

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

COUNCIL'S MEETING NO. 18/2007-08 DATED 31.03.2008.

Arrangement of business

ITEM NO.	SUBJECT	PAGE	ANNEXURE
01 (C-53)	Confirmation and signing of the minutes of the Council's Meeting No. 15/2007-08 dated 13.02.2008.	3	4 – 11
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.	12 – 13	
03 (A-80)	Sub: Imp./Upgradation of Talkatora Indoor Stadium. SH : Fire-fighting work at new Sports Facility Block and existing stadium.	14 – 17	
04 (A-81)	Sub: Improvement / Up gradation of Talkatora Indoor Stadium. Sub Head: Establishing Electric Sub- Station at Talkatora Indoor Stadium.	18 – 21	
05 (A-82)	Strengthening of Water Supply System in NDMC Area. 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-----.	22 – 25	
06 (A-83)	Up gradation of Palika Bazar.	26 – 28	
07 (A-84)	Development of area around State Emporia Building at B.K.S. Marg, New Delhi.	29 – 30	
08 (A-85)	S/R of roads in NDMC area during 2007-08. 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.	31 – 32	
09 (B-54)	Re-arrangement and augmentation of HT feeders in various Electric Substations in Connaught Place area (Phase-I).	33 – 36	
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.	37	38
11 (D-6)	Approval of the New Delhi Municipal Council (Maintenance of Accounts) Regulations, 2008.	39 – 47	48 – 55

12 (N-4)	Approval of the New Delhi Municipal Council (Public Parks, Gardens or Recreation Grounds) Bye-laws, 2008.	56 – 62	63 – 109
13 (H-21)	Schedule of Estt. in r/o of Group 'A' & 'B' posts.	110 – 111	(Separate Booklet enclosed)
14 (G-10)	Acceptance DERC's Tariff order for retail electricity in tariff in NDMC area.	112 – 113	114 – 116 & (Separate Booklet enclosed)
15 (A-86)	Sub: Imp./Upgradation of Talkatora Indoor Stadium. SH : Addn./ Altn. of existing Stadium (Civil, Plumbing, & Electrical works)	117 – 124	125 – 130
16 (G-11)	DERC's order dated 07.03.2008 for reassignment of PPAs	131 – 132	133 – 159
17 (A-87)	Sub: Improvement to NDMC Barat Ghar, Moti Bagh. SH : Wedding Mart at Moti Bagh, New Delhi.	160 – 162	
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.	163 - 164	

ITEM NO. 01 (C-53)

Confirmation and signing of the minutes of the Council's Meeting No. 15/2007-08 dated 13.02.2008 **(See pages 4 - 11)**.

COUNCIL'S DECISION

Minutes confirmed.

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

MINUTES OF THE COUNCIL'S MEETING NO. 15/2007-08 HELD ON 13.02.2008 AT 3-00 P.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.

MEETING NO.	:	15/2007-08
DATED	:	13.02.2008
TIME	:	3-00 P.M.
PLACE	:	PALIKA KENDRA, NEW DELHI.

PRESENT :

- | | | | |
|-----------|------------------------|----------|--------------------|
| 1. | Sh. Parimal Rai | - | Chairperson |
| 2. | Sh. Ashok Ahuja | - | Member |
| 3. | Ms. B. Bhamathi | - | Member |
| 4. | Dr. M.M. Kutty | - | Member |
| 5. | Sh. R.K. Sinha | - | Member |
| 6. | Sh. Mukesh Bhatt | - | Member |
| 7. | Ms. Sima Gulati | - | Member |
| 8. | Sh. Vikram Dev Dutt | - | Secretary, NDMC |

Ms. B. Bhamathi, Joint Secretary (UT), M/o Home Affairs, Govt. of India, has taken oath of office as a Member of the Council. The oath was administered by the Chairperson, NDMC, in the presence of the above mentioned Council Members.

ITEM NO.	SUBJECT	DECISION
01 (C-50)	Confirmation and signing of the minutes of the Council's Meeting No. 14/2007-08 dated 16.01.2008	Minutes confirmed.
02 (A-71)	Sub: Streetscaping of NDMC roads. SH: Streetscaping of Tees January Marg, Tees January Lanes & Adjacent RoundABOUTS.	Resolved by the Council that administrative approval and expenditure sanction is accorded to the preliminary estimate of Rs.7,63,04,600/- for streetscaping of Tees January Marg, Teen January Lanes and adjacent roundabout as well as ex-post-facto approval of consultancy fee to be paid to M/s Oasis for streetscaping of roads in NDMC area. Further it was decided to take necessary action in anticipation of confirmation of minutes.
03 (A-72)	Augmentation of Sewerage in area bounded by Aliganj and Jor Bagh upto Lodhi Road and Maharishi Raman Marg. - Preliminary estimate thereof.	Resolved by the Council that administrative approval and expenditure sanction is accorded to the preliminary estimate amounting to Rs.9,94,39,000/-, for the work of "Augmentation of Sewerage in area bounded

		by Aliganj and Jor Bagh upto Lodhi Road and Maharishi Raman Marg" , subject to a certificate to be given by the department that the estimated cost of the project is as per CPWD yardsticks.
04 (A-73)	S/R of Roads in NDMC Area S.H.: Improvement to footpath of Maulana Azad Road from Man Singh Road to Sunehri Bagh Circle.	Resolved by the Council that administrative approval and expenditure sanction is accorded to the revised estimate amounting to Rs.87,09,803/- as well as approval of additional quantity statement amounting to Rs.19,94,268/- and extra statement amounting to Rs.9,61,721/-, for Improvement of footpath of Maulana Azad Road from Man Singh Road to Sunheri Bagh Circle.
05 (A-74)	Sub: Strengthening of Water Supply System in NDMC Area. SH: Interconnection of Water Boosting Station by laying separate dedicated lines.	Resolved by the Council that approval is accorded for carrying out the scheme of interconnection of water boosting station by laying separate dedicated lines & construction of an additional tank at Bharti Nagar with a capacity of 20 lac ltrs., at an estimated cost of Rs. 47.50 crores approximately. It was further decided that the project will be taken up as a Plan Scheme.
06 (B-45)	Estimate for purchase of two nos. Microprocessor based HT cable fault locating machine with van suitable upto 66KV system.	Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to Rs.229,36,040/- gross and Rs.2,25,63,630/- net for purchase of two nos. microprocessor cable fault locating machine with van.
07 (K-7)	Scheme for financial assistance/grants in- aid to various social, cultural, educational and medical Institutions.	Resolved by the Council to approve the scheme for grant of financial assistance / grants in aid to voluntary organizations for promotion of art, cultural, social, medical, sports and educational activities for stream- lining the process of disbursement of assistance, in super-session of all previous schemes, subject to the condition that :- i) Organizations working / projects undertaken in NDMC area alone would be eligible for assistance. ii) The word 'ordinary' in 4.3(ii) of the agenda and condition no. 4.3(x) under the sub-heading 'Eligibility criteria' be deleted. iii) In place of [Director (Accounts)] in 4.5 (ii) and (iii) under the sub-heading 'Procedure' [Chief Accounts Officer] be substituted. iv) In 4.5(iii) under the sub-heading 'Terms and conditions' the words [Chief Auditor] be added after [They shall always be open to check by the ...].

08 (O-6)	Audit comments on the monthly accounts for the months of Oct.-Dec., 2006.	Information noted.												
09 (B-46)	Award of work for supplying, installation testing & commissioning of 410 TR capacity screw type chiller with the existing HVAC system at Palika Kendra.	<p>Resolved by the Council that the work for supplying, installation, testing and commissioning of 410 TR capacity screw type chiller with the existing HVAC system at Palika Kendra be awarded to M/s Voltas Ltd. at their lowest rates amounting to Rs.68.93 lacs.</p> <p>It was further decided to award the work in anticipation of confirmation of minutes.</p>												
10(W-12)	Public Private Partnership (PPP) project for Development of an Integrated Waste Treatment Complex at Okhla Compost Plant site – Information regarding the selection of the concessionaire	Information noted.												
11 (F-5)	Determination of rates of various Municipal Taxes, rates & cesses for the financial year 2008-09.	<p>Resolved by the Council that the proposed rate schedule of municipal taxes etc., exemptions & rebates for the year 2008-09, as outlined in para-4 of the agenda, is approved.</p> <p>Further resolved that the municipal taxes and cesses proposed to be levied in the year 2008-09 shall be determined as under:</p> <p style="text-align: center;">A. Property Tax:-</p> <table border="1" data-bbox="900 1160 1422 1906"> <thead> <tr> <th data-bbox="900 1160 970 1256"></th> <th data-bbox="970 1160 1174 1256">Lands and buildings or part thereof</th> <th data-bbox="1174 1160 1422 1256">Rate of Tax</th> </tr> </thead> <tbody> <tr> <td data-bbox="900 1256 970 1420">i.</td> <td data-bbox="970 1256 1174 1420">Where the rateable value does not exceed Rs. 10 lacs.</td> <td data-bbox="1174 1256 1422 1420">20% of the rateable value.</td> </tr> <tr> <td data-bbox="900 1420 970 1709">ii.</td> <td data-bbox="970 1420 1174 1709">Where the rateable value exceeds Rs. 10 lacs but does not exceed Rs. 20 lacs.</td> <td data-bbox="1174 1420 1422 1709">Rs. 2,00,000/- plus 25% of the amount by which the rateable value exceeds Rs. 10 lacs.</td> </tr> <tr> <td data-bbox="900 1709 970 1906">iii.</td> <td data-bbox="970 1709 1174 1906">Where the rateable value exceeds Rs. 20 lacs.</td> <td data-bbox="1174 1709 1422 1906">Rs. 4,50,000/- plus 30% of the amount by which the rateable value exceeds Rs. 20 lacs.</td> </tr> </tbody> </table> <p style="text-align: center;">Explanation</p> <p>The rateable value computed in accordance with the provisions of the NDMC Act, 1994</p>		Lands and buildings or part thereof	Rate of Tax	i.	Where the rateable value does not exceed Rs. 10 lacs.	20% of the rateable value.	ii.	Where the rateable value exceeds Rs. 10 lacs but does not exceed Rs. 20 lacs.	Rs. 2,00,000/- plus 25% of the amount by which the rateable value exceeds Rs. 10 lacs.	iii.	Where the rateable value exceeds Rs. 20 lacs.	Rs. 4,50,000/- plus 30% of the amount by which the rateable value exceeds Rs. 20 lacs.
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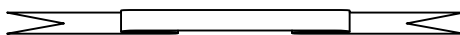
		<p>shall be in multiples of Rs. 100 and the last two digits of the rateable value upto Rs. 99 shall be ignored.</p> <p>Exemption :- Land and building with rateable value upto Rs. 1000 shall be exempt from the payment of property tax, for the year 2008-2009, provided that there are no arrears of property tax upto the year ending 31st March, 2008.</p> <p>Rebate:- (i) rebate of 25% on the tax for the year 2008-2009 shall be allowed at the time of payment of property taxes for the year 2008-2009 to an individual property owner or an HUF who files a declaration that the premises are exclusively kept for the use of the individual's or the HUF's residence.</p> <p>Provided that,</p> <p>(a) payment of the tax is made within the time allowed in the bill and that there are no arrears of property taxes upto the period ending 31-3-2008 or the arrears are also paid before or alongwith demand for the year 2008-09.</p> <p>(b) the property should be mutated in the name of the individual or the HUF as the case may be.</p> <p>(c) the property owned by the Companies, firms and other Institutions and used as residence or guest-house for Directors, partners and their employees shall not qualify for this rebate.</p> <p>(ii) rebate of 10% of the tax shall be allowed on the tax payable for the year 2008-09 on the self occupied portion of the lands and buildings owned by a Society and exclusively used and occupied by the Society for education purposes as a recognized school within the meaning of Delhi School Education Act, 1973 or for medical relief as hospital, if the payment is made for the aforesaid portion, within the time allowed in the bill and there are no arrears of property taxes upto the period ending 31-3-2008 or the same are also paid before or along with the demand for the year 2008-2009.</p>
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		<p>Provided that</p> <p>(a) the rebate shall be 50% of the tax in respect of aided schools, aided colleges and aided hospitals. Other conditions remaining the same.</p> <p>(b) the rebate shall be 50% of the tax for the year 2008-09 in respect of self occupied portion of land & building owned by a Society which is substantially supported by grants from Consolidated Fund of India or Consolidated Fund of NCT of Delhi.</p> <p>(c) no rebate shall be allowed on the residential portion used by the Society for its employees or for the portion from which any rent is derived or wherein any trade or business is carried on and that such portions of the land and building shall be treated as a separate property for payment of property taxes.</p> <p>(d) in respect of lands & buildings owned & occupied by a Society, wholly supported through grants from municipal fund of Council, the rebate shall be 100%.</p> <p>(iii) in respect of building in which any expenditure is incurred on providing Roof Top Rain Water Harvesting System, the Chairman may direct grant of rebate at 10% of the property tax for the year 2008-09 or 20 % of the actual expenditure on providing Roof Top Rain Water Harvesting System, whichever is lower.</p> <p>Provided that</p> <p>(a) the feasibility of Roof Top Rain Water Harvesting System has been approved by Engineer-In-chief of NDMC and the completion certificate has been obtained for the rain water harvesting system.</p> <p>(b) the rebate, if granted, shall be available from the year 2008-09 and four subsequent years.</p>
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		<p>Provided that in case of any dispute on the question of a quantum of grant of rebate under clause (i), (ii) & (iii), the decision of chairperson, NDMC, shall be final.</p> <p>Vacancy Remission: shall be allowed on year to year basis at the end of the year wherever the premises are lying vacant for more than 60 consecutive days in the financial year, if it is otherwise admissible under section 110 of the NDMC Act.</p> <p>(B) Tax on vehicles and animals: As per Schedule-II of the Act at NIL rate.</p> <p>(C) Theatre tax : As per Schedule-III of the Act at NIL rate.</p> <p>(D) Tax on advertisements other than advertisements published in the Newspapers: As per Schedule-IV of the Act at maximum rate.</p> <p>(E) Duty on transfer of property: Duty on transfer of property on the instruments specified in Sec. 93(2)(b) and on instruments presented for mutation under Sec. 74, at the following rate: (a) 2% in case the transferee is a woman to the extent of her share in the property, (b) 2.5% in case the transferees are persons other than women.</p> <p>(F) Tax on building payable along with the application for sanction of the building plan: As per Schedule-V of the Act.</p> <p>(G) Tax on Electricity: @ 5% of the tariff fixed by DERC for consumption, sale or supply of electricity and @ 5% of sale of surplus electricity.</p> <p>It was further decided by the Council that the Rate Schedule be published for information of</p>
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		the public in anticipation of confirmation of the minutes.
12 (C-51)	Contracts/Schemes involving an expenditure of Rs. 1 Lac but not exceeding Rs. 50 Lacs.	Information noted.
13 (C-52)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.
14 (A-75)	S/R of Roads in NDMC area. S.H.: Improvement to footpath of Ashoka Road from GPO to C-Hexagon.	Resolved by the Council that administrative approval and expenditure sanction to the preliminary estimate amounting to Rs.1,10,80,000/- is accorded for the work of Improvement of footpath of Ashoka Road from GPO to C-Hexagon.
15 (A-76)	Sub: Imp./Upgradation of Shivaji Stadium. SH : Survey Report of Shivaji Stadium, Clock Tower, Kiosks, shop and booster pumping station and water tank (U/G).	Resolved by the Council to approve the survey report, amounting to Rs. 1,16,87,415/-, for demolition of the pre-mature buildings, without serving the prescribed life. The proposed credit for the dismantled material to be received has been kept in the tendered documents of the above work. It was further resolved by the Council that the department shall make efforts to properly preserve, the Clock of the Clock Tower, available in the Stadium, as a Heritage Item.
16 (B-47)	Establishing new Electric Substation in Chanakya Bhawan Complex in place of existing Electric Substation Office Block Chanakya Bhawan and Electric Substation Yashwant Place.	Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to Rs.1,42,11,078/- (Gross) Rs.1,23,41,078/- (Net) for establishing new electric Sub-station in Chanakya Bhawan Complex in place of existing Electric Sub-station, Office Block, Chanakya Bhawan and Electric Sub-station, Yashwant Place.
17 (B-48)	Procurement of 4 nos. Hydraulic Tower Ladders.	Resolved by the Council that administrative approval and expenditure sanction is accorded to the estimate amounting to Rs.81,84,077/- (Gross) and Rs.79,34,077/- (Net) for the purchase of 4 nos. Hydraulic Tower Ladders with the truck. It was further decided by the Council to take necessary action in anticipation of confirmation of the minutes.
18 (B-49)	Providing Light fixture at NDCC Phase-II (Special type)	Resolved by the Council to accord administrative approval and expenditure sanction for the award of work of Providing Light fixture at NDCC Phase-II (Special type) to M/s G.P. Electricals Solutions at their lowest quoted rate amounting to Rs.63,50,681/-, subject to the condition that Deptt. shall give a clear certificate on the views of Finance Department as contained in para 7.1(b) after proper verification.

