

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

COUNCIL'S MEETING NO. 02/2008-09 DATED 28.04.2008 AT 3-00 P.M.

Arrangement of business

ITEM NO.	SUBJECT	PAGE	ANNEXURE
1 (C-1)	Confirmation and signing of the minutes of the Council's Meeting No. 18/2007-08 dated 31.03.2008.	3	4 – 8
2 (C-2)	Confirmation and signing of the minutes of the Council's Special Meeting No. 01/2008-09 dated 03.04.2008 held through circulation of agenda.	9	10
3 (A-1)	Sub.: S/R of Roads in NDMC Area S.H.: Providing Mastic Asphaltic wearing course (RAIP 2006-07) at RoundABOUTS in R-IV Division.	11 – 13	
4 (A-2)	S/R of Roads in NDMC Area. SH : Providing Mastic Asphaltic Wearing Course at Roundabouts in R-V Division (RAIP 2007-08).	14 – 16	
5 (A-3)	Sub.: S/R of Roads in NDMC Area. S.H.:Providing Mastic Asphaltic Wearing Course at Windsor Place Roundabout.	17 – 19	
6 (A-4)	Sub.: S/R of Roads in NDMC Area. SH. : Improvement to footpath at Pandit Pant Marg including area near Parliament House Library and Roundabout.	20 – 21	
7 (A-5)	S/R of roads in NDMC area. SH :- Improvement of footpath/walkway at Dr. Zakir Hussain Marg, Subramaniam Bharti Marg, Pandara Road and Shershah Road.	22 – 23	
8 (A-6)	Sub.: S/R of Roads in NDMC Area. S.H.: Resurfacing of remaining colony roads at Pandara Park & cycle track of Dr. Zakir Hussain Marg and Bhagwan Dass Road.	24 – 26	
9 (O-1)	Audit Comments on Financial Statements for the year ending March 2005 prepared on Accrual Basis.	27 – 29	Book separately enclosed
10 (C-3)	Naming of road in NDMC area.	30 – 33	34 – 46
11 (A-7)	Sub: Improvement / Up gradation of Talkatora Indoor Stadium. Sub Head: Supply, Installation, Testing & Commissioning of 1000 KVA D. G Sets at Talkatora Indoor Stadium	47 – 50	
12 (A-8)	Sub :- S/R of roads in NDMC area. SH :-Improvement of footpath at C Hexagon (Inner and Outer).	51 – 53	
13 (B-1)	Purchase of 6 Nos. 33/11 KV, 16/20 MVA Power Transformers.	54 – 57	

14 (A-9)	Sub.: S/R of Roads in NDMC Area.S.H.: Development of second entry (North End) at Race Course Road, P.M.House Complex.	58 – 60	
15 (F-1)	Introduction of Unit Area Based System of determination of Annual Rental Value – finalization of byelaws	61 – 79	80 – 103
16 (A-10)	Desilting and rehabilitation of 66" dia trunk sewer line from Q. Point to Dayal Singh College in NDMC Area – Tenders thereof.	104 – 109	110
17 (A-11)	Rehabilitation of old sewers SH: Desilting and rehabilitation of 838X940mm Egg Shaped barrel at Man Singh Road from Ashoka Road to Q Point. Preliminary estimate thereof.	111 – 113	
18 (A-12)	Strengthening of Water Supply System in NDMC area. Installation of 26 Nos. tube wells for Horticulture purpose. SH:- Boring of 26 Nos. tubewells.	114 – 116	
19 (A-13)	S/R of Roads in NDMC Area. SH: Improvement of Area along service roads of MP's flats, North Avenue	117 – 119	
20 (G-1)	Revision of Retail Tariff of Water Supply.	120 – 129	130 – 144
21 (A-14)	Providing "Electronic Parking Guidance & Management System for Palika Parking".	145 – 148	149
22 (C-4)	Contracts/Schemes involving an expenditure of Rs. 1 Lac but not exceeding Rs. 50 Lacs.	150	151 – 163
23 (C-5)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	164	165 – 184
24 (A-15)	S/R of roads in NDMC area. SH :- Riding Quality Improvement Programme (Phase –II).	185 – 190	
25 (H-1)	Confirmation of the order of the then Chairperson dated 17.3.2005 to restrict the pay-scale of Sh. D.N. Gupta, the then Chief Engineer (Electrical) from Rs. 22,400/- in the pay scale of Rs. 18,400-22,400/- to Rs. 22,100/- in the pay-scale of Rs.16,700-22,100/-.	191 – 194	195 – 197
26 (A-16)	S/R of Roads in NDMC area. S.H.: Redevelopment of Hanuman Mandir Plaza (Shri Hanuman Mandir Vatika), B.K.S. Marg	198 – 202	
27 (A-17)	Procurement of furniture in NDMC from M/s Godrej.	203 – 205	206 – 209
28 (A-18)	Redevelopment of Connaught Place : Amendment to Consultancy Agreement (Turnkey Consultancy)	210 – 215	216 – 243
29 (A-19)	Imp./Upgradation of Shivaji Stadium. SH : Const. of Sports Facility Block, Hockey Stadium warm-up pitch two level basement for parking, including electrical, fire-fighting & protection, HVAC, Lift etc. complete as a composite work.	244 – 249	

ITEM NO. 01 (C-1)

Confirmation and signing of the minutes of the Council's Meeting No. 18/2007-08 dated 31.03.2008 **(See pages 4 - 8)**.

COUNCIL'S DECISION

The minutes were confirmed subject to the condition that the decision against Item No.12 (N-4) above, be modified and read as under :-

"Resolved by the Council that the draft of the New Delhi Municipal Council (Public Parks, Gardens or Recreation Grounds) Bye-laws, 2008 (Annexure XIII) is approved subject to the addition of the following provisions at appropriate place in suitable manner and that after such addition these be sent to the Government of NCT of Delhi, for their approval and publication in the Delhi Gazette :-

- (i) Prohibition regarding the feeding of dogs, birds and other animals inside the park.
- (ii) Pet owners be made responsible to clean litter by pet."

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

**MINUTES OF THE COUNCIL'S MEETING NO. 18/2007-08 HELD ON 31.03.2008
AT 11-30 A.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.**

MEETING NO.	:	18/2007-08
DATED	:	31.03.2008
TIME	:	11-30 A.M.
PLACE	:	PALIKA KENDRA, NEW DELHI.

PRESENT :

- | | | | |
|-----------|------------------------|----------|--------------------------|
| 1. | Sh. Parimal Rai | - | Chairperson |
| 2. | Smt. Tajdar Babar | - | Vice Chairperson, Member |
| 3. | Ms. B. Bhamathi | - | Member |
| 4. | Dr. M.M. Kutty | - | Member |
| 5. | Sh. R.K. Sinha | - | Member |
| 6. | Sh. Mukesh Bhatt | - | Member |
| 7. | Sh. Vikram Dev Dutt | - | Secretary, NDMC |

ITEM NO.	SUBJECT	DECISION
01 (C-53)	Confirmation and signing of the minutes of the Council's Meeting No. 15/2007-08 dated 13.02.2008.	Minutes confirmed.
02 (A-79)	Name of work: S/R of roads in NDMC area. SH:- Providing Mastic Asphalt wearing course at Aurangzeb Road and Kamal Attaturk Marg crossing.	Deferred. Further resolved that the Department shall indicate the reasons for not obtaining the prior approval of the Council before undertaking the work at enhanced cost. The reasons for the increase in project cost are to be brought on record and it need to be clarified whether the increased project cost is more than or less than the quotation of second lowest bidder (L-2).

03 (A-80)	<p>Sub: Imp./Upgradation of Talkatora Indoor Stadium. SH : Fire-fighting work at new Sports Facility Block and existing stadium.</p>	<p>Resolved by the Council that the work be awarded to M/S Hindustan Const. Corpn., at their total tendered amount of Rs.3,22,60,349/-, which is 22.76% above the estimated cost of Rs. 2,62,79,391/-, subject to the following conditions:</p> <ul style="list-style-type: none"> (i) The Department shall place on record a certificate to the effect that guidelines issued by the CVC and Govt. are strictly followed. (ii) To indicate the details of total budget earmarked to be received from Delhi Govt. and the amount already received. (iii) To indicate the date of completion or time period from the date of award of work. <p>It was further decided that the Department may initiate action in anticipation of confirmation of the minutes by the Council.</p>
04 (A-81)	<p>Sub: Improvement / Up gradation of Talkatora Indoor Stadium. Sub Head: Establishing Electric Sub- Station at Talkatora Indoor Stadium.</p>	<p>Resolved by the Council to award the work to M/s Control & Switchgear Co. Ltd at their total tendered amount of Rs.1,86,37,450/-, which is 22.02% below the estimated cost put to tender of Rs.2,39,00,000/-, subject to the following conditions:</p> <ul style="list-style-type: none"> (i) That strict quality checks will be ensured by the department as well as through 3rd party quality assurance, in order to avoid any apprehension of poor quality because of the significant difference in the amount of L-1 and L-2. (ii) To indicate the details of total budget earmarked to be received from Delhi Govt. and the amount already received. <p>It was further decided that the department may initiate action in anticipation of confirmation of the minutes by the Council.</p>

05 (A-82)	<p>Strengthening of Water Supply System in NDMC Area.</p> <p>Sub Head :Interconnection of underground reservoirs at Jor Bagh and Talkatora by providing and laying of 300mm dia line from Amrita Shergill Marg to Maulana Azad Road to improve the water supply from Nizamuddin Tapping of Sonia Vihar Treatment. ----- Tenders thereof-----.</p>	<p>Resolved by the Council to award the work to M/s Triputi Cement Products at the tendered amount of Rs.97,49,147/-, which is 15.99% above the estimated cost of Rs.84,05,162/-.</p> <p>It was further decided to issue letter of award to the contractors in anticipation of confirmation of the minutes by the Council, in view of the validity period of the contract which expires on 13.04.2008.</p>
06 (A-83)	Up gradation of Palika Bazar.	<p>Resolved by the Council that the proposal for upgradation of Palika Bazar is conceptually approved at the estimated cost of Rs.11 crores and the department may initiate the case for appointment of Consultant to work out the final costing for administrative approval and expenditure sanction. It was further resolved that the Department shall have a re-look into the Unisex toilet proposed for physically handicapped and explore the possibility of construction of separate toilets for ladies and gents. These details will be incorporated in the project when next put up to the Council.</p>
07 (A-84)	<p>Development of area around State Emporia Building at B.K.S. Marg, New Delhi.</p>	<p>Deferred.</p> <p>It was decided that the Chief Vigilance Officer shall look into the matter to bring on record why the Department had come to the Council for Ex-post facto approval after four year of completion of the work. It is also to be seen whether the increase in the project cost is by virtue of increase in scope of work/items or for other reasons and whether the revised cost is more than L-2 or less than L-2.</p>
08 (A-85)	<p>S/R of roads in NDMC area during 2007-08.</p> <p>Sh:- Providing over-lay of mastic asphaltic concrete at Railway Bridge Shanti Path, Round about, at the junction of BHS Marg and Africa Avenue, under bridge Africa Avenue, G- Avenue and Round about of Laxmi Bai Nagar near Safdarjung Flyover.</p>	<p>Resolved by the Council to accord administrative approval and expenditure sanction amounting to Rs.81,94,000/- to the preliminary estimate for the work of Providing of over-lay of Mastic Asphaltic concrete at round about at the junction of BHS Marg and Africa Avenue, under bridge Africa Avenue, Under Bridge G-Avenue, Railway Bridge Shanti Path and round about of Laxmi Bai Nagar near Safdarjung Flyover.</p>

09 (B-54)	Re-arrangement and augmentation of HT feeders in various Electric Substations in Connaught Place area (Phase-I).	Resolved by the Council that the estimate amounting to Rs.2,40,74,000/- is approved and expenditure sanctioned. The credit for portions of cables, which can be economically dismantled shall be given on actual basis after doing the cost-benefit analysis of dismantling and disposal.
10 (C-54)	Minutes of the meeting of Committee constituted u/s 9 of the NDMC Act, for advising the Council on Regulations and Bye-laws held on 25.02.2008 at 4-00 P.M.	Information noted.
11 (D-6)	Approval of the New Delhi Municipal Council (Maintenance of Accounts) Regulations, 2008.	Resolved by the Council that the NDMC (Maintenance of Accounts) Regulations, 2008, is approved for obtaining the approval of the Central Govt. and thereafter sending the same to the Govt. of NCT of Delhi, for publication in the Delhi Gazette. It was further decided that the Department may initiate action in anticipation of confirmation of the minutes by the Council.
12 (N-4)	Approval of the New Delhi Municipal Council (Public Parks, Gardens or Recreation Grounds) Bye-laws, 2008.	Resolved by the Council that the draft of the New Delhi Municipal Council (Public Parks, Gardens or Recreation Grounds) Bye-laws, 2008, as mentioned in the Annexure XIII of the preamble, is approved and that these be sent to the Govt. of NCT of Delhi for their approval and publication in the Delhi Gazette. It was further decided that the Department may initiate action in anticipation of confirmation of the minutes by the Council.
13 (H-21)	Schedule of Estt. in r/o of Group 'A' & 'B' posts.	As required by section 34(2) of the NDMC Act 1994, the Council approves the Schedule of Establishment for category 'A' & category 'B' posts, for the year 2008-09.
14 (G-10)	Acceptance DERC's Tariff order for retail electricity in tariff in NDMC area.	Resolved by the Council to accept the tariff order dated 07.03.2008, issued by DERC determining the retail tariff for supply of electricity to the consumer of NDMC area w.e.f. 01.04.2008. It was further decided that the department may initiate action in anticipation of confirmation of the minutes by the Council.

15 (A-86)	Sub: Imp./Upgradation of Talkatora Indoor Stadium. SH : Addn./ Altn. of existing Stadium (Civil, Plumbing, & Electrical works)	Resolved by the Council to award the work to M/s. Simplex Projects Ltd. at their negotiated tendered amount of Rs.19,18,82,172/-, which is 81% above the estimated cost of Rs.10,60,13,469/- and the variation between the tendered cost and justified cost being 9.42% above, as recommended by the Empowered Committee, subject to the condition that all laid down procedures, including CVC guidelines, have been followed while processing the tender documents and further certifying by the Department that the rates are reasonable as well as meeting the CPWD prescribed yardsticks. It was further decided that the Deptt. may initiate action in anticipation of confirmation of minutes.
16 (G-11)	DERC's order dated 07.03.2008 for reassignment of PPAs	Information noted. However, it was also resolved by the Council to go in appeal against the order immediately.
17 (A-87)	Sub: Improvement to NDMC Barat Ghar, Moti Bagh. SH : Wedding Mart at Moti Bagh, New Delhi.	Resolved by the Council to award the work to M/S India Guniting Corpn. at their total tendered amount of Rs. 1,51,27,879/- which is 35.85% above the estimated cost of Rs. 1,11,34,684/- and also to accord revised administrative approval and expenditure sanction amounting to Rs. 1,51,27,879/-. The Council noted with concern the lack of adequate competition in tendering and resolved that the Department should look into the reasons leading to lukewarm response to the tenders and must improve the competitive tendering environment by improving the system of payments, examining the possibility of clubbing similar nature of works in a single tender etc. It was further decided that the Deptt. may initiate action in anticipation of confirmation of minutes.
18 (A-88)	Improvement to various schools in NDMC area. SH : Improvement to N.P. Co- Education middle school and primary school, East Kidwai Nagar.	Resolved by the Council to accord revised administrative approval and expenditure sanction of Rs.58 lacs and to approve award of work to M/s Garg & Company at their lowest tendered cost of Rs.57,69,364/-.

SECRETARY

CHAIRPERSON

ITEM NO. 02 (C-2)

Confirmation and signing of the minutes of the Council's Meeting No. 01/2008-09 dated 03.04.2008, held through circulation of agenda. **(See page 10).**

COUNCIL'S DECISION

Minutes confirmed.

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

**MINUTES OF THE COUNCIL'S SPECIAL MEETING NO.01/2008-2009 HELD ON
03.04.2008 THROUGH CIRCULATION.**

ITEM NO.	SUBJECT	DECISION
1	Starting of door-to-door collection of garbage at Pandara Road area.	<p>Resolved by the Council to start door-to-door garbage collection by the Chintan, an NGO in the residential colonies of Pandara Road Area.</p> <p>It was also resolved by the Council to accord Administrative approval and expenditure sanction amounting to Rs.6,19,000/- for the above project.</p> <p>Further resolved that 600 nos. twin bins and 4 nos. tricycle rickshaws be purchased from the same supplier who has already supplied these articles for previously approved pilot project on the earlier approved rates, terms and conditions and also for releasing the payment to supplier after satisfactory receipt of supply and approval of the same by the earlier constituted and approved sub-committee."</p>

Sd/-
(VIKRAM DEV DUTT)
SECRETARY

Sd/-
(PARIMAL RAI)
CHAIRPERSON

ITEM NO. 03 (A-1)**1. Name of the subject/project:**

Sub.: S/R of Roads in NDMC Area

S.H.: Providing Mastic Asphaltic wearing course (RAIP 2006-07) at RoundABOUTS in R-IV Division.

2. Name of the Department

Civil Engineering Department, Road-IV Division.

3. Brief history of the Subject/project

(a) A comprehensive plan for improvement of roads, footpath, lanes by lanes, Roundabout and drainage system in NDMC area was approved in principle by the Chairman on 12.03.2007.

(b) In the proposed programme Mastic overlay treatment of Roundabouts was included at the following locations:-

The mastic wearing course at following roundabouts was laid between 1998-2000.

- Roundabout of Panchsheel Marg and Nyay Marg. 1998
- Roundabout of Rajaji Marg, Tyag Raj Marg & K. Kamraj Marg. Oct. 2000
- Roundabout of Krishna Menon and K. Kamraj Marg. June 2000
- Roundabout of Niti Marg – Panchsheel Marg. Oct. 2000
- T-Junction of Vinay Marg – Panchsheel Marg. June 2000
- Roundabout of Shanti Path – Satya Marg. March 1999
- Roundabout of Shanti Path – Niti Marg – Nyay Marg. March 1999
- Roundabout of Satya Marg – Nyay Marg. April 2000
- Roundabout of Niti Marg – Satya Marg. Sep. 1999

(c) Due to prolonged use these roundabouts have outlived their life and are due for resurfacing. The riding quality of these crossings/ roundabouts has also gone bad as a result of which lot of inconvenience is being faced by the motorists.

(d) Since the mastic layer has outlived its life so the case for Preliminary Estimate for Rs.1,51,38,000/- has been initiated by the executives. The Preliminary Estimate has been checked by the Planning.

- (e) The Preliminary Estimate has also been concurred by the Finance Department.

4. Detailed proposal of subject/project

The brief scope of work are as follows:-

- (a) Sealing of cracks and filling up open joints where found necessary.
- (b) Providing and applying Tack coat with bitumen of 80/100 grade.
- (c) Providing and fixing Chicken wire mesh (22 gauge).
- (d) Providing and laying 25mm thick mastic asphaltic wearing course with bitumen grade 85/25 confirming to IS : 702.

5. Financial implications of the proposed subject/project:

The financial implications of the proposal works out to Rs.1,51,38,000/-

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

The schedule time for completion of work is nine months after award of work.

7. Comments of the Finance Department on the subject :

The Finance Department has concurred the Preliminary Estimate subject to following:

- (a) Proposed work is as per the specifications recommended by CRRRI for roundabouts.
- (b) Area/roundabouts where the proposed work has to be done does not come in the alignment of Delhi Metro Rail Corporation work.
- (c) Results after examining the CRRRI report with reference to comments of E-in-C dated 27.04.07 may also be added in the draft agenda.
- (d) The certificate is required that roundabouts proposed to be resurfaced are the same as approved by the Chairperson dated 12.03.07.

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

- (a) The proposed work is as per the specifications recommended by CRRRI for resurfacing of Roundabouts.
- (b) The area/roundabouts where the proposed work has to be done does not come in the alignment of Delhi Metro Rail Corporation Work.

(c) As per CRRRI the design life may be considered 10 years. However the evaluation of the surface condition has to be carried out after 7 to 8 years of construction, to check for failure, if any, due to local conditions. E-in-C has also recorded that condition of road surface may deteriorate due to traffic intensity, spillages caused by vehicles, so evaluation for skid resistance also needs to be ascertained as speed of VVIP vehicles is more than 80 km/ hour in these areas on some occasions. Keeping in view above facts, the sites were inspected & due to deteriorating surface condition, the committee of the SE's with EE(Planning) have recommended for resurfacing of these Roundabouts.

(d) It is certified that roundabouts proposed to be resurfaced are the same as approved by the Chairperson dated 12.03.2007.

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

10. Comments of the Law Department on the subject :

No Legal issue is involved.

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

No comments.

12. Recommendations:

The case is laid before the Council for accord of Administrative Approval & Expenditure Sanction of Rs.1,51,38,000/- to the Preliminary Estimate for the work of "Providing Mastic Asphaltic wearing course (RAIP 2006-07) at roundabouts in R-IV Division."

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval & expenditure sanction amounting to Rs. 1,51,38,000/- to the Preliminary Estimate for providing Mastic Asphaltic wearing course (RAIP 2006-07) at Roundabouts in R-IV Division of the Civil Engg. Deptt. of NDMC.

ITEM NO. 04 (A-2)**1. Name of subject/Project:**

S/R of Roads in NDMC Area
 SH : Providing Mastic Asphaltic Wearing Course at
 Roundabouts in R-V Division (RAIP 2007-08)

2. Name of the Department:

Civil Engineering Department, Road-V Division.

3. Brief History of the Case:

- (a) The condition of the surface of the roundabouts falling in the area of R-V Division has deteriorated considerably due to prolonged use. These roundabouts were provided with mastic asphaltic wearing course about 10 years back and have outlived their normal life. These are due for overlay with mastic treatment.
- (b) The mastic asphaltic wearing course of the following roundabouts was laid between 1997-98:

Last resurfaced

- | | | | |
|-------|---|---|-------------|
| (i) | Round about at Central Secretariat | - | April, 1998 |
| (ii) | Round about at Shankar Road Mandir
Marg Crossing | - | March 1998 |
| (iii) | Round About at Pt. Pant Marg &
Talkatora Road | - | Sept.,1997 |
- (c) Due to prolonged use the riding quality of these roundabouts has gone bad and need laying of overlay of mastic asphaltic layer.
- (d) Accordingly preliminary estimate amounting to Rs.91,16,000/- of these round about have been initiated by executives. The Preliminary Estimate has been checked by Member Planning of Project Team.
- (e) The Finance department has concurred the proposal.
- (f) The Empowered Committee during its meeting on 8 Apr.'08 recommended that Preliminary Estimate be placed before the Council for accord of Administrative approval & Expenditure Sanction.

4. Detailed proposals of the subject / project:

The brief details of the scheme are as under:

- (a) Providing & applying tack coat using hot bitumen grade 80/100.
- (b) Providing & Fixing chicken wire mesh reinforcement of 0.71mm dia (22 gauge)
- (c) Providing & laying 25mm thick bitumen mastic concrete wearing course with bitumen grade 85/25 conforming to IS:702.

5. Financial Implications of the proposed/subject:

The financial implications of the proposal works out to Rs.91,16,000/-.

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

The scheduled time for completion of work has been taken as 6 (six) months after award of work.

7. Comments of the Finance Department on the subject:

Finance Department has concurred the Preliminary Estimate for Rs.91,16,000/- subject to following:-

- i) The provisions taken in the Estimate are as per the recommendations of the CRRI for providing mastic treatment to roundabouts.
- ii) Signature of two SEs are required on the Project Report as per the Standing Order dated 02.09.03.
- iii) All the stages, as stipulated in office order dated 26.12.05., need to be followed being a Fast Track Project.

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

- i) The provisions taken in the Estimate are as per recommendations of CRRI.
- ii) The signature of two SEs are not required as the subject work is in Project mode as per Office Order dated 26.12.2005.
- iii) The stages as per Office Order dated 26.12.2005 are being followed.

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

No

10. Comments of the Law Department on the Subject :

Legal Advisor being member of Empowered Committee so no separate comments are required from Law Department.

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

Not Applicable

12. Recommendations:

The case is placed before the Council for accord of administrative approval and expenditure sanction for Rs.91,16,000/- to the Preliminary Estimate for the work of S/R of Roads in NDMC Area. S.H: Providing Mastic Asphaltic Wearing Course at Roundabouts in R-V Division (RAIP 2007-08).

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval & expenditure sanction amounting to Rs. 91,16000/- to the Preliminary Estimate for providing of Mastic Asphaltic wearing course at Roundabouts in R-V Division (RAIP 2007-08) of Civil Engg. Deptt. of NDMC.

ITEM NO. 05 (A-3)**1. Name of the subject/project:**

Sub.: S/R of Roads in NDMC Area

S.H.: Providing Mastic Asphaltic Wearing Course at Windsor Place Roundabout

2. Name of the Department

Civil Engineering Department, Road-I Division

3. Brief history of the Subject/project

- (a) The Windsor Place Roundabout connects Ferozshah Road, Ashoka Road, Janpath and Raisina Road. This roundabout was resurfaced with micro-seal treatment in year 2001. The condition of roundabout has deteriorated considerably due to prolonged use. Potholes and cracks have developed at several places.
- (b) The riding quantity of this roundabout has gone bad & needs laying of overlay. It was therefore decided that Mastic Asphaltic wearing course be provided at this Roundabout. CRRRI has also recommended treatment of Mastic Asphaltic wearing course at roundabouts and crossings. The work was taken up as fast track Project being part of RIP.
- (c) Accordingly Preliminary Estimate amounting to Rs. 69,23,000/- has been initiated by executives. The Preliminary Estimate has been checked by Member Planning of Project team
- (d) The Finance Department has concurred proposal.
- (e) The Empowered Committee in its meeting on 08 Apr.'08 has recommended that Preliminary Estimate be placed before Council for accord of Administrative Approval & Expenditure Sanction.

