

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI.

COUNCIL'S MEETING NO. 04/2009-10 DATED 15.07.2009 AT 3-00 P.M.

Arrangement of business

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ITEM NO. 01 (C- 12)

Confirmation and signing of the minutes of the Council's Meeting No. 03/2009-10 dated 17.06.2009 **(See pages 4-14)**.

COUNCIL'S DECISION

Minutes confirmed subject to slight modification in the decision, recorded against item no. 11(B-08) and 16(I-06) which are as under:-

ITEM NO. 11(B-08) :

The following para be added before the concluding para :

"Keeping in view the urgency to complete the work at the earliest, it was decided that the work of establishing 33KV Sub-station at Netaji Nagar may be got executed through M/s PGCIL on turnkey basis in lieu of the work of establishing 33KV Sub-station at Aliganj (Jorbagh), on the rates, terms and conditions of the contract already awarded to them after approval of the Council."

ITEM NO. 16(I-06) :

The following sentence –

"Hence, it was directed by the Council that a sub committee, with one IT expert each from National Informatics Centre (NIC) and Ministry of Information Technology shall advise on all aspects of the scheme."

be replaced by –

"Hence, it was directed by the Council that a sub committee, with two IT experts from National Informatics Centre (NIC)/Ministry of Information Technology/Delhi Govt./Autonomous bodies under Delhi Govt. shall advise on all aspects of the scheme."

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

MINUTES OF THE COUNCIL'S MEETING NO. 03/2009-10 HELD ON 17.06.2009 AT 3-00 P.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.

MEETING NO.	:	03/2009-10
DATED	:	17.06.2009
TIME	:	3-00 P.M.
PLACE	:	PALIKA KENDRA, NEW DELHI.

PRESENT :

- | | | | |
|-----------|------------------------|----------|--------------------|
| 1. | Sh. Parimal Rai | - | Chairperson |
| 2. | Smt. Tajdar Babar | - | Vice Chairperson |
| 3. | Sh. Karan Singh Tanwar | - | Member |
| 4. | Sh. Mukesh Bhatt | - | Member |
| 5. | Sh. R.K. Sinha | - | Member |
| 6. | Sh. Vikram Dev Dutt | - | Secretary, NDMC |

ITEM NO.	SUBJECT	DECISION
01 (C-08)	Confirmation and signing of the minutes of the Council's Meeting No. 02/2009-10 dated 20.05.2009.	Minutes confirmed subject to amendment in the decision against Item No. 01(C-04), dated 20.05.2009, as under :- The Chairperson, NDMC administered oath of office to the following :- i) Smt. Tajdar Babar as Member & Vice Chairperson ii) Sh. Karan Singh Tanwar, MLA, as Member.
02 (C-09)	Confirmation and signing of the minutes of the Council's Adjourned Meeting No. 02/2009-10 dated 22.05.2009.	Minutes confirmed.
03 (A-44)	S/R of Roads in NDMC Area. SH: Providing Mastic asphalt on road surface of Safdarjung Flyover and on its slip roads.	Resolved by the Council to accord administrative approval & expenditure sanction amounting to Rs.1,70,67,000/- for the work of "providing Mastic Asphaltic treatment on road surface of Safdarjung Flyover and on its slip roads". It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