19 (B-50)	Theft of 33KV H.T. Cable with straight through joint (SH: Writing off of the untraceable stolen NDMC material)	Resolved by the Council that the loss of Rs.32,130/- suffered by NDMC on account of untraceable stolen material is written off.
20 (B-51)	Turnkey Execution of System strengthening Works in NDMC area.	Deferred. The case be placed before the Council in the next meeting.
21 (B-52)	Estab. 33KV S/S at Trauma Center. AIIMS S.H.: Supply, Installation, Testing and commissioning of 33KV GIS 7 Panels board.-Tender No.5/EE(E)C-VI/06-07.	Resolved by the Council that the tender No. 5/EE/(E)C-VI/06-07 for Supply, installation, testing and commissioning of 33 KV GIS 7 panel board be dropped / rejected.
22 (B-53)	Turnkey Execution of SCADA/DMS system in NDMC area.	Deferred. The case be placed before the Council in the next meeting.
23 (A-77)	Strengthening and resurfacing of roads in NDMC area by Hot Mix Technology.	Resolved by the Council that approval in principle is accorded for the work of Resurfacing of C-Hexagon roads as additional work under existing agreement of strengthening and resurfacing of roads in NDMC area. Further resolved that the Revised estimates for accord of revised administrative approval and expenditure sanction be brought before the Council after completion of work. It was also decided by the Council to take necessary action in anticipation of confirmation of minutes.
24 (F-6)	NDMC House Tax Bye Laws – amendment for introduction of Unit Area Based System of determination of Annual Rental Value.	Resolved by the Council to accord approval for inviting public objections to the amendments proposed in the NDMC House Tax Bye-laws, as proposed by the Deptt. It was further resolved that the department may take necessary steps in this regard, in anticipation of confirmation of the minutes.
25 (K-8)	Revision of rental charges of Barat Ghar, Kaka Nagar.	Resolved by the Council to approve the proposal of the department contained in para 12 of the preamble with the condition that the security deposit against booking of Barat Ghar at Kaka Nagar be kept equivalent to the rental charges of Barat Ghar, i.e. Rs.15,000/- for social functions and Rs.30,000/- for commercial functions.
26 (A-78)	Presentation of signage plan.	The presentation on pilot project of signages Plan on Maulana Azad Road was noted by the Council.



ITEM NO. 02 (A-79)

1. **Name of work: S/R of roads in NDMC area.**
SH:- Providing Mastic Asphalt wearing course at Aurangzeb Road and Kamal Attaturk Marg crossing.
2. **Name of Department:-** Civil Engineering Department, Road Division-II.
3. **Brief History of the Project:-**
 - (a) Preliminary Estimate for Mastic Asphalt Wearing Course at Aurangzeb Road and Kamal Attaturk Marg Crossing was processed by field executives and after checking by the Planning and Finance, administrative approval and expenditure sanction was accorded by Chairperson on 08.02.06 for Rs.18,95,200/-
 - (b) After competitive bidding, the tender was awarded to M/s. Udai Constructions, at tender cost of Rs. 22,70,754/-
 - (c) During execution of work, additional quantity was executed as per site requirement for proper completion of work. The approval of Additional Quantity was granted post facto. The work was physically completed on 24.10.07, with net excess of Rs. 8,48,990/- which was mainly due to execution of Additional Quantity and quoted rate of tender at 27.70% above the Estimated cost of Rs. 17,78,192/-. The approval of Additional Statement is required to be accorded by the Council, as revised administrative additional approval has already been accorded by the Competent Authority.
4. **Detailed proposal on the subject/project:**
Following specifications have been followed :-
 - (i) Providing tack coat with 0.5kg/m² of bitumen 80/100.
 - (j) 25mm thick bitumen mastic asphalt wearing course with industrial bitumen 85/25 and stone girt.
5. **Financial implications of proposal:** The work has been completed with the cost of work of Rs.27,44,190/-, with a net excess of Rs.8,48,990/-, against original administrative approval of Rs. 18,67,000/-. Necessary funds are available to meet the expenditure of this work during current year, under head G.1.3 of S/R of roads in NDMC area.
6. **Implementation schedule with time limits for such stage including internal processing:** The work has been completed before time on 24.1.07 against stipulated date of completion 16.03.07, due to urgency, being in front of P.M.'s House.

7. **Comments for finance department on the budget:** The work was completed on 24.01.07 and liability in excess of permissible limit of 10% over A/A & E/S and additional work to the extent of over Rs. 4 Lacs. For additional work, no approval in principle was sought from competent authority. It is a case of fait accompli, Finance has no comments to offer on post facto approval cases.
8. **Comments of department on finance department:** The excess expenditure, beyond the permissible limit of 10% over A/A & E/S of Rs.18,67,700/-, was due to work awarded at 27.70% above estimated cost with tender cost of Rs.22,70,754/- and additional work amounting to Rs.4,29,970/-, executed at site, due to urgency & actual requirement, being near to P.M.'s House. Revised A/A & E/S Rs.27,46,112/- has been accorded by the competent authority on 18 Sept.' 07.
9. **Details of previous council resolution existing law of Parliament and Assembly on subject:** Nil
10. **Comments of Law Department on subject:** There are no legal issue in the subject proposal.
11. **Comments of the Deptt. On the comments of Law Department:** No comments.
12. **Recommendations:** The case is placed before Council for consideration and accord approval of Additional Quantity Statement amounting to Rs.4,24,970/-

COUNCIL'S DECISION

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).

ITEM NO. 03 (A-80)**1. Name of the subject/ project :****Sub: Imp./Upgradation of Talkatora Indoor Stadium.****SH : Fire-fighting work at new Sports Facility Block and existing stadium.****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 the first 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) dt. 22.07.05 approved the proposal for up-gradation of NDMC stadias, which is 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 was 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 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, just adjacent to the existing Talkatora Indoor Stadium, is to be constructed, for which the work has already been awarded to M/S Simplex Projects Ltd. vide Reso.No. 01(A-47) dtd. 5.11.07 amounting to Rs. 52.98 crores and the work is in progress.

In order to meet the safety requirements, Fire detection/fire fighting measures are required to be taken as per the guide lines of Delhi Fire Services and accordingly, an estimate was submitted by the consultant, M/S Raja Aederi Consultant Pvt. 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, and presentation was made before the Organising Committee and discussions

were 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. 2,71,02,000/- was technically sanctioned and the NIT amounting to Rs.2,62,79,391/- was approved by the competent authority for Fire Fighting Works at Talkatora Indoor Stadium.

The tenders were invited with the last date of application, sale & receipt as 16.01.08, 18.01.08 & 23.01.08 respectively. Wide publicity was made by publishing in the leading daily newspapers in Delhi and edition outside Delhi and as well as on NDMC website. In response to the above, the following six firms applied for issue of tender documents.

1. M/S Aluwalia Fire Protection Engineers.
2. M/S Sikhri International
3. M/S Fire Protection System
4. M/S Mehta Associates Fire Protection System (P) Ltd.
5. M/S Lloyd Insulation (India) Ltd.
6. M/S Fire Remedy systems.

Out of the above six applicants, five firms were found eligible and as such, the tenders were sold to all the five from the division except to M/S Sikhri International who was not eligible. On the date of opening i.e. 23.01.08 only three tenders were received and the details of which is given as under :

Estt. Cost put to Tender: Rs. 2,62,79,391/-

<u>S.No.</u>	<u>Agency</u>	<u>% age quoted</u>	<u>Amount</u>
1.	M/S Fire Protection System	37.48% above	Rs. 3,61,28,300/-
2.	M/S Lloyd Insulation (India) Pvt. Ltd.	67.27% above	Rs. 4,39,57,800/-
3.	M/S Hindustan Constn. Corpn.	24.25% above	Rs. 3,26,52,175/-

The justifications was prepared which works out to 18.30% above the estimated cost i.e. overall percentage of tendered cost over justified cost of tender as 5.03% Negotiations were conducted on 5.02.08 in the chamber of CE (C) wherein the firm was persuaded to reduce to the extent possible and was requested to confirm in writing. The firm emphasized that there has been increase in the prices of the steel and pipe for which the supporting documents to justify the increase in the rates was also placed before the Negotiation Sub-Committee.

After detailed discussions and due deliberations, M/S Hindustan Const. Corpn. reduced their rates by 1.20% on their quoted rates. This was confirmed vide their letter dtd. 5.02.08.

Considering the above rebate, the over all percentage of tendered cost over the justified cost works out to 3.77% above. Thus, the overall tendered amount now works out to Rs.3,22,60,349/- which is 22.76% above the estimated cost. As such, Negotiations Sub-Committee recommends to award the work to the first lowest tenderer i.e. M/S Hindustan Const. Corpn. at their total negotiated tendered amount of Rs.3,22,60,349/- which is 22.76% above the estimated cost.

The case was 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. 3,22,60,349/-.

There is a budget provision of Rs. 7.2 crores exists under the Head of A/C vide item no. 308 during the year 2007-08.

6.. Implementation schedule :

Time of Completion of work : 09 months

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

This being a CWG Project, we concur in the department's proposal to award the work to L-1, M/S Hindustan Construction Corporation at their negotiated tendered amount of Rs. 3,22,60,349/- (Rs. Three crore twenty two lakh sixty thousand three hundred forty nine) i.e. 22.76% above the Estimated Cost against the justified rates worked out at 18.30% above the E/C subject to (i) ensuring & certifying eligibility of participants in term of tendering limit specified in letter of CPWD dtd. 30.07.07 placed at pages 251/C & 913/C vis-à-vis estimated cost put to tender, (ii) quantitative analysis of lump sum provision on account of carriage, testing, labour etc. taken in the justification, (iii) Member, Planning has exercised only arithmetic check on the justification. Justification is an important document, proper check needs to be done, (iv) post facto approval giving reasons for resorting to negotiations as pointed out at page 14/N and (v) clearance from Fire Department for this work may 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 Deptt.

It is clarified as under:

1. That the firms who have purchased the documents are eligible in terms of tendering limit as specified in the Empanelment as an approved contractor of M/S Engineering Projects (India) Ltd. under Category 'C', (Fire Fighting Systems) with a lower monitoring limit (more than or equal to) upto Rs. 3 crores with a higher limit (less than) upto Rs. 5 crores.
2. As per prevailing practice, the justification has been prepared and has been checked in the Planning.
3. Member Planning has checked the justification.
4. Being a Commonwealth Games and a time bound Project, and the quoted rates of L-1 were found to be on higher side, as such, negotiations were conducted with the first lowest. However, ex-post facto approval to this effect has been sought.
5. Copy of the Clearance from Fire Deptt. has been placed in the file for record.

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) dt. 22.07.05 approved the proposal for up-gradation of NDMC stadias are 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) dtd. 5.11.07 approved the proposal for award of work to M/S Simplex Projects Ltd. , A/A & E/S 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.

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."

11. Recommendation of CE(C) :

The case is placed before the Council for award of the above work 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/-, i.e. the overall percentage of tendered cost over the justified cost is 3.77% above. The deptt. may initiate action in anticipation of confirmation of minutes.

COUNCIL'S DECISION

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:

- (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.

It was further decided that the Department may initiate action in anticipation of confirmation of the minutes by the Council.

ITEM NO. 04 (A-81)**1. Name of the subject / project:****Sub: Improvement / Up gradation of Talkatora Indoor Stadium.****Sub Head: Establishing Electric Sub- Station at Talkatora Indoor Stadium.****2. Name of the Deptt. / Deptt. Concerned:**

Electrical Engineering Department, NDMC.

3. Brief History:

For implementation of the Common Wealth Games scheduled to be held in Delhi in 2010 the first 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. 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 / Upgradation 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, for which the work has already been awarded to M/s simplex Project Ltd. Vide Reso. No 01 (A-47) dated. 5.11.07 amounting to Rs. 52.98 crores and the work is in progress.

In order to meet the Electric load demand of the Stadium & surrounding bldg. It was proposed to establish Electrical Sub-station in the proposed 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 was made before the Organising committee and discussions were 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. 2,46,15,000/- was technically sanctioned and the NIT amounting to Rs.2,39,00,000/- was approved by the competent authority for Establishing Electric Sub-Station at Talkatora Indoor Stadium.

The tenders were invited with the last date of application, sale & receipt as 30-01-08, 01-02-08 & 05-02-08 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 eight firms applied for issue of tender documents.

1. M/s Baleshwar Dass Raizada
2. M/s Control & Switchgear Co. Ltd.
3. M/s Fabrico (India) Pvt. Ltd.
4. M/s H.S. Power Projects
5. M/s National Engineer & Contractor
6. M/s S.L. Enterprises
7. M/s Aluwalia Contractors (I) Ltd.
8. M/s Vijai Electrical Ltd.

Out of the above eight applicants, all the eight firms were found eligible and as such, the tenders were sold to all the eight firms from the division. On the date of opening i.e. 5.02.08, only six tenders were received. The comparative statement of technical bid was prepared and only four tenders were found eligible. The price bid of four eligible firms was opened on 08-02-08:

Estimated cost put to Tender; Rs. 2, 39, 00,000/-

<u>S. No.</u>	<u>Agency</u>	<u>% age quoted</u>	<u>Amount</u>
1.	M/s Baleshwar Dass Raizada	6.73 % below	Rs.2, 22,91,555/- (L-IV)
2.	M/s Control & Switchgear Co. Ltd.	22.02% below	Rs.1, 86,37,450/- (L-I)
3.	M/s Fabrico (India) Pvt. Ltd.	7.15 % below	Rs. 2, 21,91,840/- (L-III)
4.	M/s National Engineer & Contractor	8.37% below	Rs. 2, 19,00,000/- (L-II)

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.1,86,37,450/- which is 22.02% 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/ subject:

The total financial implication for the above work is Rs.1,86,37,450/-.

There is a budget provision of Rs. 104.01 crores exists under the Head of A/c Improvement/ up-gradation of Talkatora Indoor Stadium

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 observation:

1. Ensuring that due publicity to NIT has been given, for which newspaper cuttings in support be added to the file for record.
2. Certification that the offer of L-1 is in proximity of last approved rates for similar nature of works.
3. Cross correspondence between Planning & Field executives (notes portion at page 17/N & 19/N) suggests that procedure from the very stage of preparation of the scheme to the stage of award of work needs to be framed up in a way that the project gets due input from all concerned including of Planning.

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) Confirmed that due publicity to NIT was given as per laid down norms and proof held on record.
- 2) The L-1 offer is very responsible and competitive and in proximity of last approved rates.
- 3) It is confirmed that procedures as envisaged in project team concept has been followed in the instant case.

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.

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 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/-. 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 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:

- (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.

It was further decided that the department may initiate action in anticipation of confirmation of the minutes by the Council.

ITEM NO. 05 (A-82)

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

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-----.

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

3. **Brief History of the Subject**

There are 23 Nos. underground reservoirs and pumping stations in NDMC Area which have main source of supply of water from DJB Reservoirs/Tappings viz. Jhandewalan, Talkatora, Hasanpur, Palam and Hans Bhawan and Nizamuddin Tapping. As the supply of water from main reservoirs/tappings of DJB had been erratic and affected one reservoir or the other of NDMC, it was earlier proposed to interconnect NDMC reservoirs with alternative source of water supply from DJB reservoirs/Tappings so as to make up the deficiency and avoid drying up of a particular area. This scheme of interconnection is mainly for carrying water of Sonia Vihar Plant to an area under the command of Talkatora Reservoir so as to stop the water coming from that area and use the same in DIZ area.

Presently, a quantum of about 20 MLD of water from Sonia Vihar Treatment Plant is released to NDMC from Nizamuddin Tapping which is stored in Bharti Nagar and Jor Bagh underground reservoir. The water from Jor Bagh Reservoir is distributed in the Jor Bagh and adjoining area and has got a connection with Rabindra Nagar through Amrita Shergill Marg which is further proposed to be extended to Maulana Azad road. The interconnection of various reservoirs earlier has minimized the problems of short / low water supply in many of the areas and this interconnection will also help mitigate the problem of scarcity of water in DIZ area particularly.

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

Delhi Jal Board, despite persuasions at various levels have failed to provide relief to NDMC Area in respect of short/low water supply from Jhandewalan and Talkatora Reservoir. However, it has agreed to supply additional water from Sonia Vihar Plant through Nizamuddin Tapping. It is proposed to carry this additional water from Sonia Vihar Plant to Maulana Azad Road by extending 300mm dia existing pipeline from Rabindra Nagar and feed area around Maulana Azad Road such as Meena Bagh, Udyog Bhawan, Nirman Bhawan, Jawahar Bhawan, Vigyan Bhawan and thus a quantity of above 2 MLD of water presently being supplied from Talkatora Reservoir will be used to improve the water supply in DIZ Area. For this purpose, about 1800 meters of 300mm dia pipeline will be laid from Rabindra Nagar to Maulana Azad Road, through Rajesh Pilot Marg and Janpath. The "kacchha" portion available at site will be used for laying pipe line by open cut and cover method and main carriage way/crossings by trenchless technology. For execution of this scheme, a preliminary estimate amounting to Rs.1,02,34,500/- has been approved by the Council vide item No. 14(A-53) for the above said main scheme. Thereafter, a detailed estimate amounting to Rs. 1,09,36,000/- has been technically sanctioned by

the competent authority and NIT is approved for Rs.84,05,162/-. Tenders have been invited for this scheme by giving due publicity on Delhi Government & NDMC Website and publishing of Tender Notice in the following newspapers on 22.12.2007:-

1. The Hindu (English)
2. Navbharat Times (Hindi)
3. Partap (Urdu)

In response to above, six tenders were received as per details given hereunder :-

S.No.	<u>Name of Agency</u>	<u>Estt.Cost</u>	<u>Tendered Amount</u>	<u>%age of rates</u>
1.	M/s Khukhrain Builders	84,05,162/-	1,08,98,839/-	30.32% above Rebate 0.5% on quoted rates.
2.	M/s Globe Industries	84,05,162/-	1,09,47,724/-	30.25% above
3.	M/s Nagpal Associates	84,05,162/-	1,48,77,137/-	77% above
4.	M/s Triputi Cement Product	84,05,162/-	97,49,147/-	15.99% above
5.	M/s O.P.Gupta	84,05,162/-	1,13,88,995/-	35.5% above
6.	M/s Creative Entrepreneurs	Financial bid not opened because the contractor did not fulfill the eligibility criteria.		

From the above details, M/s Triputi Cement Products has emerged to be the lowest tenderer, at 15.99% above the estimated cost of Rs.84,05,162/-, the tendered amount being Rs.97,49,147/-.

5. Financial Implications of the Proposed Subject :

The lowest offer is of M/s Triputi Cement Product @ 15.99% above the estimated cost of Rs.84,05,162/-, the tendered amount being Rs.97,49,147/-. The justification of rates has been worked out at 42.14% above and as such, the rates tendered by the lowest tenderer M/s Triputi Cement Products, are well within the justified rates. There is a provision of Rs.5 lacs for this work in the current year budget and Rs.100 lacs in the budget estimate for the year 2008-09.

