances or material used by the plumber are to be of such specification as are approved by the Chairperson. No delay in the execution of work is to be caused without sufficient reason. [bye-law 15 and 16]
- (k) Bye-law 18 deals with the obligations of a licensed plumber.
- (l) The license is not transferable and is liable to be suspended or cancelled for breach of the bye-laws or if it has been obtained through misrepresentation or fraudulently or the work has been executed carelessly/negligently etc. [bye-laws 19 and 20]
- (m) The security and license fee shall not be refunded in case of cancellation and the person whose license has been cancelled shall not be allowed to apply for a fresh license for two years. However before cancellation/suspension a reasonable opportunity of being heard shall be given. [bye-law 20]
- (n) Complaints made by owners/occupiers shall be heard and decided after observing the rules of natural justice. [bye-law 22]
- (2) A copy of the revised draft bye-laws is attached as **Annexure III (See pages 64 – 76)**

5. Financial implications of the proposed project / subject:

There are no financial implications involved.

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

After the approval of the draft bye-laws by the Council, the same will be sent, within one month in anticipation of confirmation of the minutes by the Council to the Government of NCT of Delhi for approval and publication in the Official Gazette.

7. Comments of the Finance Department on the subject:

"We concur in the draft bye-laws 2006 as now proposed by Consultant.
(This issues with the approval of F.A.)".

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

No comments.

9. Legal Implications of the subject

The new bye-laws will replace the New Delhi Municipal Committee Rules for the grant of license to plumbers, approved by the New Delhi Municipal Committee on 11th March 1941, referred to in para 3 above.

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

This has been indicated in paras 3 and 4 above.

11. Comments of the Law Department on the subject:

Law Department has commented as under:-

"We agree with the Preamble."

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

No comments.

13. Recommendations:

The Committee on Bye-laws/Regulations has recommended in its meeting held on 8.8.2007 that the New Delhi Municipal Council (Licensing and Control of Plumbers) Bye-laws, 2007 **Annexure III (See pages 64 – 76)** be approved by the Council.

14. Draft Resolution:

Resolved that the New Delhi Municipal Council (Licensing and Control of Plumbers) Bye-laws, 2007 be approved and sent in anticipation of the confirmation of the minutes of the meeting to the Government of the NCT of Delhi for approval and publication in the Official Gazette.

COUNCIL'S DECISION

Resolved by the Council that the New Delhi Municipal Council (Licensing and Control of Plumbers) Bye-laws, 2007 is approved and the same be sent to the Government of the NCT of Delhi, for approval and publication in the Official Gazette, in anticipation of the confirmation of the minutes.

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ANNEXURE END

ITEM NO. 12 (A-30)**2. Name of the subject / project :**

The New Delhi Municipal Council (Filtered Water Supply) Bye-laws, 2007.

2. Name of the Department :

Civil Engineering Department.

3. Brief History of the subject / project :

- (i) The erstwhile New Delhi Municipal Committee was governed under the Punjab Municipal Act, 1911 as applicable to New Delhi area. Bye-laws to regulate the Filtered Water Supply in New Delhi made under that Act were notified vide Notification No. 9942 dated 02.8.1937. A copy of these bye-laws is at **Annexure "A" (See pages 81 – 90)**. With the coming into force of the NDMC Act, 1994, it was felt that fresh bye-laws be made in accordance with the provisions of that Act.
- (ii) Accordingly, keeping in view the existing bye-laws, the provisions of the NDMC Act and also the experience and difficulties faced in the past, from time to time , a fresh draft of the bye-laws to regulate the Filtered Water Supply in the area of New Delhi Municipal Council was prepared, which the Council approved by its Resolution No. 5 dated 18.3.1999, subject to certain modifications. At the suggestion of the Government of the NCT of Delhi, certain further modifications were approved by the Council vide Resolution No. 3(x) dated 27.4.2000. A copy of the modified bye-laws as approved and amended by the Council is at **Annexure "B" (See pages 91 – 105)**.
- (iii) The bye-laws as approved by the Council were sent to the Government of NCT of Delhi on 18.7.2000 with the request to notify the bye-laws in the Official Gazette.
- (iv) It seems correct procedure was not followed for finalizing the above referred bye-laws, in as much as a notice is required to be published inviting suggestions/objections from the persons likely to be affected thereby specifying a date on or after which the draft would be taken into consideration. No such notice was issued/published.
- (v) In consultation with the Engineer-in-Chief, a fresh draft of the NDMC (Filtered Water Supply)Bye-laws, 2006 was prepared, a copy of which is at **Annexure "C" (See pages 106 – 119)**.
- (vi) Draft bye-laws as at **Annexure-"C" (See pages 106 – 119)** were placed before the Committee, constituted under section 9 of the NDMC Act for advising the Council on regulations/bye-laws. The Committee resolved on 24.11.2006 that the proposal to invite objections/suggestions from public on draft bye-laws framed under the NDMC Act, 1994 be approved and that wide publicity be given through official website and publication in newspapers.

- (vii) Accordingly a notice inviting objections/suggestion from persons likely to be affected by these bye-laws was issued in three newspapers dated 30.12.2006 namely, The Hindustan Times (English), Hindustan (Hindi) and Milap (Urdu).
- (viii) Only one objection from Sh. Rakesh Pathak, Advocate, Residents' Welfare Association (Regd.), Indira Gandhi Bhawan, 7-Jantar Mantar Road, New Delhi has been received. A copy of the same is at **Annexure "D" (See pages 120 – 123)**. A tabular statement indicating the provision in the draft bye-laws, suggestions/objections made and remarks, with reason for acceptance/rejection, is attached as **Annexure "E" (See pages 124 – 130)**.
- (ix) Engineer-in-Chief, NDMC, has also suggested that one of the grounds for the rejection of an application for grant of an additional water connection may be, where there is no justification for such an additional connection keeping in view the number of units/flats/families/persons residing in the premises, etc. This would be one of the modus operandi to combat shortage of water, because sanctioning additional connections would mean drawal of excess water leading to inequitable distribution of water. This suggestion has also been accepted and necessary clause (iii) (p: 54) has been added in bye-law 6(1) of **Annexure "F" (See pages 131 – 148)**.
- (x) The objections/suggestions have been examined in consultation with the Engineering Department and a modified draft bye-law is attached as **Annexure "F" (See pages 131 – 148)**.

4. Detailed proposal on the subject/project:

(1) Chapter XI (sections 145 to 194) of the NDMC Act, 1994 deals with " Water Supply, Drainage and Sewage Collection". Sections 147 to 170 deal with "Water Supply". Bye-laws may be made under section 150 (power to supply water for non-domestic purposes), section 158 (Supply of water for domestic purposes), section 169 (Power to cut off private water supply or to turn off water) and section 388(1) B of the Act (in so far as it relates to Water supply). Revised draft bye-laws (**Annexure "F" (See pages 131 – 148)**). deals with following matters:-

- (i) Application for grant of water (domestic and/or non-domestic) connection –permanent as well as temporary connection.
- (ii) Power of entry and inspection.
- (iii) Consideration of application.
- (iv) Rejection/acceptance of application.
- (v) Deposits which are required to be made if the application is accepted.
- (vi) Consumer--Substitution of name.
- (vii) Quantity of water consumed –testing of meters.
- (viii) Charges payable by a consumer.
- (ix) Charges for supply of water.
- (x) Serving of Bills.
- (xi) Payment of Bills.
- (xii) Water supply to be regulated.

- (xiii) Cutting or turning off water supply.
- (xiv) Application for disconnection/re-connection.
- (xv) Alteration in position of connection.
- (xvi) Obligations of a consumer
- (xvii) Service of notices etc.
- (xviii) Public hydrants.
- (xix) Water supply for construction purposes.
- (xx) Delegation of Authority.
- (xxi) Penalty.

(2) Most of the suggestions made by Sh. Pathak have been accepted as indicated in the tabular statement at **Annexure "E" (See pages 124 – 130)**. Wherever they have not been accepted reasons for non-acceptance have been given in the remarks column.

(3) The suggestion made by Engineer-in-Chief, as indicated in Para 3(ix), has also been accepted and added in **Annexure "F" (See pages 131 – 148)**.

6. Financial implications of the proposed project / subject:

No substantial financial implications are involved.