04 (A-45)	S/R of Roads in NDMC Area. SH: Improvement to existing footpath in Moti Bagh Area.	Resolved by the Council to accord administrative approval & expenditure sanction amounting to Rs.95,16,300/- for the work of "Improvement to existing footpaths at Moti Bagh Area". It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.
05 (A-46)	S/R of Roads in NDMC Area. SH: Improvement to existing footpath at Netaji Nagar, Nauroji Nagar & Sarojini Nagar area (Phase-I).	Resolved by the Council to accord administrative approval & expenditure sanction amounting to Rs.4,22,58,400/- for the work of "Improvement to existing footpaths at Netaji Nagar, Nauroji Nagar and Sarojini Nagar Area (Phase-I)". It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.
06 (A-47)	S/R of Roads in NDMC Area. SH: Improvement to footpath at C-Hexagon (Inner & Outer Circle)	Resolved by the Council to award the work "S/R of Roads in NDMC Area SH: Improvement to footpath at C-Hexagon (Inner & Outer Circle)" to M/s Raghav Engineers @ 0.90%% below the Estimated Cost of Rs.2,24,30,190/- against the justification of 7.99% above the Estimated Cost with the tendered amount of Rs.2,22,27,650/-. It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.
07 (A-48)	Development of various Markets in NDMC area. SH: Façade Improvement for Shanker Market, Connaught Place, New Delhi.	Resolved by the Council to accept the tender of Sh. Vijay Tyagi and award the work to him at his tendered amount of Rs.79,46,905/- which is 2.16% below the estimated cost of Rs.81,22,605/- put to tender. It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.
08 (A-49)	Community and Multipurpose Hall. SH: Imp. to Barat Ghar, Laxmi Bai Nagar including fire fighting, electrical and AC works.	Resolved by the Council to award the work to the lowest tenderer M/S India Guniting Corporation. at their tendered amount of Rs.5,78,55,283/- which is 4.75% below the estimated cost of Rs.6,07,43,190/-, for the work of 'Community and Multipurpose Hall. SH: Imp. to Barat Ghar, Laxmi Bai Nagar including fire fighting, electrical and AC works'. It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.
09 (A-50)	Community and Multipurpose Hall. SH: Imp. to Barat Ghar, Mandir Marg, including fire fighting, electrical and AC works.	Resolved by the Council to award the work to the lowest tenderer M/S India Guniting Corporation. at their tendered amount of Rs.3,36,03,824/-; which is 1.72% above the estimated cost of Rs.3,30,35,175/- for the work of 'Community and

		<p>Multipurpose Hall. SH: Imp. to Barat Ghar, Mandir Marg, including fire fighting, electrical and AC works’.</p> <p>It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.</p>
10 (D-01)	Enhancement of powers of Chairperson, NDMC to enter into contracts on behalf of the Council.	<p>Information noted.</p> <p>It was further resolved that proposals to seek A/A & E/S of the Chairman to the expenditure exceeding Rs.50 lakhs and upto Rs.1 Crore will be submitted on file in the same format in which agenda is submitted for Council’s approval.</p>
11 (B-08)	Establishing 33KV Electric Sub-Station at Netaji Nagar.	<p>Resolved by the Council to accord administrative approval & expenditure sanction to the preliminary estimate amounting to Rs.2079.45 lacs for establishing 33KV Electric Sub-Station at Netaji Nagar.</p> <p>It was further resolved that the residents of the surrounding areas like Nauroji Nagar, Moti Bagh etc. shall be given assured power supply from this Sub station.</p> <p>It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.</p>
12 (B-09)	Establishing an Electric Substation in CGHQ premises, Indian Coast Guard Station, Delhi.	<p>Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to Rs.1,21,66,000/- for Establishing an Electric Substation in CGHQ premises, Indian Coast Guard Station, Delhi.</p> <p>It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.</p>
13 (A-51)	Construction of NDCC Phase-II (S.H : Parking guidance and controlling system for three basement of NDCC Phase-II).	<p>Resolved by the Council to award the work to the lowest contactor i.e. M/s Metro Road System Pvt. Ltd., at their quoted amount of Rs.1,47,34,604.00/- which is 47.26% below the estimated cost of Rs.2,79,38,715, for the work of ‘Construction of NDCC Phase-II (S.H: Parking guidance and controlling system for three basements of NDCC-Phase-II)’.</p> <p>It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.</p>
14 (A-52)	Improvement to Housing Complex, Harijan Basti, Mandir Marg. SH: Improvement/up-gradation of Harijan Basti flats.	<p>Resolved by the Council to accord administrative approval and expenditure sanction to the preliminary estimate amounting to Rs.3,03,76,900/- for Improvement to Housing Complex, Harijan Basti, Mandir Marg. SH: Improvement/ Upgradation of Harijan Basti flats.</p>