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

After approval of tenders by the Council, the following time schedule is proposed to be implemented :-

- | | | | |
|----|-------------------|---|----------|
| a) | Award of work | - | 1 Week. |
| b) | Execution of Work | - | 3 Months |

7. Comments of the Finance Department on the Subject :

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

"We concur in the proposal of the department for acceptance of the lowest bid of M/s Tirupti Cement Products amounting to Rs.97,49,147/- (Rupees ninety seven lacs forty nine thousand one hundred forty seven) i.e. 15.99% above the estimated cost of Rs.84,05,162/- and against justified rates of 42.14% above the EC subject to following conditions:-

1. The department may bring on record the latest development about receiving water from DJB along with certification and assurance that adequate water will be received from the DJB for the fulfillment of the purpose of proposed scheme.
2. The lowest rates proposed for acceptance are within the proximity of LAR / Trend of similar nature of works.
3. Availability of funds of execution of the work, since no funds were allocated in BE 2007-08.
4. Department is advised to ensure quality of work by exercising close supervision, the offer of L-I being much below the justified rates.

This issues with the approval of F.A."

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

The clarification on various points of Finance Department are given hereunder :-

1. The matter regarding receiving water from DJB is being pursued vigorously. DJB is likely to ensure adequate water from Sonia Vihar after creating necessary infrastructure.
2. The lowest rates of 15.99% as quoted by the lowest tenderer are within the justified rates of 42.14%. As regards trends of similar nature of work, it varies from time to time and department to department and as such rates can not be compared with any such like trend.
3. Funds for execution of this work has been earmarked as Rs.5 lacs in the B.E. 2007-08 and Rs.100 lacs in the B.E. 2008-09.
4. The work will be closely supervised and quality ensured by the department though the rates may be much below the justified rates.

9. Legal Implication of the Subject :

Not applicable

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

Not applicable

11. Comments of the Law Department on the Subject :

Not applicable

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

Not applicable

13. Recommendations :

The case is placed before the Council for consideration, acceptance and award of work to M/s Triputi Cement Products at 15.99% above the estimated cost of Rs.84,05,162/- and the tendered amount being Rs.97,49,147/-. Permission may also be accorded for issue of letter of award to the contractors in anticipation of confirmation of minutes of the Council in view of the validity period of the contract which expires on 13.04.2008.

COUNCIL'S DECISION

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/-.

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.

ITEM NO. 06 (A-83)**1. Name of the Project**

Name of Work:- Up gradation of Palika Bazar.

2. Name of the Department Concerned

Civil Engineering Department Zone-II, Electrical Engineering Department and Architecture Department.

3. Brief History of the Project

A meeting was held under the chairmanship of Hon'ble Chief Minister on 17/10/2007 & issue related to Beautification of Palika Bazar were discussed, where Chairman, NDMC was also present.

Accordingly a drawing for upgradation/ redevelopment of Palika Bazar have been prepared by DCA office which includes installation of Escalators and other related works required for Beautification of Palika Bazar.

4. Detailed Proposal of the Project

As discussed in the various meetings, proposal for Upgradation/ Beautification of Palika Bazar and its scope of work is as under:

1. It is proposed to provide two escalators (both ways- i.e. four in all), two at Gate No.1 (Main Entrance) and the other two at Central Hall by converting spiral stair case to both ways escalators. Estimate for providing escalators is around Rs. 4 Crores.
2. Two R.C.C. Spiral Stair cases having less head ways at present at Gate No.4 and Gate No.5 will be converted into a pair of two straight flight R.C.C. stair cases with one landing in between with sufficient head ways.
3. Gradient of the Ramp at Gate No.2 will be suitably modify for easy movement of pedestrian and one more ramp is proposed till the proposed unisex toilet near Gate No.2.
4. There are total five trade zones in Palika Bazar for which different colours and patterns are used. Accordingly, façade development, flex sheet signages, flooring pattern, wall cladding, false ceiling etc. are proposed according to five trading zones for clear identification.
5. It is proposed to improve flooring and provide latest sanitary fittings in the toilets of Palika Bazar.
6. Drainage system of Palika Bazar to be improved including replacement of drain out pipes to match architectural features.
7. Up gradation of Air-Conditioning System of Palika Bazar.
8. Up gradation of fire detection and fire fighting system of Palika Bazar.

5. Scope of Work:

Scope of work for Upgradation/ Beautification of Palika Bazar is as stated above. However, in a meeting held in the chamber of Chairman, NDMC it was decided to hold a meeting under the chairmanship of CA to decide the issue of appointment of one consultant for services job for Palika Bazar. Accordingly, a meeting was held wherein CA, CE(C-II), EE(BM-III), Fire Officer cum N/A was present. Services Consultant will provide consultancy for services like - Latest Fire detection and Fighting System, HVAC System, plumbing and sanitary works, structural treatment to ceiling of Palika Bazar against structural cracks, honeycombing, leakage, seepage and treatment to exposed structural steel, any other services required for hidden works under false ceiling. Evaluation for consultancy fee and thereof appointment of consultant is in process and shall be finalized very soon.

6. Financial Implication of the Project

Financial implication sub head wise as given below:

i.	Fire-	1 Crore.
ii.	Air-conditioning-	4 Crores.
iii.	Escalators-	4 Crores.
iv.	Civil Works and consultant fee-	2 Crores.
	Total-	11 Crores.

7. Comments of FA/ Finance Department

As the proposal is for approval of the concept, I do not have any comments to offer. However, as appointment of a consultant is envisaged, it would have been better if the proposal would have been framed after taking the input of the consultant.

8. Comments of LA/ Law Department

This is a NDMC market and improvement of the market is necessary. However, may please see whether the maintenance and cost of electric consumption can recovered from the occupants.

9. Comments of Director(Estate)/ Estate Department on the comments of FA and LA

The licence deed does not have such clause for recovering of electric expenditure and maintenance cost. However, before upgradation, we may seek an undertaking from Market Association, that they have to pay upgradation cost as licence fee addition or lumpsum payment for one year.

Electric consumption charges for market Air Conditioning will not be possible at this juncture. However, additional facilities like escalators electric consumption can be recovered subject to agreement with Traders Association.

10. Implementation Schedule

One year- In phased manner, sub head wise.

11. Recommendations :

In the light of comment of FA & LA and further comments of Director(Estate) on the comments of FA & LA and as proposal have been put up for conceptual approval, it is recommended that the proposal of up gradation of Palika Bazar be conceptually approved which would cost around Rs. 11 crores, so that the further process shall be initiated for A/A & E/S after taking due care of the comments of FA & LA, i.e., appointment of consultant, undertaking from the market association etc. for which Estate and Engineering department shall act accordingly. Final costing will be worked out by the consultant appointed in due course.

12. Draft Resolution

Resolved by the Council that the proposal for up gradation of Palika Bazar is conceptually approved for a value of Rs. 11 Crores and the department may initiate the case for appointment for consultant to work out the final costing for A/A & E/S.

COUNCIL'S DECISION

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.

ITEM NO. 07 (A-84)**1. Name of subject / Project:**

Development of area around State Emporia Building at B.K.S. Marg, New Delhi.

2. Name of the Department:

Civil Engineering Department, Road-V Division.

3. Brief History of the Case:

A preliminary estimate amounting to Rs.98,11,100/- was approved by the Council vide No.3(xxiii) dated 24.05.2002 for the above noted work. The Civil portion of the work was awarded to M/s. A.K. Builders amounting to Rs.82,47,747/- which was 6.23% below the estimated cost of Rs.87,95,762. The work was completed on 27.04.2004. There was a provision of Rs.10,58,363/- for electrical works in the sanctioned preliminary estimate, but the actual expenditure on electrical works was Rs.28,54,864/- The expenditure incurred on civil works remained within the sanctioned limit of the estimate So the total expenditure on the whole work (civil as well as electrical works) works out to Rs.1,14,36,000/-. Since the total expenditure against the work is exceeding the sanctioned preliminary estimate by more than 10% so the revised administrative approval and expenditure sanction of the Council is required. Accordingly, revised preliminary estimate amounting to Rs.1,14,36,000/- was prepared which has been scrutinized by Planning and concurred by Finance, for accord of revised Administrative Approval & Expenditure Sanction.

4. Detailed proposals of the subject / project:

This work is regarding development of area in front of State Emporia Building at BKS Marg. The development work has been carried out as per drawings submitted by the Architect Consultant. The proposal is at present for sanction of revised estimate for accord of revised Administrative Approval and Expenditure Sanction by the Council due to increase in the cost of work beyond 10% permissible limit.

5. Financial Implications of the proposed/subject:

The revised administrative approval and expenditure sanction of the work is Rs.1,14,36,000/- against the earliest sanctioned estimate of Rs.98,11,100/- with a net excess of Rs.16,24,900/-.

6. Implementation of schedule:

The work has already been completed.

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

Finance Deptt. has examined the case and has concurred the revised estimate for Rs.1,14,36,000/- with a net excess of Rs,16,24,900/-, over the original estimate checked by Planning. Subject to correctness of information, data and computation submitted by the department.

The department may certify that the RPE is based on actual expenditure, including the actual expenditure incurred by Electric Dept. and there is no room for further deviation."

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

The revised preliminary estimate is based on actual expenditure including the expenditure incurred by the Electric Department and there will be no further deviation in the work.

9. Details of the previous council resolution, existing law of Parliament and Assembly on the subject.

The Council has approved preliminary estimate for this work amounting to Rs.98,11,100/- for the above noted work vide item No.3(xxiii) dated 24.05.2002.

10. Comments of the Law Department:

Seen in the Law Deptt. The draft agenda appears to be in order.

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

No comments.

12. RECOMMENDATIONS:

The case is laid before the Council for accord of Revised Administrative Approval and Expenditure Sanction amounting to Rs.1,14,36,000/- against the earlier sanctioned preliminary estimate amounting to Rs.98,11,100/- with a net excess of Rs.16,24,900/-.

COUNCIL'S DECISION

Deferred. 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.

ITEM NO. 08 (A-85)**1. Name of subject/project: - S/R of roads in NDMC area during 2007-08.**

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.

2. Name of Department:

Civil Engineering Department, Road-III Division.

3. Brief History the Subject/Project:

- (a) A comprehensive plan for Improvement to roads, footpaths, lanes, by lanes, Round About and drainage systems in NDMC area was approved in principle by the Chairperson on 12-March-07.
- (b) The mastic wearing course at following roundabouts/ flyover /under bridges were laid between 1998-2000
- | | | |
|------------------------------|---|--------------|
| • BHS Marg and Africa Avenue | - | Round about |
| • Africa Avenue | - | Under bridge |
| • G-Avenue | - | Under bridge |
| • Railway Bridge, Shantipath | - | Flyover |
| • Laxmi Bai Nagar | - | Roundabout |
- (c) Due to prolonged use, these roundabouts/ under bridges/ flyover have outlived their life and are due for resurfacing. The riding quality of these roundabouts/bridges/flyover 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.81,94,000/- has been initiated by the executives. The Preliminary Estimate has been checked by the Planning.
- (e) The Preliminary Estimate has been concurred by the Finance Department also.

4. Detailed proposals of Case:

The brief details of scheme are as under:-

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

5. Financial Implications of the proposed/subject:

The Financial Implications of the proposed work out to Rs. 81,94,000/-.

6. Implementation schedule with time lines for such stage including internal proceedings:

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

7. Comments of the Finance Department on the subject:

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

- (a) The area where the work is proposed to be done is same as shown in the approved pavement improvement Programme 2007-08.
- (b) The life of the surface, to be treated with the treatment as proposed, has to be 10 years, in terms of reference received from CRRRI.

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

- (a) The proposed work is included in the approved Pavement Improvement Programme.
- (b) As per CRRRI recommendations the design life can be considered as 10 years but the evaluation of surface condition has to be carried out after 7 to 8 years to check for any failure etc. The assessment carried out after 8 years has shown that these roundabouts/bridges/ flyover need resurfacing.

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:

No law point is involved in the agenda item.

11. Comments of the department on the comments of the law department:

No comments in view of comments of Law Deptt.

12. Recommendations:

The case is laid before the council for consideration and accord Administrative Approval and Expenditure Sanction of 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 Roundabout of Laxmi Bai Nagar near Safdarjung Flyover.

COUNCIL'S DECISION

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.

ITEM NO. 09 (B-54)

(1) **Name of the Project :** Re-arrangement and augmentation of HT feeders in various Electric Substations in Connaught Place area (Phase-I).

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

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

The then NDMC Chairperson constituted an Expert Committee in the year 2005, under the Chairmanship of Sh. Y.P.Singh, Chairman (ECGR Forum NDMC), including Chief Engineer (Elect.), alongwith representative one each of Electrical and Commercial Deptt and Sh. D.K. Sharma, retired Engineer from the then D.V.B. as its members. This committee had submitted an exhaustive report based on system study, physical inspection of electric substations/system control, deliberations with the field Engineers.

The committee further recommended to address weak points by taking urgent actions not only for replacing of old/obsolete outlived cables/equipment but also for augmentation of transformers, feeders, switchgears and associated equipments to meet the increasing load demand and also provide flexibility in the system.

A number of transformers and cables as found overloaded were also advised to be replaced as a major exercise to relieve the system from overloading and leading to repeated interruptions/burning of cables etc. The job being voluminous, though started but could not take the *pace it was required to* due to lengthy procedures involved in sanction of estimates, award of work / purchase and inadequate manpower.

In view of above, another committee was constituted by Secretary, NDMC vide office order No. 220/PS/Secretary/D/07 Dt. 23/07/2007, to prepare a road map for the revamping of electrical system in NDMC, befitting to the projections upto year 2021, under the overall guidance and convenorship of Sh. Y.P. Singh, Chairman ECGRF.

Accordingly, the constituted committee submitted its report in October, 2007 and preliminary estimate for revamping of electrical system of NDMC upto 11 KV amounting to Rs.336.09 crores. The draft agendum to be placed before the Council for approval stands submitted to Finance Deptt. for concurrence.

In view of the above report, Re-arrangement and augmentation of HT feeders in various Electric Substations in Connaught Place area were examined and discussed at length in the deptt. with C.E.(E), S.E. IV, S.E.(P), E.E.(M/N) etc. and it was decided to re-arrange and augment the following HT feeders. The new feeders shall be terminated in the existing panels :

The existing cable arrangement and the proposed re-arrangement / augmentation are shown in the drawings placed in the file. As may be seen from the credit sheet, some HT cables have served their prescribed useful life of 35 years and remaining cables are of under size and are unable to meet the required load. The proposed re-arrangement/augmentation shall be simple and easy to maintain. The old cables shall be dismantled to the extent economical.

HT XLPE cable size 400sq.mm/3C between Connaught Place to Hanuman Road and Scindia House :

- (i) From Electric Substation Connaught Place to Palika Bazar.
- (ii) From Electric Substation Palika Bazar to Car Parking I.
- (iii) From Electric Substation Car Parking I to Car Parking II.
- (iv) From Electric Substation Car Parking I to Hanuman Road.
- (v) From Electric Substation Scindia House to Car Parking II

HT XLPE cable size 400sq.mm/3C between Connaught Place to School Lane :

- (i) From Electric Substation School Lane to Bharat Hotel.
- (ii) From Electric Substation Bharat Hotel to Connaught Place.

HT XLPE cable size 400sq.mm/3C between Connaught Place to the proposed Electric Substation Raja Bazar :

- (i) From Electric Substation Connaught Place to Minto Road.
- (ii) From Electric Substation Minto Road to New Plaza.
- (iii) From Electric Substation New Plaza to the proposed Electric Substation Raja Bazar.

HT XLPE cable size 400sq.mm/3C between Scindia House to Hanuman Road :

- (i) From Electric Substation Scindia House to Indian Oil Bhawan.
- (ii) From Electric Substation Indian Oil Bhawan to Regal.
- (iii) From Electric Substation Mohan Singh Place to Regal.

(4) Detailed proposal on the Project :

(a)	The existing system :	The existing HT cables are from City Centre to Regal, Bharat Hotel to School Lane & Tilak Marg, Two cables from Conn. Place to Car Parking I & Minto Road, Minto Road to New Plaza, Scindia House to Indian Oil Bhawan and Car Parking II, Car Parking I to Car Parking II, Car Parking I to Palika Bazar. Bombay Life to Palika Bazar.
(b)	Deficiencies of the existing system :	Some HT cables have served their prescribed useful life of 35 years and remaining cables are of under size and are unable to meet the required load.
(c)	Extent of utilization of existing system :	Old cables shall be dismantled to the extent economical/used in the existing system.
(d)	Necessity of augmentation of the system :	The proposed re-arrangement/ augmentation shall simplify the system and shall be easy to maintain besides creating capacity at Tilak Marg substation for meeting load of National Stadium being renovated/reconstructed for C.W.G. 2010.
(e)	Technical viability of the proposed scheme :	Technically viable.

(5) Financial implications of the proposed project :

Rs 2,40,74,000/-

(6) Implementation schedule with time-lines for each stage including internal processing :

The work is likely to be completed by the end of 2008.

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

Finance Deptt. has concurred in the proposal vide Dy. No. 206/Finance dated 8-2-08 subject to following observations :

- i) Approval of the Competent Authority.
- ii) Availability of funds.
- iii) Cable at most of the places has not served its useful life. Reasons for its replacement before serving normal life be placed on record.
- iv) Credit for the dismantled cable must be given.
- v) Possibilities for reusing dismantled cable which has not served its normal useful life may also be explored.

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

- i) Necessary approval from the competent authority is being sought.
- ii) Funds are available. A provision of Rs. 25 crores was proposed during B.E. 2008-09 but was reduced to Rs.2 crore only during the discussion in the chamber of Addl. F.A. on 21-11-07 under the Head E-3 "Old 11 KV HT cables, LT cables, service line & meter boards." It was further informed in the meeting that the same shall be revised suitably in R.E. 2008-09.
- iii) Cables are of under size and are unable to meet the required load. The proposal is to simplify the system besides increasing reliability of electricity supply and augmenting capacity of electricity supply system.
- iv) Credit for portion of cables which can be dismantled economically shall be given to the work.
- v) Possibilities for reusing dismantled existing cables which have not served their normal useful life shall be explored by way of diverting portions of cable to streamline/augment our adjoining distribution system.