4. Detailed proposal of subject/project

The brief details of the scheme are as follows-

- (a) Providing and applying tack coat using hot bitumen of grade 80/100
- (b) Providing and laying 40 to 50 mm thick Dense Bituminous Macadam leveling course using bitumen 60/70.
- (c) Providing and laying 25 mm thick bitumen Mastic Concrete wearing course with bitumen of grade 85/25 conforming to IS 702

5. Financial implications of the proposed subject/ project:

The financial implications of the proposal works out to Rs. 69,23,000/-.

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

The schedule time for completion of the work has been taken as three months after ward of work.

7. Comments of the Finance Department on the subject :

The proposal amounting to Rs. 69,23,000/- has been concurred by the Finance Department, subject to following:-

- (a) Approval of the competent authority is obtained and due procedure is followed as elaborated in the office order dated 26.12.05 in respect of Fast Track Project.
- (b) Availability of fund is ensured under a Head of Account G.1.3.
- (c) Certification regarding correctness of data, information and computations.

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

- (a) The replies to the observations raised by Finance Department are as under:-
 - (i) The approval falls within the competency of Council & case is being placed before Council for accord for A/A & E/S
 - (ii) The funds will be made available after approval of PE by the council as per prevailing norm of Finance Department.
 - (iii) It is certified that data, information and computations mentioned in the estimate are correct.

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

No

10. Comments of the Law Department on the subject :

The Empowered Committee has cleared the proposal & Legal Advisor is a member of Empowered Committee.

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

N.A.

12. Recommendations:

The case is placed before the Council for consideration and accord of Administrative Approval & Expenditure Sanction amounting to Rs. 69,23,000/-to the Preliminary Estimate for the work of providing Mastic Asphaltic wearing course at Windsor Place Roundabout.

COUNCIL'S DECISION

Resolved by the Council to accord Administrative Approval & Expenditure Sanction amounting to Rs. 69,23,000/- to the Preliminary Estimate for providing of Mastic Asphaltic wearing course at Windsor Place Roundabout.

ITEM NO. 06 (A-4)**1. Name of the subject/project:**

Sub.: S/R of Roads in NDMC Area

SH. : Improvement to footpath at Pandit Pant Marg including area near Parliament House Library and Roundabout

2. Name of the Department

Civil Engineering Department, Road-V Division

3. Brief history of the Subject/project

The Pandit Pant Marg including area near Parliament House Library and Roundabout is one of the important area of NDMC. The condition of footpath/pavement in this area is very bad. The footpath has outlived its normal life and is due for renovation. Preliminary Estimate amounting to Rs. 80,26,000/- prepared by field staff has been concurred by Finance after scrutiny by the Planning. The Preliminary Estimate is now submitted for accord of Administrative Approval and Expenditure Sanction by Council.

4. Detailed proposals of subject/project

The proposal for improvement to footpath at Pandit Pant Marg includes laying of 40/50 mm thick gangsaw cut red/white Sand Stone in the footpath between Pandit Pant Marg Circus to GPO Roundabout. Provision has also been taken for Precast CC kerb stones and laying of CC 1:5:10 and other related items.

5. Financial implications of the proposed subject/project:

The financial implications of the proposal comes to Rs. 80,26,000/- for which suitable Budget allocation has been sought in BE 2008-09.

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

The schedule time of completion of the work has been taken as six months after the award of the work.

7. Comments of the Finance Department on the subject :

Finance has concurred the Preliminary Estimate amounting to Rs. 80,26,000/- as checked in Planning subject to availability of adequate funds and ensuring/certifying that the area

included in Preliminary Estimate is the same as shown in RHR and existing footpath has served the laid down life.

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

Adequate Budget provision has been sought in the B.E. 2008-09 for this work. It is ensured that the area included in the Estimate is as per RHR and has served its normal life and is due for renovation.

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

Nil.

10. Comments of the Law Department on the subject :

The law Department has recorded that at this stage no law point is involved in Agenda items & has given concurrence. Civil Department may ensure that facts and figures mentioned therein are correct and are as per approval of the Competent Authority.

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

It is confirmed that fact and figures mentioned are correct & as per approval of the Competent Authority.

12. Recommendations:

The case is placed before the Council for accord of Administrative Approval and Expenditure Sanction for Rs. 80,26,000/- to the Preliminary Estimate of Improvement to footpath at Pandit Pant Marg including area near Parliament House Library and Roundabout.

COUNCIL'S DECISION

Resolved by the Council to accord Administrative Approval & Expenditure Sanction amounting to Rs. 80,26,000/- to the Preliminary Estimate for improvement of footpath at Pandit Pant Marg including area near Parliament House Library and Roundabout.

ITEM NO. 07 (A-5)

1. **NAME OF THE SUBJECT/PROJECT :** S/R of roads in NDMC area.
SH :- Improvement of footpath/walkway at Dr. Zakir Hussain Marg, Subramaniam Bharti Marg, Pandara Road and Shershah Road.
2. **NAME OF DEPARTMENT :** **CIVIL ENGINEERING DEPARTMENT, R-I DIVISION**
3. **BRIEF HISTORY OF THE SUBJECT/PROJECT:**
 - a) The footpaths of Dr. Zakir Hussain Marg, SB Marg, Pandara Road and Shershah Road were constructed between 1982 to 1990. Being a very important road and connecting the traffic from New Delhi area to Patiala House Court, High Court and Supreme Court besides connecting the area of East Delhi, Nizamuddin, Noida to South Delhi vis-à-vis, it is regularly used by VVIP's. The condition of the footpath is very bad and is not in presentable state as the slabs are broken/missing and reinforcement is coming out at the number of places. Due to frequent cuts by MTNL, Water Supply, Electric Department, etc. the problems of the damage to footpath has been substantially compounded. The improvement scheme was approved in principle by Chairman. The PE amounting to Rs. 3,04,06,000/- has been concurred by finance department after scrutiny by the planning.
 - b) The case was placed before the empowered committee on 15th January-2008 and following recommendations were given :-
 - (i) The empowered Committee approved the Preliminary estimate for improvement of footpath/walkway at Dr. Zakir Hussain Marg, Pandara Road, S. Bharti Marg and Shershah Road & recommended the preliminary estimated be placed before the Council for accord of administrative approval and expenditure sanction of Rs. 3,04,06,000/-.
 - (ii) However, Empowered Committee felt that the condition of footpath/walkway at Pandara Road be examined again to see whether needs improvement by the PIP Committee and matter be brought before the Council accordingly.
 - (iii) Accordingly, the PIP committee comprising SE(R), Zonal Officer of the area, Deputy Financial Advisor & EE(R-I) visited the area and recommended that since the footpath is not in a very good condition so the slabs and kerbstone be replaced with a better laying technique to avoid undulation and deterioration.
4. **DETAILED PROPOSAL ON THE SUBJECT/PROJECT:-** The proposal is for improvement of footpath / walk ways of Dr. Zakir Hussain Marg, SB Marg, Pandara Road and Shershah road by providing 40 mm thick fine dressed sand stone over PCC 1:5:10. The scope also includes provision of sunken and moulded red sand stone kerb stone of size 300 x 300 x 150 mm, and DQ stone block 100x100mm around tree.

- 5. FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT/SUBJECT:-** The financial implications of the proposal works out to 3,04,06,000/-
- 6. IMPLICATION SCHEDULE WITH TIMELINES FOR EACH STAGE INCLUDING INTERNAL PREPROCESSING:-** The schedule time for completion of work is 12 months after award of work.
- 7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT:-** The proposal has been concurred by the finance department, subject to the following:-
- Approval of the competent authority.
 - Availability of fund.
 - Certification regarding correctness of data, information and computation.
 - Ensuring that the copy of PIP is authenticated by technical team of PIP.
- 8. COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE DEPARTMENT:-** The reply to observation raised by finance department are as follows:-
- The approval falls within the competency of council, however, the approval in principle has been accorded by the Chairman, NDMC.
 - The fund will be made available after approval of PE by the council. However, funds have been sought in BE-2008-09.
 - certified that the data, information and computation taken in the estimate are correct as per site requirement
 - The work included in the estimate is the part of PIP project approved by the competent authority and is authenticated by technical team of PIP.
- 9. DETAILS OF PREVIOUS COUNCIL RESO. EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THE SUBJECT:-** Nil
- 10. COMMENTS OF LAW DEPARTMENT ON THE SUBJECT:** Nil.
- 11. COMMENTS OF THE DEPARTMENT ON THE COMMENTS OF THE LAW DEPARTMENT:-** N.A.
- 12. RECOMMENDATIONS:-** The case is placed before the council for consideration and to accord of Administrative approval & expenditure sanction for Rs. 3,04,06,000/- to the preliminary estimate for the work of Improvement to footpath/ walk way of Dr. Zakir Hussain Marg, Subraminiam Bharti Marg, Pandara Road and Shershah road.

COUNCIL'S DECISION

Resolved by the Council to accord Administrative Approval & Expenditure Sanction amounting to Rs. 3,04,06,000/- to the Preliminary Estimate for improvement of footpath/walkway at Dr. Zakir Hussain Marg, Subramaniam Bharti Marg, Pandara Road and Shershah Road.

The deptt. was advised to maintain the footpath in such a manner that obstructions / potholes do not occur thereon, for proper utilization of the footpaths by the pedestrians.

It was also advised that improvement/beautification of the footpaths and walkways be taken up keeping in view the forthcoming Common Wealth Games 2010.

ITEM NO. 08 (A-6)**1. Name of the subject/project:**

Sub.: S/R of Roads in NDMC Area

S.H.: Resurfacing of remaining colony roads at Pandara Park & cycle track of Dr. Zakir Hussain Marg and Bhagwan Dass Road

2. Name of the Department

Civil Engineering Department, Road Division-I

3. Brief history of the Subject/project

- (a) The condition of cycle track of Dr. Zakir Hussain Marg, Bhagwan Dass Marg and balance service roads of Pandara Park are completely deteriorated due to prolonged use and cuttings made by various agencies for repair/laying of water supply lines, electrical and communication cables. These roads were last resurfaced during 1999-2000. Since the riding quality of these roads has gone bad as a result of which lot of inconveniences is being faced by the users. So there is an urgent need to resurface these roads. A request was also received from the office of Hon'ble Delhi High Court Judge who has been allotted the Bungalow on Dr. Zakir Hussain Marg.
- (b) Accordingly Preliminary Estimate for Rs. 48,51,000/- prepared field staff duly concurred by Finance Department has been approved by Competent Authority on 8 Feb.'08.
- (c) The tenders were called for and four tenders were received. M/S Radhey Syam Gupta Pvt. Ltd. is the lowest bidder with the quoted rate of @ 82.02% above the Estimated Cost against the justification of 116.35% above the Estimated Cost of Rs. 30,19,819/-. The tender amount works out to Rs. 54,96,786/-.
- (d) The rates quoted by the lowest bidder have been found reasonable after checking of tender by the Planning Department & after following the guidelines of CVC the tender has been concurred by the Finance Department. Since the cost of tender is more than Rs. 50 lacs it is required to be approved by the Council.
- (e) The validity of tender is expiring on **12 May.'08**.

4. Detailed proposal of subject/project

The specifications to be followed are as follows:-

Provision of 40 mm thick dense bituminous concrete wearing coarse over a tack coat of bitumen emulsion @ 0.25 kg/Sqm.

5. Financial implications of the proposed subject/project:

The financial implications of the lowest bidder i.e. M/S Radhey Shyam Gupta Pvt. Ltd works out to Rs. 54,96,786/-.

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

The schedule time for completion of the work has been taken as three months after award of work.

7. Comments of the Finance Department on the subject :

The Finance Department has no objection to recommendations of department to accept the offer of M/S Radhey Shyam Gupta i.e. L-1 at his quoted rate of Rs.54,96,786/- which is 82.02% against the justified rate of 116.35% above the Estimated Cost provided the rates of L-1 are within the proximity of last approved rates for similar nature of work.

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

The rates quoted by the lowest bidder are well below the justified rates and last accepted rates of similar nature.

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

Nil

10. Comments of the Law Department on the subject : Nil.**11. Comments of the Department on the comments of the Law Deptt. : N.A.**

12. Recommendations:

The case is placed before the Council for :

- (a) Accord of approval for acceptance of lowest offer of M/S Radhey Shyam Gupta Pvt. Ltd. @ 82.02% above the Estimated cost of Rs. 30,19,819/- with the tendered amount of Rs. 54,96,786/- for the work S/R of Roads in NDMC Area SH. Resurfacing of remaining Colony roads at Pandara Park and Cycle Track of Dr. Zakir Hussain Marg & Bhagwan Dass Road
- (b) Accord of Administrative Approval & Expenditure Sanction for Rs.54,96,786/-.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval & Expenditure Sanction amounting to Rs.54,96,786/- and to award the work to M/S Radhey Shyam Gupta Pvt. Ltd. @ 82.02% above the Estimated Cost of Rs. 30,19,819/- with the tendered amount of Rs. 54,96,786/-, for resurfacing of remaining colony roads at Pandara Park & Cycle Track of Dr. Zakir Hussain Marg and Bhagwan Dass Road.

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

Audit Comments on Financial Statements for the year ending March 2005 prepared on Accrual Basis.

2. Name of the Department /Departments concerned

Office of the Chief Auditor

3. Brief history of the subject/project

As per Council Resolution No. 3(xii) dated 24.04.2002, NDMC decided to switch over to Accrual Based Double Entry System of accounting with effect from the year 2004-05. Accrual Based Financial Statements for the year 2004-05 based on conversion of Single Entry Accounts into Accrual Based Double Entry Accounts were received in the office of Chief Auditor for examination in July 2007. The same were audited and report sent to Financial Advisor vide letter dated 18.10.2007 for his comments/observations. As these accounts have far reaching implications, audit was conducted under section 59 of NDMC Act, 1994. The said section envisages that Chief Auditor shall report to the Chairperson any material impropriety or irregularity which he may at any time observe in the accounts of the Council. As contemplated in the Act, audit comments on Financial Statements for the year ended March 2005 prepared on Accrual Basis Double Entry Accounts are submitted for information of the Council.

4. Detailed proposal on the subject/project

Audit Comments on Financial Statements for the year ending March 2005 prepared on Accrual Based Double Entry Accounts are **enclosed as a separate booklet**. The highlights are detailed below:

- i) Balance Sheet for the year 2004-05 has been prepared by converting the accounts already prepared in G-4 format prescribed under Punjab Municipal Act based on singly entry system of accounts.
- ii) Essential records like Journal Book, Trial Balance and Receipt and Payment Accounts were not found prepared.
- iii) All assets ranging from buildings to furniture were valued at nominal value of Re. 1 in contravention of accounting principles.

- iv) There were significant variations between statements furnished by Divisions and Assets Registers compiled by Accounts Department putting a question mark on assets reflected in the Balance Sheet.
 - v) Age-wise analysis of outstanding arrears of revenue due against the revenue earning Departments was not done by the Accounts Department. Resultantly, authenticity of sundry debtors reflected in the Balance Sheet could not be vouched for.
5. **Financial implications of the proposed project/subject**
Nil
 6. **Implementation schedule with timelines for each stage including internal processing**
Not Applicable
 7. **Comments of the Finance Department on the subject**
Not Applicable, since Draft Agenda Item incorporates Comments on Financial Statements for the year ending March 2005 prepared on Accrual Basis as part of Statutory Audit function envisaged in NDMC Act, 1994
 8. **Comments of the Department on comments of Finance Department**
Not Applicable
 9. **Legal implication of the subject/project**
Nil
 10. **Details of previous Council Resolutions, existing laws of Parliament and Assembly on the subject**
Nil
 11. **Comments of the Law department on the subject/project**
Not applicable, since Draft Agenda Item incorporates Comments on Financial Statements for the year ending March 2005 prepared on Accrual Basis as part of Statutory Audit function envisaged in NDMC Act, 1994
 12. **Comments of the Department on the comments of Law Department**
Not Applicable

13. **Recommendation**

The Audit Comments on Financial Statements for the year ending March 2005 prepared on Accrual Basis may be presented to the Council.

14. **Draft Resolution**

Resolved by the Council that information regarding audit comments on Financial Statements for the year ending March 2005 prepared on Accrual Basis as reported by the Chief Auditor is noted. The Department is advised to carry out the necessary improvements in the Financial Statements for subsequent years.

COUNCIL'S DECISION

Resolved by the Council that information regarding audit comments on Financial Statements for the year ending March 2005 prepared on Accrual Basis as reported by the Chief Auditor is noted. The Finance Department is advised to carry out the necessary improvements in the Financial Statements for subsequent years i.e. 2005-06 onwards.

ITEM NO. 10 (C-3)**1. NAME OF THE SUBJECT**

Naming of road in NDMC area.

2. NAME OF THE DEPARTMENT

General Administration Department

3. BRIEF HISTORY OF THE SUBJECT

The Jt. Secretary (North) Ministry of External Affairs, has informed that the year 2008 is a special year for Bhutan, marking 100 years of the Wangchuck Dynasty Rule and coincides with the formal coronation of the new king (5th Druk Gyalpo Jigme Khesar Namgyal Wangchuck). The Ministry of External Affairs has also informed that the year 2008 is being celebrated by the Royal Govt. of Bhutan to commemorate 50 years of Pandit Jawahar Lal Nehru's historic visit to Bhutan, which laid the foundations of Indo-Bhutan relationship. The MEA has proposed to take part in these celebrations and one of the proposals in this direction is to name one of the roads in diplomatic area, Chankyapuri, New Delhi as "Wangchuck Centenary Marg".

4. DETAILED PROPOSAL ON THE SUBJECT

The MEA has proposed that a part of the Chandragupta Marg, in front of Bhutanese Embassy in Chankyapuri, New Delhi may be named as "Wangchuck Centenary Marg". However, instead of dividing the Chandragupta Marg, which is a historical name, it is proposed to name another road as "Wangchuck Centenary Marg". The proposed road adjoin the Western Boundary of the Bhutanese Embassy. It starts from Chandergrupta Marg and lead to Singapore/Nigeria High Commission. It's length is 210 meters. Road map provided by the Roads Division is enclosed at **Annexure-I (See page 34)**

The Rule position regarding naming/renaming of streets, installation of Stutes, Memorials etc. in Delhi/New Delhi are as follows:

i) Section 231(i)(a) of the NDMC Act, 1994 deals with naming and numbering of streets. The section provides as follows:

" The Chairman may with the sanction of the Council determine the name/number by which any street or public place vested in the Council shall be known."

ii) Renaming of the Streets is to be governed by the guidelines issued by the Ministry of Home Affairs vide their letter No. 13022/34/74/Delhi dated 27.9.1975. **(Annexure-II) (See page 35)** The guidelines stipulate that the names of existing streets/roads should not be changed and only new streets/roads may be named after eminent personalities.

iii) State Naming Authority, Govt. of NCT of Delhi has also issued guidelines for naming/numbering of Roads, Streets etc. According to the guidelines circulated by the Deptt. of Urban Development Govt. of NCT of Delhi vide Circular No. 12/40.2003/SNA/UD/4006-34 dated 18.6.2004:**(Annexure-III) (See pages 36 – 39)**

- (a) Request for naming a park, street, road, colony etc. should come from a group of person such as Association, Manch etc. and not from any single person; such a request will be considered by the concerned Land owning Agency and the Dy. Commissioner (Revenue). The D.C. shall form the views after assessing public opinion in the area to take a view on the application. On the basis of the comments of D.C. (Revenue), the proposal will be examined by the Sub-Committee of SNA and only such of the proposals will be considered by the SNA which are recommended by the Sub-Committee.
 - (b) Once a road has been named after a particular dignitary, then a fresh proposal for renaming should not be sent to the State Names Authority.
 - (c) The Names of the existing streets should not be changed.
 - (d) Names which are a part of the history may not be altered.
- (iv) The Council has adopted the following criteria for naming/renaming of the roads/streets vide Reso. No. VIII(C-31) dt. 13.10.2006. (**Annexure IV**) (**See pages 40 – 44**)
- (a) Representation for naming should be from a group of person such as Association Manch etc. Any proposal for naming has to be for any unnamed road/street. Any decision taken by the Council for naming is to be communicated to the SNA Govt. of NCT of Delhi for approval. The cases of rejection by the Council may be communicated directly to the concerned organization.
 - (b) For renaming, the guidelines of MHA vide letter No. 130022/34/74/Delhi dated 27.9.1975 are to be strictly adhered to. Any renaming can be considered by the Council only when there are directions from the Govt. of India. The Deptt. shall communicate to the applicant directly as per guidelines of GOI
 - (c) Renaming can only be an exception. Recommendations in this regard can be given by the Council and any contrary decision of the Govt. of India shall be brought to the notice of the Council.

It is pertinent to mention that requests are frequently received from Ministry of External Affairs for naming of Roads in the Diplomatic area after the names of foreign personalities. The roads are limited and most already named. Therefore, the Chairperson NDMC had written to The Foreign Secretary on 26.3.2007 requesting that the Ministry of External Affairs may recommend naming/renaming of the cross roads in Chanakyapuri area in a defined order/ planning. No response/reply has been received from the Foreign Secretary in this regard. A copy of D.O. letter No. 285/PS/CP/007 dt. 26.3.2007 sent by Chairperson NDMC to the Foreign Secretary is enclosed at (**Annexure V**) (**See pages 45 – 46**).

5. FINANCIAL IMPLICATIONS

There are no financial implications

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

Not applicable

7. COMMENTS OF THE FINANCE DEPARTMENT

The Finance Department has advised to ensure that the guidelines issued in this regard by the Govt. of India, Ministry of Home Affairs and State naming Authority of Govt. of NCT of Delhi are followed scrupulously.

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

The request is being considered in the light of the guidelines issued in this regard by the Govt. of India/SNA of Govt. of N.C.T. of Delhi and Council decision taken vide Reso. No. VIII(C-31) dt. 13.10.2006.

9. LEGAL IMPLICATION OF THE SUBJECT

There is no legal implication involved in the matter.

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

Indicated in para 4(iv).

11. COMMENTS OF THE LAW DEPARTMENT

Law Department has no objection to the proposal.

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

No comments required.

13. RECOMMENDATIONS

The road proposed to be named as "Wangchuck Centenary Marg" is un-named one. Hence keeping in view the request of MEA, the road from Chandergupta Marg leading to Singapore High Commission and Nigeria High Commission, adjoining the western boundary of Bhutanese Embassy measuring about 210 meters long be named as "Wangchuck Centenary Marg."

The proposal is submitted before the Council for taking a view on the request of Ministry of External Affairs, of India.

14. DRFAFT RESOLUTION

Resolved by the Council that the road starting from Chandergupta Marg leading to Singapore High Commission and Nigeria High Commission, adjoining the western boundary of Bhutanese Embassy measuring about 210 meter long be named as "Wangchuck Centenary Marg".

COUNCIL'S DECISION

Resolved by the Council not to agree to the request for change of name of 'Chandragupta Marg' in view of guidelines issued by Govt. of India vide Ministry of Home Affairs Letter No. 13022/34/74/Delhi dated 27.9.1975. Regarding alternative proposal for naming of the road from Chandragupta Marg to Singapore and Nigeria Missions, adjoining western boundary of the Bhutanese Embassy, it was resolved by the Council to refer the proposal back to Ministry of External Affairs to reconsider their proposal, keeping in view the fact that the proposed road leads to Singapore and Nigeria High Commission and also in view of the request made by NDMC to the Foreign Secretary, vide D.O. Letter No.285/PS/CP/007 dated 26.3.2007, requesting to recommend naming of roads in Chanakya Puri area in a planned manner.

ANNEXURES
13 PAGES

34 -= 46

ANNESURE END

ITEM NO. 11 (A-7)**1. Name of the subject / project:****Sub: Improvement / Up gradation of Talkatora Indoor Stadium.****Sub Head: Supply, Installation, Testing & Commissioning of 1000 KVA D. G Sets at Talkatora Indoor Stadium.****2. Name of the Deptt. / Deptt. Concerned:** Civil Engineering Department, NDMC**3. Brief History:**

For implementation of the Common Wealth Games scheduled to be held in Delhi in 2010 and accordingly 1st meeting of core group of officers was held on 20.10.04 in the conference Room of Chief Secretary, Delhi, to select various competition & training venues. Accordingly, Talkatora Indoor Stadium & Shivaji Stadium was selected to host events during the Common Wealth Games -2010. For proper renovation of the stadias, a rough cost estimate was prepared and the case was placed before the Council to accord approval to the proposal. Council vide its Reso No. 10 (A-9) dated. 22.07.05. approved the proposal for up-gradation of NDMC stadias as under:

"Council resolved and approved the up-gradation of two NDMC Stadias to the international level even if these are not used during Common Wealth Games from its own funds at a rough cost of Rs. 30.45 crores. In case, it is decided to use the stadiums for CWG the requisite funds would come from Delhi Govt."

The decision of the council was accordingly intimated to Jt. Director (UD), Officer-in-Charge, Co-ordination Cell, Govt. of NCT of Delhi, Department of Urban Development for arrangement of requisite funds.

Considering the above & after having detailed discussions and deliberations held with Mr. Prasad, ADG (Tech) SAI and with M/s EKS, an international consultant appointed by SAI for selection, submission of venue brief, technical parameters, examining the drawings as per requirement and make recommendations to Organising Committee, CWG on the games, selected to host Boxing a competition venue at Talkatora Indoor Stadium and a training venue Hockey Event at Shivaji Stadium. For this purpose, a need was felt for Improvement / Up gradation of Talkatora Indoor Stadium in order to meet the requirement of CWG Federation and as per the venue brief submitted by the International Consultant, M/s EKS, a new multi storey block with the two basement for parking just adjacent to the existing Talkatora Indoor Stadium is to be constructed. Addition / Alteration to existing Stadium and Up-gradation of all services to be carried out as per concept plan.