		<p>The Council also directed that the Civil Engg. Department should ensure proper upkeep of all such Type-I houses which are proposed to be demolished, till the time these are physically occupied by the allottees.</p> <p>It was further resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.</p>
15 (B-10)	Purchase of LT Distribution Feeder Pillars of big size.	Taking note of the fact that only single tender was considered, it was directed by the Council that the Department may go for re-tender.
16 (I-06)	Implementation of Smart Card based e-Governance solution.	Resolved by the Council to accord administrative approval and expenditure sanction to the preliminary estimate amounting to Rs.18 Crores for 'Implementation of Smart card based e-Governance solution'. While according its approval, the Council noted that the conceptualization and implementation of this scheme need guidance of the subject matter specialists. Hence, it was directed by the Council that a sub committee, with one IT expert each from National Informatics Centre (NIC) and Ministry of Information Technology shall advise on all aspects of the scheme. The Department shall co-opt for these two Members on the Sub-Committee and put up the recommendation of the Sub-Committee, when the proposal is again put up to the Council for its next stage approval.
17 (U-01)	Annual Estimate for the work Security and Traffic Services / Arrangements at NDMC Premises under Group Contract 'A', 'B', 'C', 'D', 'E', 'F', 'G' and 'H' and providing Housekeeping of U/G Palika Parking.	<p>Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to Rs.8,04,48,897.00 for the work of 'Security and Traffic Services/Arrangements at NDMC Premises under Group Contract A TO H for the year 2009-10 and providing Housekeeping of U/G Palika Parking and also to regularize the expenditure amounting to Rs.4,83,97,831/- incurred during 2008-09, as per approved rates.</p> <p>It was also directed that the Chief Security Officer shall brief the Vice-Chairperson, Sh. Karan Singh Tanwar, MLA & Member and Sh. Mukesh Bhatt, Member, about the complete details of the security requirement as well as deployment plan of security guards etc.</p>
18 (E-03)	Repair/Renovation, Maintenance and Management of Public Conveniences on BOT basis with advertisement rights – North of Rajpath.	<p>Deferred.</p> <p>The decision in the agenda was deferred by the Council with the direction that the advice of the Solicitor General/Addl. Solicitor General of India be expedited and the case be placed before the Council at the earliest alongwith the advice of SG/ASG of India.</p>

18A(C-10)	Contracts/Schemes involving an expenditure of Rs. 1 Lac but not exceeding Rs. 50 Lacs.	Information noted.
19 (C-11)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.
20 (H-01)	Categorization of posts under New Delhi Municipal Council.	Information noted.
21 (A-53)	Sub.: Providing Park & ride & holding facility at Safdarjung Airport for Commonwealth Games 2010.	<p>Resolved by the Council to accord administrative approval & expenditure sanction to the preliminary estimate amounting to Rs.50 Crores for "Providing park & ride & holding facility at Safdarjung Airport for Commonwealth Games-2010" as a deposit work, the cost of which would be borne by the Govt. of NCT of Delhi.</p> <p>It was also decided by the Council that tenders be issued in different packages for development of parking, electrical works, CCTV & Construction of Utility structures / services.</p> <p>It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.</p>
22 (G-01)	Allocation of Additional Power to NDMC.	Resolved by the Council to accept allocation of additional power of 107 MW to the NDMC, by the Govt. of NCT of Delhi, to meet the further shortfall in power.
23 (A-54)	Rehabilitation of old sewer. SH: - Desilting and Rehabilitation of 600 to 1000mm dia NP2 sewer line from Bhai Veer Singh Marg to Sansad Marg & 200mm dia sewer line from Q Point to Zakir Hussain Marg. (Tender Thereof)	<p>Resolved by the Council to accept the offer of M/s Capital Engineering Corporation for an amount of Rs.8,30,03,423/- i.e. 27.046 % below the estimated cost of Rs.11,37,76,148/- for the work of Rehabilitation of old sewer. SH: - Desilting and Rehabilitation of 600 to 1000mm dia NP2 sewer line from Bhai Veer Singh Marg to Sansad Marg & 200mm dia sewer line from Q Point to Zakir Hussain Marg.</p> <p>It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.</p>
	OTHER ISSUES	
A	<p>Questions raised by Sh. Karan Singh Tanwar, MLA & Member of the New Delhi Municipal Council.</p> <p>a) Regarding garbage disposal, awarded to M/s Ramky Energy & Environment Ltd. on</p>	<p>Under Regulation 22 of the NDMC (Procedure and Conduct of Business) Regulations, 2007, the three admitted questions were circulated along with written answers to every Member, before the sitting of the meeting.</p> <p>The reply given in respect of this question is annexed at Annexure –I.</p>