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

(10) Details of previous Council Resolution : NIL

(11) Comments of L.A. on the project : No legal implication is involved. This has their concurrence.

(12) Recommendation : The case is noted to the Council for according administrative approval and expenditure sanction to the estimate amounting to Rs. 2,40,74,000/- for Re-arrangement and augmentation of HT feeders in various Electric Substations in Connaught Place area (Phase-I).

(13) Draft Resolution : Resolved by the Council that the estimate amounting to Rs.2,40,74,000/- is approved and expenditure sanctioned for Re-arrangement and augmentation of HT feeders in various Electric Substations in Connaught Place area (Phase-I).

COUNCIL'S DECISION

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.

ITEM NO. 10 (C-54)

MINUTES OF THE MEETING OF COMMITTEE CONSTITUTED UNDER SECTION 9 OF THE NDMC ACT FOR ADVISING THE COUNCIL ON REGULATIONS AND BYE-LAWS HELD ON 25.02.2008 AT 4.00 PM IN THE COUNCIL ROOM.

The minutes of the meeting of the Committee, constituted under section 9 of the NDMC Act 1994, for advising the Council on Regulations and Bye-laws, were approved by the competent authority.

The same is placed herewith **(See page 38)** before the Council for information.

COUNCIL'S DECISION

Information noted.

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

**MINUTES OF THE MEETING OF COMMITTEE CONSTITUTED UNDER SECTION 9
OF THE NDMC ACT FOR ADVISING THE COUNCIL ON REGULATIONS AND BYE-
LAWS HELD ON 25.02.2008 AT 4.00 PM IN THE COUNCIL ROOM.**

PRESENT:

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

ITEM NO.	SUBJECT	DECISION
1.	Approval of the New Delhi Municipal Council (Maintenance of Accounts) Regulations, 2008.	The Committee approved the draft Regulations and recommended that the same may be placed before the Council in its next meeting for approval.
2.	Approval of the New Delhi Municipal Council (Public Parks, Gardens or Recreation grounds) Bye-laws, 2008.	The Committee approved the draft Bye-laws as per Annexure –XIII and recommended that the same may be placed before the Council in its next meeting for approval.
3.	The New Delhi Municipal Council (Borrowing) Regulations, 2008.	It was decided by the Committee that the Regulations be redrafted after consulting some of the other major urban local bodies in the country.

Sd/-
(MANSUR ALI SAYED)
SECRETARY/CVO

Sd/-
(PARIMAL RAI)
CHAIRPERSON

ITEM NO. 11 (D-6)

1. **Name of the Subject/Project :**
Approval of the New Delhi Municipal Council (Maintenance of Accounts) Regulations, 2008
2. **Name of the Department :**
Accounts Department
3. **Brief History of the Subject/Project :**
 - (i) Prior to the enforcement of the New Delhi Municipal Council Act 1994, the New Delhi Municipality was being administered under the Punjab Municipal Act, 1911 (Punjab Act 3 of 1911), as applicable to New Delhi. At present the accounts are being compiled and maintained as prescribed in the Punjab Municipal Accounts Code 1930, which was made applicable to Delhi with certain modifications by Chief Commissioner's Notification No. B.4 (118)/33-Education dt.2.1.1934, as amended from time to time.
 - (ii) Under the Punjab Municipal Accounts Code 1930, the accounting system is on cash basis, where revenue is recognized on actual receipt of cash and expenditure is booked on actual payments. In this system, only receipts and payment accounts are prepared. In the absence of a balance sheet, true and fair position of assets and liabilities is not available.
 - (iii) Under section 416 (2) (a) of the NDMC Act 1994 any rule, bye law etc. issued or made under the said Punjab Municipal Act 1911 and in force immediately before the establishment of the Council, continues in force, in so far as it is not inconsistent with the provisions of the NDMC Act, and is deemed to have been made or issued under the provisions of the latter Act.
 - (iv) In the affidavit of the Government of India filed before the Hon'ble Supreme Court in the case of Almitra H. Patel & Anr. Vs. Union of India & Ors. [Writ Petition (Civil) No.888/1996] it was recommended that Urban Local Bodies

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

- (v) Based on the guidelines issued by the Ministry of Finance, Government of India, the Comptroller and Auditor General of India constituted a Task Force which suggested adoption of accrual basis of accounting by ULBs. Thereafter the Ministry of Urban Development, Government of India, formulated a National Municipal Accounts Manual (NMAM) detailing accounting policies, procedures, guidelines designed to ensure correct, complete and timely recording of municipal transactions and produce accurate and relevant financial reports. The Manual is a comprehensive document and defines accounting concepts, accounting conventions, accounting principles, Chart of Accounts and Accounts Codification Structures, General Accounting Procedures, Accounting for transactions like property and other Taxes, Cess, Water Supply, Rentals, Fee and Other Incomes, Public Works, Health and Sanitation, Reconciliation procedures, Financial Statements, Specimen of Forms, Registers, etc.

(vi) The Council vide its Resolution No.15(D-13) dt.26.8.05 resolved that the NMAM with suitable modifications as per requirement of NDMC may be adopted in terms of the provisions of section 58 of the NDMC Act, 1994. The Council further resolved that the Chairperson, NDMC is authorized to effect such modifications/amplifications in consultation with the Financial Advisor, NDMC as are deemed necessary. The work of modifying the NMAM is in hand and will be submitted to the Council for approval shortly.

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

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

Since section 58 requires that the manner and form of keeping accounts is to be prescribed by the Regulations, a draft of the NDMC (Maintenance of Accounts) Regulations 2007 had been prepared. The draft regulations with preamble was circulated [vide No. F.25(1)/CS/9/2007/D-1171 dated 12.11.2007] to all members of the Committee set up by the Council under section 9 of the NDMC Act, 1994 to advise the Council on the Regulations and their response was requested to be sent by 16.11.2007, so that the Regulations could be placed before the Council. As no response was received from any member of the said Committee, the draft Regulations were placed before the Council in its meeting held on 19.12.2007, but withdrawn as consultations with all concerned were not completed.

(viii) Now all concerned have been consulted. A draft of the NDMC (Maintenance of Accounts) Regulations, 2008 is at **Annexure (See pages 48 – 55)** .

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

The following are some of the main topics included in the NDMC (Maintenance of Accounts) Regulations 2008 :-

(i) **Commencement:-** Ordinarily the date of commencement of any rule/regulation/bye-law is the date of its publication in the Official Gazette.

However, it is preferable that any new system of accounting should begin from the start of the financial year. It has, therefore, been provided that the Regulations shall come into force from such date as the Council may appoint and that different dates may be appointed for different provisions [Regulation 1(2)].

- (ii) **Manual** :- Since the Council vide Resolution No.15(D-13) dated 26.8.05 has already approved that the NMAM may be adopted with suitable modifications/amplification to be made by the Chairperson, in consultation with the Financial Advisor, the provisions to be incorporated in the Manual do not find a place in the draft Regulations. The Manual with suitable modifications/amplifications is under preparation and will be brought before the Council for approval shortly. In view of the above, the expression "Manual" has been defined as a Manual approved by the Council which shall include matters as laid down in Regulation 2(1) (d).
- (iii) **Accounting System** :-
- (a) Generally all accounting transactions of the Council shall be on accrual basis, using the double entry system and segment/sub-segments under the Accounts of the Council may be created, if necessary [Regulation 3 (1)].
- (b) Account of all receipts and expenditures of the Council shall be kept in the format appended to the Manual to be approved by the Council [Regulation 3(2)].
- (c) The work relating to Cash and Accounts shall be handled by different officials [Regulation 3(5)].
- (iv) **Correction of misclassified items**:- Necessary provisions have been made about the corrections of misclassified items [Regulation 5].
- (v) **Monthly and Annual Accounts** :- (a) At the end of each month, a monthly abstract of all ledger balances shall be drawn up by 15th of the second month following the month to which the accounts relate and shall

be approved by the Chairperson. Thereafter the approved accounts shall be forwarded to the Chief Auditor for his monthly examination, audit and report thereon to the Chairperson, who shall place them before the Council for approval. The Chairperson shall thereafter cause to publish monthly an abstract of the receipt and expenditure of the month last preceding signed by him and the Chief Auditor. Similarly annual abstract of accounts shall be prepared by 30th June each year.

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

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

(a) An Annual Financial Statement for the preceding year shall be prepared by 30th June each year. It shall be placed for approval of the Chairperson. [Regulation 9(1)].

(b) Audit of the Annual Financial Statement shall be completed by the Chief Auditor within six months from the close of the year. The Chief Auditor shall deliver to the Chairperson a report of the entire accounts of the Council for the previous year for placing it before the Council for approval and adoption within nine months of the close of the year [Regulations 9(4), 9(5)].

(c) Provision has also been made for extension of dates/period referred to in (a) and (b) above, by the Chairperson, subject to certain conditions and report to the Council. [Regulation 9(6)].

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

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

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

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

No financial implications are involved.

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

After the draft Regulations have been approved by the Committee set up by the Council under section 9 of the NDMC Act 1994 for advising it with respect to the making of Regulations/Bye-laws, the Regulations will be submitted to the Council for approval. After the Council approves the draft Regulations, they will be sent to the Central Government for approval. Lastly the Regulations would be sent to the Government of NCT of Delhi for publication in the Official Gazette. This exercise is likely to take about six months after the minutes of the Council have been confirmed.

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

No comments.

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

Not applicable.

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

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

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

As indicated in Para 3 above.

11. **Comments of the Law Department on the subject :**

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

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

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

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

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

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

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

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

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

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

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

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

13. **Recommendations:**

The draft Regulations were placed in the meeting held on 25.2.2008 of the committee constituted under section 9 of the NDMC act, 1994 for advising the Council on Regulations and Bye-laws. The Committee has recommended that these Regulations be placed before the Council in its next meeting for approval.

14. **Draft Resolution:**

Resolved by the Council that the NDMC (Maintenance of Accounts) Regulations 2008 is approved and after obtaining the approval of the Central Govt. they be sent to the Govt. of NCT of Delhi for publication in the Delhi Gazette.

COUNCIL DECISION

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.

DRAFT**NEW DELHI MUNICIPAL COUNCIL****Notification**

In exercise of the powers conferred by section 58 read with sub-section (2) of section 387 of the New Delhi Municipal Council Act, 1994 (Act No.44 of 1994), the Council, with the approval of the Central Government, hereby makes the following Regulations, namely,---

"The New Delhi Municipal Council**(Maintenance of Accounts) Regulations, 2008**

1. Short title and commencement.— (1) These Regulations may be called "The New Delhi Municipal Council (Maintenance of Accounts) Regulations, 2008".

(2) They shall come into force from such date as the Council may appoint:

Provided that different dates may be appointed for the coming into force of the different provisions of these regulations.

2. Definitions.-- (1) In these regulations, unless the context otherwise requires, --

- (a) "Act" means the New Delhi Municipal Council Act, 1994 (Act No. 44 of 1994);
- (b) "Chairperson" means the Chairperson of the Council and includes any municipal officer or other municipal employee specified, by order, by him in this behalf;
- (c) "Financial Advisor" means the Financial Advisor of the Council appointed by the Chairperson and includes an officer subordinate to the Financial Advisor authorized by the Chairperson in this behalf;

- (d) "Manual" means a Manual approved by the Council, which shall, among others, include---
- (A) a chart of Accounts and Accounts Codification structure;
 - (B) books of account and other records which are required to be maintained and the manner of their maintenance;
 - (C) general procedure for –
 - (i) accounting of income and expenditure;
 - (ii) accounting of receipts, payments, assets and liabilities;
 - (iii) reconciliations of bank and cash accounts, inter- unit accounts as well as their balances, etc.; and
 - (D) maintenance of demand, collection and balance registers; and
- (e) "section" means a section of the Act.

(2) Words and expressions ---

- (a) used in the Act; or
- (b) not used in the Act but used in the Manual;

and also in these regulations shall, unless the context otherwise requires, have the meanings assigned to them in the Act or the Manual, as the case may be.

3. Accounting System.— (1) With the exception of such adjustments as may be authorized by these regulations or by any general or special order issued in this behalf by the Chairperson in consultation with the Financial Advisor, all the transactions in the General Account referred to in sub-section (2) of section 44 and the special fund or funds referred to in section 54 shall be on accrual basis, using the double entry system of book-keeping:

Provided that segments (including sub-segment) may be created under the said General Account and the special funds and the transactions of the Council may be identified to a specific segment / sub-segment, unless otherwise mentioned in the regulations made in respect of constitution of specific fund or funds:

Provided further that while preparing the accounts of the Council in the above manner, the Council shall, as far as practicable, follow consistently a set of accounting policies and norms to be prescribed by the Chairperson on the recommendation of Financial Advisor for valuation of different types of assets. Any change in such policies and norms be clearly disclosed in the notes appended to the accounts along with the financial impact of such a change to the extent it is reasonably measurable.

(2) The General Account of all receipts and expenditures of the Council and of special funds shall be in the format appended to the Manual.

(3) All individual transactions shall be rounded off as prescribed by the Chairperson from time to time for easy accounting. Fractional receipts and expenditures resulting from such rounding off shall be adjusted against New Delhi Municipal Fund through Income and Expenditure Account.

(4) The cash balance on hand with the cashier shall be verified by an officer, designated by Financial Advisor, with the cash book balance at intervals prescribed by the Financial Advisor and a certificate to that effect recorded in the cash book, by such officer. The Chairperson through Financial Advisor shall cause to be examined the entries and the closing balance in the cash book, at the closing of the financial year, and have necessary certificate recorded.

(5) The Cashier shall not be given responsibility of compiling of account, unless the Chairperson by order otherwise directs in any specific case.

4. Chart of Accounts.- A "Chart of Accounts and Accounts Codification Structure", as amended, from time to time, in accordance with the procedure prescribed in the Manual, shall be maintained identifying the heads of accounts of income, expenditure, assets and liabilities under which all transactions of the Council are to be accounted for.

5. Correction of misclassified items--- After the accounts for a month/year have been compiled and audited, no change in figures shall be carried out except through journal entries duly approved by the officers authorized by the Financial Advisor. The reasons and the authority for making the change shall be recorded on those vouchers and a record of all such changes maintained in a journal. This may also be done by recording necessary change against original entries in the "Remarks" column of the relevant account forms, giving references to the entries in the journal:

Provided that where expenditure classified in the accounts of the previous year is required to be reclassified or where any expenditure incurred in the current year relates to the expenditure of the previous years and cannot be booked as expenditure of the current year, such expenditure may be booked under the head "prior period item".

6. Refund of Income.- Refund of income shall, as a general rule, be taken in reduction of the income under the concerned head:

Provided that if the refund of income pertains to any year other than the current year, it shall be reckoned as expenditure in the accounts of the current year under the head "prior period item".

7. Monthly Account.- (1) At the end of each month, a monthly abstract of all ledger balances under the General Account and special fund or funds, if any, shall be drawn up under the supervision of the Financial Advisor by the 15th of the second month following the month to which the accounts relate and shall be approved by the Chairperson.

(2) The accounts so approved by the Chairperson shall be forwarded to the Chief Auditor who shall conduct a monthly examination and audit of the accounts of the Council and shall report thereon to the Chairperson, who shall place them before the Council for approval. The Chairperson shall thereafter publish monthly an abstract of the receipt and expenditure of the month last preceding signed by him and the Chief Auditor.

(3) The Chairperson may, by order, direct, if he considers it necessary, the preparation of similar accounts on a quarterly and half-yearly basis.

(4) If the Chairperson is satisfied that there is sufficient cause for not adhering to the date, referred to in sub-regulation (1), he may, for reasons to be recorded in writing, by order, extend the date for a further period not exceeding thirty days at a time.:

Provided that every such extension shall be reported forthwith by the Chairperson to the Council and the Chairperson shall give effect to any order that may be passed by the Council in relation thereto.

- 8. Annual Account.**--- As soon as may be at the end of each year, an annual abstract shall be prepared by 30th June and submitted to the Chairperson and the Council in the manner set out in regulation 7:

Provided that if the Chairperson is satisfied that there is sufficient cause for not adhering to the above date, he may, for reasons to be recorded in writing, by order, extend the date for a further period not exceeding three months at a time :

Provided further that every such extension shall be reported forthwith by the Chairperson to the Council and the Chairperson shall give effect to any order that may be passed by the Council in relation thereto.

- 9. Annual Financial Statements.-** (1) The Financial Advisor shall cause the annual financial statements for the preceding year in respect of General Accounts and special

fund or funds, if any, to be prepared by 30th June each year which shall be placed for approval of the Chairperson.

(2) The annual financial statements shall include the following statements in the forms prescribed in the Manual:

- (a) Receipts and Payments Account for the year;
- (b) Balance Sheet as on 31st March of the year;
- (c) Income and Expenditure Statement for the year;
- (d) Cash Flow Statement for the year;
- (e) Significant accounting policies adopted by the Council in presentation of the financial statements; and
- (f) Notes to Accounts which shall disclose contingent liabilities, and such other information as may be necessary.

(3) Comparative amounts shall be entered on the financial statements for the preceding year except, in the case of the first year to which these regulations apply.

(4) The annual financial statements duly approved by the Chairperson, referred to in sub-regulation (1), shall be forwarded to the Chief Auditor for examination and audit, which shall be completed within six months from the close of the financial year. The Chief Auditor shall thereafter, as soon as may be, deliver to the Chairperson a report of the entire accounts of the Council for the previous year for placing it before the Council for approval and adoption.

(5) The Council shall approve and adopt the audited annual financial statements within nine months from the close of the financial year.

(6) If the Chairperson is satisfied that there is sufficient cause for not adhering to the above date or period, as the case may be, referred to in sub-regulation (1), (4)

and (5), he may, for reasons to be recorded in writing, by order, extend the date or period for a further period not exceeding three months, at a time :

Provided that every such extension shall be reported forthwith by the Chairperson to the Council and the Chairperson shall give effect to any order that may be passed by the Council in relation thereto.