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

After the Council has approved the draft bye-laws, they will be sent to the Government of NCT of Delhi for their approval and publication in the Official Gazette as required under section 391(1) of the NDMC Act, 1994. The exercise of forwarding the bye-laws to the Govt. of NCT of Delhi is likely to take one month.

7. Comments of the Finance Department on the subject:

"We have no objection to the Bye-laws as proposed in Annexure F, subject to clarification of clause 8(2) as Government flats/tenanted properties do not find place in the record of House Tax Department.

This issues with the approval of F.A."

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

Whenever a Government flat is allotted to a new officer, or a new tenant occupy the premises, he gets a new connection. His case is covered by clause 8 (1), Hence no change is called for.

9. Legal Implications of the subject

As stated earlier these bye-laws have been drafted under sections 150,158 and 169 read with section 388(1) B (So far as it relates to Water Supply) 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:

Law Department has commented as under:-

"We agree with the agenda."

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

No comments.

13. Recommendations:

The Committee on Bye-laws/Regulations set up by the Council has recommended in its meeting held on 8.8.2007 that the draft bye-laws as per **Annexure "F" (See pages 131 – 148)**. be approved by the Council.

14. Draft Resolution:

Resolved that the draft New Delhi Municipal Council (Filtered Water Supply) Bye-laws, 2007 (**Annexure "F" (See pages 131 – 148)**). be approved and sent, in anticipation of the confirmation of minutes, to the Government of the NCT of Delhi for approval and publications in the Official Gazette.

COUNCIL'S DECISION

Resolved by the Council that the New Delhi Municipal Council (Filtered Water Supply) Bye-laws, 2007 is approved and the same be sent to the Government of the NCT of Delhi, for approval and publications in the Official Gazette, in anticipation of the confirmation of minutes.

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ANNEXURE END

ITEM NO. 13 (D-2)**3. Name of the subject / project :**

The New Delhi Municipal Council (Budget Estimates) Regulations, 2007.

2. Name of the Department :

Accounts/Finance Department.

3. Brief History of the subject / project :

- (i) Prior to the enforcement of the New Delhi Municipal Council Act, 1994, the New Delhi Municipal Committee was being administered under the Punjab Municipal Act, 1911 as applicable to New Delhi. The Budget Estimates are being prepared and maintained in accordance with the provisions of Chapter II of the Punjab Municipal Account Code 1930; a copy of Chapter I and Chapter II of that Code is at **Annexure I (See pages 154 – 159)** The said Account Code continue to be in force in accordance with the provision of section 416(2) (a) of the NDMC Act, 1994 which is as under:-

“Repeal and Savings.—(1) As from the date of the establishment of the Council, the Punjab Municipal Act, 1911, (Punjab Act 3 of 1911) as applicable to New Delhi, shall cease to have effect within New Delhi.

(2) Notwithstanding the provisions of sub-section (1) of this section,---

(a) any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any licence or permission granted under the Act referred to in sub-section (1) of this section and in force immediately before the establishment of the Council, shall, in so far as it is not inconsistent with the provisions of this Act continue in force and be deemed to have been made, issued or granted, under the provisions of this Act unless and until it is superseded by any appointment, notification, order, scheme, rule, form notice or bye-law made or issued or any license or permission granted under the said provisions;”

- (ii) Section 55(3) of the NDMC Act, 1994 provides as under:-

“(3) Budget estimates shall be prepared in such form as may be approved by the Council and presented and adopted in such manner and shall provide for all such matters as are prescribed by regulations made in this behalf.”

- (iii) In the light of above, necessary regulations called "The New Delhi Municipal Council (Budget Estimates) Regulations, 2007" have been drafted.

4. Detailed proposal on the subject/project:

It may be pointed out that more or less similar provision as in the NDMC exists in the Delhi Municipal Corporation Act, 1957. That Corporation have notified their Regulations called "Delhi Municipal Corporation (Budget Estimates) Regulations 1958, relevant extracts from which are at **Annexure II (See pages 160 – 162)**

In accordance with the provisions of sub-section (3) of section 55 of the NDMC Act, 1994 a draft of the New Delhi Municipal Council (Budget Estimates) Regulations, 2007 is attached at **Annexure III (See pages 163 – 170)** The following are the main matters which are included in the draft regulations:-

- (1) Classification of Budget Estimates.— The income and expenditure has been classified under four broad heads namely:-
- (i) Revenue receipt;
 - (ii) Revenue expenditure;
 - (iii) Capital receipt; and
 - (iv) Capital expenditure.

Both the income and expenditure heads shall be further classified under major heads, minor heads, and detailed heads and the detailed estimates of expenditure shall be prepared separately for plan and non-plan expenditure under prescribed major and minor heads of accounts.

- (2) The Chairperson is to lay before the Council the budget estimates on or before 15th January each year, the form of which being decided by the Council.
- (3) The budget estimates shall, among others, include a statement of proposals with reference to "taxation", as to the rates at which various municipal taxes, rates and cesses will, in the opinion of the Chairperson, be necessary or expedient to be levied under the provisions of the Act in the ensuing year and the estimated receipts therefrom. The general discussion on the said statement of proposals shall be concluded by the Council before 1st February and finally determined on or before 15th February each year.

- (4) Budget estimates shall also include an estimate of the expenditure which should, in the opinion of the Chairperson, be incurred by the Council in the ensuing year on account of the Municipal Government of New Delhi.
- (5) Alongwith the budget estimates for the ensuing year, revised budget estimates of income and expenditure of the current year shall also be placed before the Council
- (6) If the date for laying before the Council the budget estimates for the ensuing year cannot be adhered to, the Chairperson shall inform the Council the reasons thereof. The Council may approve revised schedule for such laying and may adopt the budget estimates as they stand submitted to it or subject to such alteration as considered necessary or expedient by the Council on or before the 31st March of every year.
- (7) If due to any exceptional reason, the Chairperson is not in a position to lay before the Council the detailed budget estimates of the ensuing year, he may lay an abstract thereof and the Council may adopt such abstract or with such alteration as it may consider necessary on or before 31st March. The laying and adoption of the detailed budget estimates for the ensuing year may be after 31st of March.
- (8) Draft regulation 8 deals with additional budget grant or increase in budget grant when need has arisen during the current financial year for additional budget-grant as contemplated in section 56.
- (9) Draft regulation 9 deals with re-appropriation of budget allocation.
- (10) There is also a provision for quarterly review of the trends in receipts and expenditure in relation to the budget which shall be placed before the Council in a budget variation report in the prescribed form. The Council has the power to sanction any measure for adjusting the year's income to the expenditure or have recourse to supplementary taxation under section 97.

7. Financial implications of the proposed project / subject:

No financial implication is involved.

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

After the Council has approved the draft Regulations, they shall be sent to the Ministry of Home Affairs, Government of India, for approval in accordance with sub-section (2) of section 387 of the NDMC Act 1994 and thereafter to the Government of NCT of Delhi for publication in the Official Gazette of the NCT of Delhi. This exercise is likely to take about three months.

9. Comments of the Finance Department on the subject:

The draft has been prepared by the Finance Department. Hence no comments.

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

Not Applicable.

9. Legal implications of the subject/Project

As stated earlier, these regulations are required to be made by the Council under section 55(3) of the NDMC Act 1994 and to be approved by the Central Government under section 387(2) of that Act.

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

As indicated in para 3 above.

11. Comments of the Law Department on the subject:

Law Department has concurred in the draft regulations.

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

Not applicable

13. Recommendations:

The Committee on Bye-laws/Regulations set-up by the Council under Section 9 of the NDMC Act has recommended in its meeting held on 8.8.2007 that the draft Regulations as per **Annexure III (See pages 163 – 170)** be approved by the Council.

14. Draft Resolution:

Resolved that the draft of the New Delhi Municipal Council (Budget Estimates) Regulations, 2007 (**Annexure-III**) (**See pages 163 – 170**) be approved and sent, in anticipation of confirmation of minutes, to the Central Government for approval. After receipt of such approval, they may be sent to the Government of NCT of Delhi for publication in the Official gazette.

COUNCIL'S DECISION

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

ANNEXURES 17 PAGES

154 – 170

ANNEXURE END

ITEM NO. 14 (A-31)**CORRIGENDUM****AMENDMENT IN RESOLUTION NO. 02(A-10) DATED 31.5.2007, OF THE COUNCIL.**

In the Council's Special Meeting No. 03/2007-08 held on 31.05.2007, an item regarding "Streetscaping of NDMC Roads. SH:- Redevelopment of Hanuman Mandir Plaza, BKS Marg" was placed vide Item no. 02(A-10). After confirmation of the minutes of the Meeting dated 31.05.2007, Resolution No.02(A-10) was issued to the concerned deptt.