As per National Building code and EKS emergency power supply is to be provided for various services at Indoor Stadium. The D.G Sets has been proposed to be installed in the new Sports Facility Block accordingly an estimate was submitted by the consultant M/s Raja Aederi (P) Ltd.

4. Detailed proposal on the subject/ project:

M/s Raja Aederi consultant Pvt. Ltd. has been appointed as an Architect Consultant for the project of Talkatora Indoor Stadium and Shivaji Stadium.

The Architect Consultant submitted the detailed estimate alongwith the drawings as per the venue brief, presentation made before the Organising committee and discussions held on the subject with the Traffic/ Security/ Delhi Fire Services. The concept / detailed proposal was subsequently approved by O.C. C.A NDMC, DUAC and Delhi Fire Services and accordingly, the detailed estimate amounting to Rs. 2,15,71,300/- was technically sanctioned and the NIT amounting to Rs. 2,09, 43,000/- was approved by the competent authority for Supply, Installation, Testing & Commissioning of 1000 KVA D. G Sets at Talkatora Indoor Stadium

The tenders were invited with the last date of application, sale & receipt as 30-01-08, 01-02-08 & 15-02-08 respectively. Wide publicity was made by publishing in the leading daily newspapers in Delhi and edition outside Delhi and as well as on NDMC & Delhi Govt website. In response to the above, the following three firms applied for issue of tender documents.

1. M/s Super Nova Eng. Ltd
2. M/s Sudhir Power Project (P) Ltd
3. M/s Rai Industries Power Ltd.

Out of the above three applicants, all the three firms were found eligible and as such, the tenders were sold to all the three firms from the division. On the date of opening i.e. 15-02-08 only one tender was received. The comparative statement of technical bid was prepared of eligible firm. The price bid of eligible firm was opened on 08-02-08.

Estimated cost put to Tender: Rs. 2,09,43,000/-

S. No.	Agency	% age quoted	Amount
1.	M/s Sudhir Power Project (P) Ltd	1.67 % below	Rs.2,05,93,700/-

As per CPWD works manual 2007 section 19.4.3.1, if the lowest tender is less than the estimated cost put to tender +10%, there is no need of preparing justification. The overall tender amount works out to Rs. 2, 05, 93, 700/- which is 1.67 % below the estimated cost put to tender. The case was sent to Finance for their concurrence in the proposal.

5. **Financial implications of the proposed project:-**

The detail of financial status of project and tender already awarded is appended below:-

1. A/A & E/S for whole project = 104.01crores
(Vide reso No. D-1 (A-47) dt 5/11/07.)

2. Years wise flow of funds demanded from Govt of Delhi

2007-08	=	10 crores
2008-09	=	70 crores
2009-10	=	24.01 crores

3. Detail of tenders already awarded:-

- | | | |
|--|---|--------------|
| a) Construction of new sports facilities block
(Approved vide reso No. D-1(A-47) dt. 5/11/07.) | = | 52.98 crores |
| b) Addition/ Alteration of existing Stadium.
(Approved vide item No. 15 (A-86) dt. 31/3/08.) | = | 19.19 crores |
| c) Fire fighting work of new and existing Stadium.
(Approved vide item No. 03 (A-80) dt. 31/3/08.) | = | 3.23 crores |
| d) Establishing of ESS at upper basement of new block
(Approved vide item No. 04 (A-81) dt. 31/3/08.) | = | 1.87 crores |

4. The financial implication of this tender is Rs. 2, 05, 93,700/-, which now processed for approval of council.

6. Implementation schedule: Time of completion of work: **9 months**

7. Comments of the Finance Department on the subject:

Finance Department while concurring this proposal for acceptance of L-1 Tender has raised following observations:

1. Certification that the offer of L-1 is in proximity of last approved rates for similar nature of works.
2. Certification that the L-1 is the original equipment manufactures and all condition as contained in OM No. DGW/ MAN/149 dated 22/10/07 has been / will be taken care of.
3. The firm in question full fill the laid down eligibility criteria including acceptance of all NIT conditions, so as to avoid chances of any dispute during/ after execution of work.
4. Ensuring that due publicity to NIT has been given, for which newspaper cuttings in support be added to the file for record

These points may be complied with before submitting the proposal to the competent authority for approval.

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

- 1) The L-1 offer is very responsible and competitive and in proximity of last approved rates.
- 2) It is certified that the L-1 firm is original equipment manufacturer and fulfills all condition of OM No. DGW/MAN/149 dated 22/10/07.
- 3) It is confirmed that the L-1 firm fulfills eligibility criteria including acceptance of all NIT conditions.

- 4) Confirmed that due publicity to NIT was given as per laid down norms and as a proof photo copy of the newspaper cutting is placed in the file.

It is also clarified that cases are brought before empowered committee, when any Administrative and financial decision are required about project. There is no such issue involved in the proposal.

It is also certified that all CVC guidelines are adhered to in the case.

9. Legal Implication of the project: NIL

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

1. Reso. No. 10 (A-9) dated. 22.07-05 approved the proposal for up-gradation of NDMC stadias as under:

"Council resolved and approved the up-gradation of two NDMC stadiums to the international level even if these are not used during Common Wealth Games from its own funds at a rough cost of Rs. 30.45 crores. In case, it is decided to use the stadiums for Commonwealth Games the requisite funds would come from Delhi Govt."

2. Reso No. 01 (A-47) dated 05-11-07 approved the proposal for award of work to M/s Simplex Projects Ltd., A/A & E/S amounting to Rs. 204 crores to the whole project of stadias and consultancy fee of the Architect Consultant as under:

" Resolved by the Council that approval is accorded to the recommendation of the department, as mentioned in serial no. 1 to 3 of Para 16 of the preamble on the confirmation by the department that all CVC guidelines have been adhered to in this case."

Department may initiate action in anticipation of confirmation of minutes.

11. Recommendation of Department

The case is placed before the Council for award to the above work to M/s Sudhir Power Project (P) Ltd at their total tendered amount of Rs 2,05,93,700/-which is 1.67 % below the estimated cost put to tender of Rs. 2,09,43,000/- The department may initiate action in anticipation of confirmation of minutes.

COUNCIL'S DECISION

Resolved by the Council to award the work to M/s Sudhir Power Project (P) Ltd. at their total tendered amount of Rs. 2,05,93,700/- which is 1.67% below the Estimated Cost put to tender of Rs. 2,09,43,000/-.

It was further decided that the deptt. may take necessary action, in anticipation of confirmation of the minutes.

ITEM NO. 12 (A-8)**1. NAME OF THE SUBJECT / PROJECT :-****Sub :- S/R of roads in NDMC area.**

SH :-Improvement of footpath at C Hexagon (Inner and Outer).

2. NAME OF THE DEPARTMENT : - Civil Engineering Department, Road Division-I.**3. Brief History of the subject / project :-**

(a) The footpath of C Hexagon was constructed in 1987-88. It is regularly used by VVIP's and national / international tourists. The condition of the footpath is very bad and is not in presentable state as the red sand stone / CC slabs are broken / missing and reinforcement is coming out at the number of places. Due to frequent cuts by various service providers the damage to footpath has been substantially compounded. The scheme has been approved in principle by competent authority. The Preliminary Estimate amounting to Rs.2,30,25,000/- has been concurred by finance department after scrutiny by the Planning.

(b) The case was placed before the Empowered Committee on 08.04.2008. Empowered Committee recommended that the preliminary estimate be placed before the council for accord of Administrative Approval and Expenditure Sanction amounting to Rs.2,30,25,000(2,07,25,000- + 23,00,000/-).

(c) It was further decided by the Empowered Committee that foot-path of Central Vista area handed over to CPWD be also taken up with foot-path of C-Hexagon for the sake of continuity uniformity and preliminary estimate be amended accordingly. However, expenditure on the portion of foot-path under the jurisdiction of CPWD be got reimbursed. The cost of renovation of foot-path of the portion handed over to CPWD works out to Rs.23 lacs

4. DETAILED PROPOSAL ON THE SUBJECT/PROJECT:- The proposal is for improvement of foot-path at –Hexagon (inner and outer) by providing 50mm thick gang saw cut sand stone over PCC 1:5:10. The scope of the work also includes provision of sunken and moulded red sand stone kerb stone of size 300 x 300 x 150mm and DQ stone blocks 100x100mm around trees.

5. FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT/SUBJECT:- The financial implications of the proposal works out to Rs.2,30,25,000/-.

6. IMPLICATION SCHEDULE WITH TIMELINES FOR EACH STAGE INCLUDING

INTERNET PROCESSING:- The schedule time for completion of work of 12 months after award of work.

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT:- The proposal

has been concurred by the finance department, subject to the following:-

- a) Approval of the competent authority.
- b) Availability of fund under the head of account G.1.3.
- c) Certification regarding correctness of data, information and computation.
- d) Certification that the items/pattern taken in the estimate are as per approved specification of PIP.
- e) Ensure that the construction of two subways at C-Hexagon will not, in any way, have any effect on the above said improvement work which is part of central vista project.

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

The reply to observations raised by finance department are as follows:-

- a) The approval falls within the competency of council, however the approval in principle has been accorded by the competent authority.
- b) The funds will be made available after approval of Preliminary Estimate by the council, however funds have been sought in BE 2008-09.
- c) Certified that the data, information and computation taken in the estimate are correct and as per site requirement.
- d) Certified that the items/pattern taken in the estimate are as per approved specifications of pavement improvement programme.
- e) The proposal of construction of subways at C-Hexagon is still to be decided. Therefore, no adverse effect is anticipated during execution of proposed work.

9. LEGAL IMPLICATION OF THE SUBJECT/PROJECT

Law Department has commented that the case has no legal implication.

10. DETAILS OF PREVIOUS COUNCIL RESO.EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THE SUBJECT

No comments in view of above.

11. COMMENTS OF LAW DEPARTMENT ON THE SUBJECT

Nil.

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

N.A.

13. RECOMMENDATIONS

The case is placed before the Council for consideration and accord of Administrative Approval and Expenditure Sanction for Rs.2,30,25,000/- to the preliminary estimate for work of **Improvement to foot-path at C-Hexagon** including foot-path of Central Vista handed over to CPWD on reimbursement basis.

COUNCIL'S DECISION

Resolved by the Council to accord Administrative Approval and Expenditure Sanction amounting to Rs. 2,30,25,000/- to the Preliminary Estimate for improvement of footpath at C-Hexagon (Inner & Outer) including footpath of Central Vista handed over to CPWD on actual cost reimbursement basis. The Deptt. was also advised to use modern technology for digging etc. and to adhere to guidelines regarding height, aesthetic etc. in a coordinated manner.

ITEM NO. 13 (B-1)**NAME OF WORK: Purchase of 6 Nos. 33/11 KV, 16/20 MVA Power Transformers.****DEPARTMENT: Electricity Department.****BRIEF HISTORY OF THE CASE**

In a meeting held on 22.11.06 in the Chamber of Engineer-in-Chief, attended by CE (E-II), CE (E-I), ACE (E-I), ACE (E-II) and SE (E-planning), it was considered view that a case may be initiated for procurement of 7 Nos. 33/11kV, 16/20 MVA, Power Transformer. Tenders were accordingly invited and case was processed on merit after following all the Codal norms and procedures.

Subsequently on the directions of Chairman, the requirement of Power Transformer was reviewed on 12.02.08 by a committee of officers comprising Sh. Y.P. Singh, (Advisor-Power), Sh. R.N. Mathur, (Advisor-Power) and CE (E-II). A requirement of six Power Transformers was assessed for purchase as under: -

1. Two for replacement of already lying burnt transformers. These will be installed at Electric Sub-station Dalhausie Road and Bapu Dham.
2. Two more transformers are to be installed, one each at ESS Sahajahan Road and State Guest House. These can be utilized for meeting any exigencies in the system as and when any of the 17 power transformers, which are already working in the system, otherwise having served useful lives, fails.
3. Two more power transformers are proposed to be purchased for augmentation purposes and the same shall be installed, one each at ESS Baird Road and Kidwai Nagar (West).

DETAILED PROPOSAL ON THE SUBJECT:

Tenders were invited in three-cover system for the Purchase of 7 Nos. 33/11 KV, 16/20 MVA Power Transformers after following due procedures as per the Codal provisions and offers of three firms namely; M/s Bharat Bijlee Limited, M/s ECE Industries Ltd. and M/s Kanohar Electricals Limited, were received on 18.07.07.

Subsequently after evaluation of the Techno-commercial offers of the participating firms in the department and by the Standing Technical Evaluation Sub-committee, M/s Bharat Bijlee Ltd. emerged the only eligible firm. On the recommendations of the Standing Technical Evaluation Sub-committee, concurrence of finance and approval of Chairperson price bid of the only eligible firm was opened on 28.11.07 & the quoted rates of the firm were found as under:-

Ex works price	@ Rs. 1,05,42,000.00
ED@ 16.48%	Rs. 17,37,371.60
CST @ 3% against C-Form	Rs. 3,68,379.64
Freight & Insurance + 90 days'	
Storage Charges after delivery of	
Equipment at site	@ Rs. 3,65,000.00
Unloading	@ Rs. 80,000.00

The total computed cost of each transformer works out to Rs.1, 30,92,701.24 with IEEMA Price Variation Clause with base date 01.6.07 without ceiling.

Since the quoted rates of the firm were higher than the equalized estimated cost as well as the last purchase order rate, negotiations were recommended for seeking reduction in rates. With the concurrence of finance and approval of Chairperson, negotiations were conducted with M/s Bharat Bijlee Limited on 10.03.08 by a Standing Negotiations Sub-committee under the Chairmanship of CE (E-II) and the minutes of the meeting of Standing Negotiation Sub-committee were recorded on file.

The firm offered a discount and the negotiated rates of the firm were found as under: -

Quoted Price	=	@ Rs.1,05,42,000.00 each
Discount offered during negotiations	=	@ Rs. 10,000.00 each
Basic Price after negotiation (Variable with IEEMA PVC with base date 01.06.07 with out ceiling)	=	@ Rs.1, 05,32,000.00
ED @ 16.48%	=	Rs. 17,35,673.60
CST @ 3% against Form 'C'	=	Rs. 3,68,030.20
F & I + 90 days' storage Insurance	=	Rs. 3,65,000.00
Unloading	=	Rs. 80,000.00 each
Total computed price per Transformer	=	@ Rs. 1,30,80,703.80 each
Total cost of purchase for six transformers		Rs.7, 84,84,222.80

On the recommendations of the Standing Negotiations Sub-committee and Electric Department that the rates of the firm are less than the current market rates, finance concurred in the proposal of the department to place supply order with M/s Bharat Bijlee Limited for supply of 6 power transformers of 16/20 MVA, 33/11 KV at a total computed cost of Rs. 7,84,84,223/- with IEEMA Price Variation Clause with base date 01.06.07 without ceiling.

FINANCIAL IMPLICATIONS - Rs. 7,84,84,223/- with IEEMA Price Variation Clause with base date 01.06.07 without ceiling.

IMPLEMENTATIONS SCHEDULE – 13 months (One Transformer within 7 to 8 months and balance @ One Transformer in every month there after) from the date of approval of drawings.

COMMENTS OF FINANCE DEPARTMENT – Finance concurred in the proposal of the department to place the supply order with M/s Bharat Bijlee Ltd., for supply of six Power Transformer of 16/20 MVA, 33/11 KV at a total computed cost of Rs. 7,84,84,223/- with IEEMA price variation clause with base date 01.06.07 without ceiling subject to the following: -

1. Approval of the Competent Authority.
2. Availability of funds.
3. Scrutiny Note may be signed by CE (E)
4. The department is advised to obtain the revised A/A and E/S of competent authority for procurement of 6 Nos. Power Transformers instead of 2 Power Transformer as also advised earlier.

COMMENTS OF DEPARTMENT ON THE COMMENTS OF FINANCE DEPARTMENT:

1. Approval of Chairman / Council is being obtained.
2. Funds are available under the budget head E-II, Purchase of Stores, wherein a budget provision of Rs. 100 Crores exists during the current financial year.
3. Scrutiny note has been signed by CE (E)
4. A/A and E/S of Chairman / Council for Procurement of 6 Nos. Power Transformers is being obtained.

LEGAL IMPLICATIONS - NIL

COMMENTS OF LAW DEPARTMENT - At this stage no law points is involved in the agenda item. However, this has our concurrence but department may ensure that facts and figures mentioned in agenda are correct and are as per approval of competent authority.

COMMENTS OF DEPARTMENT ON COMMENTS OF LAW DEPARTMENT - It is ensured that facts and figures mentioned in the agenda are correct and approval of competent authority is being taken.

RECOMMENDATIONS – Department recommends to Purchase six power Transformers of 16/20 MVA, 33/11 KV from M/s Bharat Bijlee Limited at a total computed cost of Rs. 7,84,84,223/- (**Rupees seven crore eighty four lacs, eighty four thousand two hundred twenty three only**) at the terms and conditions to NIT with IEEMA PVC with base date 01.06.07 without ceiling and seek administrative approval and expenditure sanction of the Council for the above purchase.

The expenditure on this account shall be charged to the budget head E.11 "purchase of Stores" wherein a budget provision of Rs.100 Crores exists during the current financial year 2008-09. Certified that all CVC guidelines have been followed please.

COUNCIL'S DRAFT RESOLUTION :-

Resolved by the council to place the order for purchase of 6 Nos. 16/20 MVA, 33/11 KV Power Transformers on M/s Bharat Bijlee Limited at a total computed cost of Rs. 7,84,84,223/- at the terms and conditions of NIT with IEEMA Price Variation Clause with base date 01.06.07 without ceiling and to accord administrative approval and expenditure sanction for the above purchase. The order may be placed in anticipation to the conformation of the minutes of the council as the validity of the offer is only up to 31.05.2008.

COUNCIL'S DECISION

Resolved by the Council to place the order for purchase of 6 Nos. 16/20 MVA, 33/11 KV Power Transformers on M/s Bharat Bijlee Limited at a total computed cost of Rs.7,84,84,223/- at the terms and conditions of NIT with IEEMA Price Variation Clause with base date 01.06.07 without ceiling and to accord administrative approval and expenditure sanction for the above purchase. The order may be placed in anticipation of confirmation of the minutes by the Council, as the validity of the offer is only upto 31.05.2008.

The Department has also clarified that two Power Transformers shall be available as spare for utilization, as and when any of the 17 Power transformers, which are working in the system but have already served their useful lives, fails. It has been further certified by the Department that, these two spare Power Transformers will be kept in operation/service condition in the system.

ITEM NO. 14 (A-9)**1. Name of the subject/project:**

Sub.: S/R of Roads in NDMC Area

S.H.: Development of second entry (North End) at Race Course Road, P.M.House Complex.

2. Name of the Department

Civil Engineering Department, Road-IV Division.

3. Brief history of the Subject/project

(a) A decision was taken by P.M Office in the year 2007 to take up the Landscape and Development work of second entry (North End) of Race Course Road, P.M. House Complex. Accordingly, Sh. Pradeep Sachdeva was appointed as consultant as per recommendations of SPG, PM House. Sh. Pradeep Sachdeva, has been already appointed by the CPWD as a consultant for other development works undertaken within P.M. House Complex. So, he was appointed on the same terms & condition as of CPWD. After discussing development plan with comptroller, P.M. House & SPG, the Preliminary Estimate has been prepared by the consultant for Rs.1,25,48,000/-.

(b) The Preliminary Estimate after checking by Planning has been concurred by the Finance Department.

(c) As per the requirement of SPG, Two High Security Electronic Swing Gates are also required to be installed at two locations on Race Course Road within the proposed development area. These gates are required to be imported from Germany and will be got installed directly by the SPG. The expenses on this account will have to be reimbursed to SPG for which the case will be put up separately as these gates will be installed at a later stage when civil works are nearing completion. The P.E. is now placed for accord for A/A & E/S by the Council.

4. Detailed proposal of subject/project

The brief scope of work is as follows:-

(i) Civil Works	75,61,000
❖ MS railing in the Central Verge.	
❖ Red Sandstone kerb stone & cladding on toe wall.	
❖ Semi finish Kota-Stone flooring in footpath.	

- ❖ D.Q. stone flooring in parking.
- ❖ Const. of 2 Guard Huts, one Pota Cabin for guards with Toilet Block.
- ❖ RCC work in columns.
- ❖ Const. of brick walls.
- ❖ 40 mm thick Dense Bituminous Concrete on main road.
- ❖ Misc. work like Sewerage & Tube Well etc.

(ii) Electrical Works 26,81,180

- ❖ Decorative Luminous Pole with Lamp<22 Nos.>
- ❖ Laying of cable, R.C.C. Pipe, Feeder Pillar Box and Earthing etc.

(iii) Horticulture Works 12,00,000

Landscaping with plantation of various Plants & planters.

5. Financial implications of the proposed subject/project:

The financial implications of the proposal works out to Rs.1,25,48,000/-.

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

- | | |
|---------------------------------------|----------------------|
| ❖ Accord of A/A & E/S by the Council. | April 08 |
| ❖ Preparation of Detailed Estimate | May 08 |
| ❖ Call of tender | June 08 |
| ❖ Award of work | July 08 |
| ❖ Execution of work | Aug.'08 to Feb.' 09. |

7. Comments of the Finance Department on the subject :

Finance Department has concurred the Preliminary Estimate for Rs.1,25,48,000/- subject to following:-

- (i) Availability of the funds to ensure for the execution of the work.
- (ii) The amount being in excess of Rs. 50 lacs the DPR internal standing order of Jun.'05 & Sep.'03 be prepared.
- (iii) Certification that scope of work to the extent as stipulated in Preliminary Estimate is the responsibility of NDMC and expenditure to be incurred thereof is not chargeable to/payable by any other department.

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

The replies to the observations raised by Finance Department are as under:-

- (iv) The funds will be made available after approval of Preliminary Estimate by the Council as per prevailing norms of Finance Department.
- (v) The Detailed Project Report has been prepared.
- (vi) It is certified that the scope of work to extent as stipulated in the Preliminary Estimate is the responsibility of NDMC and the expenditure to be incurred thereof is chargeable to NDMC only.

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

NIL

10. Comments of the Law Department on the subject :

Law Department has commented the work does not involve any law points.

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

No comments in view of above.

12. Recommendations:

The case placed before the council for consideration and accord of A/A & E/S amounting to Rs.1,25,48,000/- to the Preliminary Estimate for the work of Development work of Second Entry (North End) at Race Course Road, P.M. House Complex under S/R of roads in NDMC area.

COUNCIL'S DECISION

Resolved by the Council to accord Administrative Approval and Expenditure sanction amounting to Rs.1,25,48,000/- to the Preliminary Estimate for Development of second entry (North End) at Race Course Road, P.M. House Complex.

It was further decided that the deptt. may take necessary action, in anticipation of confirmation of the minutes by the Council.

ITEM NO. 15 (F-1)**1. Name of the subject/Project**

Introduction of Unit Area Based System of determination of Annual Rental Value – finalization of byelaws

2. Name of the Department

Tax Department

3. Brief History of the subject/project:

The tax department, in consultation with the law department, had prepared draft byelaws for introduction of the Unit area system of determination of the Annual Rental Value. The bye laws were based on the recommendations of the Committee constituted u/s 9 of the Act for this purpose as also the recommendations of the third Finance Commission. After approval of the Council in its meeting held on 13/02/2008, a Public notice was issued on 17/02/2008 in **Times of India and Navbharat Times**, inviting objections/suggestions on the proposed bye laws. The draft byelaws were also placed on the NDMC website for wider publicity. Thereafter, Chairperson constituted a committee comprising the FA, LA and Director(Tax) to give a hearing to the objectors.

The objections have been analysed in detail ad the detailed proposal is as per Para 4

4. Detailed proposal on the subject/project**Present System of Valuation of property in NDMC**

- 4.1 As per the NDMC Act, 1994 the property tax is leviable on all lands and buildings as a percentage of rateable value and the rateable value is annual rent at which the lands and buildings are reasonably expected to let from year to year. In 1979 and 1984, the Supreme Court held that in respect of the properties subject to Delhi Rent Control Act, the reasonable expectation of annual rent cannot be more than the standard rent determinable under the Delhi Rent Control Act. This resulted in freezing the rateable values of all properties to the standard rent, even though the values and the rentals in the buildings were continuously on an increase. Looking to impact of this decision on municipal revenues and to settle other disputes between landlord and tenant, in 1988,

there was an amendment in the DRC Act which provided that in respect of the properties with monthly rent above Rs.3500/- p.m., provision of the DRC Act will not apply. The result was that in respect of properties fetching rents above Rs.3500/- p.m. on 01.12.1988, the date of commencement of the amendment, the rateable values were increased to the actual rent. The amendment also provided that the properties constructed on or after 01.12.1988 would be exempt from provision of Rent Control Act for a period of 10 years from the date of completion of the building. This also resulted in assessing the properties constructed on or after 01.12.1988 on actual rents and self occupied on comparative rents.

- 4.2 Since the properties constructed upto 30.11.1988 were assessed on the basis of hypothetical standard rent and the rateable value did not increase, there was a wide disparity between the RVs of the properties constructed upto 30.11.1988 in self occupation or on rents upto Rs.3500/- per month and the properties completed after 01.12.1988 and the properties on rent above Rs.3500/- p.m.

Unit Area Method in MCD

- 4.3 In MCD, the concept of Unit Area Method was introduced through the Bye-Laws of 1994 for properties in unauthorized colony, EWS and LIG Scheme and for residential properties upto covered area of 75 mtrs. This was approved by High Court and Supreme Court. Thereafter, in 2003, the MCD introduced the UAM for all the properties in its area and fixed the unit rate of the year 2000 for properties exclusively used for residential purposes. The MCD area was divided into eight categories and multiplication factors for user, occupation, location, structure etc. were introduced. The said amendment was introduced through amendment in the Act.