10. Temporary allocation to Control Account under Assets and Liabilities

Heads.- Items of payment, which cannot at once be taken to final head owing to lack of information as to their nature or for any other reason, may be held temporarily under the head "Control Account". An item of income of which full particulars are not given may also similarly be taken to the head "Control Account". The "Control Account" shall have nil balance at the end of the year.

11. Income under more than one head.---

For the sake of convenience or for other special reasons, income or expenditure pertaining to more than one head may be booked in the first instance under one of the heads concerned, but the portion creditable or debit to the other head or heads involved shall be transferred from the former to the latter before the accounts of the year are closed. No alteration of figures shall be allowed to be made except in the manner stated in regulation 5.

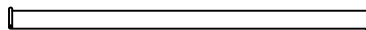
12. Record of the capital expenditure in accounts.-

Expenditure of a capital nature shall be maintained in such manner as may be prescribed in the Manual to meet the requirements of accrual based double entry system of accounts.

13. Period of Accounts.-

The annual accounts of the Council which the Financial Advisor is required to render, shall record all transactions which take place during the year.

- 14. Financial Advisor as Technical Advisor.-** Subject to the superintendence, direction and control of the Chairperson, the Financial Advisor shall be responsible for the proper maintenance of all accounts and for their internal check and examination of all the transactions in the manner and form prescribed by these regulations or the Manual. For this purpose, he and his subordinates shall have access to all documents and records relating to any transaction.
- 15. Physical Verification of Assets. –** The Chairperson shall cause to devise ways and means for the regular physical verification of various assets of the Council or under its control such as land, buildings, stores, plant, machinery, etc.
- 16. Asset Register. -** The Chairperson shall cause to be maintained category-wise registers of all assets in the formats and manner specified in the Manual.
- 17. Computerized accounting.--** The accounting records required to be maintained under these regulations may be kept wholly or partly in a computer based system as and when the Chairperson deems it appropriate.”



ITEM NO. 12 (N-4)**1. Name of the subject / project :**

Approval of the New Delhi Municipal Council (Public Parks, Gardens or Recreation Grounds) Bye-laws, 2008.

2. Name of the Department:

Horticulture Department.

3. Brief History of the subject / project:

(i) Prior to the enforcement of the New Delhi Municipal Council Act, 1994, (44 of 1994), the municipality was being administered under the Punjab Municipal Act, 1911 (Punjab Act 3 of 1911) as applicable to New Delhi. Entry (vii) of clause (e) of section 188 of the Punjab Municipal Act, 1911, provides for framing of bye-laws relating inter-alia for regulation of "places of public resort, recreation or amusement". The then Chief Commissioner of Delhi by his Notification dated 18th March 1947 issued "Revised Bye-laws for the Proper Regulation of Places of Public Resort, Recreation and Amusement in New Delhi". These bye-laws relate primarily to Parks, Gardens, and Playgrounds. A copy of these bye-laws is at **Annexure-I (See pages 63 – 65).**

(ii) In the NDMC Act 1994, there is no specific provision for making bye-laws in respect of public parks, gardens or recreation grounds. There is a general clause under section 388(1) J (6) that the Council may make bye-laws to provide for any matter in respect of which the Act makes no provisions or makes insufficient provision and provision is , in the opinion of the Council, necessary for the efficient Municipal Government of New Delhi. Under section 11(t) of the Act, "the laying out or the maintenance of public parks, gardens or recreation grounds" is one of the obligatory function of the Council. Similarly under section 12(d) of the said Act "the planting and care of trees on road sides and elsewhere" is one of the discretionary function of the Council.

- (iii) It is understood that the Municipal Corporation of Delhi which is governed by the Delhi Municipal Corporation Act, 1957 having more or less similar provisions as those contained in the NDMC Act, 1994 does not have any bye-laws for regulating their public parks, gardens or recreation grounds.
- (iv) However, a draft of the New Delhi Municipal Council (Public Parks, Gardens or Recreation Grounds, etc.) Bye-laws, 2006 [**Annexure II**] (**See pages 66 - 77**) was placed on 18.7.2006 before the Committee set up under section 9 of the NDMC Act, 1994 by the Council to advise it on framing of regulations/bye-laws. The Committee approved the proposal to invite objections/suggestions from public on draft bye-laws and also decided that copies of the draft bye-laws should go to all Residents Welfare Associations for inviting their objections/suggestions. Wide publicity was to be given through official website and publishing in newspapers.
- (v) Since in the matter relating to "laying out" of public parks, gardens or recreation grounds, the public has a limited role and the Council follows the prescribed rules, procedures, guidelines, plans, etc., the topic "laying out" was not covered in the draft bye-laws (**Annexure II**) (**See pages 66 - 77**).
- (vi) The notice inviting objections/suggestions from persons likely to be affected by these bye-laws was issued in the Times of India (English); Nav Bharat Times (Hindi) and Milap (Urdu) on 22.7.2006 for submitting their objections/suggestions within 30 days from the date of publication of the notice. An interaction meeting with various Residents Welfare Associations, other organizations and public, was also held on 23rd August 2006 and on their demand the date for submitting objections/suggestions was extended on 24.8.2006 upto 20.9.2006.
- (vii) Objections/suggestions have been received from the following:-
 - (a) Chief Architect, NDMC, Palika Kendra, New Delhi. (**Annexure III**) (**See pages 78 - 81**).

- (b) Sh. Hiranmay Karlekar, Consultant Editor, Pioneer, Link House, 2nd Floor, 3 Bahadur Shah Zafar Marg, New Delhi-110 002. **(Annexure IV) (See page 82).**
- (c) Sh. Suhas Borker, Green Circle, L-19, Mohanalaya, South Extension-II, New Delhi-110049. **(Annexure V) (See page 83).**
- (d) Jan Kalyan Samiti. 13 (GF) Babar Road Colony, New Delhi. **(Annexure VI) (See pages 84 - 85).**
- (e) Sh. P.V. Jayakrishnan, Chairman, Central Empowered Committee, Supreme Court, C-1/137 Pandara Park, New Delhi-110 001. **(Annexure VII) (See pages 86) .**
- (f) Golf Link Association. Community Centre, Golf Links, New Delhi-110 003. **(Annexure VIII) (See pages 87 - 90).**
- (g) Hanuman Road Residents Welfare Association.38, Hanuman Road, New Delhi-110 001. **(Annexure IX) (See page 91).**
- (h) Morning Walker's Association, Talkatora Garden, Type-IV/II President's Estate, New Delhi-110 004. **(Annexure X) (See pages 92 - 93).**
- (i) The Energy and Resources Institute, Darbari Seth Block, I.H.C. Complex, Lodhi Road, New Delhi- 110001. **(Annexure XI) (See pages 94 - 95).**
- (j) Diplomatic Enclave Owners and Residents Association, 3 Malcha Marg, Diplomatic Enclave, New Delhi-110 021. **(Annexure XII) (See page 96).**
- (viii) All the objections/suggestions received and the observations made in the public interaction held on 23rd August 2006 have been taken into account while considering the proposal, as detailed in para 4 below.

4. Detailed proposal on the subject/project:

- (1) It is proposed to make bye-laws under section 388(1) J(6) read with section 11(t) of the NDMC Act 1994 for regulating public parks, gardens or recreation grounds. In the light of para 3(viii) above and taking help, wherever necessary, of the old bye-laws of 1911 [**Annexure I**] (**See pages 63 - 65**), the draft bye-laws have been revised, a copy of which is attached at **Annexure XIII** (**See pages 97 - 102**).
- (2) It is proposed to have three Schedules—**Schedule I** (**See pages 103 - 106**) relates to Public Parks; **Schedule II** (**See pages 107 - 108**) relates to Gardens and **Schedule III** (**See page 109**) relates to Recreation Grounds. The Chairperson has been empowered to amend, vary, add, delete or substitute any entry in any Schedule, by order, for reasons to be recorded in writing. He is, however, to report any such change to the Council, which may make any modification in the order, as it may deem fit, vide the draft sub-bye-law (2) of bye-law 1.
- (3) "pubic park" has been defined to include garden and recreation ground, unless the context otherwise requires. [Bye-law 2(1)(c)]
- (4) Public parks which are enclosed may remain open to public between hours to be specified by the Chairperson and notified at the entrance. Entrance or exit except from the gate or opening provided for the purpose is prohibited. [Bye-laws 3 and 4]
- (5) Short cuts across grass are prohibited. Riding on bicycle (except on recognized tracks), is prohibited. [Bye-laws 5 and 6]
- (6) Holding of meetings, demonstrations etc. (including marriage/other social functions) is generally prohibited. However, private social functions like marriages, etc. or public or State functions can be held, in the area earmarked for the purpose, after obtaining written permission from Chairperson and on payment of fee, which may be different for different types of functions/ceremonies and as may be fixed by the Chairperson [Bye-law 7]

- (7) Shooting of films and enacting of plays, without the written permission of Chairperson and payment of fee, is also prohibited. [Bye-law 8]
- (8) Motor vehicles cannot be brought in a public park except on road earmarked for the purpose and on such terms and conditions as may be prescribed by the Chairperson. This, however, does not apply to non-motorized vehicles, which are disabled friendly carriages meant for babies, old persons etc. under the supervision of an attendant. [Bye-law 9]
- (9) Animals are not to be allowed, except pet animals such as dogs, cats, etc. duly secured by a chain lead, in an area earmarked for the purpose. [Bye-law 10]
- (10) Plucking etc. of flowers, damaging of buildings, playing equipments, etc. and bathing, washing, fishing and cooking, etc. burning of leaves are prohibited. [Bye-laws 11 to 13]
- (11) Hawking and throwing of litters is prohibited. [Bye-laws 15 and 16]
- (12) Games like Cricket, Football, Hockey, etc. are not allowed except in the area so earmarked. [Bye-law 17]
- (13) No one will commit any nuisance in a public park within the meaning of clause (28) of section 2 read with section 308 of the Act. [Bye-law 18].
- (14) A list of public parks, gardens, recreation grounds, indicating the approximate areas earmarked for particular purpose and the charges for its use will be made available on website of the Council and copies supplied thereof, free of charge, to applicants. [Bye-law 19].

5. Financial implications of the proposed project / subject:

No financial implication is involved.

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

After the Committee has approved the draft Bye-laws, they shall be placed before the Council for approval and after its approval, they will be sent to the Government of NCT of Delhi for approval and publication in the Official Gazette. This exercise is likely to take about six months after the approval of the Council and the confirmation of the minutes of the meeting of the Council.

7. Comments of the Finance Department on the subject:

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

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

Not applicable.

9. Legal implications of the subject/Project :

As explained in para 3 above.

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

As indicated in para 3 above.

11. Comments of the Law Department on the subject:

Law Department has no objection to the draft bye-laws at **Annexure-XIII**.

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

Not applicable.

13. Recommendations:

The draft Bye-laws as per **Annexure XIII** were placed in the meeting held on 25.2.2008 of the Committee constituted under section of the NDMC Act 1994, for advising the Council on Regulations and Bye-laws. The Committee that the bye-laws as per **Annexure XIII** be placed before the Council in its next meeting for approval.

14. Draft Resolution:

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 and that these be sent to the Govt. of NCT of Delhi for their approval and publication in the Delhi Gazette.

COUNCIL'S DECISION

"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."

ANNEUXRE 1 TO ANNEXURE 12

ANNEXURE 132 AND SCHEDULE WILL FOLLOW

63 –

ANNEXURE – XIII

[TO BE PUBLISHED IN PART-IV OF THE DELHI GAZETTE-EXTRAORDINARY]

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
(URBAN DEVELOPMENT DEPARTMENT)
9TH LEVEL, C-WING, DELHI SECRETARIAT
NEW DELHI -110002.**

F. No.

Dated the

2008.

NOTIFICATION

F. No. - The following Bye-laws entitled the New Delhi Municipal Council (Public Parks, Gardens or Recreation Grounds) Bye- Laws, 2008 made by the New Delhi Municipal Council under the head "J. Bye-laws relating to miscellaneous matters" in sub-section (1) of section 388 of the New Delhi Municipal Council Act, 1994 (44 of 1994), vide Council's resolution No. 12 (N-4) dated the 31st March, 2008 after previous publication and with the prior approval of the Government of National Capital Territory of Delhi, as required under section 391 of the said Act, are hereby published for general information, namely:-

1. Short title, extent and commencement.- (1) These bye-laws may be called 'The New Delhi Municipal Council (Public Parks, Gardens or Recreation Grounds) Bye-laws, 2008.

(2) These bye-laws shall apply to all the public parks, gardens and recreation grounds listed in Schedules I, II and III respectively:

Provided that the Chairperson may, from time to time, for reasons to be recorded in writing, by order, amend, vary, add, delete or substitute any entry in any Schedule:

Provided further that every such order shall be reported to the Council, which may make any modification in the order or resolve that the order should not be made, and the order shall, thereafter, have effect only in such modified form or be of no effect, as may be resolved by the Council; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the order.

(3) These bye-laws shall come into force on the date of their publication in the Delhi Gazette.

2. Definitions.--- (1) In these bye-laws, unless the context otherwise requires:-

- (a) "Act" means the New Delhi Municipal Council Act, 1994 (44 of 1994);
- (b) "public park" includes garden and recreation ground; and
- (c) "Schedule" means a Schedule attached to these bye-laws.

(2) Words and expressions used in the Act and not defined herein shall have the same meaning assigned to them as in the Act, unless the context requires otherwise.

3. Public parks to be kept open. - Public parks as are enclosed may remain open to the public between such hours as may be specified, from time to time, by the Chairperson, and which shall be notified at the entrance:

Provided that when any public or State function, ceremony or similar activity is held on any day, with the prior written permission of the Chairperson, in a public park, it may be closed to the public during such hours as are specified in the permission and notified at the entrance.

4. Entrance or Exit.- Entrance or exit from any public park except through a gate or opening provided for the purpose is prohibited.

5. Short cuts. - Short cuts across grass are prohibited.

6. Riding on Bicycles. - Bicycles shall not be ridden any where in a public park, except on recognized cycle tracks.

7. Holding of Meetings, etc. - (1) Subject to sub-bye-law (2), the holding of public meetings, demonstrations, processions, organized gathering of any kind (including holding of marriage functions/ceremonies, or any other social function) in a public park is prohibited.

(2) Private social functions, such as holding of marriage function, party, reception, or any ceremony, etc. or any public or State function or ceremony

including musical programme, etc., may be held, in the area earmarked, if any, for that purpose, in a public park, after obtaining written permission from the Chairperson and on payment of such fee as may be fixed, from time to time, by him:

Provided that different amount of fee may be fixed for different types of functions/ceremonies. Each type of function/ceremony may further be divided into various categories after taking into account all relevant factors, such as the number of persons likely to be gathered, likely damage to the public park, or property, sanitation, noise pollution, if any, etc., and different amount of fee may be fixed for each such category.

- 8. Shooting of films and enacting of plays.** - (1) No person shall shoot any film or enact a play, etc. in a public park, except after obtaining written permission from the Chairperson and on payment of a fee at such rate as may be fixed, from time to time, by the Chairperson.

(2) The Chairperson may fix by order the rates of the fee per hour or part thereof for different types of films or plays etc., after taking into account various factors, like public welfare, educational, social, scientific, spiritual or artistic value of the film or play, etc., as the case may be.

Note:- The permission granted by the Chairperson and referred to in the proviso to bye-law 3, sub-bye-law (2) of bye-law 7, sub-bye-law (1) of bye-law 8 and sub-bye-law (2) of bye-law 17 may be subject to such terms and conditions as may be specified therein.

- 9. Motor vehicles not to be allowed.** - (1) No person shall bring in a public park any vehicle, as defined in the Motor Vehicles Act, 1988 (59 of 1988), except on roads earmarked for the purpose and on such terms and conditions as may be prescribed by the Chairperson.

(2) Non-motorized vehicles, which are disabled friendly, carriages meant for babies, like perambulators, old persons, etc. may be used for carrying disabled persons, babies or old persons, under the supervision of an attendant.

- 10. Animals not to be allowed.** - (1) No person shall be allowed to bring in a public park any animal:

Provided that a pet animal such as a dog, cat, etc. duly secured by a chain lead may be allowed in an area earmarked for the purpose between such hours as may be specified, from time to time, by the Chairperson, and which shall be notified at the entrance.

(2) A person who brings a pet animal such as a dog, cat, etc. in a public park shall carry with him a litter bin and he shall collect or cause to be collected therein its excrement, if any.

(3) No person shall be allowed to feed any animal or bird inside a public park

- 11. Plucking of Flowers etc.** - The plucking or damaging the flowers, flower beds, foliage or damaging any building, monument, tree, turf, fence, barrier, railing, sitting or playing equipment, bench, rack, notice board, swing or any other thing of similar description, vested in the Council, unless authorized by the Chairperson, is prohibited.

- 12. Bathing, Washing, Fishing, Cooking, etc.** -

(1) No person shall bathe in any tank, pond, cistern, or other ornamental construction for storage of water in a public park, or wash clothes, utensils or similar article in any such water.

(2) No person would do anything, which causes or is likely to cause pollution or foul smell in such water.

(3) No person shall do fishing in any such water

(4) Lighting of fire or cooking of food or other eatables shall not be permitted in a public park.

- 13. Causing damage to trees, burning of leaves, etc.** - (1) No concreting or digging of trenches for laying of cables, water lines, etc., will be done by any person or agency near a tree in a public park, except with the written permission of the Chairperson and subject to such terms and conditions as may be specified in the permission.

(2) Burning of leaves and other wastes in a public park is prohibited.

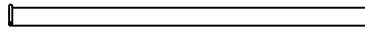
- 14. Protection of animals and wildlife.** - No person shall kill, injure, take or set trap, disturb any animal, fish or bird or reptile in a public park.