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

"Council approved the scheme in principle.

Further, a Committee has been formed comprising of Smt. Sima Gulati, Member, Sh. Mukesh Bhat, Member, Secretary & E-in-C for holding discussions with the Trustees/members of Hanuman Mandir Trust for implementation of project on sharing basis."

It is proposed to amend the above decision / Resolution and the same may be read as under :

"The case was discussed in detail and scheme was approved and administrative approval and expenditure sanction amounting to Rs.4,17,72,200/- was accorded for the work.

It was further resolved that Committee headed by Smt. Sima Gulati, Member and Project Team of streetscaping will hold discussion with the trustees / Members of Hanuman Mandir Trust for implementation of project on sharing basis."

The Corrigendum is placed before the Council for approval of amending the Resolution No. 02(A-10) dated 31.5.2007, as proposed above.

COUNCIL'S DECISION

Resolved by the Council that the amendment as mentioned in the preamble is approved and be read as under :-

"The case was discussed in detail and scheme was approved and administrative approval and expenditure sanction amounting to Rs.4,17,72,200/- was accorded for the work.

It was further resolved that Committee headed by Smt. Sima Gulati, Member and Project Team of streetscaping will hold discussion with the trustees / Members of Hanuman Mandir Trust for implementation of project on sharing basis."

ITEM NO. 15 (L-2)**RESOLUTION**

1. **Subject of the Resolution:** Addition of trade in PCO booths.
2. **Name of the Member:**
3. **Type of Resolution:** Recommendation
4. **Details of Resolution:**

19 PCO booths were allotted on tehbazari basis by Enforcement Department and 6 PCO booths were allotted by Estate Department in Palika Bazar for rehabilitation purpose, out of which 4 were allotted to Handicapped persons & 2 to reserved category.

Allottees of the PCO booths have requested for change of trade in PCO booths to run the following trades:-

1. Sale Purchase and repair of mobile cell phones & accessories.
2. Cyber Café
3. Photo Copying
4. Computer job work
5. Stationary items
6. Belts, Artificial Jewellery & other fashion items for alleged items.
7. Chips, Mixtures, bakery items, cold drinks and juices
8. Jute and paper bags.
9. Garments
10. Vegetable and fruits
11. Flowers
12. Beauty parlour
13. Hosiery
14. Cable TV/DTH operations etc.

Keeping in view of the requests of the allottees of PCO booths, a committee comprising of the following officers was constituted by the Competent Authority to analyze the entire issue and to give their recommendations.

1. Director (Finance) (In Chair)
2. Director (Recovery)
3. Director (Estate)
4. Director (Enforcement)
5. Joint Director (Estate)(Convener)

5. **Recommendations of the Committee:**

The business in PCO Booths has reduced to such an extent that it is difficult for the allottees to earn livelihood.

Honorable Supreme Court vide its order no. IA no. 394 in IA no. 316 in WP (C) no. 1699/87 has observed that:-

"The existing PCO booths will also be allowed to switch over to other trades as the PCOs have become outdated due to inception of mobile phones / cordless phones."

The Committee is of the view that since the basic functioning of the PCO Booths is to provide Services to the people as such we may allow some additional services, but not trades, to be run from PCO Booths so that the booths remain economically viable in the changed scenario for handicapped and reserved category persons. However, this will be subject to the condition that there will be no change in the title of PCO booth and PCO booths will be run by allottee himself/herself and transfer of PCO booth either on legal heir basis or partnership basis shall not be applicable.

In view of the above, Committee recommends that following additional services be allowed to be run from the PCO Booths (within allotted Area).

1. Repair of Mobile Phones & land line Phones.
2. Phone accessories, Mobile Phone Cards & Ticketing.
3. Cyber Café.
4. Photocopying.
5. Computer job work.
6. Cable TV/DTH Operations.
7. Library for Hiring of original CDs and Books.

- a. **Reference of the section of the NDMC Act:** N.A.
- b. **Examination in view of the provision of NDMC Act:** N.A.
- c. **Any other Law Department in this regard:** N.A.
- d. **Financial implications if any:** N.A.

6. Recommendation of the Department:

Recommendations of the Committee's report is submitted for information of the Council.

COUNCIL'S DECISION

Information noted by the Council.

Further decided by the Council that a list of concerned 19 allottees of PCO Booths, as mentioned in the preamble, be submitted to the Council Members by the Director (Estate).

ITEM NO. 16 (C-22)**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 July 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 175 - 187).**

COUNCIL'S DECISION

Information noted.

It was further directed that in future, accurate time schedule regarding work done, reasons for delay if any, etc. should be mentioned by the Department in the information.

Annexure 175 – 187

Annexure end

ITEM NO. 17 (C-23)

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 June 2007 had already been included in the Agenda for the Council Meeting for the Month of July 2007.

A report on the status of execution of all the ongoing schemes/works awarded **upto July 2007** is placed before the Council for information. (See pages 189 - 237).

COUNCIL'S DECISION

Information noted.

It was further directed that in future, accurate time schedule regarding work done, reasons for delay if any, etc. should be mentioned by the Department in the information.

Annexures 189 – 237

Annexure end

ITEM NO. 18 (B-19)**1. Name of the work : -**

Award of work for modernization of existing 7 Nos. OTIS make lifts at Palika Kendra.

2. Name of Department : -

Electricity Department

3. Brief History of the case : -

The existing 7 nos. lifts at Palika Kendra were installed at the time of construction of building and are in continuous operation since 1983 – 84. These have outlived their notified useful life. The technology used in these lifts have already become obsolete and as such the same are required to be modernized as per the latest technology available. However, parts which can be used such as Guide Rail, Counter Weight and Counter Weight frame etc. etc. are to be reused. An estimate amounting to Rs. 2,77,83,000/- was accordingly framed for modernizing the existing lifts and the same was sanctioned by the Council vide its Resolution No. 4(B-8) dt. 23.05.06.

4. Detailed proposal on the subject : -

As per sanctioned estimate, NIT was prepared approved by E-in-C on 25.09.2006 and tenders were called as per normal practice by publishing the NIT in press through Director (PR) and placing the same on NDMC/Delhi Govt. Website. The tenders were opened on 24.11.2006. In all, three firms have submitted their offers namely M/s KONE Elevators (I) Pvt. Ltd.; M/s OTIS Elevators Pvt. Ltd & M/s ThyssenKrupp Elevators. The tenders were technically evaluated and various points got clarified/confirmed. All the features required as on date were got incorporated including the one for handicapped friendly lift. The technical evaluations were concluded and price bids opened on 14.05.2007.

The tenders were duly scrutinized as required and M/s ThyssenKrupp Elevators emerged to be the lowest at their quoted price of Rs. 2,69,47,000/- with a rebate of Rs. 6,54,000/- for the old material to be retained by the firm. M/s ThyssenKrupp Elevators has recently taken over M/s ECE Industries Ltd. in India and are having presence in 60 countries worldwide with over 750 business locations.

5. Financial Implications : -

Rs. 2,69,47,000/- (Gross) and Rs. 2,62,92,500/- (Net).

6. Implementation Schedule : -

The work will be completed in 16 months from the 10th day after the date of written orders as per the following schedule.

- (i) 1st set of two lifts in six months.
- (ii) 2nd set of two lifts in further four months.
- (iii) 3rd set of two lifts in further four months.
- (iv) 7th lift in further two months.

7. Comments of the Finance Department: -

Finance have concurred in the proposal vide their Dy. No. 1754/Fin. dt. 10.08.2007.

8. Comments of the department : -

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

9. Legal Implications: -

Nil

10. Comments of the Law Department :-

No legal issue involved.

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

Nil

12. Recommendations: -

The case may be placed before the Council for consideration and decision to award work to M/s ThyssenKrupp Elevators at their rates amounting to Rs. 2,69,47,000/- with a rebate of Rs. 6,54,000/- for old material as explained above and in accordance with the concurrence of Finance Department. The works shall be got executed by adhering to the implementation schedule mentioned above.

COUNCIL'S DECISION

Resolved by the Council that the work be awarded to M/s Thyssen Krupp Elevators at their rates amounting to Rs. 2,69,47,000/-, with a rebate of Rs. 6,54,000/- for old material, as mentioned in the preamble.