Proposed Unit Area Method in NDMC

- 4.4 It was proposed to introduce Unit Area Method in the NDMC. The Council directed that impact of UAM in the MCD be studied before introducing the same in NDMC. The Council thereafter, set up a Committee to examine UAM in the NDMC and directed that the introduction of UAM should be examined in such a way that it doesn't have an adverse impact on the revenues of the NDMC. Accordingly, the Committee examined the UAM and submitting its report to the Council. The broad recommendations of the Committee were :-

- (i) Unit rate for self occupied residential properties be fixed at Rs.1000/- per sq. mtrs.
- (ii) The NDMC should be treated as a single unit.
- (iii) The use factor for residential property may be taken as **1** and non-residential as **6**.
- (iv) The occupancy factor for the self occupied property be taken **1** and for properties other than self occupied properties **3**.
- (v) In respect of the plots above 1000 mtrs., the un-constructed portion of the plot be assessed at 30% of the unit rate.
- (vi) Age factor of the building should be taken as under :-
Multification factor for Age of the building :-

<u>Period completion of building</u>	<u>Multiplier</u>
Prior to 1960	0.5
Between 1960 and 1969	0.6
Between 1970 and 1979	0.7
Between 1980 and 1989	0.8
Between 1990 and 1999	0.9
And after 2000	1.00

- (vii) The properties owned by companies, firms, trusts etc. and used for residence of the employees, directors, partners or being used as guest houses should not be taken as self occupied but other than the self occupied property.
- (viii) Council accepted the recommendations of the Committee and directed that impact of these recommendations, on properties in the NDMC area should be worked out.

Recommendations of Delhi Finance Commission

4.5 In the meantime, Delhi Finance Commission, in respect of NDMC recommended as under :-

NDMC should take up rationalization of property tax rates to include specific actions namely :-

- (i) *The civic body should first decide the amount to be recovered from property tax.*
- (ii) *Rental data and land values should be collected and updated on a regular basis.*
- (iii) *The rate should be fixed in the line with the amount and size of property tax base.*
- (iv) *A system of modification of unit rates should be developed accordingly [Recommendation-17].*

The NDMC examine the issue of introducing the Unit Area Method System of levying property tax, not on the basis of the MCD experience but by turning to the more successful models [Recommendation No.18].

Alternate method for Valuation of buildings not for letting

- 4.6 Considering advise of the DFC, an alternate method of valuation of properties which are not meant for letting was considered. This is in line with the Supreme Court directions in the case of Patel Goverdhan Dass that where the properties are not for letting, the annual value may be determined on the basis of a percentage of the value of land and value of cost of construction. The percentage may be different for land and for building.
- 4.7 The Government of NCT of Delhi has notified U/s-27 and 47-A of the Indian Stamp Act, 1899, minimum circle rates for valuation of lands and cost of construction. In determination of the said circle rates, the Government has prescribed use factor for the land. In respect of the circle rates for the cost of construction, the Government has prescribed age factor. It appears that the concept in fixing the circle rates is that there is no depreciation in the value of land with age of the building and the value of the building depends upon permissible use of the land. There is depreciation in the value of super structure and accordingly age factor has been applied for the cost of construction.
- 4.8 In respect of the properties of the Union of India or those are NCT of Delhi which are not for letting, this method of valuation of the land and building has been suggested. The annual value shall be a percentage of the value of land at circle rates and the value of cost of construction as reduced by the age factor. This method of determination of RV by value of land and value of cost of construction can be adopted for the buildings of the Union and NCT of Delhi used for residential purposes or the buildings which are for public purpose, schools, colleges, hostels, hospitals, Govt. offices, embassy, clubs, guest houses, cinema halls and hotels. The circle rates fixed by the NCT of Delhi, as aforesaid, is 43000 per sq. mtrs., a multiplication of use factor has been suggested as **1, 2 & 3**. As far as the cost of construction is concerned, the cost has been indicated at Rs.14960/- per sq. mtrs. which can be taken in round figures as Rs.15000/- per sq. mtrs.

Committees Recommendations for buildings available for letting

- 4.9 As regards the other properties which are for letting, the recommendations of the NDMC's Committee set up U/s-9 are to be implemented.

Bye-Law-13 for buildings not for letting

- 4.10. Bye-Law-13 & 14 are mainly on the basis of the aforesaid proposals. Bye-Law-13 is for the properties which are not for letting. The land rates has been taken as 43000 per sq. mtrs. and use factors are proposed as under :-

Use factor for land :-

(i)	Residential use – Public purpose, schools, clubs Hostels, hospitals.	-	1
(ii)	Public utility, govt. offices, embassy	-	2
(iii)	clubs, guest house, cinema halls and hotels upto four star	-	3
(iv)	Hotels five star and above	-	4

- 4.11 Circle rates for cost of construction have been taken at Rs.15000/- per sq meter and age factor has been taken as under :-

Building constructed prior to 1960	-	.5
Building constructed between 1960 to 1969	-	.6
Construction between 1970-79	-	0.7
Construction between 1980-89	-	0.8
Construction between 1990-99	-	0.9
Construction after 2000	-	1.00

- 4.12 The annual value shall be the percentage of value of land and value of cost of construction, the said percentage can be a minimum of 5% and maximum of 10% to be fixed by a Valuation Committee to be set up for this purpose. The lower limit of 5% has been kept on the basis of the provisions of the Punjab Municipal Act and the upper limit of 10% is as per the provisions of the Rent Control Act. The said Valuation Committee would be empowered to add properties to be valued under this method and also the percentage to be fixed for determining annual value. To begin with, the unit rate at 5% of the circle rates can be as under :-

Unit rate of land for multiplication :-

Use factor is 1	-	2150 per sq. mtrs.
For use factor 2	-	4300 per sq. mtrs.
For use factor 3	-	6450 per sq. mtrs.
For use factor 4	-	8600 per sq. mtrs.

- 4.13 Unit rate at 5% of the circle rate for cost of construction for different age factor would be as under :-

<u>Period of completion of the Building</u>	<u>Multiplication Age factor</u>	<u>Unit rate in Rs. Per sq. mtrs.</u>
(a) Construction upto 1959	0.5	375
(b) Construction between 1960-69	0.6	450
(c) Construction between 1970-79	0.7	525
(d) Construction between 1980-89	0.8	600
(e) Construction between 1990-99	0.9	675
(f) Construction after 2000	1.00	750

Bye-Law 14 for buildings available for letting

- 4.14 The Bye-Law-14 is on the basis of the recommendations of the Committee set up U/s-9 of the Act.
- 4.15 Bye-Law-14(2) provides for the determination of annual value of portion of land which is not constructed upon. This is for plots above 1000 sq. mtrs. Bye-Law-14(3) is for determining the annual value of the covered space of the building by multiplying the unit area rate with the area of covered space and the relevant multiplication factors. Bye-law-14(4) specifies the unit rate for buildings exclusively used for residential purpose. This is Rs.1000/- per sq. mtrs. of the covered space, and can be amended by the Valuation Committee from time to time. Bye-Law-14(5) provides for increasing or decreasing the base unit value and such other parameters about the use factor, age factor, type of structure, occupancy status, average rentals available in the building, location of the covered space and any other relevant factor as may be considered necessary by the Valuation Committee.

4.16 Pending fixation of the multiplication factors or increase or decrease by the Valuation Committee, the multiplication factors for the use and occupancy of the covered space are proposed as under :-

(i)	Use of covered space for residential purpose or vacant	-	1
(ii)	For others	-	6
(iii)	Occupancy covered space for self or vacant	-	1
(iv)	Others	-	3

4.17 The age factor has not been included in Bye-Law-14(6) and is to be included as under :-

Building constructed prior to 1960	-	.5
Building constructed between 1960 to 1969	-	.6
Construction between 1970-79	-	0.7
Construction between 1980-89	-	0.8
Construction between 1990-99	-	0.9
Construction after 2000	-	1.00

4.18 Explanation to this Bye-Law makes it clear that the premises owned by firms etc. and used by Directors, employees or partners for residences or guest house shall not be treated as self occupied by the owner.

4.19 Bye-Law-14(8) has defined the term '*covered space*'.

4.20 Taking into consideration, the fact that the increase in the rentals of the building in the NDMC area can be utilized for not making periodical increases in the unit rate or multiplication factors of the building, it has been suggested in Bye-Law-14(7) that where the covered space of the building is let and the actual rent is in excess of the bonafide value of the covered space building, the RV of the said space may be the actual rent paid by the occupier.

Bye-Law 14 A for Valuation Committee

4.21 Bye-Law-14(A) is the Constitution of the Valuation Committee. The Valuation Committee is expected to give recommendations to the Chairperson for the ensuing year and the Chairperson may accept the said recommendations with such variation as he considers

necessary and issue a public notice of the said modified recommendations of the Committee, prior to the their implementation for determining the RVs of land and building. The said Valuation Committee can fix the percentage of the circle rates, variations in the base unit rate and multiplication factors. The Valuation Committee may increase or decrease the unit rate and multiplication factors, it may also opt for not changing the unit rates and in that case the unit rate, multiplication factors etc. shall continue till the same are amended.

Publication of Bye-laws and inviting objections

4.22 Bye-laws 12 to 14A were put up to the Council in its meeting of 13/02/2008. The Council advised inviting objections from the public. Accordingly objections were invited from the public. Objections were received from the following:-

1. Jor Bagh Association
2. Golf Links Association
3. Federation of Association of Babar Road.
4. Hotel Hans Private Limited
5. Hansalya Properties
6. Orient Paper and Industries Limited
7. National Engineering Industries Limited.
8. Kamakshi, Mizuho Cooperative Bank Limited.
9. Shri Lalit Mohan Mehra, 128, Golf Links
10. Tata Indicom Corporate Messaging Services
11. M/S. DLF Limited
12. Shri Abhishek Jain, Lanlord
13. M/S. Burmah Shell Co-operative Housing Society Limited (Regd.)
14. Shri Anil Kumar Jain
15. M/s. Hotel Excelsior Limited
16. M/s. Diplomatic Enclave Owner and Resident Associations
17. Babar Road Colony Lease Holders Association
18. Sarojini Nagar Market Shopkeepers Association
19. Nirmal Shiksha Kendra
20. Shri Deepak Sikand
21. M/S. Sood & Sood Builders Private Limited
22. Shri B.N.Goel
23. Shri R.P.Sharma

Examining the objections

23. To consider these objections the Chairperson set up a Committee headed by Financial Advisor and LA and Director(Tax) as other members, to explain the salient features of bye-laws and have reactions of the persons who have filed objections. The Committee discussed the bye-laws with the persons who had filed objections and minutes of the discussion are at **Annexure-I (See pages 80-83)** of this agenda.
24. In respect of bye-law 13, Hans Hotel & Hotel Excelsior Ltd. filed their objections. Their suggestion was that the rateable value should not be dis-proportionately increased. Hotel Hans was informed that their building has been completed sometime in 1975 and there has not been any increase in the rateable value for the last 33 years and as such to remove disparities in the rateable values of properties constructed earlier and being constructed now and between low RV and high RV buildings adjustments in RV and tax thereon cannot be avoided.
25. In respect of the bye-law 14 and 14 A the main objections were :-
- (i) Benefit of age factor has not been given
 - (ii) The unit area rate should be the same as in MCD
 - (iii) Land value for un-constructed portion should not be taken as the same cannot be constructed upon
 - (iv) There should not be any change in unit rates or multiplication factors for a period of 10 years and a Valuation Committee should be set up only after 10 years.
 - (v) Properties owned by companies, firms etc. and occupied by employees, Directors, partners etc. or as guest houses should be treated as self occupied.
 - (vi) In Unit area method, there should not be increase rateable value or tax thereon.
 - (vii) Bye-law 14(7) providing for assessment on actual rents, if the actual rents are more the rateable value on the basis of unit area, should not be implemented and if it is to be implemented, it should be implemented for non residential properties only.

POINT WISE EXPLANATION**(i) Benefit of age factor**

It was a mistake in not providing the age factor in bye-law 14(5). The same shall be provided in the bye-law 14(5)

(ii) The unit area rate should be the same as in MCD

MCD fixed the unit rate at Rs.630/- for the year 2000. In NDMC area, the unit rate for the entire NDMC area as a single unit has been taken as Rs.1000/- per sq.mtr. The increase in a period of 08 years is less than 60% and is not on the higher side. In the Rent Act, which had the ascent of the President, the annual increase was taken at 10% compounded yearly ; in the fixation of licence fee of NDMC buildings, the Council approved increase in the licence fee by 10% per year compounded on yearly basis; the cost index from 1.1.2004 to 01.01.2008 for the payment of DA to Govt. employees has increased by 47% ; DDA has fixed the annual mixed use charges for the year 2006-07 at the double the rates of MCD category-A areas as below:-

Type of mixed use	MCD (Category-A)	NDMC
Retail shops	767	1532
Other activities	383	766

Also the rentals and value of properties, during this period, have more than doubled, as such the unit rate from 1.1.2008 at Rs.1000/- per sq.mtr. appears reasonable.

(iii) Land value for un-constructed portion should not be taken as the same cannot be constructed upon

Unit rate is only for the covered area of the building and no account is taken, in valuation of property, of the un-constructed portion of the land which is beneficially enjoyed by the owners and occupiers. In determining the standard rent of such building, entire area of the plot was taken into consideration. As such it has been proposed to value un-constructed portion of land, in residential buildings, with plot area of more than 1000 sq.mtrs., at 30% of the unit rate. The unit rate of such un-constructed portion of land shall be Rs.300/- per sq.mtr.

- (iv) There should not be any change in unit rates or multiplication factors for a period of 10 years and a Valuation Committee should be set up only after 10 years.**

The MCD Act provides for setting up of Valuation Committee after every three years and pending acceptance of the recommendations of the Committee, the Unit rate is to be increased according to the changes in the consumer price index for Urban non-manual workers or such other suitable index as may be fixed by the government. In the case of NDMC, it has been proposed that the Valuation Committee will give its recommendations on year to year basis and may increase or decrease the unit rates or multiplication factors and before making such changes shall invite objections from the public. The proposal to set up Valuation Committee and have its recommendations on year to year basis, is better method, instead of not increasing the rateable values for 10 years and suddenly increase of the unit rates after 10 years.

- (v) Properties owned by companies, firms etc. and occupied by employees, Directors, partners etc. or as guest houses should be treated as self occupied.**

The buildings owned by companies, firms, trusts etc. and occupied by employees, Directors, partners etc. are being held as business asset of company, firm etc. and cannot be treated as self occupied property of an individual.

- (vi) In Unit area method, there should not be increase rateable value or tax thereon.**

Main purpose of introduction of Unit Area Method is to remove disparities in similar type of building. When disparity is to be removed or reduced, the RV's of properties which have not been revised for years, have to go up and RV's of those which have been revised from time to time, have to come down.

- (vii) Bye-law 14(7) providing for assessment on actual lands if the actual lands are more the rateable value on the basis of unit area should not be implemented and if it is to be implemented it should not be implemented for the residential properties.**

It is well known that due to increase in wages, increase in cost of material for development of roads, parks, street light and other similar items, cost of running municipal govt. of NDMC and of providing municipal services is constantly on an increase,

and if a periodical increase in unit rates or rate of taxes is not maintained, it may adversely effect in running the Municipal Government of Delhi and providing Municipal services. As such clause 14(7) has been added only for those who have capacity to pay and can pay the property tax. Tax from such properties, which help Valuation Committee not to increase or make only a moderate increase, in the unit rates and or multiplication factors from year to year.

4.26. The bye-laws have been frames in such a way that there would be no disparity between the rateable values per sq.mtr./ per sq.ft. of the buildings similarly used and occupied and constructed prior to 1960. Similar would be position of the buildings constructed in the block of every 10 years i.e. 1960-1969, 1970-1979 and so on.

(i) Since major part of the New Delhi has been constructed prior to 1960 the unit rates for such properties shall be as under :-

	Rupees (Per Sq.Mtr.)
Residential self occupied properties	500
Res. Other than self occupied by the owners and owned by Companies / firms etc.	1500
Non residential properties in self occupation	3000
Non residential rented properties	9000

(ii) In respect of the properties which have been re-developed / constructed between 1960 to 1969, the unit rates shall be as under :-

	Rupees (Per Sq.Mtr.)
Residential self occupied properties	600
Res. Other than self occupied by the owners and owned by Companies / firms etc.	1800
Non residential properties in self occupation	3600
Non residential let out	10800

The buildings covered by the above rates are the following :-

Building	Year of completion	Covered area in sq.mtr.
PTI	1961	12,561
UCO Bank	1960	9757
Punjab National Bank	1960	9553
Allahabad Bank	1965	12,322
Jeewan Tara	1960	21,662
Jeewan Prakash	1965	12,991
Jeewan Deep	1960	12,488
Jeewan Vihar	1963	9847
State Bank of India	1969	26,417
Thapar House	1955	7885.67
ECE House	1956	7565
Bank of Baroda	1965	13,047

(iii) The properties constructed between 1970 and 1979, the unit rates shall be as under :-

	Rupees (Per Sq.Mtr.)
Residential self occupied properties	700
Res. Other than self occupied by the owners and owned by Companies / firms etc.	2100
Non residential properties in self occupation	4200
Non residential other than self occupied / rented properties	12600

This shall include the following re-developed residential and non residential properties :-

Building	Year of completion	Covered area in sq.mtr.
Himalaya House	1973	17,384
Surya Kiran	1973	21,180
Hindustan Times	1973	39,799
FCI	1974	13,638
Hansalaya	1975	27,095
New Delhi House	1974	15,337

Nirmal Tower	1975	3633
Ashoka Estate	1976	16,332
Kanchanjunga	1970	13,732
Dakshineswar	1971	7051
Atma Ram	1970	6309
Vandana	1972	13,935
Ansal	1973	16,937
Kailash	1974	14,121
Sagar Apartments	1977	17,952
Dewanshree	1975	6688
Asha Deep	1970	9791
Rohit House	1970	7372

- (iv) The properties constructed between 1980 and 1989, the unit rates shall be as under :-

	Rupees (Per Sq.Mtr.)
Residential self occupied properties	800
Res. Other than self occupied by the owners and owned by Companies / firms etc.	2400
Non residential properties in self occupation	4800
Non residential other than self occupied / rented properties	14400

This shall include the following re-developed properties :-

Building	Year of completion	Covered area in sq.mtr.
Vijaya Building	1988	28,217
Arunachal	1988	18,218
Indraprakash	1986	31,180
DCM	1989	11,541
Prakash Deep	1985	10,520
Tolstoy House	1984	11,439
Mohan Dev	1988	5026

Jeewan Bharti	1987	34,108
STC	1989	39,105
Nilgiri	1988	7958
White House	1988	7716
Girdhar Apartment	1984	9793

- (v) The properties constructed between 1990 and 1999, the unit rates shall be as under :-

	Rupees (Per Sq.Mtr.)
Residential self occupied properties	900
Res. Other than self occupied by the owners and owned by Companies / firms etc.	2700
Non residential properties in self occupation	5400
Non residential other than self occupied / rented properties	16200

This shall include the following properties :-

Building	Year of completion	Covered area in sq.mtr.
Gopal Dass Bhawan	1994	22230
Antariksha	1990	23349
Amba Deep	1990	18733
Merchantile House	1990	11,433
DLF	1992	18,499
Golf Apartment	1994	9,605
Adhishwar	1994	16,105
Gauri Sadan	1985	11603

(vi) The properties constructed on or after 2000, the unit rates shall be as under :-

	Rupees (Per Sq.Mtr.)
Residential self occupied properties	1000
Res. Other than self occupied by the owners and owned by Companies / firms etc.	3000
Non residential properties in self occupation	6000
Non residential other than self occupied / rented properties	18000

This shall include the following properties :-

Building	Year of completion	Covered area in sq.mtr.
Birla Building	2004	29,321
Statesman House	2001	25,419
Narayan Manjil	2002	23,949
Mauray House	2000	18,909
Dhawan Deep	2000	10,383
Silver Arch	2001	10,702
Upasana	2005	10,384

- 4.27. The Council had earlier approved the Committees recommendations on the unit area method and as aforesaid by-law 14 except 14(7) is on the basis of the recommendations of the Committee as accepted by the Council.
- 4.28. Bye-law 13 has been added for determination of rateable values of the properties which are not meant for letting and also the properties of Union of India etc.
- 4.29. The bye-law 14(7) has been added to assess on actual rent, if the property has a rental of more than the unit area value.
- 4.30. There have been request from the owners that unit rates for servant quarters and garages or the basements either in self occupation or rent should not be the same as for other properties.

- 4.31. The method of determining the rateable value of Petrol Pumps, towers and hoarding and on the land available with the clubs like Golf Club, Race Course, schools, Safdarjung Airport have not been provided in the recommendations Committees and as such determination of rateable values on these properties may be left with the Valuation Committee.
- 4.32. The Council's guidance is requested on the following :-
- (i) *Whether the bye-law 13 which was not forming part of the Committee's recommendation should form part of the rateable value bye-laws or not.*
 - (ii) *whether the bye-law 14(7) should be included for assessing the rateable value of properties with high rents and have capacity to pay;*
 - (iii) *whether relief in respect of values for servant quarters, garages and basements;*
 - (iv) *permit Valuation Committee to decide about the rateable value not covered in bye-law 13 and 14 or where there is difficulty in fixing the rateable values in bye-law 13 or 14;*
 - (v) *whether any changes are required in the Constitution of the Valuation Committee.*
 - (vi) *Council may permit an explanatory clause in the byelaws to clarify that properties that have been given by an owner to an occupier for use of the premises on payment of licence fee, commission, supervision charges, warehousing charges or such other payments, shall be treated as properties that are not self occupied for determination of the Occupancy factor*
 - (vii) *A bye law may be added to the effect that the RV shall be rounded off to the multiplier of Rs 100/-*
- 4.33. The bye-laws are proposed to be made effective from 01.04.2008 and after Council gives guidance as per para 4.32 above, the bye-laws, as amended after guidance of Council shall be submitted to Govt. of NCT of Delhi for notification.
- 4.34. After the bye-laws are notified agenda item for rate of tax and rebate shall be put up to Council for modifications in the rate schedule of 2008-2009, already approved by the Council.
- 4.35. The parawise analysis of the objections received has been placed at **Annexure II (See pages 84-103)**.

5. Financial implications of the proposed project/subject :

The impact is expected to be revenue neutral in the short term. The base Unit Area Value has been proposed in such a manner as to be revenue neutral based on the demand raised in the year 2006-07. The estimation of the impact has been based on the assumption that there will be compliance by taxpayers with the changed method of determination of the ARV. The base values do not account for the increase in the rental values due to economic growth of the city and Tax buoyancy will have to be ensured by the Valuation Committee by proper revision of the base values and multiplication factors.

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

After Council's approval, the byelaws will be sent to the GNCTD for notification in the official Gazette. The byelaws are proposed to be implemented w.e.f. 1/4/2008.

7. Comments of the Finance Deptt. on the subject

NA

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

NA

9. Legal implications of the subject/project

As discussed above

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

- (i) **Res No 3(viii) dated 21/01/2003**, - The Council decided to await the final report of the expert Committee setup in respect of MCD on Unit Area Method. It was further decided that pending implementation of the Report in MCD, the feasibility of introducing this method of property taxation in NDMC along with the pros and cons may be examined
- (ii) The recommendations of the Dharmarajan Committee were brought before the Council in its meeting held on **27/6/03 (item No 3(xviii))**
- (iii) A position paper on Unit Area Method of Assessment in NDMC was placed before the Council in meeting held on **13-02-06 (Item no. 19(F-5))**. The position paper analysed the reasons for adoption of unit area method in other municipalities, the advantages and disadvantages of the present system in NDMC

and alternatives and suggestions with regard to introduction of Unit Area Method of property tax assessment in NDMC. The Council resolved that the position paper be enlarged to consider the overall revenue position and projected revenue receipts of the NDMC, as anticipated, for the next five years, and make recommendations on the method by which the municipal body can continue to provide high quality services while maintaining its fiscal health. Since property tax is a key element of NDMC revenues, the means and methods of assessment of property tax (UAM/Actual Value etc.) to maximize revenues and collection efficiency be suggested. A sub-Committee be constituted under Section 9 of the New Delhi Municipal Council Act, 1994 (the Act). Chairperson was authorized to finalize the composition.

- (iv) Recommendations of the Committee constituted u/s 9 were accepted by the Council in principle vide resolution dated **12/02/2007**
- (v) Draft byelaws approved by the council in its meeting held on **13/02/2008** vide resolution **No. 24(F-6)**

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

The bye laws are as per the advise of the law department.

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

NA

13. Recommendation

The proposals as contained in para 4 are placed for Council's consideration. After incorporating the suggestions of the Council, the byelaws shall be sent for notification to GNCTD.

COUNCIL'S DECISION

It was decided by the Council to again refer the Bye-laws, to the Sub-committee constituted for this purpose, for further deliberations and thereafter, the recommendations of the Sub-committee be again put up to the Council for consideration.

ANNEXURES 24 PAGES

ANENXURE END

ITEM NO. 16 (A-10)

1. Name of Subject/project:- Desilting and rehabilitation of 66" dia trunk sewer line from Q. Point to Dayal Singh College in NDMCarea – Tenders thereof.

2. Name of Department concerned:- Civil Engineering Department (PH-circle).

3. Brief History of the subject/project:- The trunk sewer line between Q. Point to Dayal Singh College for a length of 1867 mtrs. In NDMC area was proposed to be rehabilitated as the down stream portion had already been rehabilitated by DJB in 2005. Initially the work was decided to be taken up by DJB as a deposit work of NDMC, In the MOU DJB proposed that the work shall be awarded to Kaveri Infrastructure This was not accepted by NDMC. The matter considered by the Council vide reso. No. 05/A-32 dated 15.11.06. Accordingly a preliminary estimate amounting to Rs. 22,70,55,000/- was approved by the Council vide reso. No., 1(A-40) dated 12.2.07 and thereafter the detailed estimate/draft NIT were approved by the competent authority and the tenders were called with wide publicity through Newspapers as well as web. In order to justify the use of technology as well as to evaluate the soundness of the estimate, M/s. IIT Delhi were retained to provide necessary advice in the matter. M/s. IIT Delhi were also of the opinion and recommended the most suitable technology as CIPP in the instant case and also the market rates of the same, which were much more than the rates adopted in the preparation of estimate.