	<p>PPP basis.</p> <p>b) Giving ownership rights to 9 various Markets of the Council.</p> <p>c) Organizing of musical programs in Nehru Park, named as 'Music in the Park'.</p>	<p>The reply given in respect of this question is annexed at Annexure –II.</p> <p>The reply given in respect of this question is annexed at Annexure –III.</p>
B	<p>Resolution moved by Sh. K.S. Tanwar, MLA & Member of the New Delhi Municipal Council regarding grant of free health services to weaker sections of society and/or people living below poverty line.</p>	<p>After detailed discussion, it was decided that Medical Department shall collect details of similar schemes, in Govt. Hospitals of Delhi, Hospitals of MCD, and if such a scheme exists, to put up report at the earliest for consideration of the scheme for the residents of NDMC area, in NDMC Hospitals.</p>

(VIKRAM DEV DUTT)
SECRETARY

(PARIMAL RAI)
CHAIRPERSON

COUNCIL SECRETARIAT
NEW DELHI MUNICIPAL COUNCIL

F.25(1)/CS/KST/161/2009/D-

Date : /06/2009

Sub : **Reply of questions raised u/s 28 of NDMC Act 1994, by Sh. Karan Singh Tanwar, MLA, Member of the New Delhi Municipal Council.**

SR. NO.	QUESTION	REPLY
1. (a)	Which firm has been entrusted the contract disposal of garbage in NDMC area and what are the terms & conditions of such contract?	M/s. Ramky Energy & Environment Ltd. have been selected by the Council for disposal of garbage from NDMC area to landfill sites/Compost Plant and are being paid tipping fee presently @ Rs.468/- per metric ton of garbage.
(b)	Is it a fact that the firm awarded the aforesaid contract is owned by the relative of a big political leader of Delhi and, as a consequence thereof, the officers of the Council can not dare to take any action against the said contractor inspite of the fact that garbage remains stinking in the dust bins/dhalaos for 12-15 days?	It is not correct that the garbage remains stinking in the dustbins/dhalaos for 12-15 days and whenever any such information is received, the garbage is got lifted. Rest of the question is not permissible u/s 28 of the NDMC Act 1994.
(c)	If yes, why and if not whether the Council shall take concrete steps for black listing of this firm, if the allegation is substantiated, to improve the present scenario?	Does not arise in view of the above.