It was further resolved by the Council that the work be executed adhering to the implementation schedule as mentioned in the preamble.

ITEM NO. 19 (B-20)

1. Name of Work: Annual Contract for laying of U/G HT Cables of all sizes, laying of LT Cables above 95 sq.mm/3 ½ C to 400 sq.mm/3 ½ C, including supplying & laying of HDPE pipes in NDMC area during 2007-08.

2. Department: ELECTRICITY DEPARTMENT

3. Brief History of the proposal: For execution of most of the sanctioned electrical schemes/estimates regarding maintenance and augmentation of the Power and Road Lightning System in NDMC area HT / LT cables are required to be laid by various construction and maintenance divisions of the Electricity Department. In order to get the cable laying work executed the requirement of cable laying work was collected from all the working divisions and accordingly tenders were invited, as per the prevailing practice of the department.

4. Detailed proposal of the subject: NIT amounting to Rs.1, 95, 00,000/- for "Laying of U/G HT Cables of all sizes, laying of LT Cables above 95 sq.mm/3 ½ C to 400 sq.mm/3 ½ C, including supplying & laying of HDPE pipes in NDMC area during 2007-08" was published in the leading newspapers on all India publication basis as per the guidelines of the council with the prior approval of the Chairperson, NDMC. The tender document was also displayed on the NDMC/Delhi Govt. website and the tender notices were also sent to the various leading firms in such type of works. The tender notices were also displayed on the notice board of NDMC, Vidyt Bhawan, Palika Kendra etc. **Two firms** purchased the tender documents from the division and **five firms** downloaded the tender from website. Out of the **seven firms**, the tender of four firms were not opened as these were not found eligible due to non-fulfilling the experience criteria mentioned in the NIT.

Out of the **three eligible tenderers** M/s Creative Entrepreneurs has quoted the lowest rates and agreed to all the terms & conditions of NIT. The quoted offer of the firm was 19% above the estimated cost put to NIT of Rs.1,95,00,000/- and their overall quoted amount works out to Rs.2,32,05,000/-. Since the quoted offer of the firm was considered to be on higher side, therefore with the prior approval of E-in-C, the lowest firm was called for negotiations to lower the quoted rates to the extent possible. The negotiations were conducted by the Negotiations Sub-Committee in the chamber of E-in-C and after due deliberations, the firm agreed to reduce its quoted offer from 19 % above to 16 % above the amount put to tender. The negotiated offer of the work comes out to Rs.2,26,20,000/- which is 4.81% above the justified amount of Rs.2,15,82,928/- as such the same was considered to be reasonable, justified and competitive and accordingly it was recommended

to award the work to M/s Creative Entrepreneurs at their negotiated amount of Rs.2,26,20,000/-.

5. Financial Implications: The cable laying work shall be got executed against the sanctioned schemes/estimates of the Electricity Department and the expenditure shall be charged to the respective schemes/estimates by the execution divisions.

6. Implementation Schedule: The cables as per scope of the estimates shall be supplied to the contractor by NDMC free of cost for laying as per the requirement of the schemes/estimate.

7. Comments of the Finance Department: The Finance department accorded its concurrence vide Diary No.1756 dated 14/08/07 to award the Work for laying of U/G HT Cables of all sizes, laying of LT Cables above 95 sq.mm/3 ½ C to 400 sq.mm/3 ½ C, including supplying & laying of HDPE pipes in NDMC area during 2007-08, to the lowest quoted firm M/s Creative Entrepreneurs at their negotiated offer of Rs.2,26,20,000/-on the terms, conditions, specifications of the NIT subject to the following observation:-

1. Approval of competent authority.
2. Availability of funds.
3. Correctness of facts & figures.
4. Signing of justification statement by planning department.

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

1. Approval of the competent authority shall be obtained before placing the order.
2. Funds are available.
3. Certified that the facts & figures are correct.
4. Justifications statement signed by the planning division.

9. Legal implication of the subject: No legal implication involved.

10. Details of previous Council Resolution: Not applicable.

11. Comments of Law Department: No legal implication is involved in the case, as such the comments of the Law department not required.

12. Comments of the department on the comments of Law Department: No comments.

13. Recommendations: The case be noted to the Council for according administrative approval and expenditure sanction to award the work to M/s Creative Entrepreneurs at their negotiated offer of Rs.2,26,20,000/- (Rupees Two Crore, Twenty Six Lac, Twenty Thousand only) inclusive of all taxes etc. on the terms & conditions of the NIT.

14. Draft Resolution: Resolved by the Council to award the work to M/s Creative Entrepreneurs at their negotiated offer of Rs.2, 26, 20,000/- (Rupees Two Crore, Twenty Six Lac, Twenty Thousand only) inclusive of all taxes etc. for laying of U/G HT Cables of all sizes, laying of LT Cables above 95 sq.mm/3½ C to 400 sq.mm/3 ½ c including supplying & laying of HDPE pipes in NDMC area during 2007-08, in anticipation to the confirmation of the Council's resolution.

COUNCIL'S DECISION

Resolved by the Council that the work be awarded to M/s Creative Entrepreneurs at their negotiated offer of Rs.2,26,20,000/- inclusive of all taxes etc. for laying of U/G HT Cables of all sizes, laying of LT Cables above 95 sq.mm/3½ C to 400 sq. mm /3 ½C, including supplying & laying of HDPE pipes in NDMC area during 2007-08, in anticipation of confirmation of the minutes.

ITEM NO. 20 (B-21)

1. Name of Work: Annual Contract for laying of U/G LT Cables upto 95 sq.mm/3 ½C, Dismantling, Dismantling & Relaying of H.T. / L.T. Cables of all sizes including supplying and laying of HDPE Pipes in NDMC area during 2007-08.

2. Department: ELECTRICITY DEPARTMENT

3. Brief History of the proposal: For execution of most of the sanctioned electrical schemes/ estimates regarding maintenance and augmentation of the power and Road Lightning System in NDMC area HT / LT cables are required to be laid by various construction and maintenance divisions of the Electricity Department. In order to get the cables laying work executed the requirement of cable laying work was collected from all the working division and accordingly tenders were invited, as per the prevailing practice of the department.

4. Detailed proposal of the subject: NIT amounting to Rs.1, 40, 62,500/- for "Laying of U/G LT Cables upto 95 sq.mm/3 ½C dismantling, dismantling and relaying of HT / LT cables of all sizes including supplying and laying of HDPE pipes in NDMC area during 2007-08" was published in the leading newspapers on all India publication basis as per the guidelines of the council with the prior approval of the Chairperson, NDMC. The tender document was also displayed on the NDMC/Delhi Govt. website and the tender notices were also sent to the various leading firms in such type of works. The tender notices were also displayed on the notice board of NDMC, Vidyut Bhawan, Palika Kendra etc. **Two firms** purchased the tender documents from the division and **four firms** downloaded the tender from website. Out of the **six firms**, the tender of three firms were not opened as these were not found eligible due to non-fulfilling the experience criteria mentioned in the NIT.

Out of the **three eligible tenderers** M/s Nav Shakti Traders has quoted the lowest rates and agreed to all the terms & conditions of NIT. The quoted offer of the firm was 21% above the estimated cost put to NIT of Rs.1,40,62,500/- and their overall quoted amount works out to Rs.1,70,15,625/-. Since the quoted offer of the firm was considered to be on higher side, therefore with the prior approval of E-in-C, the lowest firm was called for negotiations to lower the quoted rates to the extent possible. The negotiations were conducted by the Negotiations Sub-Committee in the chamber of E-in-C and after due deliberations, the firm agreed to reduce its quoted offer from 21% above to 15 % above the amount put to tender. The negotiated offer of the work comes out to Rs.1,61,71,875/- which is 4.15% above the justified amount of Rs.1,55,27,941/- as such the same was

considered to be reasonable, justified and competitive and accordingly it was recommended to award the work to M/s Nav Shakti Traders at their negotiated amount of Rs.1,61,71,875/-.

5. Financial Implications: The cable laying work shall be got executed against the sanctioned schemes/estimates of the Electricity Department and the expenditure shall be charged to the respective schemes/estimates by the execution divisions.

6. Implementation Schedule: The cables as per scope of the estimates shall be supplied to the contractor by NDMC free of cost for laying as per the requirement of the schemes/estimates.