In the meantime, contracts awarded by DJB to M/s. Kaveri Infrastructure became a subject matter of investigation by CBI. Out of the 6 applications received for the issue of tenders, only 5 tenderers were allowed to participate, M/s. Kaveri Infrastructure Pvt. Ltd. were not allowed to participate in view of the CBI Inquiry and action taken by DJB to debar them.

Out of the 5 tenders sold 3 tenders were received on 28.1.08 from the following firms:-

1. M/s. Capital Engineering Corporation
2. M/s. E.T.Envirotech Overseas Pvt Ltd.
3. M/s. Insituform – SPML –JV

On opening of the technical bids and after its evaluation by the Technical Sub-Committee only two firms M/s. E.T. Envirotech Overseas Pvt Ltd. and M/s. Insituform – SPML –JV were found eligible M/s. Capital Engineering Corpn. was not allowed to participate further as on account of the grounds that he did not possess relevant experience and moreover had entered into a joint venture with M/s. Kaveri Infrastructure Pvt. Ltd. who stands debarred from DJB as well as NDMC, besides filing the false undertaking in accordance with the terms of NIT (recommendation of Technical Sub-Committee placed as **annexure – I (See page 110)**)

Accordingly as per the recommendations of Technical Sub-Committee, financial bids of the other two firms were opened on 4.2.08 as per the details given hereunder:-

S.No.	Name of the Agency	Tendered Amount (Rs.)
1.	M/s. E.T.Envirotech Overseas Pvt Ltd.	18,56,99,933.00 (work out to 9.632% below EC of Rs. 20,54,93,429/-)
2.	M/s. Insitu form – SPML –JV	23,40,00,000.00 (works out to 13.872% above EC of Rs. 20,54,93,429/-)

The quoted rates of the firms were compared with the prevailing rates of similar type of works in Delhi Jal Board of the recently received tenders as well as to the rates proposed by IIT alongwith their recommendations for the use of CIPP technology. The justification statement has

been checked in the SSW office and considering the fact that the maintenance period contained in the original NIT had to be curtailed due to passage of time as well as delay in finalization of the tender so as to coincide with the maintenance period of the down stream end taken by DJB for the rehabilitated line by them which expires on 10.2.2016.

Taking into account of the curtailment of the period of maintenance and in order to seek the clarifications in respect of detailed analysis of various components a clarification was sought from the contractor in a meeting held in the chamber of CE(C) wherein the contractor not only provided the details but also further reduced his rates for the item of maintenance from Rs. 5.00 lacs to 4.5 lacs per month thereby giving a benefit of Rs. 33.5 lacs. Taking into account the curtailment of the maintenance period and reduction in rates the overall tendered amount works out to Rs. 15,58,49,933/- (thus revised). The reduction in rate by the firm along with the necessary clarification has been confirmed vide their letter dated 5.3.08 which shall form a part of the agreement.

A complaint by M/s. Kaveri Infrastructure Pvt. Ltd. was received against the contractor as well as the department for discrepancies in tender documents furnished by M/s. E.T. Envirotech Overseas Pvt. Ltd on investigation no substance was found in the complaint.

4. Detailed proposal on the subject/project:-The proposal contained in the tender is for the rehabilitation of 1867 mtrs. Length of 66" dia sewer line from Q. Point to Lodi Road with a provision for rehabilitation, regarding with confined excavation wherever required and further maintenance after satisfactory completion of work for a period of 67 months so as to complete with the maintenance period of DJB which shall expire on Feb.2016 and thereafter shall be reviewed.

5. Budget provision:- Budget provision exists vide item no. 141 on p- V-141 for Rs. 2.00 crores for the current year under head of account D.2.17.12.A however, necessary funds shall be sought in R.E.

6. Implementation schedule:-

Execution of work 24 months from the date of award

7. Comments of Finance Department on the subject:- The Finance Department has concurred in the proposal vide their U.O. no. 947 dated 16.4.08 as under:-

Department may proceed further seeking acceptance of negotiated offer of L-1 having tendered amount of Rs. 15,58,49,384/- (Rupees fifteen crore fifty eight lakh forty nine thousand three hundred eighty four), but after getting clearance from the Law Department .

- i) comparison of rates so received in this tender with the rates of the DJB for award of similar nature of works and the rates assessed by IIT, Delhi no justification having been prepared in this case,
- ii) percentage above/below of tendered rates against estimated cost taking into consideration the period reduced for maintenance and
- iii) Certification about reasonability of rates of L1 including rates of item no. 4 with reference to quantum of work involved".
- (iv) Above comments are subject to final outcome of the complaint received on 31.3.08 , as referred to above.

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

- i) The amount of the tender has been taken as 15,58,49,384/-.
- ii) The comments of Law Department are under Para-11
- iii) The rates quoted by the firm have been compared with the recently awarded rates of DJB & IIT Delhi of similar works and are found to be justified.
- iv) The tendered amount works out to the 18.15% below the revised estimated cost for tender of Rs 7/-19,04,15,181/- after curtailment of maintenance period 67 months.

v) Since it is a specialized work being done for the first time in the department for this diameter of pipe, no detailed justification can be prepared. However, comparing to the similar works being taken up in DJB as well as the assessment of IIT Delhi who were retained as a consultant in the instant case for providing the consultancy services in respect of use of technology as well as its techno economics. The rate of item No.4 cannot be analyzed in isolation being one of the component of the item rate tender. However, the overall rates quoted by the lowest firms are much lower than the rates of IIT & recently awarded work of DJB.

vi) The validity of the tender is to expire on 1.5.2008.

9. Details of previous Council reso. Existing Law of Parliament

and Assembly on the subject:-

The scheme was initially proposed to be taken up by DJB as a deposit work for which NDMC has agreed vide reso., No. 06/A-19 dated 23.11.05 and thereafter on account of disagreement over the MOU to be entered between DJB and NDMC. The decision was reverse vide reso. No. 5/A-32 dated 15.11.06 as under:-

“ That the work of Desilting and Rehabilitation of 66” dia trunk sewer line from Q. Point to Dayal Singh College in NDMC area by NDMC through its own agency after completing all codal formalities applicable for execution of work is approved”.

10. Comments of Law Department:-

The matter regarding complain received from M/s Kaveri Infrastructures Pvt. Ltd. Dated 31.03.08 against M/s ET Envirotech Overseas Ltd.L-1 along with the clarification sought from M/s ET Envirotech Overseas Ltd. being L-1 in this tender were referred to Law Department and their comments are reproduced as under :-

“ It does not involve any law point if a party has been debarred by DJB due to CBI inquiries and Supreme Court has approved the same, let NDMC takes similar action or seek approval of Council.”

11. Comments on the comments of Law Department:-

As per the advise of Law Department, since there is no legal matter involved in the case of complaint dated 31.3.08, no comments are offered.

12. Department's certification on the observation of Chairman:

- a. The lowest tenderer stands technically qualified as per the details / documents furnished.
- b. All codal formalities in accordance with the CVC Guidelines have been followed in processing of the tender.

13. Recommendations:-

The case is laid before the Council for consideration and decision in the award of tender for an amount of Rs. 15,58,49,384/-, in respect of Desilting and rehabilitation of 66" dia trunk sewer line from Q. Point to Dayal Singh College in NDMC area. The approval may also be given to award the work in anticipation of confirmation of the minutes of the Council.

COUNCIL'S DECISION

Resolved by the Council to award the work of Desilting and rehabilitation of 66" dia trunk sewer line from Q point to Dayal Singh college in NDMC to M/s E.T. Environtech Overseas Pvt. Ltd. at a cost of Rs. 15,58,49,384/-.

It was further decided that the deptt. may take necessary action in anticipation of confirmation of the minutes by the Council.

ANNEXUE

ITEM NO. 17 (A-11)

1. **Name of Subject/project:-** Rehabilitation of old sewers
SH: Desilting and rehabilitation of 838X940mm Egg Shaped barrel at Man Singh Road from Ashoka Road to Q Point. Preliminary estimate thereof.

2. **Name of Department concerned:-** Civil Engineering Department (PH-circle).

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

In accordance with the recommendation of Technical Advisory Board in consultation with the advisor CPHEEO when the rehabilitation process of the existing sewers were decided in 2005 This branch of trunk sewer feeding the 66" dia main barrel at Q Point was also considered to be de-silted and rehabilitated being on the upstream and providing discharge to the main carrier from Q Point to Lodhi Road. With the rehabilitation process being taken up in this reach from Q Point to Lodhi Road it has rather become necessary to desilt this feeder line on Man Singh Road from Ashoka Road to Q Point. Accordingly, a preliminary estimate amounting to Rs. 8,06,63,000/- has been framed to cover the cost for de-silting and rehabilitation with CIPP Technology since this being the most suitable technology specially for non-regular shape of old sewers.

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

The proposal contained in this estimate is for the rehabilitation of 1370 mtrs. Length of Egg shaped barrel of size 838x940mm from Ashoka Road up to Q. Point on Man Singh Road with a provision for de-silting and rehabilitation, regarding with confined excavation wherever required. The technology to be used shall be CIPP liner which is considered to be most suitable for this type of irregular shape of the brick barrel.

5. Budget provision:-

Budget provision exists vide item no. 115 on P- V-105 for Rs. 2.00 Lakhs for the year 2007-08 under head of account D.2.17.12.A however, necessary funds have been sought in the current year's budget.

6. Implementation schedule:-

A/A & E/S	Case under consideration by the Council today.
Technical sanction of D.E.	10 to 12 Weeks
Preparation and approval of draft NIT	4-6 Weeks
Recall of tenders	4 Weeks.
Award of Work	3 Months
Execution of work	12 months from the date of award

7. Comments of Finance Department on the subject:-

The Finance Department has concurred in the proposal vide their U.O. No.. 958 dated 22.4.08 as under:

"We may concur in the estimate amounting to Rs. 8,06,63,000/- (Rupees Eight Crore Six Lakh Sixty Three Thousand only)subject to correctness of information brought on record, availability of funds for execution of work and taking action as per their reply No.2 at P-15/Nby the department. Obtaining police permission, if required, prior to execution of work to avoid hindrance on this account be also ensured."

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

- i) The estimates has been framed on the basis of rate circulated by DJB as has been done in the past however if necessary revision in rates shall be considered while framing D.E.
- ii) Since this work has to be taken up with no dig technology police permission shall not be required however, the advise has been noted and shall be taken care at the time of actual execution.

9. Details of previous Council reso. Existing Law of Parliament

and Assembly on the subject:- Nil

10. Comments of Law Department:- Nil

12. Comments on the comments of Law Department:- Not required

12. Recommendations:-

The case is laid before the council for consideration and accord of A/A & E/S for an amount of Rs. 8,06,63,000/- for the work of de-silting and rehabilitation of 838x940mm Egg shaped barrel at Man Singh Road from Ashoka Road to Q Point.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval & expenditure sanction amounting to Rs. 8,06,63,000/- to the Preliminary Estimate for work of Desilting and rehabilitation of 838X940mm Egg Shaped barrel at Man Singh Road from Ashoka Road to Q Point.

ITEM NO. 18 (A-12)

1. **Name of the Sub.:** Strengthening of Water Supply System in NDMC area.
Installation of 26 Nos. tube wells for Horticulture purpose.
SH:- Boring of 26 Nos. tubewells.

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

3. **Brief History of the Subject**

Administrative approval and expenditure sanction for the above said scheme was granted by the Council vide Item 4(A-1) dated 18.04.2007. Detailed amounting to Rs.80,30,000/- and NIT amounting to Rs.76,47,250/- were thereafter approved by the competent authority. This is the second call of tenders for the above said work. In the first call sealed item rate tenders were invited and opened on 13.08.2007. Tenders were received from one firm M/s Pioneer Drilling Company (P) Ltd. when the rates tendered were @6.59% above the estimated cost of Rs.76,47,250/-. The justification of rate was prepared at 8.95% above the estimated cost. It was, however, later on observed by the Finance that since the NIT conditions were strict wherein the tender were to be issued Class-II (Specialized contractor) and the firm who registered with CGWA and having similar work experience as stipulated in the NIT the same has resulted in poor response although the rates of single bidder appear to be justified. The tenders were as such rejected so as to issue the same agency registered with CGWA and having requisite similar work experience / capacity as per CVC guidelines for under taking the work of estimated cost of Rs.76,47,250/-. The tender thereafter re-invited.

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

On re-invitation of tender for boring of 26 nos. tubewell for horticulture purpose the tenders were invited. The technical bid was opened on 09.01.2008. Five firms viz (i) M/s Shiv Shakti Drilling Co. (ii) M/s B.M. & Sons (ii) M/s Goodwill Tubewells India (iv) M/s C.S.T. & Co. and (v) M/s Pioneer Drilling Co. Ltd. Since some of the firms did not clarify regarding the amounts of work executed of similar nature the financial bid was not opened. After seeking clarification from the firms financial bid of all the five firms were opened and the lowest bidder was M/s C.S.T & Co. who had tendered for Rs.58,17,500/- i.e. 23.92% below the estimated cost of Rs.76,47,250/- against justified rates of 8.56% above which were worked out during the first call of tender as there was no change in market rates. The case was referred to Finance Department for concurrence.

5. Final Implications of the Proposed Subject :

The proposal is to develop 26 Nos. tubewells for horticulture purposes.

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

The work is to be carried out in a period of 8 months.

7. Comments of the Finance Department on the Subject :

The Finance Department while scrutiny of the tender have observed as under :-

"As per delegation of powers issued vide No. Fin/2005/DP-II 35 dated 31.01.2006, the powers of rejection is upto delegated powers for acceptance of tenders after recording reasons. As such, the first call rejected by CE(C) is beyond delegated powers. The department may bring the facts in the notice of authority competent for rejection of tenders and take approval on action taken.

The Finance department at the time of concurrence in PE advised to include this scheme under eleventh Five Year Plan but now the department at P-52/N has stated that the AA/ & E/S has been obtained against "Strengthening of Water Supply System in NDMC area" and inclusion of the same in the Five Year Plan may not be feasible at this stage.

With the above observations, we concur in the proposal of the department for acceptance of lowest bidder of M/s C.S.T. & Co. as also recommended by the Planning at P-73/N, at their tendered amount of Rs.58,17,500/- (Rs. Fifty eight lac seventeen thousand five hundred only) i.e. 23.927% below the EC of Rs.76,47,250/- and against the justified rates of 8.56% above the EC subject to following condition:-

1. The department may ensure quality of work during execution.
2. Copy of Resolution No. 4(A-1) dated 18.04.2007 according to AA/ & E/S for this work has yet not been found on records. The department may certify that directions, if any, issued by Council in the said resolution, have been / will be complied with as per case may be.
3. Availability of funds for execution of work.

This is issued with the prior approval of F.A."

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

The comments of finance department are clarified as under:-

1. The earlier the tenders of first call were rejected by CE(C) since it was observed by Finance department that response was poor because of strict NIT condition when only one tenderer M/s Pioneer Drilling Company Ltd. had tendered for the work. Since it was to be rejected by the Council being within its competency, the case will now be put up for post facto rejection of tenders by the Council.

2. The observation is regarding the information provided by the department earlier and, as such, no comments are required to be given.
3. The Finance has concurred in the recommendation of the department for acceptance of tenders of M/s C.S.T. & Co. @23.927% below the EC of Rs.76,47,250/- and against the justified rates of 8.56% above the EC subject to the conditions which are clarified as under:-
 1. Quality of work will be ensured during execution.
 2. Copy of resolution No.4 (A-1) is placed in the file. The directions of the council if any will be complied with.
 3. A provision of Rs.80.00 lac exists in current years budget vide Item F-11- 285.13

9. Legal Implication of the Subject :

Not applicable

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

Not applicable

11. Comments of the Law Department on the Subject :

Not applicable

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

Not applicable

13. Recommendations :

The case is noted to the Council for (i) Ex post facto rejection of tenders of M/s Pioneer Drilling Co. Ltd. of first call which were received at 6.59% above the estimated cost of Rs.76,47,250/- with tendered amount of Rs.81,51,00/- (ii)Acceptance of tenders of M/s C.S.T. & Co. at 23.927% below the estimated cost of Rs.76,47,250/- against justified rates of 8.56% above the estimated cost and award of work before confirmation of minutes of the Council.

COUNCIL'S DECISION

It was clarified by the Deptt. that amount of Rs.81,51,00/- wrongly typed in line 3 of para 14 of the proposal may be read as Rs.81,51,000/-. Taking note of this it was resolved by the Council to accord approval for ex post facto rejection of tender of M/S Poineer Drilling Co. Ltd. of first call, which were received at 6.59% above the estimated cost of Rs. 76,47,250/- with tendered amount of Rs.81,51,000/- and to accept the tender of M/S C.S.T. & Co. at 23.927% below the estimated cost of Rs.76,47,250/- against justified rates of 8.56% above the Estimated Cost.

It was further decided that the deptt. may take necessary action, in anticipation of confirmation of the minutes.

ITEM NO. 19 (A-13)**1. Name of subject/Project:**

Sub.: S/R of Roads in NDMC Area

SH : Improvement of Area along service roads of MP's flats, North Avenue

2. Name of the Department:

Civil Engineering Department, Road-V Division.

3. Brief History of the Case:

- (a) The North Avenue Area is one of the important area of NDMC having the residences of Hon'ble Members of Parliament & Ministers. The issue of laying interlocking pavers alongwith roads in North Avenue has been raised several times during the joint inspection of the House Committee Members. During inspection of the area by the senior officers of NDMC & CPWD, it was felt that there is a need to lay interlocking pavers on the same pattern as has been done by the NDMC in South Avenue which was appreciated by the Hon'ble MP's.
- (b) Accordingly, Preliminary Estimate amounting to Rs. 80,14,000/- was approved by Council vide Agenda Item No. 3(A-49) dated 21 Nov.'07. The tenders were called for and four tenders were opened on 14 Mar.'08. M/S Bhoj Raj is the lowest bidder with the quoted rate of 3.18% below the Estimated Cost of Rs. 69,95,118/- against the justification of 21.16% above Estimated Cost. The tendered amount works out to Rs. 67,72,608/-. The rates quoted by lowest bidder have been found reasonable after checking of tender by Planning Department and after following guideline of CVC. The case has been concurred by Finance Department. Since the cost of tender is more than 50 lacs it is required to be approved by the Council.
- (c) The validity of tender is expiring on **13 Jun.'08.**

4. Detailed proposals of the subject / project:

The proposal is for improvement to area along service roads of North Avenue by providing and laying 60 mm thick precast factory made cement concrete interlocking pavers on a layer of 75 mm thick lean concrete base course.

5. Financial Implications of the proposed/subject:

The financial implications of the lowest bidder i.e. M/S Bhoj Raj works out to Rs.67,72,608/-

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

The scheduled time for completion of works has been taken as six months after award of work.

7. Comments of the Finance Department on the subject:

Finance Department has concurred the proposal of acceptance of lowest offer at 3.18% below the Estimated Cost against the justification of 21.16% above the Estimated Cost subject to following:-

- iv) The said offer is in proximity of rates approved in recent past for similar nature of works.
- v) There needs to be uniformity in stipulating the conditions of execution of similar nature of works for determining the eligibility of participants by all Divisions.

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

- iv) The rates of lowest bidder are well within the proximity of rates approved in the recent past for similar nature of works.
- ii) Necessary action is being taken for maintaining the uniformity in stipulating the conditions of execution of similar nature of works for determining the eligibility of participant by all Divisions.

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

The Preliminary Estimate of the work has been approved by the Council vide item No. 3(A-49) dated 21 Nov.'07 for Rs. 80,14,000/-

10. Comments of the Law Department on the Subject :

No comments

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

NA in view of above.

12. Recommendations:

The case is placed before the Council for consideration & acceptance of lowest offer of M/S Bhoj Raj at 3.18% below the Estimated Cost of Rs. 69,95,118/- with tendered amount of Rs. 67,72,608/- for the work of Improvement of Area along service roads of MP's flats, North Avenue.

COUNCIL'S DECISION

Resolved by the Council to award the work for improvement of Area along service Roads of MPS's flat, North Avenue to M/S Bhoj Raj for the tendered amount worked out to Rs.67,72,608/-.

ITEM NO. 20 (G-1)**1. Name of the Subject/Project:****Revision of Retail Tariff of Water Supply****2. Name of the department/ departments concerned**

Commercial Department

3. Brief history of the subject/project

As per section 11(b) of the NDMC Act, 1994, the construction and maintenance of works and means for providing supply of water for public and private purposes is an obligatory function of the Council. Chapter-XI containing section 145 to 194 of the Act cover water supply, drainage and sewage collection provisions. The Act provides for supply of water for domestic purposes as well non domestic purposes. Section 162 empowers the Chairperson to provide a water meter and section 163 provides that unless contrary is proved, the quantity indicated by the water meter shall be deemed to be the consumption of water.

Section 191 of the Act covers bulk receipt of water and delivery of sewerage by the Council. The payments for bulk supply of water to Delhi Jal Board are as per provisions of section 191 of the Act and provision of Delhi Jal Board.

As regards the charges to be collected for consumption of water, the relevant provision is section 64 of the NDMC Act. The said section is re-produced as under :-

“Charge for supply of water – (1) A charge shall be levied for the water supplied to any land or building by measurement at such rate as shall from time to time be prescribed by the Council in this behalf.

The Council may prescribe such conditions as it may think fit regarding the use of the water and regarding the charges to be paid for water consumed whilst a meter is out of order or under repair.

Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or with any bye-law made thereunder.

Any sum payable by a person, who is charged for water supplied, and not paid when it becomes due shall be recoverable as an arrear of tax under this Act.

In prescribing charges for water supplied by measurement under sub-section (1), it shall be lawful for the Council to prescribe different rates in respect of different classes of lands and buildings."

There are 27944 water connections. Their break up is as under:-

Table – I

(a)	Meter installed and functional	-	1338
(b)	Meter installed and non functional	-	-
	(i) Entry not possible	-	6584
	(ii) Reading not possible	-	10188
	(iii) Out of order	-	2005
	(iv) No further billing	-	<u>703</u>
	Total of (b)	-	19480
(c)	Meter not installed	-	-
	(i) Direct supply	-	3314
	(ii) Flat rate	-	3786
	Total of (c)	-	7100
(d)	Misc.	-	26
	Total of (a), (b), (c)&(d)	-	----- <u>27944</u>

As per the above details less than 5% of the meters are functional. 70% of the meters are installed but are non-functional. In 25% connections, no meter has been installed and the supply is either direct or at flat rate.

The operation cost of water from 1997-98 to 2005-06 is reported as under:-

Table – II**In lacs of rupees**

	Particulars	97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06 B.E.
A	Cost of Water Purchased from DJB	1040.0	517.6	1843.4	1316.5	1375.2	1139.7	2499.9	2100.0	2800.0
B	Admin Expenses	193.5	206.6	308.8	271.8	300.7	241.1	191.6	198.1	219.8
C	Salary & Benefits	472.6	740.6	734.4	780.0	763.3	801.3	818.0	899.7	1038.3
D	Maintenance	246.7	299.6	385.2	343.0	359.0	355.4	369.2	413.5	442.0
F	\Total operating cost Of Water (A+B+C+D)	1953	1764	3272	2711	2798	2538	3879	3611	4500

Unit cost of water is constantly on an increase and during the year 1997-98 to 2005-06, the unit cost of water has risen from Rs.4.08 per kilo ltr. to Rs.9.88 per kilo ltr. as under :-

Table - III

Particulars	97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06
Water procured from DJB (ML)	44161	44162	44163	44164	43804	42187	43281	41910	41911
Ground Water (ML)	3650	3650	3650	3650	3650	3650	3650	3650	3650
Intake Volume of Water (ML)	47811	47812	47813	47814	47454	45837	46931	45560	45561
Total Operating cost of Water (Rs-lacs)	1953	1764	3272	2711	2798	2538	3879	3611	4500
Full Economic Cost of Water (Rs-lacs)		1970	3563	3888	3038	2812	4089	3676	4547
Unit Operating Cost of Water (Rs/KL)	4.08	3.69	6.84	5.67	5.90	5.54	8.26	7.93	9.88

The water is disposed of through sewer lines and NDMC has to pay cost of disposal of sewer to Delhi Jal Board. The cost of disposal of sewer from 1997-98 to 2005-06 is as under :-

Table-IV**In lacs of rupees**

	Particulars	97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06
A	Disposal Charges Paid to MCD	230.6	632.2	670.3	787.7	399.9	1200.0	1340.2	1700.0	1800.0
B	Administration	58.3	72.8	56.8	97.6	91.0	65.1	36.6	35.0	41.5
	Sub-total of salaries	281.5	282.9	314.2	258.3	305.3	323.0	345.1	563.0	485.6
	Sub-total of O&M	61.8	60.3	65.3	67.3	52.3	62.1	83.0	90.0	93.0
	Operating cost of Sewerage (A+B+C+D)	632	1048	1107	1211	849	1650	1805	2388	2420

Receipts from water and sewerage for the year 2002-03 to 2005-06 are as under :-

Table – V**In lacs of rupees**

Particulars	2002-03	2003-04	2004-05	2005-06
Sale of water	1400.00	1500.00	1432.00	1450.00
Meter rent	0.00	2.00	14.00	13.00
Other receipts	0.00	0.00	0.00	0.00
Sewer Connection Fee	13.55	0.07	1.27	100.00
Sewer Block-age & Sewer Inspection Fee	11.48	17.14	0.55	0.50
Total	1425.03	1519.21	1447.82	1563.50

The revenue- expenditure gap of water and sewerage for the year 2002-03 to 2005-06 is as under :-

Table - VI

	2002-03	2003-04	2004-05	2005-06
Revenue	1425.92	1520.04	1451.35	1564.7
Expenditure	4187.84	5683.59	5999.21	6920.11
Short fall	-2761.93	-4163.55	-4547.85	-5355.41
	65%	73%	76%	77%

As per records, under the Punjab Municipal Act, 1911, the tariff rates of water for supply of filtered water in the jurisdiction of the New Delhi Municipal Committee were to be approved under sub-section-2 of section-97 of Punjab Municipal Act, 1911 by the Lt. Governor of Delhi on

behalf of the Central Government. The rates were the same as fixed by the Delhi Water Supply and Sewerage Disposal Undertaking for supply of water in their area.