(Manish Kumar)
Secretary

ANNEXURE - II**COUNCIL SECRETARIAT**
NEW DELHI MUNICIPAL COUNCIL

F.25(1)/CS/KST/161/2009/D-

Date : /06/2009

Sub : **Reply of questions raised u/s 28 of NDMC Act 1994, by Sh. Karan Singh Tanwar, MLA, Member of the New Delhi Municipal Council.**

SR. NO.	QUESTIONS	REPLY
2 (a)	Is it a fact that the Council took a policy decision in the year 2000 to give ownership rights to 9 markets of Council i.e. Basurkar Market, Begam Zaidi Market, Netaji Nagar Market, Nauroji Nagar market, Kidwai Nagar (East) Market, Kidwai Nagar (West) Market, Pandara Road Market, Laxmi Bai Nagar Market and Prithviraj Market and even started processing the matter. The matter was also referred to MoUD and instructions from M/o Urban Development vide notification dated 24.03.2006 are still to be implemented?	The Council has given certain shops on licence basis in New Delhi area. It was proposed to give leasehold rights (ownership rights) in 15 municipal markets as per the terms spelt out in Para 5 of the Resolution. The Council approved the proposal with certain modifications and further resolved that necessary no objection of L&DO, Ministry of Urban Development as required under Clause-XIII of the perpetual lease-deed executed between L&DO and NDMC be obtained and the proposal may also be sent to the DDA to get 'No Objection Certificate' in case of markets located on road berms, as stated in the agenda item.
(b)	If so what are the reasons that no step has been taken by the Council to implement the decision of MoUD and its own decision even after lapse of considerable time.	2. Action was taken to obtain a 'No Objection Certificate' from the L&DO as well as the DDA. A supplementary lease-deed was to be executed between L&DO, NDMC and the allottees. The said supplementary deed is yet to be received from the L&DO. The DDA did not agree to the proposal.
(c)	Who is responsible for this prolonged delay, shall the Council fix any responsibility for this lapse and the time likely to be taken implementation the decision of giving ownership rights of these markets?	3. The Notification dated 24.03.2006 is not to give leasehold rights to licensees of NDMC markets. The Notification is to give management of certain markets, on behalf of the L&DO as per their policies and proceeds from the ground rent, conversion charges etc. are to be deposited in the Bank for L&DO of which details are to be submitted to L&DO from time to time. 4. After the Council's Resolution, provisions of Section-141 of the NDMC Act have been interpreted by the Supreme Court. Transfers have to be regulated as per the said provision.

(Manish Kumar)
Secretary

ANNEXURE - III**COUNCIL SECRETARIAT**
NEW DELHI MUNICIPAL COUNCIL

F.25(1)/CS/KST/161/2009/D-

Date : /06/2009

Sub : **Reply of questions raised u/s 28 of NDMC Act 1994, by Sh. Karan Singh Tanwar, MLA, Member of the New Delhi Municipal Council.**

SR. NO.	QUESTIONS	REPLY
3 (a)	Is it a fact that the Council is organizing musical programs in Nehru Park, named as "Music in the Park? Apart from Nehru Park, at how many places in the Council has arranged such cultural programs and the details of such programs arranged/organized during the last two years alongwith program-wise expenditure incurred under various heads?	It is a fact that the Public Relation Department of the Council is organizing musical programmes in Nehru Park, named as 'Music in the Park'. Only one programme apart from the Nehru Park was organized in Central Park, Connaught Place. The details of programme-wise expenditure are as annexed.
(b)	Invitees to such events are from what strata of society and how the Council deem to be helping/benefiting the public at large by spending such a huge amount on organizing such mega events and the message it intends to convey the masses?	The entry for the programme is free to all and public is invited through advertisement in press. Sponsors however do issue invitation to some of the members of the Public. The programme is covered by section -12(i) of the NDMC Act, which requires providing of music or other entertainment in public places or places of public resort. The expenditure involved is on providing the infrastructure for the event like advertisement, tentage, light, sound and banners for publicity. No expenditure is incurred on payment to Artists.