7. Comments of the Finance Department: The Finance department accorded its concurrence vide Diary No.1759 dated 16/08/07 to award the Work for laying of U/G LT Cables upto 95 sq.mm/3 ½C dismantling, dismantling and relaying of HT / LT cables of all sizes including supplying and laying of HDPE pipes in NDMC area during 2007-08., to the lowest quoted firm M/s Nav Shakti Traders at their negotiated offer of Rs.1,61,71,875/-on the terms, conditions, specifications of the NIT subject to the following observation:-

1. Approval of competent authority.
2. Availability of funds.
3. Correctness of facts & figures.
4. In addition to above following observation have been given:-

(a) Negotiation should be avoided in future and only be done in the rare case with the approval of the competent Authority i. e. Chairman. However, Ex-post –facto approval of Chairman be obtained in the instant case.

(b) Justification statement has not yet been got signed from Planning department despite our earlier observation. The same be done now before taking the approval of the competent authority.

(c) There are instruction from CVC that details on award of tenders / contracts should be published on websites besides furnishing quarterly progress reports of tenders/ contracts awarded above prescribed limit to them. Action in this regard be also taken.

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

1. Approval of the competent authority shall be obtained before placing the order.
2. Funds are available.
3. Certified that the facts & figures are correct.
 - (a) Ex-post-facto approval has taken.

(b) Justifications statement signed by the planning division.

(c) Noted for compliance

9. Legal implication of the subject: No legal implication involved.

10. Details of previous Council Resolution: Not applicable.

11. Comments of Law Department: No legal implication is involved in the case, as such the comments of the Law department not required.

12. Comments of the department on the comments of Law Department: No comments.

13. Recommendations: The case is noted to the Council for according administrative approval and expenditure sanction to award the work to M/s Nav Shakti Traders at their negotiated offer of Rs.1, 61, 71,875/- (Rupees One Crore, Sixty One Lac, Seventy One Thousand, Eight Hundred and Seventy Five only) inclusive of all taxes etc. on the terms & conditions of the NIT.

14. Draft Resolution: Resolved by the Council to award the work to M/s Nav Shakti Traders at their negotiated offer of Rs.1, 61, 71,875/- (Rupees One Crore, Sixty One Lac, Seventy One Thousand, Eight Hundred and Seventy Five only) inclusive of all taxes etc. for laying of U/G LT Cables upto 95 sq.mm/3 ½C dismantling, dismantling and relaying of HT / LT cables of all sizes including supplying and laying of HDPE pipes in NDMC area during 2007-08., in anticipation to the confirmation of the Council's resolution.

COUNCIL'S DECISION

Resolved by the Council that the work be awarded M/s Nav Shakti Traders at their negotiated offer of Rs.1,61,71,875/- inclusive of all taxes etc. for laying of U/G LT Cables upto 95 sq.mm/3 ½C dismantling, dismantling and relaying of HT / LT cables of all sizes including supplying and laying of HDPE pipes in NDMC area during 2007-08., in anticipation of confirmation of the minutes.

ITEM NO. 21 (A-32)

1. **Name of the Subject/Project:** Disaster preparedness in respect of NDMC Schools.
SH: Construction of fire escape staircases and under ground water tanks for the protection in NDMC area.
2. **Name of department/department concerned:** Civil Engineering Department
Zone-II.
3. **Brief history of the project:**

Chairman has directed to complete all the works related to Disaster preparedness in respect of NDMC schools within two months. An emergent meeting was called by Engineer-in-Chief on 28.6.07 and to construct fire escape staircases and under ground water tanks for fire protection in various schools will be constructed by C-III division. Accordingly, the Preliminary Estimate in two parts were prepared for Rs.45 lacs and Rs.46 lacs, but Finance Department while concurring the Preliminary Estimate has combined, both the estimate amounting to Rs.91 lacs. CHAIRMAN has approved the expenditure in principle.

4. **Detailed proposal of the project:**
 - i) The features of the fire escape staircases as per the drawing issued for fire escape staircase for Navyug School Vinay Marg.
 - ii) The underground water tanks as per the proposal given in the scheme of Gymnasium Social Welfare Centre at Kaka Nagar.
5. **Financial implication of the project:**

The expenditure is proposed to be met from the budget provision of Rs.135 lacs exists on page 20 under "Fire Head" of C38Xiii of the current budget book 2007-08.

6. **Implementation Schedule with time line for each stage including internal processing:**

The project is to be completed with four months after award of work.

7. **Comment of Finance Department on the subject:**

Before concurring both Preliminary Estimate Department is requested to

- i) Prepare Project Report.
- ii) The estimate should be got checked from planning.
- iii) Norms prescribed by Fire Department to be adopted.

8. **Comments of department on comment of the Financial Department:**

The Chairman/Engineer-in-Chief seeing the urgency of work. Approved the expenditure in principle. However the clarifications of the observations raised by the Finance is as under:

- i) Project Report is not necessary because it is not one complex the work is to execute at various locations.
- ii) The Preliminary Estimate is not checked in Planning because the work is of urgent nature, however the Detailed Estimate will be got checked from Planning.
- iii) The estimate has been framed on the basis of the details given by the F.O.-cum-N.A.

9. **Legal implication on the subject/project:**

Nil.

10. **Details of previous Council Resolution:**

Nil.

11. **Comment of the Law Department on the subject/project:**

Nil

12. **Comment of department on the comment of Law Department:**

Nil.

CE (C-II)'s Remarks:

The case is placed before the Council for according Administrative approval and expenditure sanctioned of Preliminary Estimate amounting to Rs.91 lacs (Rupees ninety one lacs only) for "Disaster preparedness in respect of NDMC schools for construction of Fire Escape staircase and underground water tanks for fire protection in NDMC area".

COUNCIL DECISION

Resolved by the Council that administrative approval and expenditure sanction is accorded to the Preliminary Estimate amounting to Rs.91 lacs for "Disaster preparedness in respect of NDMC schools, for the construction of Fire Escape staircase and underground water tanks for fire protection in NDMC area".

ITEM NO. 22 (A-33)**1. Name of the subject/ project :**

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

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

Civil Engg. Deptt., NDMC

3. Brief History :

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

4. Detailed proposal on the subject/project:

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

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

5. Financial implications of the proposed project/subject:

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

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

6. Implementation schedule :

8 months

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

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

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

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

It is clarified as under:

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

9. Legal Implication of the project:

NIL

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

NIL

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

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

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

No comments .

13. Recommendation of CE (C-II):

The case is placed before the Council for approval of the proposal & to accord Administrative Approval & Expenditure sanction to the Preliminary Estimate amounting to Rs. 68,13,863/- (Rs.Sixty eight lacks thirteen thousand eight hundred sixty three only).

COUNCIL'S DECISION

Deferred.

ITEM NO. 23 (G-5)**1. Name of the Subject/Project:**

Delhi Electricity Supply Code and Performance Standards Regulations, 2007

2. Name of the department/ departments concerned

Commercial & Power

3. Brief history of the subject/project

NDMC is deemed licensee under the Electricity Act, 2003 for distribution of electricity in NDMC area and subjected to the Electricity Act, 2003 and The Electricity Rules, 2005. Delhi Electricity Regulatory Authority was constituted under the Electricity Act 2003, has notified in April, 2007, the Delhi Electricity Supply Code and Performance Standards Regulations, 2007 u/s section 59, 57, 86 and 181 of the act. It is an accepted fact that the act is applicable to the NDMC and NDMC falls under the jurisdiction of DERC. Hence, the regulations notified by DERC under the provision of the Electricity Act, 2003 are applicable to the NDMC also.

A copy of the regulations has already been circulated vide AO(C)/888/D dt 04.05.2007, and copy of the same enclosed as **Annexure (See pages 256 - 381)**

These regulations may nullify some of the earlier resolutions of the council which are passed keeping in mind the regulations of erstwhile DVB and old Electricity Act.

4. Details proposal on the subject/project

Delhi Electricity Regulatory Authority has notified the Delhi Electricity Supply Code and Performance Standards Regulations, 2007 which are applicable to all Distribution and Retail Supply Licensees including Deemed Licensees and all consumers in NCT of Delhi. These regulations has come into effect from date of publication in official gazette i.e. April 23, 2007.

These regulations would bring some fundamental changes in functioning of the Electricity distribution business of NDMC in regulate, maintenance, metering, billing, enforcement and public grievance redressal.