- 15. Hawking is prohibited.** - Itinerant vendors or hawkers will not be allowed in a public park.
- 16. Throwing of litters, etc.** - Throwing of litters or depositing any filth, rubbish, refuse or other polluted and obnoxious matter anywhere except in designated receptacles provided for the purpose in a public park is prohibited.
- 17. Playing of Games.** - (1) Cricket, Football, Hockey or any other organized game is not allowed except in the area so earmarked in a public park.
(2) No one shall use the area earmarked for play ground referred to in sub-by-law (1) without the written permission of the Chairperson and on payment of such fee as has been fixed, from time to time, by him.
- 18. Nuisance.--** No person shall in any public park, commit any nuisance as defined in clause (28) of section 2 read with section 308 of the Act.
- 19. List of public parks, etc. to be available.---**
- (1) A copy each of the following documents shall be kept at the Council's office and shall, during office hours, be open, free of charge, to inspection, by any inhabitant of New Delhi. These documents shall be also available on the website of the Council:-
- (a) An up to date list of Public Parks (Schedule I).
 - (b) An up to date list of Gardens (Schedule-II).
 - (c) An up to date list of Recreation Grounds (Schedule III).
 - (d) An up to date list of Public Parks, etc., where private social functions or public or State functions including musical programmes can be permitted by the Chairperson, giving approximate area earmarked for the purpose. The rates of fee to be charged for each category of function and for each site shall also be given [Bye-law 7 (2)].
 - (e) An up to date list of Public parks, etc., where shooting of films/enacting of plays, etc., can be permitted and the rates of fee fixed thereof [Bye-law 8)].
 - (f) An up to date list of Public Parks, etc., where roads have been earmarked for use of vehicles and the terms and conditions for such use [Bye-law 9 (1)].

(g) An up to date list of Public Parks, etc. where games are allowed, indicating the approximate area earmarked for the play ground and the rate of fee fixed for its use [Bye-law 17 (2)].

(2) Copies of these documents shall be supplied free of charge to an applicant.

20. Penalties. - Whosoever commits a breach of any of the foregoing bye-laws shall be punishable in accordance with the provisions of section 390 of the Act, in addition to the provisions of any other law.”



SCHEDULE I

[Bye-law 1(2)]

List of Public Parks

- (i) Lodhi Garden
- (ii) Nehru Park
- (iii) Shanti Path
- (iv) Talkatora Garden except Cricket Ground and area earmarked for social functions
- (v) Central Park, Rajiv Chowk
- (vi) Sanjay Jheel Park, Laxmi Bai Nagar
- (vii) Netaji Subhash Park, Netaji Nagar
- (viii) Park near Singapore Embassy, Chanakyapuri
- (ix) Gurudwara Bangla Sahib Park
- (x) Colonies and Other Parks

S.No.	Colonies and Other Parks
1.	Park in Harijan Basti Pachkuian Road
2.	Park at Hanuman Temple, Gole Market
3.	Park at Hanuman Road
4.	Triangular Park on the junction of Pant Marg and Bishambhar Dass Marg
5.	Triangular Park on Rakabganj Road and Church Lane
6.	Triangular Park near 36 Mahadeo Road
7.	Triangular Park on the junction of Rakabganj Road and Talkatora Road
8.	Park attached with Refugee Market Babar Road
9.	Park at Todarmal road
10.	Park at Abul Fazal Park
11.	Tilak Statue Park
12.	Triangular Park at Bhagwan Dass Road
13.	Triangular Park at Sikandra Road
14.	Park in Todarmal Lane
15.	Triangular Park Kaka Nagar
16.	Triangular Park Golf Course Road
17.	Triangular Park opp. Post office Golf Link
18.	Park opp. Kothi No.3 Golf Link
19.	Triangular Park backside 154-155 Golf Link
20.	Triangular Park Kothi No.13 Golf Link
21.	Triangular Park backside Kothi No.17 Golf Link
22.	Park opp. Kothi No.19-20 Golf Link

23.	Park backside 20 Golf Link
24.	Park opp. Kothi No141Golf Link
25.	Park opp. Kothi No132 Golf Link
26.	Park opp. Kothi No.155 Golf Link
27.	Park opp. Kothi No.119 Golf Link
28.	Park opp. Kothi No.166 Golf Link
29.	Park opp. Kothi No.110 Golf Link
30.	Park opp. Kothi No.174 Golf Link
31.	Park opp. Kothi No.104 Golf Link
32.	Park opp. Kothi No.190 Golf Link
33.	Park opp. Kothi No.90 Golf Link
34.	Park opp. Kothi No.202 Golf Link
35.	Park opp. Kothi No.75 Golf Link
36.	Park opp. Kothi No.211 Golf Link
37.	Park opp. Kothi No.52 Golf Link
38.	Park behind Ambassador Hotel
39.	Park near Barat Ghar Khan Market
40.	Opp. NDMC Qtr. No.40 at Pandara Rd
41.	Park opp. Kothi No.223 Jor Bagh
42.	Park opp. Kothi No.210 Jor Bagh
43.	Park opp. Kothi No34. Jor Bagh
44.	Park opp. Kothi No47 Jor Bagh
45.	Park opp. Kothi No 64 Jor Bagh
46.	Park opp. Kothi No 60 Jor Bagh
47.	Park opp. Kothi No 107 Jor Bagh
48.	Park opp. Kothi No 80 Jor Bagh
49.	Park opp. Kothi No 100 Jor Bagh
50.	Park opp. Kothi No 110 Jor Bagh
51.	Park opp. Kothi No 162 Jor Bagh
52.	Park opp. Kothi No 145 Jor Bagh
53.	Triangular park backside 114 Jor Bagh
54.	Park at Mandir Jor Bagh
55.	Triangular opp. Kothi No.185 Jor Bagh
56.	Park at Water Tank Jor Bagh
57.	Park opp. Safdarjung Madarsa
58.	Park opp. J-26, B.K.Dutt Colony

59.	Park opp. H-26 B.K.Dutt Colony
60.	Park opp. K-69 B.K.Dutt Colony
61.	Park opp. D-65, B.K.Dutt Colony
62.	Park opp. D-5,B.K.Dutt Colony
63.	Park opp. C-94, B.K.Dutt Colony
64.	Park in front of E-Block Palika Kunj
65.	Triangular park in front of 23 Block Lodhi Colony
66.	Triangular plot near railway quarters at Najaf Khan Road
67.	Park at Palika Niwas, Lodhi Road
68.	Park at Aurbindo Marg in front of DGCA
69.	Park at Aurbindo Marg in front of DGCA
70.	Park back side 230 Jor Bagh
71.	Veer Savarkar Park Lodhi Colony
72.	Park at new Khanna Market
73.	Park opp.Electric Sub station Sri Aurbindo Marg
74.	Triangular Park at Aurbindo Marg & Lodhi Road
75.	Triangular Park near Safdarjung Flyover
76.	Triangular Park near Civil Enquiry near Safdarjung Fly over
77.	Tughlaq Crescent park
78.	Park at Tughlaq Lane
79.	Park near 33 No. Quarter,NDMC
80.	Park Basurkar Market Moti Bagh
81.	Park Begum Zaidi Market Moti Bagh
82.	Park near Bharat Petroleum Petrol Pump Moti Bagh
83.	A Crescent Park Malcha Marg
84.	B Crescent Park Malcha Marg
85.	C Crescent Park Malcha Marg
86.	D Crescent Park Malcha Marg
87.	E Crescent Park Malcha Marg
88.	F Crescent Park Malcha Marg
89.	X Crescent park Malcha Marg
90.	Y Crescent Park Malcha Marg
91.	Park at covered drain adjoining Kautilya Marg
92.	Park at covered drain adjoining Malcha Marg
93.	Park at Palika Milan Malcha Marg
94.	Park at Palika Awas Motibagh

95.	Park at residential complex, Charak Palika Hospital
96.	Park near Singapore High Commission
97.	Park near Mount Carmel School (Malcha Marg Market)
98.	Park near South Market Kidwai Nagar
99.	Park in front of Mandir Kidwai Nagar
100.	Park Back side of Mandir Kidwai Nagar
101.	Park near Safdarjung Fly over Triangular plot
102.	Park near Safdarjung Bridge Triangular Plot
103.	Park near Gwalier Pottery
104.	Park near Pillanji at Brig. Hoshiar Singh Road
105.	Park in front of Laxmi Bai Nagar Market
106.	Park behind Laxmi Bai Market
107.	Park in front of Palika Awas
108.	Todarmal Square Park
109.	Vakil Lane Park I
110.	Vakil Lane Park II
111.	Park along Railway Track Satya Sadan(Children park)
112.	Childrens Parks at India Gate
113.	Safdarung Madarasa Park

Note: The Chairperson may, from time to time, for reasons to be recorded in writing, by order, amend, vary, add, delete or substitute any entry in the Schedule.

SCHEDULE II

[Bye-law 1(2)]

List of Gardens

1. Talkatora Garden
2. Sanjay Jheel Park, Laxmi Bai Nagar
3. Moti Lal Nehru Place Roundabout
4. Windsor Place Roundabout
5. Following Roundabouts.

S.No.	Garden (Roundabout)
1.	Shanti Path- Niti Marg (Near Rail Museum)
2.	Shanti Path – Kautilya Marg
3.	Shantipath –Panchsheel Marg
4.	Satya Marg - Shanti path
5.	Race Course (Near Indira Smriti)
6.	Aurangjeb- Tughlak Road (Near Tughlaq Road PS)
7.	Aurangjeb Road- Janpath (Near Claridge Hotel)
8.	Akbar Road- Janpath (York Place)
9.	Akbar Road-Tughlak Road (Mathew Circle)
10.	Akbar Road- Mansingh Road (Near Vice President House)
11.	Aurangjeb Road- Shahjahan Road (Near Taj Man Singh Hotel)
12.	Sunehari Bagh Road -Maulana Azad Road
13.	Krishna Menan & K. Kamraj Marg (Sena Bhavan)
14.	Rajaji Marg
15.	South Block (Near DRDO)
16..	Teen Murti -Mother Teresa Road (Near Teen Murti Road)
17.	Nyay & Satya Marg
18.	Satya & Niti Marg
19.	Vinay & Satya Marg
20.	Panchsheel Niti Marg (Ashok Hotel)
21.	Panchsheel -Nyay Marg
22.	Kautilya Marg Samrat Hotel
23.	Mother Teresa-Baba Kharak Singh Marg (Near RML Hospital)
24.	Park Street-Mandir Marg

25.	Gole Dakhana
26.	Pt. Pant Marg (TKG)
27.	Krishi Bhavan Rail Bhawan
28.	Patel Chowk
29.	Ashoka Road (Near Aditya Sadan)
30.	Ashok Road – Janpath (Windsor place)
31.	North block
32.	Near Sansad Bhawan
33.	C Hexagon, India Gate
34.	Ashok Road & Mansingh Road
35.	Mandi House
36.	East Kidwai Nagar (enclosing a monument)
37.	Laxmi Bai Nagar Market
38.	Amrita Sher Gill Marg
39.	Roundabout in Golf Link colony
40.	N. P. Primary School Moti Bagh
41.	Moti Bagh near Basurkar Market
42.	K.G. Marg near CSOI
43.	Africa Avenue & Brig. Hoshiar Singh Rd
44.	Brig.Hoshiar Singh Road near Auto workshop
45.	Netaji Nagar Market
46.	Netaji Nagar colony
47.	Ghana Embassy (Ed. Hillary Lane) behind Rose Garden
48.	Kuwait Embassy (Tenzing Lane)
49.	Tees January Lane South
50.	Tees January Lane North
51.	Canning Lane
52.	Laxmi Bai Marg in Laxmi Bai Nagar near Type-V flats
53.	Doctor's Lane

Note: The Chairperson may, from time to time , for reasons to be recorded in writing, by order, amend, vary, add, delete or substitute any entry in the Schedule.

SCHEDULE III

[Bye-law 1(2)]

List of Recreation Grounds

S.No.	Name
1.	Sanjay Jheel Park
2.	Children's Park, India Gate
3.	Cricket Ground, Social Function/Marriage Ground in Talkatora Garden.
4.	Central Park, Connaught Place,
5.	Palika Bhawan Park at Netaji Nagar.
6.	Central Park, Lodhi Colony
7.	Subhash Park, Netaji Nagar.
8.	Terrace Park on Palika Bazar.
9.	Terrace Park on Palika Parking.
10.	Park in front of Netaji Nagar Market.
11.	Keshav Park, Sarojini Nagar,
12.	Vivekanand Park, Sarojini Nagar.
13.	D.G. Park, Sarojini Nagar,
14.	Vatika Park, East Kidwai Nagar.
15.	Central Market Park, Kidwai Nagar.
16.	Central Market Park, Laxmi Bai Nagar.
17.	Parks in front of Yashwant Place, Chanakyapuri.
18.	Park adjoining Jantar Mantar.

Note: The Chairperson may, from time to time , for reasons to be recorded in writing, by order, amend, vary, add, delete or substitute any entry in the Schedule.

ITEM NO. 13 (H-21)

1.	Name of the subject/project	Schedule of Estt. in r/o of Group 'A' & 'B' posts.
2.	Name of the Department	Personnel Deptt.
3.	Brief history of the subject/project	<p>Section-34 of NDMC Act, 1994 provides as under "The Chairperson shall from time to time prepare and lay before the Council a Schedule of category 'A' and category 'B' posts other than the posts of Secretary and Chief Auditor specified in Section-33, setting forth the designations and grades of municipal officers and other municipal employees who should be maintained permanently in the service of the Council indicating therein the salaries, fees and allowance which are proposed to be paid to such officers and other employees."</p> <p>Accordingly, the schedule of category 'A' & 'B' posts other than the posts of Secretary and Chief Auditor (who are appointed with previous approval of Administrator as provided under Section-33(2) of NDMC Act, 1994) has been prepared and appended in a separate Booklet enclosed herewith with all details like name of post, pay scale, sanction strength, detail of vacancy, if any, present incumbent with organisational chart. Other details like recruitment rules do not form part of the schedule and have been included for administrative convenience and are not to be approved by the Council under section 34(2) of the Act.</p>
4.	Detailed proposal on the subject/project	To be approved by the Council for financial year 2008-09.
5.	Financial implication of the proposed project/subject	No additional financial implication.
6.	Implementation schedule with timeliness for each stage including internal proceeding.	N/A
7.	Comments of the Finance Department on the subject	Finance Deptt. has given its concurrence.
8.	Comments of the department on comments of Finance Deptt.	N/A
9.	Details of previous Council Resolution, existing law of Parliament and Assembly on the subject	Schedule of Establishment as on Feb 2007 was approved by the council on 29.03.2007.
10.	Comments of the Law Deptt. on the subject	Observations made by the LA have been duly incorporated in the agendum.

11.	Comments of the department on comments of Law Deptt.	N/A
12.	Recommendation	The schedule is placed before the Council for its approval, as required under Sub-section-2 of Section-34 of NDMC Act, 1994, for financial year 2008-09.
13.	Draft Resolution	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.

COUNCIL'S DECISION

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.

ITEM NO. 14 (G-10)**1. Name of the Subject/Project:**

Acceptance DERC's Tariff order for retail electricity in tariff in NDMC area.

2. Name of the department/ departments concerned

Commercial & Power Department

3. Brief history of the subject/project

After the enactment of the Electricity Act, 2003, NDMC was declared a deemed licensee under the definition of section 14 of the act. The determination of retail tariff is under the jurisdiction of the Delhi Electricity Regulatory Commission according to the section 62 of the act. The exercise of determination of retail tariff start with filing of Annual Revenue Requirement petition and ends on issuance of an order by the commission.

However, as per section 200 of the NDMC Act, 1994, subject to the provision of any law for the time being inforce, charges shall be leviable for supply of electricity by the Council at such rates as may, from time to time, be fixed by the Council.

This year DERC has invited AAR petition for fixation of Multiyear tariff for control period of 2007-8 to 2010-11 and issued an order copy of the same enclosed on 07.03.2007 which is effective from 01.04.2008 (copy of the same is separately circulated).

4. Details proposal on the subject/project

NDMC has filed a ARR petition for multi year tariff fixation and after due deliberation and hearing of public objections, the commission has passed an order mostly retaining the last year tariff except introduction of a nominal fixed charges for domestic consumer in lieu of minimum charges.

5. Financial implications of the proposed project/subject

There is only one change i.e. an element of fixed charge @Rs.2/- per KW of sanctioned load which has been added for the domestic consumers and the provisions of the minimum charges have been withdrawn. This may have very little financial impact.

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

To be made effective from 1.04.2008 as per approval of DERC.

7. Comments of the Finance Department on the subject

File has been seen by the Finance Department and no comments are made.

8. Comments of the Department on comments of Finance Department

No comments.

9. Legal implication of the subject/project

As per the Electricity Act, 2003, MYT petition was filed before the DERC. Now order has been passed by the DERC and under section 200 of the NDMC Act, it has to be adopted by the Council.

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

Resolution No. 3(i) dated 17.7.2001 (**See pages 114 – 116**).

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

The Council till date charged minimum amount on sanctioned load instead of fixed charges as approved by DERC in this tariff.

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

File has been seen by the Law Department and no comments are given.

13. Recommendations

It is recommended that Multi Year Tariff order dated 07.03.2008 of the DERC be accepted and implemented from 1st April, 2008 in NDMC area in anticipation of confirmation of minutes of the meeting.

14. Draft Resolution

The Council has agreed to accept the tariff order issued by DERC dated 07.03.2008 determining the retail tariff for supply of electricity to the consumer of NDMC area w.e.f. 01.04.2008.

COUNCIL'S DECISION

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.

Annexure
114 – 116

Anensur3e end

ITEM NO. 15 (A-86)**1. Name of the subject/ project:****Sub: Imp./Upgradation of Talkatora Indoor Stadium.****SH : Addn./ Altn. of existing Stadium (Civil, Plumbing, & Electrical works)****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 Ist 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 Talkatora Indoor Stadium in order to meet the requirement of C.W.G. Federation and as per the venue brief submitted by the International Consultant, M/S EKS, a new multi-storey block with the two basement for parking just adjacent to the existing Talkatora Indoor Stadium is to be constructed for which the work has already been awarded to M/S Simplex Projects Ltd. vide Reso. No.01(A-47) dtd. 5.11.07 amounting to Rs. 52.98 crores and the work is in progress.