(Manish Kumar)
Secretary

ANNEXURE-'A'

The programme wise expenditure incurred under various heads for the Cultural Programme organized by NDMC in the last two years (i.e. Financial year 2007-08 & 2008-09)

S.NO.	DATE OF THE EVENT	NAME OF THE ARTIST	ADVERTISEMENT	TENTAGE ITEM	LIGHT & SOUND SYSTEM	BANNERS FOR PUBLICITY
YEAR- 2007-08						
1.	07-04-07	Dr.Balamurali Krishna	47904	58847	26130	11046
2.	14-04-07 & 15-04-07	Programme presented by Musical group of Israel in collaboration with ICCR	----	62101	-----	-----
3.	14-10-07	Smt.Kishori Amonkar & Sh.Bahuddin Dagar	42000	69039	36888	11087
4.	28-10-07	Pt. Kishen Maharaj & Sh.Farimuddin Dagar & Sh.Venkatesh Kumar	42779	70039	36730	11596
5.	17-11-07	Smt.Shubha Mudgal & Smt.E.Gayitri	42778	57591	29989	11630
6.	02-12-07	Pt.Hari Pd.Chaurasia & Ut.Zakhir Hussain & Smt. Bombay Jayashree	42779	55066	44955	15451
7.	19-02-08	Ut.Amjad Ali Khan & Dr.Balamurli Krishana	42779	48547	44955	13765
8.	08-03-08	Dr.Balamurli Krishana & Ut.Shahid Parvez	42779	67564	44655	13765
9.	22-03-08	Smt.Girija Devi & Mysore Brothers	42779	67564	44655	13765
10.	14-03-08 & 15-03-08	Artists organized by ICCR for Quawali Programme	84539	21051	77618	-----

YEAR- 2008-09						
11.	19-10-08	Sh.Rashid Khan & Sh.Vishwa Mohan Bhatt	47408	67424	49118	14705
12.	08-11-08	Pt.Hari Pt.Chaurasia & Pt.Ram Ashreya Jha	47408	67424	49118	14705
13.	06-12-08	Smt.Bomay Jayashree & Shri U.Srinivas	47408	71355	49118	14705
14.	20-02-09	Pt.Shiv Kumar Sharma & Ut.Zakhir Hussain	37236	130047	77210	14705
15.	01-03-09	Pt.Ravi Shanker & Ms.Anushka Shanker	37236	113976	77210	10240
TOTAL			647812	1027635	688349	171165

ITEM NO. 02 (A-55)**1. Name of the subject/project**

Sub: S/R of roads in NDMC area

SH: Providing & laying bitumen mastic wearing course at Bengali Market Roundabout, Barakhamba Road & Tolstoy Marg crossing & Ranjit Singh flyover

2. Name of the Department

Civil Engineering Department, Road-I Division.

3. Brief history of the subject/project

(a) A comprehensive plan for the improvement of Roundabout and crossing under Roundabout Improvement Plan was approved in principle by the Competent authority during Mar.'07 in which following Roundabout/ Crossing were included:-

- Bengali Market Roundabout
- Barakhamba Road – Tolstoy Marg crossing
- Ranjit Singh flyover

(b) These were last resurfaced with bitumen mastic wearing course in December 2000, April 2000 & November 2002 respectively. These have outlived their useful life as surface cracks have developed at several places as a result of which the surface has become uneven. So there is a need to improve the surface condition of the roundabout, crossing & flyover on priority in view of Commonwealth Games-2010.

(c) An evaluation of surface condition and riding quality of Ranjit Singh flyover was carried out by CRRRI. As per Evaluation Report of CRRRI the existing surface of Ranjit Singh flyover is not of acceptable quality & the surface needs improvement.

(d) Accordingly Preliminary Estimate has been prepared by the field staff for Rs. 1,31,09,000/- which has been checked by the Planning. The Preliminary Estimate has been concurred by the Finance Department.

4. Detailed proposal on the subject / project

a) The Bengali Market Roundabout and Barakhamba Road – Tolstoy Marg crossing is proposed to be resurfaced with 25 mm thick bitumen Mastic Wearing Course over chicken wire mesh.

b) The road surface of Ranjit Singh Flyover is proposed to be treated as per following details based on the recommendations of CRRI.