The main changes are listed below;

- (i) Chapter II of the Regulations is clearly defines who should get what category of electricity connection for metering and billing purpose the electricity supply is clarified in various categories. This would require re-categorization of existing connections and sanctioning of the connection as per new category. Reworking of need of security deposit as per the new category would also be required.
- (ii) The process for processing of new connection application and application for amendment in existing connection is defined in very exhaustive manner with model formats for various services. The electricity department of NDMC have to follow the drill as per regulation in this matter.
- (iii) The schedule of Security Deposit, Service Line cum Development Charges, Installation Inspection Fee and Additional Charges is given in Chapter IV of the regulation which has to be followed in manner list in the regulations. This may have some financial implications.
- (iv) Chapter V deals with issue of metering and billing which includes the following;
 - a. Metering standards
 - b. Wiring Standards in the premises to be inspected by NDMC
 - c. Reading of Meter
 - d. Testing of Meter
 - e. Treatment of defective/burnt meters
 - f. Billing and information required to be printed on bill, etc
- (v) Chapter VI, deals with Disconnection and Reconnection on the request of consumer or non-payment.
- (vi) Chapter VII deals with theft and unauthorized use of Electricity including procedure for booking a case for theft and unauthorized use etc.
- (vii) Chapter VIII deals with the technical complaint handling and time limit for attending such complaints. The service centers of electricity have to gear up to meet the standards.
- (viii) Chapter IX deals with guaranteed and overall standards of performance and compensation for non performance.
- (ix) Schedules of the regulation specify the guaranteed standards of performance etc.

The major restructuring is required in the functioning of the electricity utility to adopt the new regulation, few are following;

- Development of new software for bill printing
- Re-drafting of new agreements, forms and procedures
- Restructuring of electricity complaints handling system
- Restructuring of Meter Erection, Meter Reading and Connection/Disconnection procedures.

5. Financial implications of the proposed project/subject

Re-categorisation and change of rate schedule for various services may have some financial implications.

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

It has to be implemented w.e.f. date of publication of the regulations in gazette i.e. April, 23, 2007.

However, full implementation may take some transition time.

7. Comments of the Finance Department on the subject

We have gone through the gazette notification dated 18.04.07 conveying the orders of the DERC on Electricity Supply Code and Performance Standards Regulations 2007; as deemed licensees we are to abide by these guidelines/orders. Hence, we have no comments to offer in this regard. We are, however, of the views that we should request the Department to make elaborate arrangements for holding of Workshops for all the staff that is handling the job of distribution of electricity and raising bills reading consumption, installation and testing of meters etc. Hence, all the Meter Readers, Bill Clerks, Inspectors, ACOs,/JAOs/AAOs, JEs/AEs, Meter Testers and like that including all those who are directly or indirectly related with the supply of electricity should be taught to act promptly vis-a-vis the instructions/guidelines envisaged in the notification.

The concerned staff may also be advised to become consumer friendly by instilling in them a sense of responsibility.

As the notification is available to the licensees/department as well as the consumers, these instructions and the formats should be made available on our website and pasted on all Service Centres/Bill Collection Centres/Electric Sub-Stations including all the offices dealing with the distribution of energy and collection of dues/bills including Meter Testing Department etc. The Department may also ensure that the bills to be sent to the consumers contain all the directions/information as per instructions of DERC.

8. Comments of the Department on comments of Finance Department

The advice given by Finance will be taken care of. The matter is proposed to be placed before the Council for taking suitable actions on the advice given by Finance.

9. Legal implication of the subject/project

The time limits and performance guarantees have some penalty clauses which may lead to legal cases etc.

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/project

The case been seen by L.A. vide page 7/N of the file and he agreed with the agenda proposed to be placed before the Council.

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

As the L.A. has agreed to the proposal of the Department hence no comment.

13. Recommendations

It is recommended;

- (i) To adopt the regulations with immediate effect and all changes made with in three months by the concerned department.
- (ii) To arrange a workshop for all the staff handling the job of distribution of electricity, raising bills, reading consumption, installation and testing of meter etc. etc. to teach them to act promptly in accordance with the guidelines envisaged in the notification and to advise the staff to become consumer friendly.
- (iii) To arrange for making available all the instructions and the formats, as envisaged in the Regulations, on NDMC website and to paste on all Service Centres/Bill Collection Centres/Electric Sub-Stations etc. etc.

14. Draft Resolution

It is resolved to;

- (i) Adopt the Delhi Electricity Supply Code and Performance Standard Regulations, 2007 with immediate effect and further instruct all concerned Department to comply with the regulations in full with in three months time.
- (ii) To arrange a workshop to teach all the staff as advised by Finance Deptt.
- (iii) That all the instructions and the formats, as envisaged in the Regulations are made available on NDMC website and are pasted on all Service Centres/Bill Collection Centres/Electric Sub-Stations etc. etc.

COUNCIL'S DECISION

Resolved by the Council that :

- (iv) The Delhi Electricity Supply Code and Performance Standard Regulations, 2007 be adopted with immediate effect and all concerned Departments be instructed to comply with the regulations in full within three months time.
- (v) A workshop be arranged to teach all the concerned staff so that they can act promptly in accordance with the guidelines envisaged in the notification and to advise the staff to become consumer friendly.
- (vi) All the instructions and the formats, as envisaged in the Regulations are made available on NDMC website and are pasted on all Service Centres/Bill Collection Centres/Electric Sub-Stations etc. etc.

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ANNEXURE ENDS

ITEM NO. 24 (L-3)**RESOLUTION MOVED BY SMT. TAJDAR BABAR, VICE CHAIRPERSON, SH. MUKESH BHATT AND MS. SIMA GULATI, MEMBERS, NDMC, U/S 23 OF NDMC ACT 1994, REGARDING CEILING HEIGHT OF SHOPS/STALLS IN NDMC AREA.**

Smt. Tajdar Babar, Vice Chairperson, Sh. Mukesh Bhatt, & Ms. Sima Gulati, Members, NDMC have moved a Resolution u/s 23 of NDMC Act 1994, to be included in the Council Meeting scheduled to be held on 22nd August 2007, which is as under :-

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

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

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

The above Resolution is placed before the Council.

COUNCIL'S DECISION

It was decided by the Council that the case be referred to the Estate Department for looking into the matter in consultation with the Architect Deptt. and Civil Engg. Deptt.

ITEM NO. 25 (B-22)**1. Name of the work:**

Award of work for providing of Fire Protection System & Public Address System at New Delhi City Centre, Phase-II, New Delhi.

2. Name of Department:

Electricity Department.

3. Brief History of the Case:-

An estimate of Rs.3,41,86,018/- for providing of fire protection system, CCTV, EPABX System at New Delhi City Centre, Phase-II was submitted by Architect Consultants for the said work for C-Block and 2 basement of NDCC Phase-II and got approved/ technically sanctioned by E-in-C. Sealed item rate tender were invited. Tender was processed at various levels but the same was rejected by the empowered committee in its meeting held on 30.3.07. The empowered committee also decided to delete the provision of CCTV, EPABX system and arm barrier system and to re-invite tenders of, Fire Protection system & PA system and External lighting works on fast track mode being mandatory requirements to obtain the completion certificate from statutory body.

Tender for providing Fire Detection and PA System, External Lighting have been invited in following 2 parts independently being of independent nature of work:

- i) Providing Fire Detection & PA System at NDCC Phase-II
- ii) Providing External Lighting at NDCC Phase-II

4. Detailed proposal on the subject:

The NIT amounting to Rs.63,78,610/- for Fire Detection & PA System were prepared and approved by E-in-C on 20.4.07. Tenders were called as per normal practice through Director (PR) and placed the same on NDMC/ Delhi govt. website. The tenders were opened on 10.5.07. Following Four firms submitted their offer:

- a) M/s. Fire Cool Engineers
- b) M/s. Fire Protection System
- c) M/s Hindustan Construction Corporation
- d) M/s. Hi-Tech Audio Pvt. Ltd.

The tender of M/s. Hi-Tech Audio Pvt. Ltd. was rejected due to not fulfilling the eligibility criteria. The price bid of remaining 3 firms were opened on 21.6.07.

The tenders were scrutinized at various levels and M/s. Fire Protection System emerged to be the lowest at their quoted price of Rs.58,32,796/-.

5. Financial Implications: Rs.58,32,796/-.**6. Implementation Schedule:**

Time of completion of work is 4 months from the 10th day after the date of award order.