Accordingly, based on the requirement for renovation of the existing Talkatora Indoor Stadium it was felt necessary for carrying out the Addn./Alteration of existing stadium (Civil, Plumbing & Electrical Works) so as to enable to host the Boxing Competition in the central arena of the existing stadium..

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 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. 11,67,63,400/- was technically sanctioned and the NIT amounting to Rs. 10,60,13,469/- was approved by the competent authority for Addn./ Altn. of existing Stadium (Civil, Plumbing, & Electrical works).

Initially, the tenders for the above work were 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 opened on 20.12.07. Only single tender of M/S Simplex Projects Ltd. was received but was rejected by the Chairman vide order dtd. 17.01.08 as the rates quoted were much in excess of justified rates. The tenders were re-invited by fixing the last date of application, sale & receipt of tender as 6.2.08, 8.2.08 & 13.2.08 respectively. Wide publicity was made by publishing in the leading daily newspapers in Delhi and edition 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 opened on 13.02.08.

In spite of wide publicity as per details above, on opening of tender i.e. on 13-2-08 only one tender i.e. of M/s Simplex Projects Ltd. was received who quoted their rates as per following details :-

Estt. Cost put to Tender: Rs. 10,60,13,469/-

<u>S.No.</u>	<u>Agency</u>	<u>% age quoted</u>	<u>Amount</u>
1.	M/s Simplex Projects Ltd.	98.90%	Rs. 21,08,59,530/-

The justification was prepared on the basis of prevailing/ approved market rates which works out to 60.60% above the estimated cost and further a loading of 3% on the justification has been considered to cover increase in cost as well as effect of reduced time taken for completion of the project in view of CWG 2010 requirement.

Keeping in view of the urgent requirement being a Competition Venue during CWG-2010 and also being a 2nd call, negotiations were conducted with the first lowest, i.e. M/S Simplex Projects Ltd. on 5.03.08 at 1.30 PM in the chamber of CE(C), wherein the firm was persuaded to reduce their rates to the extent possible.

The representative of the firm explained categorically that their quoted rates are very much justified and there is no scope for reduction of rates. However, on great persuasions, the firm agreed to offer a rebate of 9% on their tendered amount as a gesture of goodwill and confirm the same vide their letter dt. 5-3-08.

Considering the above rebate of 9% over their tendered amount alongwith a loading of 3% on the justification to cover the increase in cost as well as effect of reduced time taken for completion of the project in view of CWG 2010 requirement, the net tendered value works out to Rs. 19,18,82,172/- and the percentage of tendered cost over the justified cost works out to 9.42%, as such, Negotiations Sub-Committee recommended to award the work to the first lowest tenderer i.e. M/S Simplex Projects Ltd. at their total negotiated tendered amount of Rs. 19,18,82,172/-, keeping in view of the urgency of work and to meet the dead line of Common Wealth Games 2010, which is a time bound and emergent work.

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. 19,18,82,172/-.

There is a budget provision of Rs. 7.2 crores exists under the Head of A/C vide item no. 308 during the year 2007-08.

6. Implementation schedule:

Time of Completion of work: 12 months

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

The position, which has emerged in the case, is that in respect to 2nd call, single offer at 98.90% above the EC from the same whose offer was rejected in the 1st call, has been received. Planning checked justification based on market rates at 60.60% above the EC in consultation with Architect Consultant. The negotiation was done under Chairmanship of CE (C) wherein the lone firm has offered 9% rebate over their tendered amount, which now works out to Rs.19,18,82,172/- i.e. 80.9979% above the estimated cost put to tender, which is still having a gap of 20.3979% between negotiated and justified rates i.e. 60.60% above.

Department has, however, considered 3% towards increase in cost as well as reduced time taken for completion of the Project having financial effect of over Rs.51 lakh. This additional weight age perhaps has been taken because of non stipulation of clause 10(CA) in the NIT. This clause takes care for increase/decrease in prices of cement and steel reinforcement bars after receipt of tender. As in the clause being referred, there is provision of both increase/decrease in the material, additional effect for in-determinate items should not be taken in the justification.

Besides above, it is noted that at the time of 1st call, justification was checked at 41.08% above in January 2008 in consultation with Architect Consultant. Now for same scheme, with no change in scope of work justification has been checked at 60.60% above in February 2008. Justification is the important factor for ascertaining reasonability of rates, therefore, this important document should indicate reasonable trend of market. For which, it is suggested that a dedicated team comprising of EE/SE (Planning), EE (Project)/Project Leader and Architect Consultant may be formed to arrive at appropriate justified rates and having regard to the justified rates, the matter may be placed before the Empowered Committee for consideration & decision having regard to the fact that in terms of para 19.4.3.2, variation up to 5% over the justified rates can be ignored. Variation up to 10% may be allowed for peculiar situations and in special circumstances. Reasons for doing so shall be placed on record. Tenders above this limit should not be accepted. It needs to be certified in that (i) the bidder fulfills all eligibility criteria as stipulated in NIT, since relevant documents received in first call have not been attached with the case, (ii) wide publicity has been given as per codal provision vis-à-vis NDMC approved policy under approval of competent authority and (iii) tendered rates have been incorporated in the comparative statement after exercising all due checks.

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

It is clarified as under:

Para 1 : Matter of Records.

Para 2: The justifications of rates has been revisited considering anticipated bare minimum escalation in cost of material as there is no escalation clause i.e. 10 CC exist in NIT and

reduced time taken for completion of the project as per CPWD manual, besides there has been tremendous increase in the prices of cement & steel which are affecting the other raw material as well and considering this into effect, the revised justifications works out to 65.42% above and further impact is given as under :

Variation between overall tendered cost and revised justified cost is 20.24%.

Variation between overall tendered cost and revised justified cost is 9.42% after considering a rebate of 9% on the over all tendered cost.

Para 3 : Matter of records. However, the detailed note in this regard has been spelt out in para 2 above. There is a dedicated planning team alongwith the Architect Consultant has checked the justification of rates based on the current prevailing rate to arrive at appropriate justified rates. Further, there has been change in the justification of rates in view of the fact that there are certain specialized items, the rates for which has now been verified from the specialized agencies dealing in the trade who after visiting the site and considering the difficult conditions for execution of work and in consultation with the Architect Consultant.

With regards to the variations in terms of para 19.4.3.2, variation upto 10% may be allowed for peculiar situations and in special circumstances, keeping in view of urgency of work and to meet the dead line CWG federation which is a time bound and emergent project, to consider the award of work under CPWD manual.

It is further certified that:

- (i) The bidder fulfills all the eligibility criteria as stipulated in NIT
- (ii) Wide publicity has been given as per codal provision vis-à-vis NDMC approved policy.
- (iii) Tendered rates have been incorporated in the comparative statement after exercising all due checks.

Considering the importance and a time bound project, there is a need to place the case before the Empowered Committee as suggested by the finance. The following are the issues to be placed before the Empowered Committee.

1. Scrutiny Note of Finance and clarification submitted on the tender by the deptt. with regards to the justified rates and also for consideration & decision having regard to the fact that in terms of para 19.4.3.2 variation upto 5% over the justified rates can be ignored. Variation upto 10% may be allowed for peculiar situations and in special circumstances. Reasons for doing so shall be placed on record.

9. Empowered Committee Meeting :

As advised by the finance, the case was placed before the Empowered Committee in its meeting held on 25.03.08 as per the agenda item placed at **Annexure 'A' (See pages 125 - 128)** alongwith revised justification statement :

Initiating the discussions on the subject, the Project Leader emphasized the urgency of work keeping in view that the Talkatora Indoor Stadium is one of the competition venue of Boxing during CWG proposed to be held in 2010 and the main arena where the competition will take place alongwith other addition/alteration work is to be carried out under this work. This is a 2nd call of tender as during the Ist call, the 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 and the tenders which were opened initially on 20.12.07, only single tender of M/S Simplex Projects Ltd. was received but was rejected by the Chairman vide order dtd. 17.01.08 as the rates quoted were much in excess of justified rates. The tenders

were re-invited by fixing the last date of application, sale & receipt of tender as 6.2.08, 8.2.08 & 13.2.08 respectively. Wide publicity was again made by publishing in the leading daily newspapers in Delhi and edition 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 opened on 13.02.08. In spite of wide publicity as per details above in the 2nd call only one tender i.e. of M/s Simplex Projects Ltd. was received on the day of opening of the tender who quoted their rates as 98.90% above the estimated cost with their tendered amount as Rs. 21,08,59,530/- .

The justification which was prepared earlier during the Ist Call was 41.08% above in consultation with Architect Consultant but the tenders were rejected assuming of large difference in rates quoted by the firm with the justified rates. The matter was discussed with the Architect Consultant and observed that there are certain specialised item of works and the material to be used is to be brought from outside India as such, certain elements keeping in view of the work to be taken up in a dome shape having a varying height and as such does not cover under any schedule of rates. Considering this aspect in view, a sub-committee consisting of Officers alongwith the Architect Consultant (**Annexure 'B'**) (**See page 129**) was formed to verify the market rates of the following items so as to re-visit the justification considering the above aspects (**Annexure 'C'**) (**See pages 130**). This issue was also explained in depth by the Architect Consultant to the Empowered Committee.

1. P/F in position Fire Check Doors
2. P/F in position 900 mm High staircase railing
3. Designing P/F Aluminium glazed Windows
4. Designing P/F of Fixed Glazed windows
5. P/F Glazed door shutters
6. Design, Supply, Fabrication and Erection of Space Frame
7. P/F in position carpet clad acoustic panelling/ceiling
8. Providing sound absorbing cellulose base acoustic plaster of K-13 standard grade manufactured by International Cellulose Corporation, Houston, Texas, USA in desired colour confirming to DIN 4102 and having minimum NRC value of 0.95 by spraying with high pressure equipment on float, spherical or curved surfaces at all heights including providing necessary protection covers

Accordingly, the justifications was revisited of all the above items and after carrying out the detailed survey as well as site visit made by the private agencies who are specialised in executing the above work offered their rates and considering the same in our revised justification which worked out to 60.60% above the estimated cost and same were got checked from the Planning Division. Further, a loading of 3% on the justification has been considered to cover increase in cost as well as effect of reduced time taken for completion of the project, in view of CWG-2010 requirement as has been considered in the earlier case related to the award of work of Construction of New Block and basement of Talkatora Indoor Stadium .

Keeping in view of the urgent requirement being a Competition Venue during CWG-2010 and also being a 2nd call, negotiations were conducted with the first lowest, i.e. M/S Simplex Projects Ltd. on 5.03.08 in the chamber of CE (C), wherein the firm was persuaded to reduce their rates to the extent possible, the representative of the firm explained categorically that their quoted rates are very much justified and there is no scope for reduction of rates. However, on great persuasions, the firm offered a rebate of 9% on their tendered amount as a gesture of goodwill and the same was confirmed vide their letter dt. 5-3-08.

Considering the above rebate of 9% over their tendered amount alongwith a loading of 3% on the justification to cover the increase in cost as well as effect of reduced time taken for completion of the project in view of CWG 2010 requirement, the net tendered value works

out to Rs. 19,18,82,172/- and the percentage of tendered cost over the justified cost works out to 9.42% above.

10. Recommendation of Empowered Committee

All the items as contained in the Agenda Note 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 revised justification prepared and forwarded for consideration, the details as has been worked out is given as under :

1.	Estimated cost put to tender	10,60,13,469.00
2.	Tendered cost as per lowest bidder	21,08,59,530.00
3.	Justified cost	17,02,57,631.00
	Add 3% as increase in cost as well as reduced time taken for completion of project in view of CWG requirement (as per CPWD manual) besides incurring expenditure on electricity, barricading, extra cost of labour due to over time to & fro etc.	51,07,729.00
	Total justified amount	17,53,65,360.00
Over all justification	$\frac{175365360 - 106013469}{106013469} \times 100$	65.42%
4.	Variation between overall tendered cost and justified cost	
	$\frac{21,08,59,530.00 - 17,53,65,360.00}{17,53,65,360.00} \times 100$	20.24%
	The agency has given a rebate of 9.00% on their tendered cost	
	21,08,59,530.00 – 9.00%	19,18,82,172.00
5.	Variation between tendered cost and justified cost	
	$\frac{19,18,82,172.00 - 17,53,65,360.00}{17,53,65,360.00} \times 100$	9.42%

The above issue was deliberated at length and emerged to consider the above justification due to the following impediments:

1. The tender does not have any escalation clause, it is appropriate that the elements of anticipated escalation cost of materials/labour be accounted for calculating justified rates as the element of escalation can not be absorbed in the usual contractors profit, as the period of contract is 12 months. The revised justified cost as has been worked out on the basis of analyzed market rates for materials and labour as on date and in addition anticipated escalation worked out appears to be justified.
2. The work is of urgent and a time bound project as the Common Wealth Games are scheduled to be held in 2010 and has to be completed by 2009. World Boxing champion

is likely to be held in end of 2009 and it has been desired by the O.C. that the deptt. should ensure completion of the whole project by that time, so that a trial run can also be held before organizing C.W.Games.

3. Sh. Uday Bhatt of M/S Raja Aederi Consultant Pvt. Ltd., an Architect Consultant of the project explained that number of projects are on way/likely to start i/c in N.C.R. and there is a probability of getting even higher rates in future besides loss of precious time and as such, deptt. must resolve the issue and immediate construction activity be taken up in hand, besides the revised justification prepared by the deptt. is recommended for acceptance.
4. Considering the above issue and its impact on the Common Wealth Games project and a mandatory requirement to complete the project in time and considering the following:

- a. Variation between overall tendered cost and justified cost

$$\frac{21,08,59,530.00 - 17,53,65,360.00}{17,53,65,360.00} \times 100 \quad \mathbf{20.24\%}$$

The agency has given a rebate of 9.00% on their tendered cost

$$21,08,59,530.00 - 9.00\% \quad \mathbf{19,18,82,172.00}$$

- b. Variation between tendered cost and justified cost

$$\frac{19,18,82,172.00 - 17,53,65,360.00}{17,53,65,360.00} \times 100 \quad \mathbf{9.42\%}$$

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 also being that the tenders have been reinvited and this being a time bound project, the Empowered Committee recommends to award the work to M/S Simplex Project Ltd. (Single Tenderer) at their total negotiated tendered amount of Rs. 191882172.00 which is 9.42% above the justified cost and further recommends to place the case before the Council for consideration and approval.

11. Legal Implication of the project:

NIL

12. 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) dtd. 5.11.07 approved the proposal for award of work to M/S Simplex Projects Ltd. , A/A & E/S 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.

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."

13. Recommendation of CE(C):

The case is placed before the Council for award of the above 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 is 9.42% above, as recommended by Empowered Committee. 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. 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.

Agenda

Sub: Imp./Upgradation of Talkatora Indoor Stadium.

SH : Addn./ Altn. of existing Stadium (Civil, Plumbing, & Electrical works)

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 Talkatora Indoor Stadium in order to meet the requirement of C.W.G. Federation and as per the venue brief submitted by the International Consultant, M/S EKS, a new multi-storey block with the two basement for parking just adjacent to the existing Talkatora Indoor Stadium is to be constructed for which the work has already been awarded to M/S Simplex Projects Ltd. vide Reso. No.01(A-47) dtd. 5.11.07 amounting to Rs. 52.98 crores and the work is in progress.

Accordingly, based on the requirement for renovation of the existing Talkatora Indoor Stadium it was felt necessary for carrying out the Addn./Alteration of existing stadium (Civil, Plumbing & Electrical Works) so as to enable to host the Boxing Competition in the central arena of the existing stadium.

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 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. 11,67,63,400/- was technically sanctioned and the NIT amounting to Rs. 10,60,13,469/- was approved by the competent authority for Addn./ Altn. of existing Stadium (Civil, Plumbing, & Electrical works).

Initially, the tenders for the above work were 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 opened on 20.12.07. Only single tender of M/S Simplex Projects Ltd. was received but was rejected by the Chairman vide order dtd. 17.01.08 as the rates quoted were much in excess of justified rates. The tenders were re-invited by fixing the last date of application, sale & receipt of tender as 6.2.08, 8.2.08 & 13.2.08 respectively. Wide publicity was made by publishing in the leading daily newspapers in Delhi and edition 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 opened on 13.02.08.

Inspite of wide publicity as per details above, on opening of tender i.e. on 13-2-08 only one tender i.e. of M/s Simplex Projects Ltd. was received who quoted their rates as per following details :-

Estt. Cost put to Tender: Rs. 10,60,13,469/-

<u>S.No.</u>	<u>Agency</u>	<u>% age quoted</u>	<u>Amount</u>
1.	M/s Simplex Projects Ltd.	98.90%	Rs. 21,08,59,530/-

The justification was prepared on the basis of prevailing/ approved market rates which works out to 60.60% above the estimated cost and further a loading of 3% on the justification has been considered to cover increase in cost as well as effect of reduced time taken for completion of the project in view of CWG 2010 requirement.

Keeping in view of the urgent requirement being a Competition Venue during CWG-2010 and also being a 2nd call, negotiations were conducted with the first lowest, i.e. M/S Simplex Projects Ltd. on 5.03.08 at 1.30 PM in the chamber of CE (C), wherein the firm was persuaded to reduce their rates to the extent possible.

The representative of the firm explained categorically that their quoted rates are very much justified and there is no scope for reduction of rates. However, on great persuasions, the firm agreed to offer a rebate of 9% on their tendered amount as a gesture of goodwill and confirm the same vide their letter dt. 5-3-08.

Considering the above rebate of 9% over their tendered amount alongwith a loading of 3% on the justification to cover the increase in cost as well as effect of reduced time taken for completion of the project in view of CWG 2010 requirement, the net tendered value works out to Rs. 19,18,82,172/- and the percentage of tendered cost over the justified cost works out to 9.42%, as such, Negotiations Sub-Committee recommended to award the work to the first lowest tenderer i.e. M/S Simplex Projects Ltd. at their total negotiated tendered amount of Rs. 19,18,82,172/-, keeping in view of the urgency of work and to meet the dead line of Common Wealth Games 2010, which is a time bound and emergent work.