- Scarification of existing Bituminous surface & repair of cracks on the concrete surface, if any, with PMB-70.
- Priming coat with bitumen 80/100.
- Bituminous Concrete 30 mm thick with PMB-40.
- 25 mm thick Mastic Asphalt Wearing Course over chicken wire mesh.

5. Financial implications of the proposed project

The financial implications of the proposal works out to Rs.1,31,09,000/-.

6. Implementation schedule with time limits for such stage including internal processing

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

7. Comments of finance department on the subject with diary No. & date

The finance department vide diary No. 11/77/Finance/R-Civil/15 Jun.'09 has no objection to Preliminary Estimate subject to the following:-

- (a) As per one of the investigation report for over lay design on existing mastic surface (Patel Chowk & Sunehari Bagh Roundabout) design life of mastic surface of the said roundabout is considered as ten years. Further, it has been stated that the evaluation of surface condition has to be carried out after 7 to 8 years of construction to check for failure, if any, due to local conditions. However, if department feels that the existing surface of Ranjit Singh Flyover needs improvement before the expiry of design life of the road, reasons for same be brought on record.
- (b) Further adequacy of funds may be ensured before committing any liability in this account.

8. Comments of department on the comments of finance Department

- (a) As per CRRI, evaluation of service condition has to be carried out after 7-8 years and after carrying out this evaluation by CRRI it has been it found that the condition of Ranjit Singh Flyover has deteriorated due to normal wear & tear & usage. So there is a need to resurface the flyover.
- (b) The required funds would be sought in RE 2009-10.

- (c) The agenda with replies to above observations of finance was sent to Finance Department & Finance Department has got no further comments to offer.

9. Legal Implication of the subject/Project

NIL

10. Details of previous council resolution existing law of Parliament and Assembly on subject

NIL

11. Comments of Law Department on subject

No comments.

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

No comments.

13. Certification by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case

Certified that all CVC guidelines would be followed while tendering process.

14. Recommendations

The case is placed before the Council for consideration and

- (a) Accord of Administrative Approval & Expenditure Sanction for Rs. 1,31,09,000/- for the work of providing & laying bitumen mastic wearing course at Bengali Market Roundabout, Barakhamba Road – Tolstoy Marg crossing & Ranjit Singh Flyover.
- (b) To initiate further action in anticipation of confirmation of Minutes of the Council meeting.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval & expenditure sanction amounting to Rs.1,31,09,000/- for the work of "S/R of roads in NDMC area. SH.: Providing & laying bitumen mastic wearing course at Bengali Market Roundabout, Barakhamba Road – Tolstoy Marg crossing & Ranjit Singh Flyover".

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

ITEM NO. 03 (A-56)**1. Name of the subject/project**

Sub: S/R of roads in NDMC area

SH: Upgradation & Improvement of Environs of Khan Market (Phase-I)

2. Name of the Department

Civil Engineering Department, Road-II Division.

3. Brief history of the subject/project

- a) There is an outstanding demand of Khan Market Traders Association for upgradation & Improvement of environs of the market. Several discussions were held on this matter with all concerned and it was decided during a meeting with Chairman on 25 Nov.'08 that upgradation & improvement plan of Environs of Khan Market i.e. improvement of corridor, parking, signages and middle service lane be taken up on fast track. There is also a need to discipline the shop /building signages alongwith other development works.
- b) It is therefore proposed to develop Environs of Khan Market in two phases. Improvement of verandah in front of shops, parking area adjoining carriageway and improvement of drainage etc. would be taken up in phase-I.
- c) Improvement & upgradation of middle lane between two blocks will be taken up under phase-II of the project as extensive discussions are required to be held with various service providers like MTNL, Airtel, IGL, & Electrical Engineering Department, Water Supply & sewerage departments because all services are laid in the middle lane only and there is requirement to design a Common Utility Duct in this middle lane. Construction of Common Utility Duct means there would be requirement of laying of all the services new to avoid frequent cutting of middle lane for repair and maintenance of these services.
- d) Accordingly Preliminary Estimate for Rs.1,59,08,000/- has been prepared by the field staff and has been checked by the Planning. Finance Department has also concurred the Preliminary Estimate.