7. Comments of Finance Department:

Finance department have concurred in the proposal vide their diary No.1740/Finance dt. 10.8.07.

8. Comments of the Department:

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

9. Legal Implications: - Nil**10. Comments of the Law Department:**

No legal issue involved.

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

Nil.

12. Recommendations:

The case may be placed before the council for

- (i) To reject the tender for providing fire protection system, CCTV, EPABX, Arm barrier system and External lighting system.
- (ii) To invite the tender for Fire Detection and PA System, External Lighting
- (iii) To delete the scope of CC TV, EPABX and Arms Barrier System.
- (iv) To Consider and award the work to M/s. Fire Protection System at their lowest quoted rates amounting to Rs.58,32,796/-

COUNCIL'S DECISION

Resolved by the Council that :-

- (i) The tender for providing fire protection system, CCTV, EPABX, Arm barrier system and External lighting system be rejected;
- (ii) Fresh tender be invited for Fire Detection and PA System, External Lighting;
- (iii) The scope of CC TV, EPABX and Arms Barrier System be deleted.

The work be awarded to M/s. Fire Protection System at their lowest quoted rates amounting to Rs.58,32,796/- .

ITEM No. 26 (W-2)**1. Name of the Subject:**

Action plan for parking for the year 2007.

2. Name of the Department:

Projects Department.

3. Brief History of the Subject:

To deal with the parking problems effectively in crowded area such as Connaught Place, Dilli Haat, etc., NDMC, in the year 2004 introduced graduated parking rates based on location and time of the day. Under the graduated system, the parking rates are increased with the duration of parking. The parking lots have been divided into three categories namely group 'A', group 'B' and group 'C'. The objective of introducing graduated parking rates is to encourage short-term parking and to price the most congested locations at a higher rate.

The Overall the objectives of NDMC's parking plan is to:

- a) To regulate traffic & ease congestion by providing parking at suitable localities.
- b) To improve environment/air quality of the area by reducing congestion and waiting time at the parking
- c) To encourage mass means of transport as compared to personal vehicle by i) suitable parking pricing and ii) provision of parking facilities near commuter entry and exit destinations.
- d) To provide safe parking facilities which are safe both for the passengers and for the vehicles.
- e) To generate revenue from of parking lots and utilize the same to improve parking and pedestrian facilities.

Over the last two years, the following problems were identified:

The enforcement department has been allotting the parking lots to contractors through open tender method. The individual parking lots were being put on tender resulting in unhealthy competition between the neighboring contractors and overcrowding of parking lots. In a number of cases, the parking contractors have dragged NDMC to arbitration on

minor issues. A decreasing trend in the licence fee was also noticed and the finance department advised to club the parking lots to form larger groups. Moreover, the Bhure Lal Committee (EPCA) has been recommending further rationalization of parking charges in order to contain the parking demand by raising the parking fee suitably.

In this regard, the following action has been taken:

a) Clubbing of Parking Lots:

One of the reasons for surrender of lots has been that there is tremendous variation in the turnover of vehicles even at nearby locations. For calling fresh tenders, the neighboring parking lots have been clubbed together so as to optimize the utilization of all the lots. This will also help in eliminating small contractors as the earnest money and monthly payments will increase substantially. The list of clubbed lots as is given in **Annexure-A. (See pages 390 – 396)**.

b) Change in parking rates in view of EPCA recommendations on an experimental basis.

In NDMC area, the parking rates are higher than the rest of Delhi except the rates charged by the Airports Authority and the Railways for parking at the Airport and the Railway stations respectively. As such, no increase in the general rates of parking is proposed. However as an experimental measure, it is proposed to increase the parking charges at Delhi Haat and CP Inner Circle only. These two locations have been identified for two reasons – one, these are primarily leisure destinations and two, there has been a considerable increase in congestion at these two locations. The proposed parking charges for these two special groups is as below: -

| <i>Type of vehicle</i> | Rate of surface parking | Duration |
|------------------------|--------------------------------|-----------------|
| 1. Car | Rs. 10/- | Every hour |
| 2. Scooter | Rs. 5/- | Every hour |

At other locations, the parking charges shall continue to be the same as before. These rates are:

Group A

| Type of vehicle | Rate of surface parking | Duration |
|------------------------|--------------------------------|--|
| 1. Car | Rs. 10/- | First two hours |
| | Rs. 10/- | For every subsequent hour & part thereof |
| | Rs. 1000/- | Per month |
| 2. Scooter | Rs. 5/- | First two hours |
| | Rs. 5/- | For every subsequent hour & part thereof |
| | Rs. 400/- | Per month |

N.B. Above parking tariff shall be charged in peak period for Group A parking lots i.e. 10.00 am to 8.00 pm and parking tariff for the lean period of Group A parking lots shall be applicable as per parking tariff of Group B Parking lots mentioned below:

GROUP B

| | | |
|------------|-----------|-------------------|
| 1. Car | Rs. 10/- | For first 4 hours |
| | Rs. 30/- | For 4-8 hrs. |
| | Rs. 50/- | Beyond 8 hrs |
| | Rs. 600/- | Per month |
| 2. Scooter | Rs. 5/- | For first 4 hours |
| | Rs. 10/- | 4-8 hours |
| | Rs. 25/- | Beyond 8 hours |
| | Rs. 350/- | Per month |

GROUP C

| | | |
|------------|-----------|-------------------|
| 1. Car | Rs. 10/- | For first 4 hours |
| | Rs. 30/- | Beyond 4 hours |
| | Rs. 500/- | Per month |
| 2. Scooter | Rs. 5/- | For first 4 hours |
| | Rs. 10/- | Beyond 4 hours |
| | Rs. 300/- | Per month |

(Note: The facility of monthly charges shall be allowed to the shop owners/ office employees only).

c) Improvements in the terms of NIT and contract:

The parking contract has been redrafted The major differences/improvements have been made in the contract are :

- i. A new clause has been introduced to permit NDMC to terminate the contract in public interest.
- ii. A disclaimer has been added in the general terms and conditions to indicate that the area shown in the drawing is indicative only and no dispute in this regard will be entertained. This is one of the most frequent reasons for parking disputes.
- iii. A clause has been introduced to permit NDMC to take over the parking site temporarily due to national functions.
- iv. A force majeure clause has been introduced.
- v. Date of commencement of the agreement, the term of the agreement and terms of payment of licence fee have been clarified.

- vi. The hours of operation of the parking lot have been clarified.
- vii. Penalty clause have been strengthened.
- viii. Terms relating to security deposit and its refund have been strengthened.
- ix. A mediation clause has been introduced.
- x. A clause indicating that NDMC is not liable in case of lost profits for any reason.

The revised Parking contract has been vetted by the law department

4) **Financial implications of the proposed subject:**

It is expected that the new parking contract will lead to more stable contract and improve collection efficiency

5) **Implementation schedule with timelines for each stage including internal proceeding:**

Tenders on the revised contract will be called immediately:

6) **Comments of the Finance Deptt. on the Subject:**

The Finance Department has commented as under:-

- (i) Some of the suggestions of F.A. do not seem to have been incorporated in the proposed Agenda.
- (ii) Opinion given by the Law Department be incorporated;
- (iii) vacant columns be filed in;
- (iv) The parking charges for special group should be Rs.25/- and Rs.10/- for car and scooter respectively;

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

The para wise comments are as under:-

- (i) All the suggestions have been incorporated.
- (ii) The advise of the Law Department has been incorporated in para-8 of the new parking contract.
- (iii) done
- (iv) department is proposing a rate of Rs.10/- and Rs.5/- per hour for car and scooter respectively to begin with.

8) **Legal implications of the Subject:**

Nil

9) **Detail of previous Council Resolutions, existing law of Parliament and Assembly on the subject:**

N.A

10) **Comments of the Law Deptt. on the subject:**

Law Department has not offered any comments.

11) **Comments of the Deptt. on the comments of Law Deptt:**

Nil

12) **Recommendation**

The above is placed for information of the Council:

COUNCIL'S DECISION

Deferred.

Annexure End

ITEM No. 27 (W-3)**4. Name of the Subject:**

Signing of Memorandum of Agreement (MOA) under JNNURM-Delhi alongwith commitment to accept the reduction of 1% transfer duty in case of transfer of property to women.

5. Name of the Department:

Projects Department.