Implementation schedule:

Time of Completion of work: 12 months

Comments of the Finance Deptt. on the subject:

The position, which has emerged in the case, is that in respect to 2nd call, single offer at 98.90% above the EC from the same whose offer was rejected in the 1st call, has been received. Planning checked justification based on market rates at 60.60% above the EC in consultation with Architect Consultant. The negotiation was done under Chairmanship of CE (C) wherein the lone firm has offered 9% rebate over their tendered amount, which now

works out to Rs.19,18,82,172/- i.e. 80.9979% above the estimated cost put to tender, which is still having a gap of 20.3979% between negotiated and justified rates i.e. 60% above.

Department has, however, considered 3% towards increase in cost as well as reduced time taken for completion of the Project having financial effect of over Rs.51 lakh. This additional weight age perhaps has been taken because of non stipulation of clause 10(CA) in the NIT. This clause takes care for increase/decrease in prices of cement and steel reinforcement bars after receipt of tender. As in the clause being referred, there is provision of both increase/decrease in the material, additional effect for in-determinate items should not be taken in the justification.

Besides above, it is noted that at the time of 1st call, justification was checked at 41.08% above in January 2008 in consultation with Architect Consultant. Now for same scheme, with no change in scope of work justification has been checked at 60.60% above in February 2008. Justification is the important factor for ascertaining reasonability of rates, therefore, this important document should indicate reasonable trend of market. For which, it is suggested that a dedicated team comprising of EE/SE (Planning), EE (Project)/Project Leader and Architect Consultant may be formed to arrive at appropriate justified rates and having regard to the justified rates, the matter may be placed before the Empowered Committee for consideration & decision having regard to the fact that in terms of para 19.4.3.2, variation up to 5% over the justified rates can be ignored. Variation up to 10% may be allowed for peculiar situations and in special circumstances. Reasons for doing so shall be placed on record. Tenders above this limit should not be accepted. It needs to be certified in that (i) the bidder fulfills all eligibility criteria as stipulated in NIT, since relevant documents received in first call have not been attached with the case, (ii) wide publicity has been given as per codal provision vis-à-vis NDMC approved policy under approval of competent authority and (iii) tendered rates have been incorporated in the comparative statement after exercising all due checks.

Comments of the Department on comments of Finance Deptt.

It is clarified as under:

Para 1 : Matter of Records.

Para 2: The justifications of rates has been revisited considering anticipated bare minimum escalation in cost of material as there is no escalation clause i.e. 10 CC exist in NIT and reduced time taken for completion of the project as per CPWD manual, besides there has been tremendous increase in the prices of cement & steel which are affecting the other raw material as well and considering this into effect, the revised justifications works out to 65.42% above and further impact is given as under :

Variation between overall tendered cost and revised justified cost is 20.24%.

Variation between overall tendered cost and revised justified cost is 9.42% after considering a rebate of 9% on the over all tendered cost.

Para 3 : Matter of records. However, the detailed note in this regard has been spelt out in para 2 above. There is a dedicated planning team alongwith the Architect Consultant has checked the justification of rates based on the current prevailing rate to arrive at appropriate justified rates. Further, there has been change in the justification of rates in view of the fact that there are certain specialized items, the rates for which has now been verified from the specialized agencies dealing in the trade who after visiting the site and considering the difficult conditions for execution of work and in consultation with the Architect Consultant.

With regards to the variations in terms of para 19.4.3.2, variation upto 10% may be allowed for peculiar situations and in special circumstances, keeping in view of urgency of work and to meet the dead line CWG federation which is a time bound and emergent project, to consider the award of work under CPWD manual.

It is, further certified that:

- (iv) The bidder fulfills all the eligibility criteria as stipulated in NIT
- (v) Wide publicity has been given as per codal provision vis-à-vis NDMC approved policy.
- (vi) Tendered rates have been incorporated in the comparative statement after exercising all due checks.

Recommendation of CE(C):

The case may be placed before the Empowered Committee for consideration & decision having regard to the fact that in terms of para 19.4.3.2, variation up to 5% over the justified rates can be ignored. Variation up to 10% may be allowed for peculiar situations keeping in view of urgency of work and to meet the dead line CWG federation which is a time bound and emergent project, to consider the award of work under CPWD manual.

The matter is placed before the Empowered Committee for consideration and decision on the Scrutiny Note of Finance and clarification submitted by CE (C).

ANNEXURE B

OFFICE OF THE EXECUTIVE ENGINEER (BM-I)
CIVIL ENGINEERING DEPARTMENT
NEW DELHI MUNICIPAL COUNCIL
SBS PLACE, GOLF MKT., NEW DELHI.

NO. EE(BM-I)/2422/D

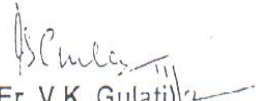
Dated: 13/2/08

CONSTITUTION OF SUB-COMITTEE

Sub: Imp./upgradation of Talkatora Indoor Stadium.
SH: Addition/ Alteration of existing stadium (Civil, Plumbing & Electric works).

A Sub-Committee consisting of the following officers is hereby constituted to verify the market rates of some of the important items as per the enclosed list and shall submit a report to this effect by 18.02.08.

1. ✓ Sh. R.K. Kapoor, AE (C)
2. Sh. J.K. Katyal, AE (C)
3. Sh. Brij Kumar, AE (C)
4. Sh. M.S. Negi, JE (C)
5. Arch. Consultant


(Er. V.K. Gulati)
EE (BM-I)

R-299/15-CPD
13/2

Copy to:-

1. Individual.
2. All.

Name of work: Imp./ Upgradation of Talkatora Indoor Stadium.
SH: Addn./ Altn. to existing of Talkatora Indoor Stadium.

REVISED JUSTIFICATION STATEMENT

1.	Estimated cost put to tender	10,60,13,469.00
2.	Tendered cost as per lowest bidder	21,08,59,530.00
3.	Justified cost	17,02,57,631.00

Add 3% as increase in cost as well
as reduced time taken for completion
of project in view of CWG requirement
(as per CPWD manual) besides incurring
expenditure on electricity, barricading, extra
cost of labour due to over time to & fro etc.

51,07,729.00

Total justified amount

17,53,65,360.00

Over all justification $\frac{175365360 - 106013469}{106013469} \times 100$

65.42%

4. Variation between overall tendered cost and justified cost

$\frac{21,08,59,530.00 - 17,53,65,360.00}{17,53,65,360.00} \times 100$

20.24%

The agency has given a rebate of 9.00% on their tendered cost

21,08,59,530.00 – 9.00%

19,18,82,172.00

5. Variation between tendered cost and justified cost

$\frac{19,18,82,172.00 - 17,53,65,360.00}{17,53,65,360.00} \times 100$

9.42%

ITEM NO. 16 (G-11)**1. Name of the Subject/Project:**

DERC's order dated 07.03.2008 for reassignment of PPAs

2. Name of the department/ departments concerned

Commercial & Power Department

3. Brief history of the subject/project

NDMC was receiving bulk power supply from erstwhile Delhi Vidhyut Board (DVB) as per its requirement at predetermined rate before the unbundling of DVB. After the unbundling of the DVB into Generation, Transmission and distribution utilities, NDMC continued to receive power from Delhi Transco Ltd (DTL) till 31.03.2007 as per the provisions of unbundling process of DVB.

It was made clear to NDMC and other distribution licences that beyond 31.03.2007, each licensee have to receive power directly from generation companies and DTL would only perform as transmission utility.

The existing power purchase agreements (PPAs) of DTL were assigned to NDMC, MES and three Discoms as per the directions of Govt of NCT of Delhi by Delhi Electricity Regulatory Commission (DERC). An order was passed by DERC on 31.03.2007 (**Annexure-A**) (**See page 133-147**) allocating 350 MW from Badarpur Thermal Power Station of NTPC to NDMC.

The commission has passed another order dated 14.08.2007 (**Annexure-B**) (**See page 148-152**) in continuation of earlier order fixing rated for inter-discom sale of power rate at Rs 2.75 per Kwh on no profit no loss basis.

Chief Secretary, Delhi has wrote to Secretary, MHA, GOI stating that NDMC should be given power from more than one source to ensure reliability of supply of power to such a sensitive area. Meetings were held the senior level and it was decided that NDMC should take power from three different sources.

Further, an order was issued by MHA u/s 201 of the NDMC act, 1994 directing NDMC to receive bulk power from three different namely, Badarpur Thermal Power Station, Dadri Power Station and Pragati Gas power station.

Accordingly, NDMC has approached DERC through a petition to modify their assignment of PPA order dated 31.03.2007 as per the directions of MHA.

4. Details proposal on the subject/project

The petition was heard after inviting public objections and an order was passed by reassigning PPAs as requested by NDMC but reducing total available allocation by 15% by way of allocating 15% of NDMC's allocation to unallocated quota of Delhi government. (**Annexure-C**) (**See page 153-159**).

5. Financial implications of the proposed project/subject

There may be some financial implication as NDMC may have to buy costly power during peak demand and future growth.

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

The orders are effective from 01.04.2008.

7. Comments of the Finance Department on the subject

No Comments invited as the agenda is placed for information

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.

Nil

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 take a view, in the matter as the orders are placed for information.

COUNCIL'S DECISION

Information noted. However, it was also resolved by the Council to go in appeal against the order immediately.

Annexure 133 – 159

Annexure ends

ITEM NO. 17 (A-87)**1. Name of the subject/ project :**

Sub: Improvement to NDMC Barat Ghar, Moti Bagh.
SH : Wedding Mart at Moti Bagh, New Delhi.

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

Civil Engg. Deptt., NDMC

3.. Brief History :

The existing Barat Ghar at Moti Bagh was commissioned in March 1988 and consists of a hall on the Ground floor, kitchen, dormitory, rooms, Toilets, office space with a mezzanine floor with rooms and toilets. This is an important & flagship facility used extensively for marriages and other community gatherings & functions, and is now in a deteriorated condition and has not been upgraded. Expectations of the users in such centers have considerably changed and the users look forward to a facility that equals most other facilities of similar nature. The marriage function is an event to remember by & should leave a memorable experience by its appearance outside and its ambience inside with comfortable facilities to cater to the event. It is with this intention that this Barat Ghar needs to be upgraded with the facilities to the acceptable standards in keeping with modern trends and comfort levels.

4.. Detailed proposal on the subject/project:

M/S Raja Aederi Consultant Pvt. Ltd. has been appointed as an Architect Consultant for the above project.

The Architect Consultant submitted the estimate alongwith the drawings as per the requirement. Accordingly, the Council vide its Reso. No. 1 (A-30) dtd. 15.11.06 accorded A/A & E/S to the P.E. 1,37,20,500/-. After getting the detailed estimate technically sanctioned and draft NIT approved, Item rate tenders for the above work was invited by fixing the last date of application, sale and opening of tenders as 14.12.07, 17.12.07 & 20.12.07 respectively. Accordingly, Press Notice for its publication in leading daily newspaper in Delhi and editions outside Delhi was sent vide no. EE (BM-I)/AB/D/1848 dtd. 26.11.07 to Dir. (PR), PW-6/Tender Notice issued to all NDMC Divisions as well as Contractor's Association & also sent to Dir. (IT) for its publication on the website.

In response to the above, only one application from M/S R.R. Foundation Engineers (P) Ltd. was received but was not meeting the criteria and the firm has not attended this office for verification as well as for issue of tender and as such, the tender could not be issued to the said firm.

While opening the tender box on the due date i.e. on 20.12.07, two tenders were received & their technical bid was opened on 20.12.07. The details of the same are given as under :

1. M/S India Guniting Corpn.
2. M/S Garg Associates

The details of the offer of both the firms is given as under :

Estt. Cost put to Tender: Rs. 1,11,34,684/-

<u>S.No.</u>	<u>Agency</u>	<u>% age quoted</u>	<u>Amount</u>
1.	M/S India Guniting Corpn.	35.86% above	1,51,27,879/-
2.	M/S Garg Associates	40.30% above	1,56,21,668/-

The justifications was prepared which works out to 35.67% above (combined) the estimated cost i.e. overall percentage of tendered cost over justified cost of tender as 0.14% above.

The case was 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. 1,51,27,879/-.

There is a budget provision of Rs. 50.00 lacs exists under the Head of A/C D-4-2-4 vide item no. 137 during the year 2007-08.

6. Implementation schedule:

Time of Completion of work: 08 months

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

On scrutiny of the case, as already pointed out, it has been noticed that publication of tender documents on web is not in accordance with approved NIT, to the extent that as per approved NIT eligible participants were required to complete three similar nature of works each costing Rs. 44,55,300/- but the said condition was not notified. In response, the department has stated that this condition has been shown as deleted in advertantly but it was ensured during opening of technical bid, the requisite additional documents for eligibility criteria w.r.t. this condition were seen. The department has further certified that both the bidders are eligible as per NIT conditions and deletion of this condition has not put any negative effect on the tender. FD feels that publication of approved tender documents on web site must be strictly in accordance with approved NIT with no variation between approved and published NIT. The department has to ensure this with no execution.

Subject to above, based on the clarifications and certifications regarding eligibility of participants as per approved NIT, we have no objection to the recommendation of CE (C) at P-70/N and 74/N for acceptance of offer of L-1 at their tendered amount of Rs. 1,51,27,879/- (Rs. One crore fifty one lac twenty seven thousand eight hundred seventy nine) i.e. 35.86% above the estimated cost of Rs. 1,11,34,684/- against the justified rates at 35.68% above the E.C. Availability of funds and revision of A/A & E/S as per codal requirement may be ensured.

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

The deptt. shall ensure with no exception as detailed in the note of the finance. It is further certified that sufficient funds are available and revised A/A & E/S is also sought from the Council.

9 . Legal Implication of the project:

NIL

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

Reso no. 1 (A-30) dtd. 15.11.06 approved the proposal for Improvement to NDMC Barat Ghar, Moti Bagh. SH : Wedding Mart at Moti Bagh, New Delhi, as under :

“Resolved by the Council that approval to the proposal and A/A & E/S to the preliminary estimate amounting to Rs. 1,37,20,500/- is accorded. Further, the Council observed as under:

1. No additional funds for expenditure on installing/upgrading fire fighting system will be sanctioned to the deptt.
2. Council expressed its concern over the delay caused in the completion of renovation work of Kaka Nagar Barat Ghar.
3. A report is to be placed before the Council under whose permission, the booking of Kaka Nagar Barat Ghar was resumed while it was closed for renovation.”

11. Recommendation of CE(C):

The case is placed before the Council for award of the above 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/- i.e. the overall percentage of tendered cost over the justified cost is 0.14 % above and also accord revised A/A & E/S amounting to Rs. 1,51,27,879/-. 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 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.

ITEM NO. 18 (A-88)**1. NAME OF THE PROJECT:**

**Improvement to various schools in NDMC area.
SH : Improvement to N.P. Co- Education middle school and primary school, East Kidwai Nagar.**

2. NAME OF THE DEPARTMENT CONCERNED:

Civil Engineering Department(Zone-II)

3. BRIEF HISTORY OF THE PROJECT:

This double story school building is situated in East Kidwai Nagar and around it Senior Officers of Government of India/employees are residing. To make the level of school up to the extent of the residents the case for improvement of the school building was prepared and got approved.

The administrative approval and expenditure sanction of Rs.4069000/- was accorded by the Chairperson on dated 16.11.2006.

The tenders were floated and M/s. Garg and Company has quoted the lowest rate which is 37.56% above the estimated cost put to tender. The justification has been worked out by the Planning @ 46.48% above the estimated cost put to tender of Rs.4186703/-. The rates quoted by the lowest contractor i.e. 37.56% above the estimated cost are quite reasonable and within the justified rates worked out by the Planning Division. Therefore, the tender has been recommended by the Deptt. for the acceptance of the lowest tender of the contractor at his quoted rates i.e. 37.56% above the estimated cost.

4. DETAILED PROPOSAL OF THE PROJECT:

The preliminary estimate has already been approved by the Chairperson on dt. 16.11.2006.

The work comprises improvement nature of work like replacement of damaged/outdated blackboards with green chalkboards, providing display boards, replacement of damaged flooring with quota stone slabs in lobbies, varandas, dado, replacement of damaged CC pavements at places, replacement of white glazed tiles with ceramic glazed tiles and plasters etc.

5. FINANCIAL IMPLICATIONS OF THE PROJECT:

The approval of preliminary estimated was accorded by the Chairperson amounting to Rs.4069000/- whereas the work is to be awarded at the tendered amount of Rs.5759364/-, there will be an excess involvement of Rs.1690364/- for which a revised approval of preliminary estimate is required which may also be approved by Council.

6. IMPLIMENTATION SCHEDULE WITH TIME LIMIT

The scheduled time allowed for completion of this work is 6 months.

7. LEGAL IMPLICATION OF THE PROJECT:

NIL.

8. DETAILS OF PREVIOUS COUNCIL RESOLUTIONS, EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THIS SUBJECT:

NIL

9. COMMENTS OF THE LAW DEPARTMENT ON THIS PROJECT:

No law point involved in the matter.

10. COMMENTS OF THE DEPARTMENT ON THE COMMENTS OF LAW DEPARTMENT:

No comments.

11. RECOMMENDATIONS:

The tender is recommended for acceptance of the Council for tendered amount of Rs.57,59,364/- on the quoted rates by the lowest contractor with a request to accord the revised sanction of Preliminary estimate amounting to Rs.58 lacs.

12. DRAFT RESOLUTION:

Resolved by the Council that the lowest tender of M/s Garg and Company at their quoted rates of Rs. 57,69,364/-- (Rupees fifty seven lacs sixty nine thousand three hundred sixty four only.) is accepted and Revised Administrative approval and expenditure sanction of Rs. 58 lacs is accorded.

COUNCIL'S DECISION

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/-.

**(VIKRAM DEV DUTT)
SECRETARY**

**(PARIMAL RAI)
CHAIRPERSON**