4. Details proposal on the subject/project

In the New Delhi Municipal Council Act, 1994, power to fix charges to be levied for the water supplied to any land or building, by measurement is with the Council and are to be fixed at such rate as may from time to time be prescribed by the Council.

The Council last fixed these charges vide its Resolution No.3(X) of the ordinary meeting of the Council held on 25.09.1998. The starting paragraph of the Agenda item reads as under :-

"Under the instructions of the Govt. of India, the New Delhi Municipal Council has been maintaining parity of tariff rates. Delhi Water Supply & Sewerage Disposal Undertaking [now the Delhi Jal Board]. D.W.S.&D Undertaking revised the rate of filtered water for being supplied by them for the year 1997-98 in terms of decision No.5781/GW/Corporation dated 15.03.1997".

The Council after considering the agenda item resolved as under :-

"Resolved by the Council that the proposals regarding revision of rates of filtered Water supply in the NDMC area as per Annexure-35-38 and 39-40 w.e.f 01.04.1997 and 01.06.1998/01.07.1998 respectively is approved. Any modifications/ clarifications announced by the Delhi Jal Board shall be made applicable to the consumers in NDMC area also."

It is clear from the above agenda item and the Council's Resolution that in NDMC, the tariff rates fixed by the Delhi Jal Board, for supply of filtered water to its consumers have to be made applicable to the consumers of NDMC area also.

Thus where the water is supplied by measurement as per meters installed in the premises water charges have to be collected as per section 64(1) of the Act and Council's Resolution at rates fixed by DJB. However, where the meters are either defective or are not installed, the water charges have to be fixed under provision of sub-section-(2) of section-64 of the Act.

The Delhi Jal Board's modified rates, from time to time, as per the directions of the Govt. of India and Council's Resolution of 25.09.1998 have to be implemented in the NDMC area also. The modified rates of DJB have been notified by DJB in Director(Revenue), Tariff Schedule dated 28/29.01.2005 as modified and clarified in Schedule dated 07.04.2005.

Delhi Jal Board tariffs are in two parts :-

- (i) fixed monthly access charges ; and
- (ii) volumetric water charges ;

To collect volumetric water charges, the consumers have been divided into three categories, Category-I, Category-II and Category-III. Category-I has domestic tariff., Category-II non-domestic tariff and Category-III Spl. non-domestic tariff where water is consumed in larger quantities. It has also been provided in the DJB Tariff Schedule that if more than 30% of the floor area of the premises is used for non-domestic purposes, the entire premises shall be treated as Category-II or Category-III as the case may be. In case of dispute, the decision of Director(Revenue) shall be final.

The tariff rates also provide for an annual increment of 10% in the tariff rates. Schedule also prescribes for water connection charges, penalties and levy on extraction of ground water.

Briefly the tariff rates of DJB are as under :-

(a) **Fixed monthly access charges** :-

Category-I :

- (i) Residential premises upto 200 sq. mtrs. -
built up area - Rs.40/- per connection p.m.
- (ii) Residential premises having built up
area above 200 sq. mtrs. - Rs.120/- per connection p.m.

Category-II :

Non-domestic premises - Rs.200/- per connection p.m.

Category-III :

Non-domestic premises - Rs.600/- per connection p.m.

(b) **Volumetric charges** :-

- (i) Domestic Cal. I

<u>Consumption in KL p.m.</u>	<u>Slab Rate Per KL</u>
0-6	0
7-20	Rs.2/-
21-30	Rs.7/-
Above 30	Rs.10/-

(ii)	Non domestic Cal II	
	<u>Consumption in KL p.m.</u>	<u>Slab Rate Per KL</u>
	Upto 25	Rs.10/-
	Above 25 & upto 50	Rs.20/-
	Above 50	Rs.30/-
(iii)	Non domestic Cal III	
	<u>Consumption in KL p.m.</u>	<u>Slab Rate Per KL</u>
	Upto 25	Rs.15/-
	above 25 & upto 50	Rs.25/-
	above 50 & upto 100	Rs.35/-
	above 100	Rs.50/-

Consumption of water for each household is on an increase. The water is stored in overhead tanks and is available through the tanks almost 24 hours. Each household has a washing machine and coolers. Since water is supplied at subsidized rates, consumers do not take care to save water-a scarce commodity. Cost of a bottle of mineral water is more than Rs.10/-, cold drinks cost more than Rs.25/- per Ltr., a cup of tea, more than Rs.3/-. However, present rate of water for the 1000 ltrs. is 35 paise. One can see the difference, the cost of a bottle of mineral water is Rs.10/- and the cost of 1000 bottle of water supplied by NDMC is 35 paise. Due to negligible cost of water, consumers do not take steps to conserve/ restrict use of water. In respect of accommodation provided by NDMC to its employees, the charges are Rs.2/- per month which were fixed prior to 1976-1977. Cost of meter reading, stationery for issue of bills and collection of water charges per bill is more than Rs.2/- to per month. The concession allowed to the NDMC employees to pay Rs.2/- per month for unlimited consumption of water needs a reconsideration.

As per the Council's Resolution referred to above, the Commercial Department has to levy water charge, in accordance with section-64(1) of the NDMC Act at the volumetric tariff rates notified by DJB. However, where the meters are defective or not installed, no guidelines or rates have been prescribed by the Council, U/s-64(2) of the NDMC Act, 1994. These guidelines have to be prescribed by the Council. Number of such connections as available on record are as under :-

	Direct Supply	Provisional Billing	Total
NG	1168	3301	4469
NGM	940	4412	5352
GOB	368	1254	1622
MP's	207	--	207
Ministers	25		25
Bulk	396		396
HTB	1		1
Pvt.	205		205
	3310	8967	12247
NDMC Employees	2808	--	2808
	6118	8967	15085

(NG:Non-Gazetted Official , NGM: Non Gazetted Ministerial, GOB: Govt officers Banglow, HTB: HT Bulk Supply)

The DJB rates are silent on the charges to be collected from the above category of the building.

In the 1998 Rate Schedule, minimum charges for water were prescribed as under ;

- Category-I - Rs.20/- + 50% per connection per month.
- Category-II - Rs.100/- +50% per connection per month.
- Category-III - Rs.300/- + 50% per connection per month.

The above charges were the minimum charges and not the consumption charges for the meters which are not functional.

There appears enough justification to give a metered supply in 3310 direct connections or to 2808 municipal employees occupying municipal accommodation. The 3310 connections include premises occupied by Govt. Officers Bungalows, premises occupied by MP's and Ministers and private buildings. Provisional billing is being resorted to in the case of 8967 premises which are occupied by non-gazette employees, non-gazette ministerial employees or Govt. officers bungalows. These covers Type-I to Type-VIII quarters/ bungalows.

Requirements of JNNURM :

One of the conditions to get support under JNNURM is that the cost of supply of water and disposal of sewerage shall not be subsidized by NDMC and as such, steps have to be taken to rationalize water tariff and charges for sewerage disposal to meet requirement of JNNURM.

5. Financial implications of the proposed project/subject

The change in retail tariff of water supply will have proportionate effect on billing and collection of water consumption charges..

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

The Tariff increase should be applied in phases i.e. first be applied to category-III and then to category-II and lastly to category-I

7. Comments of the Finance Department on the subject

Nil

8. Comments of the Department on comments of Finance Department

No comments.

9. Legal implication of the subject/project

No Comments

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

Resolution of the council dated 25.09.1998 (**copy enclosed as Annexure-A (See pages 130-131)**) and Order of Delhi Jal Board dated 29.01.2005.(copy enclosed as **Annexure-B (See pages 132-144)**)

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

Nil

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

Nil

13. Recommendations

Council may resolve:-

- (i) While implementing directions of the Central Government and Resolution dated 25.09.1998 of the Council, Department to ensure that DJB rates are applied. The Tariff increase should be applied in phases i.e. first be applied to category-III and then to category-II and lastly to category-I.
- (ii) In respect of the domestic connections, referred to above, where there are no meters or there is provisional billing, the department shall get an estimate made of the water being

supplied/consumed in these units and levy the charges on such estimated consumption at the tariff rates fixed by DJB.

- (iii) The department shall ensure that the premises are metered and the tariff is charged from each of such buildings, as per the reading of the water meters and the system of direct supply or billing on provisional basis be discontinued. Department should also ensure that all premises are metered by December, 2008.

14. Draft Resolution

- (i) While implementing directions of the Central Government and Resolution dated 25.09.1998 of the Council, Department to ensure that DJB rates are applied. The Tariff increase should be applied in phases i.e. first be applied to category-III and then to category-II and lastly to category-I.
- (ii) In respect of the domestic connections, referred to above, where there are no meters or there is provisional billing, the department shall get an estimate made of the water being supplied/consumed in these units and levy the charges on such estimated consumption at the tariff rates fixed by DJB.
- (iii) The department shall ensure that the premises are metered and the tariff is charged from each of such buildings, as per the reading of the water meters and the system of direct supply or billing on provisional basis be discontinued. Department should also ensure that all premises are metered by December, 2008.

COUNCIL'S DECISION

Resolved by the Council that while implementing the directions of the Central Government and Resolution dated 25.09.1998 of the Council, deptt. to ensure that the tariff rates fixed by DJB are applied in a phased manner in NDMC area, i.e. initially for category-III, followed by category-II and category-I.

It was further resolved by the Council to approve the proposed tariff of water supply in respect of category III users with immediate effect and to authorize the Chairman, NDMC, to take decision for the date of revision in respect of the remaining categories I & II.

It was further decided that in respect of the domestic connections, referred to above, where there are no meters or there is provisional billing, the department shall get an estimate made of the water being supplied / consumed in these units and levy the charges on such estimated consumption at the tariff rates fixed by DJB.

Annexure 15 pages

Anexue end

ITEM NO. 21 (A-14)**1. Name of the Project**

Name of Work:- Providing "Electronic Parking Guidance & Management System for Palika Parking".

2. Name of the Department Concerned

Civil Engineering Department, .

3. Brief History of the Project

Palika Parking in Connaught Place has the capacity of 1050 cars and it is a three level car parking. At present there is no car parking guidance management system in Palika Parking and all the vehicles are parked as per the wish of the individuals which creates chaos at many places in the parking area. At times many people are helpless and can not take out their vehicles because of wrong parking by other users. All these factors discourage people to use Palika Parking in future.

There is a demand of some Electronic Parking Guidance & Management System for Palika Parking which can automatically guide parking users for proper empty car park space and to identify the car location at the time of taking out of vehicle. As discussed in a meeting headed by Chairman, NDMC, it was decided to appoint one consultant for providing consultancy services for providing "Electronic Parking Guidance & Management System for Palika Parking". After taking approval from the competent authorities a work order was issued to M/s Influence Computer Consultants for providing consultancy services for "Electronic Parking Guidance & Management System for Palika Parking" for Rs.75000/- for the following scope of work.:

1. Preparation of CAD drawings of Parking Areas within 3 basements with traffic flow and bay marking plotted on Plan.
2. Suggestions on improvement of the Car Park with theme & zone plan along with a plan showing placements of static direction signage, Speed Bumps, Bollards & Road Markings.
3. Suggested Signage for Rules & Regulations for Parking.
4. Quantification & BOQ of the equipment required for an Automatic Sensor & LED Signage driven Parking Guidance System (PGS) and also of the equipment required for Smart Card Based Vehicle Access Control and Revenue Management System (CPS) – along with nomenclature required for making an integrated Tender Document for the above.

M/s Influence Computer Consultants has submit preliminary estimate amounting to Rs. 2,67,69,500/- and the same is under scrutiny. In the consultancy report submitted by M/s Influence Computer Consultants, they have proposed the reversal of entry and exit of Palika Parking for easy in and out of vehicles. In this connection on request of CSO, DCP(Traffic) inspected the entry and exit locations of Palika Parking along with CSO, M/s AUTO PASS & representatives of Palika Bazar on 22/2/2008 at 7.00 PM and have accepted and stated that M/s AUTO PASS/ NDMC may be correct subject to narrow space at Metro Rail site at BKS Marg be increased to 3-4 metre. In this connection a letter written by CSO vide diary no. D-178/CSO/08, wherein he has mentioned the words of DCP(Traffic) **(placed at Annexure 'A') (See page)**. According to Preliminary Estimate submitted by M/s Influence Computer Consultants, the expected costing for execution and equipment would be around Rs. 2,67,69,500/- for all the three basement of Palika Parking, which does not include the cost of tile replacement. Replacement of floor and wall tiles in Palika Parking would cost around Rs 2 crores and will take considerable time. Once this system is in operation in Palika Parking, it will ease out in and out of the vehicles for smart card users, just like in Delhi Metro and after successful execution and acceptance by users, the same shall be repeated in other parking lots of NDMC after taking approvals.

4. Detailed Proposal of the Project & Scope of Work.

As discussed in the various meetings and as per consultancy report for providing "Electronic Parking Guidance & Management System for Palika Parking" and its scope of work is as under:

To provide organized parking in Palika Parking by modern equipments, sensors, LED etc. by way of:

- a. Automatic- Online Guidance at each decision making junction.
- b. De-congest car park at entry and exit points.
- c. Zone wise sub-division of areas for easy identification.
- d. LED Signs guiding vehicles to closest available parking slot.
- e. Head up LED Red/ Green Lights clearly display available slot.
- f. Increased security.
- g. Sensors located at each parking space sends signal of car park space occupancy.
- h. Drivers are guided by Directional Displays to available parking space.
- i. Lot Indicator Light at individual car park space enables the driver to see from a distance if the space is available.

- j. No more searching for parking space and no more aggravation.

5. Financial Implication of the Project

NDMC has already awarded work to M/s Influence Computer Consultants for providing consultancy services for "Electronic Parking Guidance & Management System for Palika Parking" for Rs.75000/-. According to the preliminary estimate submitted by M/s Influence Computer Consultants, total project cost is around Rs. 2,67,69,500/-

6. Comments of FA/ Finance Department

FD has no comments to offer on conceptual plan (technical document) based on recommendations of the consultant except to suggest that recommendations of the consultant may be assessed in consultation with all concerned before seeking A/A & E/S for the scheme in question so as to ensure that the items of work as proposed actually result in achieving the intended purpose after execution at site.

7. Comments of the Department on the comments of FA

Agenda is only for the conceptual approval of the scheme. The matter is in the pipe line and under review with DCP(Traffic), Traders Association Palika Bazar and consultant etc. for which site inspections were also carried out on 22nd February 2008 and 7th April 2008 respectively. During inspection on 7th April 2008 it was jointly decided that out of three lanes, one lane at the entry of Palika Parking will be used as an exit on experimental basis in addition to present exit to solve the traffic congestion at exit point for which consultant is preparing an alternative proposal. Final decision would be taken only after the comments are received from all the concerned and the case would be put up for A/A & E/S separately.

8. Comments of LA/ Law Department

Nil

9. Implementation Schedule

Twelve Months after accord of approval by this Council.

10. Recommendations :

It is recommended that the proposal for providing "Electronic Parking Guidance & Management System for Palika Parking" be conceptually approved which would cost around Rs. 2.68 crores, so that the further process shall be initiated for A/A & E/S.

COUNCIL'S DECISION

Resolved by the Council to approve the conceptual proposal for providing of Electronic Parking Guidance & Management System for Palika Parking.

Annexure

ITEM NO. 22 (C-4)

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 March 2008, 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 151 - 163).**

COUNCIL'S DECISION

Information noted.

Annexure end\

ITEM NO. 23 (C-5)

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 January, 2008 had already been included in the Agenda for the Council Meeting on 13.2.2008.

A report on the status of execution of the ongoing schemes/works awarded upto March, 2008 is placed before the Council for information. **(See pages 165 - 184).**

COUNCIL'S DECISION

Information noted.

ANNEURE 165 ó 184

Annexure end

ITEM NO. 24 (A-15)**1. Name of the subject / project :-****Sub :- S/R of roads in NDMC area.**

SH :- Riding Quality Improvement Programme (Phase –II).

2. Name of the department :- Civil Engineering Department, EE(RIP)**3. Brief History of the subject / project :-**

(a) 40 roads have been identified for resurfacing under RIP Phase - II. PE has been prepared based on previous recommendations of CRRI for the work of **"S/R of roads in NDMC area during 2005-06 (Phase-I)"**.

(b) CRRI has been requested to Evaluate the surface of the roads (functional and structural) and give suitable recommendations, the report of which is awaited. As per discussions with CRRI, no major changes in the specifications are expected for resurfacing of roads in Phase–II. However, Detailed Estimate/NIT will be prepared based on the recommendations of CRRI. To avoid procedural delay and keeping in view the Commonwealth Games – 2010, this Preliminary Estimate has been processed for obtaining A/A & E/S.

(c) Following roads are proposed to be resurfaced under Riding Quality Improvement Programme in (Phase –II).

S. No Name of roads

1. Abai Marg
2. Amrita Shergill Marg

3. Barakhamba Road
4. C – Hexagon
5. Chandra Gupta Marg
6. Defence Officer's Enclave
7. Dr. B. D. Marg
8. Jai Singh Road
9. Jesus & Mary college Road
10. K. Kamraj Marg
11. Kali Bari Marg
12. Kamal Attaturk Marg
13. Krishna Menon Marg
14. Kushak Road
15. Lodhi Raod
16. Madhav Rao Scindia Marg
17. Maharishi Raman Marg
18. Mahatma Jyoti Rao Phule Marg
19. Malcha Marg
20. Manas Marg
21. Minto Road
22. Najaf Khan Road
23. Nayay Marg
24. Niti Marg
25. North Avenue
26. Panchkuan Road
27. Panchseel Marg
28. Race Course Road

29. Rafi Ahmed Kidwai Marg(Ashoka Road / Sansad Marg to O Circus)
30. Road connecting St. Martin Marg to Ring Road
31. San Martin Marg
32. Satya Marg (Niti Marg to chander Gupta Marg)
33. Shahjahan Road
34. Shanker Road
35. Shanti Path (Satya Marg roundabout to Ring Road Flyover)
36. Sikandra Road
37. Simon Boliver Marg
38. Subramanium Bharti Marg
39. Tuglak Road
40. Yashwant Singh Marg

(d) Accordingly, the Preliminary Estimate has been prepared for above roads amounting 43,48,16,000.00. The Preliminary Estimate has been checked by Member Planning of project team. The Finance Department has also concurred the proposal.

(e) Out of above 40 roads as per recommendations of CRRRI following six roads and C Hexagon have been taken up under Micro-Surfacing and Hot Mix Technology respectively through an existing contracts of Cold / Hot Mix Technology after approval of the competent authority :-

- ❖ Malcha Marg
- ❖ Nyaya Marg
- ❖ Niti Marg
- ❖ Khushak Road
- ❖ Kamal Attatruk Marg
- ❖ Kamraj Road

- (f) For implementation RIP Phase-II on fast track, a separate project team has been constituted for planning and execution of the project.
- (g) Empowered Committee during its meeting held on 23.04.2008 has recommended that the Preliminary Estimate be placed before the Council for accord of A/A & E/S.

4. Detailed proposal on the subject / project.

The brief details of the project are as follows:-

- (a) Tack coat @0.25 Kg per Sq. metre
- (b) 50 mm thick Dense Bituminous Macadam (DBM) as leveling course for chamber / profile correction.
- (c) 40mm thick Bituminous Concrete (BC) as overlay.
- (d) Road marking with Retro-reflective thermoplastic paint applied mechanically.
- (e) A provision of 15% of total estimate has been catered in the estimate for the improvement of drainage, raising of manholes etc.

5. Financial implications of the proposed subject / project .

The financial implication of the proposal works out to **Rs.43,48,16,000/-**

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

- | | |
|---|---------------------|
| ❖ Accord of A/A & E/S | April 08 |
| ❖ Preparation of Detailed Estimate/ NIT | May 08 |
| ❖ Call of tender | June 08 |
| ❖ Award of work | Sep.'08 |
| ❖ Execution of work | Oct.' 08 to June 09 |

7. Comments of finance department on the subject.

The Finance Department has concurred the proposal for accord of A/A & E/S subject to following :-

- (i) Obtaining approval of the Council.
- (ii) Preparation of detailed estimate and obtaining technical sanction strictly on the basis of forthcoming recommendations of CRR I.
- (iii) Obtaining revised A/A & E/S in case the amount of PE variates by more than permissible limits due to implication of the recommendations of CRR I
- (iv) Ensuring correctness of the data and information placed on record by the Department.

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

The replies to observation of finance are as follows :-

- (i) Approval of the council is being obtained.
- (ii) Detailed Estimate will be processed based on the technical report received from CRR I.
- (iii) Revised A/A & E/S will be processed if this A/A & E/S exceeds beyond the permissible limits.
- (iv) The data and information included in the estimate are correct.

9. Legal implications of the subject / project

No legal issues are involved in this project.

10. Details of previous council resolution / existing law of parliament and assembly on the subject.

NIL

11. Comments of Law Department on the subject.

The law Deptt. has suggested that the matter of re-surfacing of roads may be taken up with GNCT of Delhi to provide plan funds as grant and not loan for this purpose.

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

As suggested, matter will be taken up with Govt. of NCT of Delhi.

13. Recommendations.

The case is placed before the council for consideration for :-

- (a) Accord of A/A & E/S to the Preliminary Estimate amounting to Rs.43,48,16,000/- for the work "strengthening and resurfacing of roads in NDMC area. SH :- Riding Quality Improvement Programme Phase – II.
- (b) Necessary action be taken in anticipation of approval of the minutes of the meeting.

COUNCIL'S DECISION

Resolved by the Council to accord Administrative Approval & Expenditure Sanction amounting to Rs.43,48,16,000/- for Riding Quality Improvement Programme (Phase-II).

It was further decided that the deptt. may take necessary action, in anticipation of confirmation of the minutes.

ITEM NO. 25 (H-1)1. **Name of the subject:**

Confirmation of the order of the then Chairperson dated 17.3.2005 to restrict the pay-scale of Sh. D.N. Gupta, the then Chief Engineer (Electrical) from Rs. 22,400/- in the pay scale of Rs. 18,400-22,400/- to Rs. 22,100/- in the pay-scale of Rs.16,700-22,100/-.

2. **Name of the department/ departments concerned:**

Personnel Department

3. **Brief history of the subject:**

- (i) The Council vide Reso. No.3(xxxi) dated 26.9.02 decided that the pay scales of Chief Engineers(Civil/Elect.) be revised from Rs.16400-20,000/- to Rs.18400-22400/-
- (ii) In pursuance of the decision of the Council, the pay-scale of Rs.18400-22400/- was allowed to Shri D.N. Gupta, the then Engineer (Elect.) on 26.9.2002 with approval of the Chairman/Competent Authority.
- (iii) Subsequently, the Council vide Reso. No.20(H-16) dated 26.9.2003 decided to reorganize the department by downgrading one post of Chief Engineer to the post of Addl. Chief Engineer(Civil). The Council also approved the RRs for the post of Chief Engineer(Civil) and Addl. Chief Engineer(Civil).
- (iv) Subsequently, vide Reso No.23(H-9) dated 14.2.2005 Council reconsidered the above two Resolutions dated 26.9.2002 & 26.9.2003 and it was decided to constitute a Committee of the Officers to examine the issue and its report placed before the Council for consideration.
- (v) The case of grant of higher pay-scale of Rs.18,400-22,400/- to Shri D.N. Gupta, Ex. Chief Engineer(Elect.) was re-considered before his retirement on 31.5.2005. It was noted that the staff of Electricity Department including Chief Engineer(Elect.) are governed by the Shiv Shankaran pay-scale as per pattern followed in Delhi Vidyut Board. Shri Gupta since his appointment was drawing pay under Shiv Shankaran Scale and he was not entitled for the scale of Rs.18,400-22,400/- which is a CPC Scale. Accordingly, before retirement of Sh. D.N. Gupta, the then Chief Engineer(Elect) on 31.5.2005, his pay-scale was restricted from Rs.22,400/- in the pay scale of Rs. 18,400-22,400/- to Rs.22,100/- p.m. in the Revised SS Scale of Rs.16,700-22,100/- w.e.f. 26.9.2002, i.e. from the date he was granted higher pay-scale of Rs.18,400-22,400/- and an amount of Rs.20,000/- approx. was withheld from his gratuity amount, The decision was taken by the then Chairperson on basis of Audit observations and was subject to the final decision of the Council.
- (vi) Subsequently, the Committee of the Officers constituted for the purpose recommended that the Council may consider the issue of revising the pay scales of Chief Engineers(Civil/Elect.) and entitlement of Chief Engineers who were

irregularly granted the pay-scales of Rs.18400-22400/- be reviewed and accordingly excess amount, if any, paid be recovered and pension of the concerned officers be revised accordingly.

- (vii) The recommendations of the Committee were placed before the Council and vide Reso. No.16(H-2) dated 18.7.2007 the Council decided that the Council's Resolution No.3(xxxi) dated 26.9.2002 and Reso. No. (H-16) dated 26.9.2003 are withdrawn and the Chief Engineer(Civil) & Chief Engineer(Elect.) shall continue to draw their salaries as per their pay-scales mentioned in the RRs. It was also decided 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.
- (viii) Sh. D.N. Gupta, Ex. Chief Engineer(Electric) lodged a complaint in the Public Grievance Commission(PGC) against withdrawal of the higher pay-scale of Rs.18,400-22,400/- granted to him, without approval of the council. The Commission while disposing the case vide its order dated 9.4.2008 (**Annexure J**) (**See pages**) expressed its view that the impugned withdrawal of the higher scale given to the Chief Engineers is arbitrary, unjustified and appears to have done with malafide intentions of the then officers of NDMC. The Commission is of the view that the subsequent Resolution dated 18.7.2007 do not clearly justify withdrawal of the scale retrospectively. The Commission has, therefore, directed that the matter be put up again before the Council for reconsideration of the case and a compliance report submitted within one month.