6. Brief History of the Subject:

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

JNNURM Mission Statement – Reforms driven, fast track, planned development of identified cities with focus of efficiency in urban infrastructure/services delivery mechanism, community participation and accountability of Urban Local Bodies (ULB's)/Parastatals towards citizens.

JNNURM Mission Objectives – a) Focused attention to integrated development of infrastructural services in the cities covered under the mission. b) Secure effective linkages between asset creation and asset management so that the infrastructural services created in the cities are not only maintained efficiently but also become self-sustaining over time. c) Ensure adequate investment of funds to fulfill deficiencies in the urban infrastructural services. d) Planned development of identified cities including peri-urban areas, out growths, urban corridors, so that urbanization takes place in a dispersed manner. e) Scale up delivery of civic amenities and provision of utilities with emphasis on universal access to urban poor. f) To take up urban renewal programme, i.e, re-development of inner(old) cities area to reduce congestion.

NDMC lies at the heart of Delhi city. Within NDMC, is the Lutyen's Bungalow Zone (LBZ), which has been identified as a potential World Heritage Site by UNESCO

experts and was designated by the World Monument Fund as one of the 100 most endangered sites in the world in 2002.

The area provides critical functions to the city serving as a Central Business District (CBD), and offering recreational spaces, etc. The area on a whole enjoys a better quality of development and service, as compared to the rest of the city. However, the city is facing pressures and changing in response to these. Therefore, NDMC area too should envision progressive goals and strategies in a similar direction.

In this direction, NDMC has commissioned M/s IL & FS Ecosmart Ltd for the preparation of the Sub-city Plan, with the objective of accessing funds from JNNURM. However, more importantly, the sub city plan is an exercise in introspection by NDMC on its current state of affairs and an attempt to plan the path ahead to make it one of the leading municipalities of the world

Prerequisite for JNNURM funding is that the state Governments and the ULB's including para-statal agencies where necessary would execute Memorandum of Agreement (MOA) with Government in India indicating their commitment to implement identified reforms. MOA would spell out specific milestones to be achieved for each item of reform. Signing of MOA will be necessary condition to access Central assistance. This tripartite MOA would be submitted along with Detailed Project Reports (DPRs). The central assistance will be predicated upon the State Governments and the ULB's/Parastatals agreeing to the reforms platform.

The detailed reform agenda along with present status and timelines is placed as **Annexure-A. (See pages 402 – 405)**.

7. Detailed proposal on the Subject:

One of the mandatory reforms at the State level is Rationalization of Stamp Duty. The Govt. of NCT of Delhi has sent a communication for reducing the stamp duty / transfer duty by 1% in respect of women owners under the state level reforms of JNNURM before signing the MOA. The present stamp duty / transfer duty is charged for men 8% (5%+3%) and for women 6% (3%+3%). Delhi Govt. has agreed to reduce its share by 2% for men and 1% for women and requested to accept the reduction of 1% transfer duty in case of women owners by ULB's (NDMC and MCD). This transfer duty is charged for sale of immovable property,

exchange of immovable property, gift of immovable property, mortgage with possession of immovable property and lease in perpetuity of immovable property.

It is proposed that the NDMC, being the Mission Partner of JNNURM, may consent to the reduction of 1% Transfer Duty for Women transferees of the property in the NDMC jurisdiction from the next financial year i.e.2008-09. Thereafter the NDMC will be eligible to sign the MOA alongwith GNCTD, MCD, DJB & Ministry of Urban Development, GOI. The reduction shall apply from the FY 2008-09.

In anticipation of the council approval, the GNCTD has been informed that NDMC agrees to reduce the rate of transfer duty for women to the extent of their share in the immovable property if the same has been agreed by MCD.
Annexure-B. (See pages 406-407).

8. Financial implications of the proposed subject:

NDMC is earning following amount of transfer duty:-

| Year | Transfer Duty (Rs.in Crores) | Transfer Duty Rate |
|---------|---------------------------------|--------------------|
| 2006-07 | 25.90 | 3% |
| 2005-06 | 13.15 | 3% |
| 2004-05 | 13.28 | 3% |
| 2003-04 | 7.94 | 3% |
| 2002-03 | 5.58 | 5% |
| 2001-02 | 6.10 | 5% |

In the previous decrease of transfer duty, there was no reduction in collections. Rather, there was an increase in collections under this head. Therefore, the exact financial impact of reducing 1% transfer duty is not determinable as on date.

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

The total tenure of JNNURM is seven years starting from 2005-06. The reduction in transfer duty is proposed from the FY 08-09.

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

The Finance Department has given its concurrence subject to the following:-

- (i) Financial implications of reduction in stamp duty be given in monetary terms;

- (ii) Regarding optional administrative reforms the views of Personnel Department be obtained;
- (iii) Legal implications be specified in Column-9.
- (iv) Specify the Resolution No. vide which transfer duty was earlier reduced from 5% to 3%;
- (v) Department should give comments on the comments of the Law Department;
- (vi) Enclose a draft of the Council Resolution.

11. Comments of the Deptt. on Comments of Finance Deptt.:

The para wise comments are as under:-

- (i) A note on financial implications has been given in coloumn-5. It is expected that the reduction in transfer duty will be offset by increase in circle rates for Delhi. However, it is not possible to specify the impact in monetary terms at this stage.
- (ii) Personnel Department will be consulted as and when any scheme for administrative reforms is taken up.
- (iii) There are no legal implications.
- (iv) The transfer duty was reduced from 5% to 3% by providing a rebate of 2% from 13/08/2003. (special meeting dated 12/08/2003, item No.1(Q-4)). From financial year 2005-06, the reduced rate of transfer duty at 3% was incorporated in the annual rate schedule. (Resolution dated 08/02/2005).
- (v) Done
- (vi) Done

12. Legal implications of the Subject:

There are no legal implications

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

N.A.

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

The L.A. has seen the file and made his comments as under:-

“Since the rate of transfer duty has to be the same in MCD and NDMC, if the rate is reduced by MCD, NDMC shall follow the MCD”.

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

No comments

16. Recommendation

The council may give in-principle approval for reduction in transfer duty as proposed above. Actual reduction to be made effective on the implementation of a similar reduction by MCD. The same shall be brought before the council in the rate schedule for the year 2008-09.

COUNCIL'S DECISION

Resolved by the Council that approval in principle is accorded for reduction in transfer duty as proposed in the preamble.

It was further decided by the Council that actual reduction be made effective on the implementation of a similar reduction by MCD and the same be brought before the council, in the rate schedule for the year 2008-09.

Annexure End

DISCUSSION NOTE**Release of Electric Connection to individual Jhuggi Dwellers in the J.J. clusters existing in NDMC area, on temporary basis.**

The case for the release of Temporary Electric Connection to the Jhuggi Dwellers in the J.J. Cluster existing in NDMC area was discussed in the Council meeting held on 31.05.2007, and the following decision was taken:-

“It was decided that the proposed scheme be implemented initially for the J.J. Clusters near NSCI Club on experimental basis and if the scheme found successful, it can be implemented to other J.J. Clusters in NDMC area also.”

Regarding above, it is stated that the Electrical works at the J.J. Clusters of NSCI has since been completed and as per the directions of the council list of the 160 residents of J.J. Clusters was obtained from the Pradhan, deputed by the Vice-Chairperson for this J.J. Clusters. The said list of 160 residents of this cluster was sent to Director (Enforcement) by C.E. (E-I) on 28.06.07 for verification and thereafter the same has been sent by Director (Enforcement) to Director (Commercial), for issue of challans for releasing the temporary Electric Connection in the J.J. Clusters.

So far 29 Nos. J.J. Dwellers approached Director (Commercial) for issue of Challan, and it has been reported by the Commercial Department that out of these J.J. Dwellers 10 Nos. have deposited the required charges on 14.08.2007 with the NDMC and accordingly the temporary Electric Connections have been released. The Challan for the remaining 19 cases is being issued by the Director (Commercial), shortly. The E.E. (C-III) Electric Division has provided L.T. Cable in 29 nos. J.J. Clusters.

The progress report is submitted for kind information and further directions of the Council.

COUNCIL'S DECISION

It was decided by the Council that the facility of temporary electricity connections be extended in all the identified JJ clusters in NDMC area.

**(VIKRAM DEV DUTT)
SECRETARY**

**(PARIMAL RAI)
CHAIRPERSON**

ANNEXURE TO ITEM NO. 6(H-7) 386 – 388

ANEXURE END