4. **Detailed proposal on the subject:**

The higher scale of Rs.18,400-22,400/- granted to Sh. D.N. Gupta, the then Chief Engineer(Elect.) as per Council Resolution dated 26.9.2002 was withdrawn by the order of the then Chairperson before retirement of the officer on observations of Audit and was subject to final decision of the Council. The grant of the said higher scale to Shri D.N. Gupta, the then Chief Engineer (Elect.) was unjustified and irregular as the same was given without getting the Recruitment Rules notified through UPSC. Further, the officer who was borne on Shiv Shankaran pay-scale was not entitled for higher pay-scale in CPC Scale. The Council vide its Resolution dated 18.7.2007 has since withdrawn the earlier Resolution dated 26.9.2002 granting higher pay-scale of Rs.18400-22400/- to Chief Engineers. As such, the orders of the then Chairperson to restrict the pay-scale of Sh. D.N. Gupta, the then Chief Engineer(Elect.) from Rs.22,400/- in the pay scale of Rs. 18,400-22,400/- to Rs.22,100/- in the pay scale of Rs. 16,700-22,100/- vide order dated 17.3.2005 may be confirmed by the Council in continuation of decision taken earlier vide its Resolution No.16(H-2) dated 18.7.2007.

5. **Financial Implications of the Proposed Subject:**

Nil

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

7. Comments of the Finance Department on the Subject:

The Finance Department has already expressed their opinion in this regard at the time of placing the case before the Council on 18.7.2007 vide Item No.16(H-2).

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

No comments.

9. Legal implication of the subject:

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

- (i) Reso. No.3(xxxi) dated 26.9.2002
- (ii) Reso. No.20(H-16) dated 26.9.2003
- (iii) Reso. No.23(H-9) dated 14.2.2005 and
- (iv) Reso. No. 16(H-2) dated 18.7.2007

11. Comments of the Law Department on the Subject:

Fixation of pay in a scale is not to be approved by the Council. The Council has to frame regulations under section 43 of the Act. The regulations have to be with the consultation of UPSC, approval of Central Govt. & notification in official gazette. The regulations so framed are basis u/s 18 for the Chairperson to dispose of all question relating to the service of the officers and other employees and their pay, privileges, allowances & other conditions of service.

The Council had taken correct decision in not agreeing to scale of pay of Rs,18,400-22,400/- which was wrongly given and Chairperson implemented the said decision u/s 18 of the Act.

The decision was taken by the Council after considering the position brought out before it and PGC should not have made observation on the decision of the Council as arbitrary and unjustified due to malafide intentions of the then officer of NDMC.

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

Department is in agreement with the comments of the Law Department.

13. Recommendation:

The orders of the then Chairperson dated 17.3.2005 to restrict the pay-scale of Sh. D.N. Gupta, the then Chief Engineer (Elect.) from Rs.22,400/- in the pay scale of Rs. 18,400-22,400/- to Rs.22,100/- in the pay scale of Rs. 16,700-22,100/- w.e.f. 26.9.2002 i.e. the date from which he has been granted higher pay-scale, be confirmed by the Council.

14. **Draft Resolution:**

Resolved by the Council that the order dated 17.3.2005 of the then Chairperson to restrict the pay-scale of Sh. D.N. Gupta, the then Chief Engineer(Elect.), from Rs.22400/- in the pay scale of Rs. 18,400-22,400/- to Rs.22,100/- in the pay scale of Rs. 16,700-22,100/-. w.e.f. 26.9.2002, i.e. the date from which he was granted higher pay-scale is confirmed.

COUNCIL'S DECISION

Resolved by the Council that the order dated 17.3.2005, of the then Chairperson, to restrict the pay-scale of Sh. D.N. Gupta, the then Chief Engineer(Elect.), from Rs.22400/- in the pay scale of Rs. 18,400-22,400/- to Rs.22,100/- in the pay scale of Rs. 16,700-22,100/- w.e.f. 26.9.2002, i.e. the date from which he was granted higher pay-scale, is confirmed.

Annexure 3 pages

ANNEXURE END

ITEM NO. 26 (A-16)**1. Name of the subject/project:**

Sub.: S/R of Roads in NDMC area.

S.H.: Redevelopment of Hanuman Mandir Plaza (Shri Hanuman Mandir Vatika), B.K.S. Marg

2. Name of the Department

Civil Engineering Department, Road-IV Division

3. Brief history & Detailed proposals of subject/project

- (a) A decision was taken in year 2006 to take up ten important roads for Streetscaping & M/S OASIS Designs was appointed as landscape consultant for Streetscaping of Baba Kharak Singh Marg and four other roads. Since Hanuman Mandir Plaza is adjoining B.K.S. Marg and is very near to Connaught Place it was decided that Redevelopment of this Hanuman Mandir Plaza be also taken up and this work was also assigned to M/S OASIS Design.
- (b) Accordingly, as per terms of agreement the consultant submitted the conceptual design for proposed Streetscaping of B.K.S. Marg and Redevelopment of Hanuman Mandir Plaza. The presentation was made by M/S OASIS Design of the conceptual plan to Chairperson on 02 Aug.'06 & was shown to Management Committee of Hanuman Mandir and the issue of entry / exit Parking on rear of Hanuman Mandir was taken care in the conceptual plan. The conceptual plan was shown to Chief Minister on 21 Aug.'06. The conceptual plan of B.K.S. Marg and Hanuman Temple Plaza was finally approved by Chairperson on 10 Nov.'06.
- (c) Based on the approval of conceptual plan the Preliminary Estimate was prepared & after checking by Planning and concurrence by Finance, the Administrative approval and Expenditure Sanction amounting to Rs. 4,17,72,200/- was accorded by the Council vide Resolution No. 02(A-10) dated 31 May'07 and Resolution No. 14(A-31) dated 22 Aug.'07.
- (d) It was also resolved by the Council that the Committee headed by Smt. Sima Gulati, Member and Project Team of Streetscaping will hold discussion with

trustees /members of Hanuman Mandir Trust for implementation of project on sharing basis.

- (e) Accordingly, a Committee headed by Smt. Sima Gulati and Project Team of Streetscaping had two rounds of discussion with representative of Hanuman Mandir Trust & the entire scheme was explained to them. The trust was requested to consider the development of Project on sharing basis. In response to the request regarding contribution by the trust towards Redevelopment of area around Hanuman Mandir, the trust vide their letter dated 23 Jul.'07 has categorically stated that they will not be able to contribute financially at this stage. However the trust recorded their deep appreciation for incorporating their suggestions in the Redevelopment Plan. Following suggestions were also given by the trust:-
- (i) Change of name from Hanuman Plaza to Shri Hanuman Mandir Vatika.
 - (ii) Relocation of chudiwallas & garbage bin.
 - (iii) Removal of beggars/drug addicts in the vicinity.
- (f) The recommendations of Committee on above suggestions are as follows:-
- (i) The request of change of name from "Hanuman Plaza" to "Shri Hanuman Mandir Vatika" be considered by the Council.
 - (ii) The relocation of Chudiwallas may not be possible in view of limited space available. Since they have been earmarked a separate space at different level below main plaza of the Mandir so no change is recommended at this stage. Shifting of garbage bins be resolved after discussion with RWA's for finalization of alternate location.
 - (iii) Delhi Police be approached for removal of beggars/drug addicts from the vicinity.
- (g) Accordingly, the case was placed before the Council vide Agenda Item No. 20(C-30) dated 17 Oct.'07 and recommendations of the Committee given above were approved by the Council.
- (h) So keeping in view the approval of Council the name of Project is proposed to be changed from "Hanuman Mandir Plaza" to "Shri Hanuman Mandir Vatika".

- (j) Based on the accord of Administrative Approval & Expenditure Sanction by the Council, the tenders were called the details of which are as follows:-
- (i) The tenders were invited by giving wide publicity with schedule date of opening as 29 Oct.'07
 - (ii) Only one bid of M/S K.R. Anand was received. The financial bid was not opened because the tenderer did not fulfill the NIT conditions. So it was rejected by the Competent Authority and tenders were recalled.
 - (iii) In second call the tenders were invited after wide publicity with schedule date of opening as 31 Dec.'07. In the meantime one of the prospective bidder i.e. M/S A.K Builders applied for tender. As per NIT condition the contractor is not permitted to tender for works if his near relative is posted as an officer in any capacity between Chief Engineer & Junior Engineer. So the tender was not issued to M/S A.K. Builders. M/S A.K. Builders filed writ petition in Hon'ble Delhi High Court for issue of tender. The hearing took place in Hon'ble High Court on 17 Dec.'07.
- (k) Hon'ble Delhi High Court vide order dated 17 Dec.'07 ordered that the petitioner i.e. M/s A.K. Builders be permitted to submit his tender provisionally pursuant to the tender notice dated 08 Dec.'07. As per advise of Standing Counsel the technical bids of M/S A.K. Builders was also opened alongwith another bidder M/S K.R. Anand. Two technical bids were received out of which one was of the petitioner.
- (l) During the hearing on 26 Mar.'08 the Court was appraised that the petitioner's brother is working as Junior Engineer with the Department in the same circle. The Court raised an oral query that since there is no stay on taking a decision on the eligibility criteria so it is open for department to take a decision so that the work is not delayed. Since the petitioner's bid did not meet the conditions given in the NIT a decision was taken to open the Financial Bid of M/S K.R. Anand only. Accordingly, the financial bid of M/S K.R. Anand was opened on 28 Mar.'08.
- (m) Subsequently the case was dismissed by Hon'ble High Court on 08 Apr.'08. Consequent to the dismissal of the case only one eligible tender has been found i.e. of M/S K.R. Anand who has quoted 68.39% above the estimated cost against the justification of 63.81% above the estimated cost with the quoted sum of

Rs. 5,41,00,765/-. The tender has been scrutinized by the Planning Member of the Project Team & all guidelines of CVC have been followed.

- (n) Since the quoted sum was slightly higher than justified rates so negotiations were conducted with the tenderer. The tenderer has given voluntary rebate of 0.5% on quoted rate and the negotiated offer comes to 67.55% above the Estimated Cost against the Justification of 63.81% above the Estimated cost. The negotiated amount works out to Rs. 5,38,30,261/-.
- (o) The case was discussed in Empowered Committee on 23 Apr.'08 & Empowered Committee recommended that negotiated offer of M/s K.R. Anand at 67.55% above Estimated cost with negotiated amount of Rs. 5,38,30,261/- be accepted & revised A/A & E/S for Rs. 5,38,30,261/- be accorded by the Council

4. Financial implications of the proposed subject/project:

The financial implications of the tender comes out to Rs. 5,38,30,261/-

5. Implementation schedule with timelines for such stage including internal proceeding

The time period required for the completion of entire work is 15 months after award of work.

6. Comments of the Finance Department on the subject :

The Finance Department has no objection to the recommendations of Negotiation Sub-Committee to accept the negotiated offer (Single) of M/S K.R. Anand provided the firm fulfills the eligibility criteria stipulated in the NIT.

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

No comments in view of the above. However, the firm fulfills the eligibility criteria stipulated in the NIT.

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

The Administrative Approval & Expenditure Sanction to the Preliminary Estimate amounting to Rs. 4,17,72,200/- was accorded vide Reso. No. 02(A-10) dated 31 May'07 and amendment issued vide Reso. No. 14 (A-31) dated 22 Aug.'07. The change of name of the Project from Hanuman Mandir Plaza to Shri Hanuman Mandir Vatika was approved vide Council Reso. No. 20(C-30) dated 17 Oct.'07.

9. Comments of the Law Department on the subject :

No comments.

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

N.A. in view of above.

11. Recommendations :

The case is placed before the Council for Consideration and accord of approval

- (a) To accept the single offer of M/s K.R. Anand at 67.55% above the Estimated Cost with negotiated amount of Rs.5,38,30,261/- for the work of Redevelopment of Hanuman Mandir Plaza, (Shri Hanuman Mandir Vatika), BKS Marg and Accord of revised Administrative approval and Expenditure Sanction for Rs. 5,38,30,261/-.
- (b) To initiate further action in the matter in anticipation of approval of minutes of Council Meeting.

COUNCIL'S DECISION

Resolved by the Council accord revised administrative approval and expenditure sanction for Rs.5,38,30,261/- and to award the work for Redevelopment of Hanuman Mandir Plaza (Shri Hanuman Mandir Vatika), B.K.S. Marg M/S K.R. Anand at 67.55% above the Estimated Cost with negotiated amount of Rs. 5,38,30,261/-.

It was further decided that the deptt. may take necessary action, in anticipation of confirmation of the minutes.

ITEM NO. 27 (A-17)**1. NAME OF SUBJECT/PROJECT:**

Sub: Procurement of furniture in NDMC from M/s Godrej.

2. NAME OF THE DEPTT./DEPTT. CONCERNED:

Civil Engineering Department EE BM(PK)

3. BRIEF HISTORY:

Palika Kendra building was constructed in the year 1983-84. The existing furniture and partitions were provided during construction period, hence more than 26 years old. The furniture has lost its utility and not suitable for present day working in a building like Head-quarters of N.D.M.C. Earlier different offices were renovated on request of concerned officials or as and when required. This was changing the even look of that particular floor. Chairperson directed to improve / renovate each floor as a single unit at one time instead of piece-meal renovation. It was also considered that furniture should be procured of high quality and renovation be done suitable to modern office set-up. During execution of work from different agencies it was noticed that M/s Godrej is best suitable firm for required furniture. A sub-committee chaired by Secretary N.D.M.C. for procurement of furniture for N.P. schools and Navyug schools in the meeting dated 9.1.2008 decided to procure furniture from M/s Godrej. The Council approved the proposal of Godrej make furniture from single source under provision of Rule 154 of G. F. R. and to place the orders for purchase of Godrej make furniture only vide Reso. No. 27(A-70) dated 16.1.2008 for NP Schools/ Navyugs. During process of different estimates for furniture at Palika Kendra, it was felt necessary that a general agreement be made with M/s Godrej for procuring of furniture in N.D.M.C. by different departments. A draft agreement **annexed at "A" (See pages 206 - 209)** was finalized in the meeting dated.1.4.2008 chaired by Secretary NDMC and attended by CE(C-II), Additional F.A., S.O. to Chairperson, Additional L.O., Director (Education) and other concerned officials

4. DETAILED PROPOSAL ON THE SUBJECT/PROJECT:

All the floors of Palika Kendra are proposed to be renovated on the basis of drawing issued by Chief Architect Department. The renovation work will include civil works,

electrical works, A.C. work and fire control work. The toilets and common passages are also included in the composite work. Work of partitions and furniture is to be assigned directly to M/s Godrej.

5. FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT/SUBJECT:

The total financial implications for the works at Palika Kendra shall be met from the provision for "Improvement works at Palika Kendra" vide item No.314 under the head of account H-1-8 in the current year budget book i.e. 2008-09. The respective departments and divisions will met financial obligations from their respective budget provisions.

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

Implementation schedule shall be followed as per provision in the order/assignment of respective departments and divisions.

7. COMMENTS OF THE FINANCE DEPTT. ON THE SUBJECT :

A decision has already been taken by the Council in its meeting on 16.01.2008 regarding purchase of furniture directly from Godrej in case of NP Schools/Navyug schools. Department may, accordingly, take action in the instant case.

8. COMMENTS OF THE DEPTT. ON COMMENTS OF FINANCE DEPTT:

Keeping in view the advise of finance the furniture is proposed to be procured directly from M/s Godrej.

9. LEGAL IMPLICATIONS OF THE PROJECT :

NIL

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

A decision has already been taken by the Council in its meeting on 16.01.2008 regarding purchase of furniture directly from Godrej in case NP Schools/Navayug schools vide Reso. No.27 (A-70) dated. 16.01.2008.

11. COMMENTS OF THE LAW DEPTT. ON THE SUBJECT/PROJECT:

Consented the proposal.

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

NA in view of above.

13. RECOMMENDATION OF C.E.(C-II):

The case is placed before the Council for approval of the following proposals

1. Approval of draft agreement with M/s Godrej which has been drafted in consultation with finance /Law
2. To procure furniture in NDMC directly from M/s Godrej (from a single source) under provision of Para 154 of GFR.

COUNCIL'S DECISION

Resolved by the Council to approve the draft agreement with M/S Godrej, which has been drafted in consultation with Finance/Law Deptts.

It was further resolved to procure furniture in NDMC for renovation of office space directly from M/S Godrej (from a single source) under the provisions of Rule 154 of the GFRs.

DRAFT AGREEMENT

This Agreement executed on _____

By

AND BETWEEN

New Delhi Municipal Council _____ herein called "NDMC"

AND

M/S. GODREJ & BOYCE MFG.CO.LTD. Godrej Bhavan, Mathura Road, New Delhi herein called "GODREJ".

WHEREAS Godrej agrees to deliver/supply the furniture. WHEREAS it is mutually agreed upon between both the contracting parties that GODREJ shall deliver to NDMC desired items on order being placed by NDMC to Godrej on consumer price list subject to following terms and conditions.

A) PLACEMENT OF ORDER

NDMC will procure entire range of furniture products from Godrej by placing orders directly on them. Godrej shall supply their entire range of products to NDMC.

B) DISCOUNT

A special/bulk discount of 6 % on basic consumer price shall be applicable for all supplies of furniture made to NDMC. M/s Godrej shall provide the current list of basic consumer prices to NDMC. Payment shall be made on these rates only. Please note that the above special discount is applicable on the prevailing price list of Godrej at the time of placement of order. Whenever, there is a change in the basic consumer prices, Godrej shall intimate the same to NDMC in writing. Excise duty, VAT and all other Government levies, shall be charges extra as applicable on the date of delivery. Hence shall be mentioned separately to ascertain the values applicable on the date of delivery. In the event of downward revision of any duties taxes, levies the benefit of the same shall be passed on to NDMC. However, the Price list would be applicable for a particular Work order/ Supply Order issued by the NDMC and no Variation in the price would be allowed for a particular Work order/Supply Order.

C) PAYMENT TERMS

M/s Godrej agreed to receive the payment against Running A/c bill on receipt of the material 90 % against delivery and balance 10 % against installation i.e. completion of work.

D) DELIVERY

- a) The material will be delivered F.O.R. NDMC Stores / installation Site within a normal period of 120 days from the date of placement of Purchase Order. However, this is subject to the time period mentioned by NDMC in their Supply Order as per their requirement from time to time on the basis of Price list valid for that particular period of time. For any non-standard items, which are manufactured against the specific layout/design of NDMC, the delivery period shall vary and the same shall be applicable on case to case basis.
- b) N.D.M.C. will place orders direct to M/s Godrej who may supply the material through their authorized Wholesale dealer/distributor as per standard practice of the company and the payment may be released by NDMC in their favour after submitting the Invoices of the authorized dealer to NDMC by M/s Godrej. The work shall be executed direct under supervision of M/s Godrej.

E) FORCE MAJEURE

Godrej shall not be responsible for any delay due to the act of god, War, Revolution, Embargo , riots , civil Commotion or Political Disturbances, Strikes, Lockouts, Stoppage of labor through any cause and for such delays, either party shall be liable to claim for any compensation provided either party notify the other in writing with 15 days from such occurrences.

F) COMPENSATION FOR DELAY

M/s Godrej agrees that the time allowed for supply of furniture against any Work Order/ Supply order shall be indicated in the individual Work order/Supply Order. M/s Godrej shall deliver the materials on or before the date mentioned in the work Order/ Supply order failing which recovery will be made from M/s Godrej as agreed liquidated damage/compensation equivalent to 1/2 % of the price of the material/furniture which the contractor fails to deliver within the period fixed for delivery in schedule for each week or part of week. The liquidated damage/compensation in any case will not exceed 5 % of the contract price for undelivered delayed portion.

G) WARRANTY/GUARRANTY

All product/equipment/furniture of M/s Godrej would be warranted/guaranteed for a period of one year from the date of billing by NDMC against any manufacturing Defect and they would be directly responsible for the same irrespective of the fact that the Order would be executed by their authorized dealer / distributor. Any defects / fault noticed by the NDMC, the same shall be informed to M/s godrej over phone/in writing which shall be attended by M/s Godrej on normal working days free of cost.

M/s Godrej agreed to furnish a Bank Guarantee for a sum of Rs. 10 lacs for a initial period of 2 years and the same shall be extended if the period is further extended as per mutual consent. This B.G. is towards security / Performance Guarantee and No security shall be deducted from Running A/c Bill.

H) PLACING OF SUPPLY ORDER

The furniture is to be purchased by various Units/Divisions of Civil engineering departments as well as other departments. Each unit /Division shall place a separate Work Order/Supply order on M/s Godrej at their prevailing price List at that time and no further variation in the rates shall be allowed for any particular Work Order/Supply Order.

I) VALIDITY OF AGREEMENT

The Agreement shall be valid for a period of 3 years from the date of Agreement and it may be further extended to a period as per mutual consent between the Parties.

J) ARBITRATION/DISPUTE CLAUSE

Except where otherwise provided in the contract, all questions and disputes relating to the meaning of the specification, designs, drawings and instruction herein before mentioned and as to quality of workmanship or materials supplied or as to any other question, claim right, matter

or thing whatsoever, in any way arising out of or relating to the contract, designs, drawings, specification, estimates, instruction, orders or these conditions or otherwise concerning the supply of materials or failure to supply the same whether arising during the progress of the supply of materials or after the cancellation, termination, completion or abandonment thereof shall be dealt with as mentioned hereinafter.

- i) If the contractor considers any materials demanded of him to be outside the requirements of the contract, or disputes any drawings, record or decision given in writing by the Engineer-in-Charge on any matter in connection with or arising out of the contract or supplying the materials, to be unacceptable, he shall promptly within 15 days request the Superintending Engineer in writing for written instructions or decision. Thereupon, the Superintending Engineer shall give his written instruction or decision within a period of one month from the receipt of the contractor's letter.

If the Superintending engineer fails to give his instruction or decision in writing within the aforesaid period or if the contractor is dissatisfied with the instructions or decision of the Superintending Engineer, the contractor may within 15 days of the receipt of Superintending Engineer's decision, appeal to the Chief Engineer who shall afford and opportunity to the contractor to be heard, if the later so desired, and to offer evidence in Support Office appeal. The Chief Engineer shall give his decision within 30 days of receipt the contractor's appeal. If the contractor is dissatisfied with this decision, the contractor shall within a period of 30 days from receipt of the decision, give notice to the Chairperson, NDMC for appointment of arbitrator failing which the said decision shall be final, binding and conclusive and not referable to adjudication by the arbitrator.

- ii) Except where the decision has become final, binding and conclusive in terms of sub-para (i) above, disputes or difference shall be referred for adjudication through arbitration by a sole arbitrator appointed by the Chair-person, NDMC or if there be no Chairperson, the administrative head of the NDMC. If the arbitrator so appointed is unable or unwilling to act or resigns his appointment or vacates his office due to any reason whatsoever, another sole arbitrator shall be appointed in the manner aforesaid. Such person shall be entitled to proceed with the reference from the stage at which it was left by his predecessor.

It is a term of this contract that the party invoking arbitration shall give a list of disputes with amounts claimed in respect of each such dispute alongwith the notice for appointment of arbitrator and giving reference to the rejection by the Chief Engineer of the appeal.

It is also a term of this contract that no person other than a person appointed by the Chairperson or the administrative head of the NDMC as aforesaid should act as arbitrator and if for any reason that is not possible, the matter shall not be referred to arbitration at all.

It is also a term of this contract that if the contractor does not make any demand for appointment of arbitrator in respect of any claims in writing as aforesaid within 120 days of receiving the intimation from the

Engineer-in-Charge that the final bill is ready for payment, the claim of the contractor shall be deemed to have been waived and absolutely barred and the NDMC shall be discharged and released of all liabilities under the contract in respect of these claims.

The arbitration shall be conducted in accordance with the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996), or any statutory modifications or re-enactment thereof and the rules made there under and for the time being in force shall apply to the arbitration proceeding under the clause.

It is also a term of this contract that the arbitrator shall adjudicate on only such disputes as are referred to him by the appointing authority and give separate award against each dispute and claim referred to him and in all cases, the arbitrator shall give reasons for the award.

It is also a term of the contract that if any fees are payable to the arbitrator, these shall be paid equally by both the parties.

It is also a term of the contract that the arbitrator shall be deemed to have entered on the reference on the date he issues notice to both the parties calling them to submit their statement of claims and counter statement of claims. The venue of the arbitration shall be such place as may be fixed by the arbitrator in his sole discretion. The fees, if any, of the arbitrator shall, if required to be paid before the award is made and published, be paid half and half by each of the parties. The cost of the references and of the award (including the fees, if any, of the arbitrator) shall be in the discretion of the arbitrator who may direct to any by whom and in what manner, such costs or any part thereof shall be paid and fix or settle the amount of costs to be so paid.

Notwithstanding anything contained in this contract, the parties shall not be entitled to invoke reference of dispute the arbitration after acceptance of the final payment until it is so recorded on the bill that the same was being received under protest.

The decision, of Chief Engineer regarding the quantum of reduction as well as justification thereof in respect of rates for sub-standard materials which may be decided to be accepted will be final and would not be open to arbitration.

IN WITNESS WHEREOF the parties hereto have hereinto set their hands to this Agreement on this day, month and year first above written

For M/s Godrej & Boyce Mfg. Co. Ltd.

For New Delhi Municipal Council

IN WITNESS THEREOF:-

1.

2.

ITEM NO. 28 (A-18)**1. Name of the subject/project:**

Sub.: Redevelopment of Connaught Place : Amendment to Consultancy Agreement (Turnkey Consultancy)

2. Name of the Department

Civil Engineering Department, EE (Connaught Place)

3. Brief history of the Subject/project

- (a) The Connaught Place is an important & most visible symbol of Lutyens in Delhi. The complex was designed & developed as the Central Business district on the cross roads of Parliament Street-Minto Road & Barakhamba-Panchkuian Road. In year 2006 the DMRC commissioned its two metro corridors with interchange station under Central Park. This has encouraged large number of visitors to Connaught Place and footfalls have increased manifolds. The Commonwealth Games are to be held in 2010 & the footfalls are likely to increase further. In anticipation of all these developments in year 2005, New Delhi Municipal Council felt that there is need to prepare comprehensive Redevelopment Plan for Connaught Place including Augmentation/upgradation of Engineering Services.
- (b) Accordingly Inhouse project proposals/report based on the conditions prevailing in year 2005 was prepared and placed before the Council on 13 Feb.' 06. The Council accorded the approval of project proposals/ report to carry out the Redevelopment of Connaught Place. The Council further resolved that after framing final proposals and in consultation with all stakeholders the final proposals be brought before it for accord of Administrative approval and Expenditure sanction.
- (c) M/s Engineers India Limited was appointed as a Project Management Consultancy/Lead Consultant for Redevelopment of Connaught Place. EIL is South Asia's leading Engineering Consultancy firm having turn over of about 1000 crores besides ISO 9001, Govt. of India undertaking.
- (d) NDMC signed consultancy agreement with M/s Engineers India Limited on 03 May.'06 for integrated design, consultancy, management & delivery of the project including project construction and management.
- (e) After detailed study by M/s EIL based on the actual state of affairs of services in Connaught Place the Detailed Project Report for Rs.671 crores was prepared and placed before the Council vide Agenda Item No. 12(A-52) dated 21 Nov.'07. Out of Rs. 671 crores about **55 crores** is the cost of Centralized Air Conditioning

System which will be taken up on BOT basis. The project report/proposals for Rs. 671 crores has been approved by the Council on 21 Nov.'07.

- (f) The Detailed Project Report for **Rs. 671 crores** as per toolkit of JNNURM has also been prepared by M/s EIL and submitted to Govt. of Delhi and Ministry of Urban Development on 07 Feb.'08 for funding under JNNURM. The revised DPR for Rs. 448.03 Crores has been forwarded to Govt. of Delhi & MoUD on 15 Apr.'08.
- (g) The funding structure indicated in the Detailed Project Report submitted to MoUD and State Govt. is in line with the Council Resolution dated 21 Nov.'07.
- (h) The Third Level Steering Committee Meeting under JNNURM under Chairpersonship of Hon'ble Chief Minister was held on 08 Mar.'08 where the Detailed Project Report has been approved.
- (j) The Design report for Redevelopment of Connaught Place prepared by M/s EIL has also been submitted to Delhi Urban Art commission (DUAC) on 11 Feb.'08.
- (k) A meeting was held on 16 Jan.'08 in the Chamber of Chairman in which Secretary, Financial Advisor., Legal Advisor., Chief Architect, CE(C), Director (PR) & Sh. D. Moudgil, General Manager (Infrastructure & Pipeline), EIL were present.
- (l) After detailed deliberations it was felt that in order to complete the Project before the Commonwealth Games 2010 & to counter procedural delays the Redevelopment of Connaught Place Project needs to be taken up on fast-track for speedy execution. So, it was decided that the entire project be given to M/s EIL, being a Govt. of India Undertaking, on Turnkey basis for consultancy & execution on similar lines as Electrical Engineering Department has given to Power Grid Corporation of India Limited (PGCIL). The decision to extend the scope of present consultancy agreement to Turnkey Consultancy was taken for speedy execution of Redevelopment Plan and its importance to Delhi in view of the Commonwealth Games 2010 & M/s EIL agreed to undertake the Redevelopment of Connaught Place as a special case due to limited time available for project completion before Commonwealth Games 2010.
- (m) Keeping in view the decision taken during the meeting the amendment to the original Project Management Consultancy Agreement executed with EIL on 03 May'06 has been prepared on similar lines as has been done for PGCIL by Electrical Engineering Department with some changes due to the different nature of work.

- (n) The main clauses pertaining to appointment of specialized consultants, scope of work and consultancy fee have been retained in this agreement also.
- (o) The Consultancy fee in the original consultancy agreement has been retained. However keeping in view the turnkey nature of job the terms of payment have been amended accordingly.
- (p) The time schedule for completion of Project has been fixed as 30 months with effect from signing of agreement or conveyance of approval of such agreement by NDMC whichever is earlier.
- (q) The main issue of capping of cost of the project has also been incorporated in the draft agreement.
- (r) In view the decision taken during the meeting that M/s EIL will execute the project on turnkey consultancy basis it has appropriately been reflected in the Detailed Project Report submitted to Delhi Government and Ministry of Urban Development under JNNURM.
- (s) The case was discussed in detail in Empowered Committee meeting on Fast-track Projects held on 8 Apr.'08 & 23 Apr.'08. After detailed deliberations the Empowered Committee agreed for NDMC to enter into Turnkey Consultancy with M/S EIL and has recommended that the case be placed before the Council for approval of following:-
 - (i) To accord approval to enter into turnkey consultancy agreement with M/S Engineers India Limited for work relating to Redevelopment of Connaught Place and to accord Administrative Approval and Expenditure Sanction for Rs.615.20 crores to be funded under JNNURM /MoUD/ Govt. of Delhi / Local Body.
 - (ii) To authorize Chairman to nominate an officer to sign agreement on behalf of NDMC.
 - (iii) Closure of earlier agreement & Transfer of all documents/works to M/S EIL on "as is where is basis" by NDMC.
 - (iv) Reimbursement of fee to M/S Engineers India Limited for preparation of Detailed Project Report for funding under JNNURM. The amount will be limited to reimbursement by MoUD under JNNURM guidelines for preparation of Detailed Project Report.
 - (v) An advance payment of Rs. 50 crores i.e. roughly 10% of Rs.550 crores to be deposited in "EIL- CP Project account" for taking the works on

turnkey basis by EIL after sanction of funds under JNNURM/MoUD/GNCTD/NDMC.

- (vi) Formation of Project Coordination Committee to monitor the progress of the project and give decisions/ approval during execution.

4. Detailed proposals of subject/project

- (a) The present Project Management Consultancy agreement with Engineers India Limited is proposed for amendment extending the scope of work to Turnkey Consultancy. The turnkey consultancy involves complete, design, planning, engineering, tendering, procurement, handling, storage, erection, scheduling, execution/supervision, award of work on behalf of NDMC, Project Management services, monitoring of all activities, inspection, testing, successful completion of project and handing over to NDMC in a functional state. The Central Air Conditioning system will be provided on BOT model and work will be awarded directly by NDMC to concessionaire. However M/s EIL will prepare Expression of Interest alongwith bid document, evaluate the offers and give recommendations for award of work. The fee to be paid on this component will be paid by successful concessionaire to M/s Engineers India Limited.
- (b) In view of the fact that approval has been accorded by the Council & Third Level Steering Committee headed by Hon'ble Chief Minister for the Project Report for Rs. 615.20 Crores & and due to nature of turnkey consultancy work there is need to accord Administrative Approval & Expenditure Sanction for Rs. 615.20 crores so that funds can be released to consultant in accordance with the terms of reference given in the Revised turnkey consultancy agreement.
- (c) Detailed discussions were held regarding modalities, terms & conditions of turnkey consultancy agreement to be signed between NDMC & M/s EIL. The copy of Agreement is placed at **Appendix 'A' (See pages 216 - 243)**
- (d) Being a time bound project & the fact that the date from which the Agreement will be effective is the date of conveyance of such approval to the consultant or signing of agreement whichever is earlier so approval to carry out work on Turnkey consultancy basis has been conveyed to the M/s EIL on 04 Mar.'08 after approval of same by the Competent Authority of NDMC.

5. Financial implications of the proposed subject/project:

Total estimated cost of the project as worked out by EIL, for the scope of work mentioned in **Annexure 'A' (See page 239)** to the appendix including EIL's Consultancy fee and service tax is approx. Rs. 671 crores (Rs. Six Hundred and Seventy One Crores).

Out of this District Cooling System- Centralized Air Conditioning for an amount of Rs.55.75 Crores shall be taken up on BOT model for which Project Management Consultation Fee shall be paid by successful concessionaire to EIL. The consultancy fee payable to EIL (excluding PMC fee for District Cooling System) shall be 8% of executed cost of project or Rs. 48 crores whichever is less and shall be applicable upto December 2010. In the event of any delay in completion of Project which is not attributable to EIL additional fee beyond December 2010 shall be settled based on mutually agreed terms.

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

The project completion is 30 months from the date of signing revised consultancy agreement or conveyance of approval which ever is earlier.

7. Comments of the Finance Department on the subject :

The observations of Finance were deliberated in detail by Empowered Committee & recommendations of Empowered Committee has taken into considerations all the observations of Finance Department.

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

No comments, in view of above.

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

- (a) Council had accorded approval of Project proposal/Report vide Resolution No. 4(A-24) dated 13 Feb.'06 with a direction that after framing final proposal and in consultation with all stakeholders the final proposals will be brought before the Council for Administrative Approval & Expenditure Sanction.
- (b) The Project Report for Rs. 671 crores has been approved vide Council Resolution No. 12 (A-52) dated 21 Nov.'07.

10. Comments of the Law Department on the subject :

No comments as LA is the member of Empowered Committee.

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

Not applicable.

12. Recommendations :

The case is placed before the Council for perusal for consideration & accord of approval for following:-

- (a) To accord approval to enter into turnkey consultancy agreement with M/S Engineers India Limited for work relating to Redevelopment of Connaught Place and to accord Administrative Approval and Expenditure Sanction of Project Report for Rs.615.20 crores to be funded under JNNURM/MoUD/ Govt. of Delhi / Local Body.
- (b) To authorize Chairman to nominate an officer to sign Turnkey Consultancy Agreement on behalf of NDMC.
- (c) Closure of earlier agreement & Transfer of all documents/works to M/S EIL on "as is where is basis" by NDMC.
- (d) Reimbursement of fee to M/S Engineers India Limited for preparation of Detailed Project Report for funding under JNNURM. The amount will be limited to reimbursement by MoUD under JNNURM guidelines for preparation of Detailed Project Report.
- (e) An advance payment of Rs. 50 crores i.e. roughly 10% of Rs.550 crores to be deposited in "EIL- CP Project account" for taking the works on turnkey basis by EIL after sanction of funds under JNNURM/MoUD/GNCTD/NDMC.
- (f) Formation of Project Coordination Committee to monitor the progress of the project and give decisions/ approval during execution.

COUNCIL'S DECISION

Resolved by the Council to approve the following:-

- i. To enter into Turnkey consultancy agreement with M/S Engineers India Limited for the work relating to Redevelopment of Connaught Place as well as administrative approval & expenditure sanction of Project Report for Rs. 615.20 crores to be funded under JNNURM/ **MoUD**/Govt. of Delhi/Local Body.
- ii. To authorize Chairman, NDMC to nominate an officer to sign Tunkey Consultancy Agreement on behalf of NDMC.
- iii. Closure of earlier agreement & transfer of all documents/works to M/S EIL on "as is where is basis" by the NDMC.
- iv. Reimbursement of fee to M/S Engineers India Limited for preparation of Detailed Project Report for funding under JNNURM. The amount will be limited to the reimbursement by Ministry of Urban Development, under JNNURM guidelines, for preparation of detailed Project Report.
- v. An advance payment of Rs. 50 crores i.e. roughly 10% of Rs. 550 crores to be deposited in "EIL-CP Project Account" for taking the works on turnkey basis by EIL, after sanction of funds under JNNURM/**MouD/GNCTD/NDMC**.
- vi. Formation of Project Coordination Committee to monitor the progress of the project and give decisions/approval during execution.

Annexure

216 – 243

Annexure end

Item No. 29 (A-19)**1. Name of the subject/ project:****Sub: Imp./Upgradation of Shivaji Stadium.****SH : Const. of Sports Facility Block, Hockey Stadium warm-up pitch two level basement for parking, including electrical, fire-fighting & protection, HVAC, Lift etc. complete as a composite work.****2. Name of the deptt./deptt. concerned:**

Civil Engg. Deptt., NDMC

3. Brief History:

For implementation of the Common Wealth Games scheduled to be held in Delhi in 2010 and accordingly 1st meeting of core group of officers was held on 20.10.04 in the Conference Room of Chief Secretary, Delhi, to select various competition & training venues. Accordingly, Talkatora Indoor Stadium & Shivaji Stadium were selected to host events during the Common Wealth Games- 2010, and as such, for proper renovation of the stadias, a rough cost estimate was prepared and the case was placed before the Council to accord approval to the proposal. Council vide its Reso no. 10 (A-9) dts. 22.07.05 approved the proposal for up-gradation of NDMC stadias as under:

“Council resolved and approved the up-gradation of two NDMC Stadia to the international level even if these are not used during Commonwealth Games from its own funds at a rough cost of Rs. 30.45 crores. In case, it is decided to use the stadiums for Commonwealth Games the requisite funds would come from Delhi Govt.”

The decision of the Council was accordingly intimated to Jt. Director (UD), Officer-in-Charge, Coordination Cell, Govt. of NCT of Delhi, Department of Urban Development for arrangement of requisite funds.

Considering the above & after having detailed discussions and deliberations held with Mr. Prasad, ADG (Tech.) SAI and with M/S EKS, an international consultant appointed by SAI for selection, submission of venue brief, technical parameters, examining the drawings as per requirement and make recommendations to Organizing Committee, CWG on the games, selected to host Boxing a competition venue at Talkatora Indoor Stadium and a training venue Hockey Event at Shivaji Stadium. For this purpose, a need was felt for Improvement/Up-gradation of Shivaji Stadium in order to meet the requirement of C.W.G. Federation and as per the venue brief submitted by the International Consultant, M/S EKS, a new multi-storey block with the two basement for parking is to be constructed.

4. Detailed proposal on the subject/ project:

M/S Raja Aederi Consultant Pvt. Ltd. has been appointed as an Architect Consultant for the project of Talkatora Indoor Stadium and Shivaji Stadium.

The Architect Consultant submitted the detailed estimate (for composite work) alongwith the drawings as per the venue brief, presentation made before the Organizing Committee and

discussions held on the subject with the Traffic/Security/Delhi Fire Services. The concept/detailed proposal was subsequently approved by Delhi Fire Services and accordingly, the detailed estimate amounting to Rs. 101,10,75,700/- was technically sanctioned and the NIT amounting to Rs. 80,85,18,605/- was approved by the competent authority for Const. of Sports Facility Block, Hockey Stadium warm-up pitch two level basement for parking, including electrical, fire-fighting & protection, HVAC, Lift etc. complete as a composite work.

The tenders for the above work were initially invited after giving due publicity in the press in the leading daily newspapers of Delhi and editions outside Delhi, displaying on the website, and sending PW-6 to 18 agencies short listed by CPWD for CWG 2010 related work through speed post and the tenders were to be opened on 12.03.08, pre bid meeting to be held on 29.2.08 in the office of CE (C) Discussions were held in depth and accordingly, an addendum of two pages were made and sent to all agencies. Since the firms were pressing hard to modify the E.M.D. clause to be incorporated as per C.P.W.D. Manual- 2007, the matter was discussed in the chamber of Chairman and after getting the concurrence of the finance vide their dy. No. R-266 dtd. 7.03.08, the case was submitted to the Chairman for the approval to modify the NIT condition and to issue a corrigendum to this effect in the same newspapers in which the earlier publication was made in Delhi and Outside Delhi Edition also. Chairman vide order dtd. 10.03.08 approved the proposal and accordingly, the date of application, sale, receipt & opening was fixed as 17.03.08, 19.03.08 & 24.03.08 respectively. On the date of opening i.e. on 24.03.08, six tenders were received and only the technical bid was opened. Out of the six tenders so received, one of the tender was of M/S China Railway shisiju Group Corporation who submitted in their application the following documents :

1. Proof of registration with other Governments
2. Audited copy of Balance Sheet duly checked by Chartered accountant for the last 5 years showing average turn-over (gross) of Rs. 3602.7 Crores on construction work.
3. Proof of details of bidding capacity
4. List showing Tools & Plant, construction plant and equipments and steel shutting
5. Organization structure including details of technical and administrative personnel to be employed for the work.
6. Copy of Bank Solvency Certificate of Rs. 560 Crores.
7. Tax Registration Certificate
8. The Clearance certificate (Income Tax Return)
9. An undertaking to the fact that although we are meeting all the eligibility criteria but however, we further submit that if any of the criteria is left over, we undertake to submit the same to the department before release of Ist payment to us.

Further, M/S China Railway shisiju Group Corporation submitted the documents in the Chinese language alongwith the English version and submitted the following documents in respect of the above paras in order to meet the eligibility criteria:

1. A Registration Certificate as a Certificate of Incorporation vide Regn. No. 3700001800329 which has been issued by Shandong Provincial Industry & Commerce Administration on 30 Sept. 2001 having a business license also. A photocopy of the notarial certification (translation) was also annexed.
2. The deptt. invited offers from approved and eligible contractors/construction Agencies/Firms who have worked with Central/State Govt. Departments/ Municipalities Boards/ Autonomous/ bodies/ public Sector Undertakings whereas the documents of the above firm was showing to be registered at Shandong, China.

Keeping in view that M/S China Railway Shisiju Group Corporation is based in China with their local office in Delhi, an advise from the Law Deptt. was obtained to ensure that the firm is legally eligible keeping in view of the requirement as explained above. All the requisite terms & conditions of the NIT were also placed in the file.

LA vide his note dt. 7-4-08 offered the comments :

"If China Railway Shisiju Group Corpn fulfill the conditions of NIT, they are entitled to participate in the tender. Deptt. has not brought on record that they do not NIT conditions and as such they will qualify please."

Accordingly Financial bid of all the six tenderers which were received were opened on 10-4-08 and the details of the same is given as under: -

Sr. no.	Agency	%age above offered	Amount
1	M/s China Railway Shisuji Group Corpn.	104.24%	165,13,24,024/-
2	M/s Ahluwalia Corpn. (India) Ltd.	139.71%	193,80,60,148/-
3	M/s JMC Projects Ltd.	136.22%	190,98,84,104/-
4	M/s Nagarjun Const. Co.	144.50%	197,68,32,986/-
5	M/s YMC Buildmore	145.73%	198,68,00,982/-
6	M/s Unity India Project Ltd.	115.72%	174,41,21,053/-

M/s China Railway Shisuji Group Corpn. emerged as the first lowest with their rates as 104.24% above the estimated cost with their tendered amount as Rs. 165,13,24,024/- M/s China Railway Shisuji Group Corpn. submitted a letter dt. 16-4-08 vide which they offered a rebate of 15.50% on all Electrical works voluntarily and by considering the same, their total tendered amount was worked out to Rs. 160,27,16,430/- i.e. 98.23% above the estimate cost.

The justification was prepared for Civil works based on prevailing/ already approved market rates in consultation with M/s Raja Aederi Const. Pvt. Ltd. and for Electrical works, justification was prepared and submitted by EE (BM-I) Elect. The over all justification as has been checked by Planning works out to 75.93% above the estimated cost as there was no escalation clause, a provision of 3% on justified cost has been considered including the effect of reduced time taken for completion of the project in view of CWG 2010 requirement, as has been considering in earlier such cases, as such the percentage of tendered cost over the justified cost works out to 9.39% above.

The case was accordingly sent to Finance for their concurrence in the proposal.

5. Financial implications of the proposed project/subject:

The total financial implication for the above work is Rs. 160,27,16,430/-.

There is a budget provision of Rs. 25.00 crores exists under the Head of A/C C-7-5 (II) during the year 2008-09.

6. Implementation schedule:

Time of Completion of work: 18 months

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

1,2 &3: These issues were discussed in the empowered committee meeting held on 25.04.2008, which agreed with the view point of the department.

4. As already pointed out lump sum addition and ad-hoc %ages not based on any quantitative analysis are to be avoided in terms of para 20.13 of CPWD Manual Vol.-II. 3% weightage on account of escalation does not have quantitative base, as such not to be considered.

5. The department should bring to the notice of the Council, the detailed reasons of variation above justified rates.

6,8 & 9 : Requisite certificates have been recorded.

7. The department has to see that non-inclusion of definite conditions in NIT as pointed out by Member Finance does not come in the way of smooth/un-hindered completion of work.

10. Specific certificate about capability of L-1 in the light of position as brought out in my note at P-31/N may be recorded.

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

It is clarified as under:

Para 1,2 & 3: No comments

Para 4 : The justification was prepared for Civil works based on prevailing/ already approved market rates in consultation with M/s Raja Aederi Const. Pvt. Ltd. and for Electrical works, justification was prepared and submitted by EE (BM-I) Elect. The over all justification as has been checked by Planning works out to 75.93% above the estimated cost as there was no escalation clause, a provision of 3% on justified cost has been considered including the effect of reduced time taken for completion of the project in view of CWG 2010 requirement, as has been considering in earlier such cases, as such the percentage of tendered cost over the justified cost works out to 9.39% above.

Para 5: Considering the fact that the work being of National Importance and the Common Wealth Games are scheduled to be held in 2010 and the time is very short alongwith certain provisions which do not exists in the approved NIT and the parameters as contained under special circumstances in terms of para 19.4.3.2 of CPWD Works Manual which allows variation upto 10% may be allowed for peculiar situations and in special circumstances and the instant work also falls under this category.

Para 6, 8 & 9: No comments

Para 7: This will not come in the way of smooth/unhindered completion of work.

Para 10: Based on the documents submitted, the bidding capacity as has been worked out on the certified formula is 587 Crores and a such the L-1 firm is quite capable of completing the project.

9.. Empowered Committee Meeting & its Recommendations :

The case was placed before the Empowered Committee in its meeting held on 25.04.08. Initiating the discussions on the subject, the Project Leader emphasized the urgency of work keeping in view that the Shivaji Stadium is one of the Training Venue for Hockey during CWG proposed to be held in 2010. Tenders were invited after giving due publicity in the leading daily newspapers of Delhi and editions outside Delhi, displaying on the website, and sending PW-6 to 18 agencies short listed by CPWD for CWG 2010 related work through speed post after having completed all the formalities as per the guidelines of the CVC, and the tenders were opened on the due date i.e. on 24.3.08 (Technical Bid) and the Financial Bid was opened on 10.04.08. The proposal was discussed and deliberated in depth considering the various options but keeping in view of the time frame and urgency of the project i/c the justification prepared and clarification submitted to the Finance.

Considering all the above parameters and under special circumstances in terms of para 19.4.3.2 of CPWD Works Manual which allows variation upto 10% and this being a time bound project, the Empowered Committee recommends to award the work to M/S CHINA RAILWAY SHISIJU GROUP CORPORATION at their total tendered amount of Rs.1602716430/- which is 9.39% above the justified cost and further recommends to place the case before the Council for consideration and approval.

10. Legal Implication of the project:

NIL

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

1. Reso no. 10 (A-9) dts. 22.07.05 approved the proposal for up-gradation of NDMC stadias as under:

"Council resolved and approved the up-gradation of two NDMC Stadiums to the international level even if these are not used during Commonwealth Games from its own funds at a rough cost of Rs. 30.45 crores. In case, it is decided to use the stadiums for Commonwealth Games the requisite funds would come from Delhi Govt."

2. Reso. No. 01(A-47) dated 05.11.2007 approved the proposal in respect of Talkatora Indoor Stadium as under:

Resolved by the Council that approval is accorded to the recommendation of the department, as mentioned in serial no. 1 to 3 of para 16 of the preamble on the confirmation by the department that all CVC guidelines have been adhered to in this case.

Department may initiate action in anticipation of confirmation of minutes.

It was further decided that in future, where the estimated cost of the work is more than 1 crore, tender should be published at least in 2 national English dailies and 1 each in national Hindi & Urdu dailies.

The revised A/A and E/S was accorded as under:

- | | | |
|----|--------------------------|-----------------|
| a. | Talkatora Indoor Stadium | – 104.01 Crore. |
| b. | Shivaji Stadium | - 100.00 Crore. |

12. Recommendation of Project Leader:

The case may be placed before the Council for approval to the following:

1. To award the above work to M/S CHINA RAILWAY SHISIJU GROUP CORPORATION at their tendered amount of Rs. 1602716430/- which is 98.23 % above the estimated cost of Rs. 80.85 crores and the variation between the tendered cost and justified cost is 9.39 % above, being a competitive bidding.
2. Considering the overlays and other parameters which are to be born by the venue owner, revised A/A & E/S may be accorded as per the following details:-
 - (a) Imp./Upgradation of Shivaji Stadium - Rs.185 crores (approx.)
 - (b) Imp./Upgradation of Talkatora Indoor Stadium – Rs.150 crores (approx.)
3. The Deptt. may initiate action in anticipation of confirmation of minutes.

COUNCIL'S DECISION

Resolved by the Council to award the work to M/S China Railway Shisiju Group Corporation at tendered amount of Rs. 1,60,27,16,430/-, which is 98.23% above the Estimated Cost of Rs.80.85 crores and the variation between the tendered cost and justified cost is 9.39% (above) ; being a competitive bidding.

It was further resolved by the Council to accord administrative approval & expenditure sanction as per following details:-

- (a) Improvement/upgradation of Shivaji stadium (Rs. 185 crores approx.)
- (b) Improvement/upgradation of Talkatora Indoor Stadium (Rs. 150 crores aprox.)

It was further decided that the deptt. may take necessary action in anticipation of confirmation of the minutes by the Council.

(VIKRAM DEV DUTT)

(PARIMAL RAI)