4. Detailed proposal on the subject / project

- a) Brickwork in toe wall of the verandah, PCC 1:5:10.
- b) Ready Mix Concrete in the carriageway with granite cobbles on one side towards the shops and concrete pavers towards the wall after scarifying the existing Bituminous surface. The concrete pavers are proposed to be laid towards the wall as there are lots of services running below it & same pattern would be followed on other sides of Market also.
- c) Granite in flooring and cladding.
- d) Precast concrete Kerbstone & interlocking pavers, 80 mm thick.
- e) Installation of general road & directional signages & construction of aesthetically designed planters in front of parking (Opposite Lok Nayak Bhawan).
- f) Rain water pipes, electric & communication cables are proposed to be laid in pipes under the floor/ road.
- g) Construction on gully chambers, improvement of drainage etc.

5. Financial implications of the proposed project

The financial implications of the proposal works out to Rs.1,59,08,000/-.

6. Implementation schedule with time limits for such stage including internal processing

The schedule period of completion of work is nine months after award of work.

7. Comments of finance department on the subject with diary No. & date

The finance department vide diary No. 1345/Finance/R-Civil 01 Jul.'09 has concurred the proposal for Rs.1,59,08,000/- subject to following:-

- (a) Adequacy of funds.
- (b) Polished granite to be used on footpath is user friendly for all age groups and genders.
- (c) Scope of work as stipulated in the estimate will not come/ encounter in the execution of 2nd phase of improvement.

8. Comments of department on the comments of finance Department

- (a) Funds are available against G.1.3/388.52/ Old 288.69 "Improvement to footpath in front of shops at Khan Market" with a provision of Rs.5 lacs. Remaining funds would be sought in R.E. 2009-10.
- (b) Polished granite to be used on footpath is user friendly for all age groups and genders with a provision of bands of sand blasted granite.
- (c) It is certified that scope of work in the Estimate will not come/ encounter in execution of second phase of improvement.
- (d) The agenda with replies to above observations of finance was sent to Finance Department & Finance Department has got no further comments to offer.

9. Legal Implications of the subject/Project

NIL

10. Details of previous council resolution existing law of Parliament and Assembly on subject

NIL

11. Comments of Law Department on subject

No law point at this stage is involved.

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

No Comments.

13. Certification by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case

Certified that all necessary guidelines of CVC would be followed while processing tender case.

14. Recommendations

The case is placed before the Council for consideration and

- (c) Accord of Administrative Approval & Expenditure Sanction for Rs.1,59,08,000/- for the work of Upgradation & Improvement of Environs of Khan Market.
- (d) To initiate further action in anticipation of confirmation of Minutes of the Council meeting.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval and expenditure sanction amounting to Rs.1,59,08,000/- for the work of "S/R of roads in NDMC area. SH.: Upgradation & Improvement of Environs of Khan Market".

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

ITEM NO. 04 (A-57)**1. Name of the subject/project**

Sub: S/R of roads in NDMC area.

SH: Resurfacing of colony roads, service roads, lane/bylanes in R-II Division

2. Name of the Department

Civil Engineering Department, Road-II Division.

3. Brief history of the subject/project

- a) The Preliminary Estimate for resurfacing of colony roads, service roads, lanes/bylanes in R-II Division was approved by the Council vide Agenda Item No. 5(A-6) dated 27 May'05 for Rs.2,95,05,300/-.
- b) The work was accordingly awarded to M/s M.C. Construction at 58.09% above the Estimated Cost of Rs.2,02,79,472/- against the justification of 80.44% with the tendered amount of Rs.3,20,59,450/- after it was approved by the Council vide Resolution No. 5(A-15) dated 19 Jul.'06.
- c) The work commenced on 07 Sep.'06 & has since been completed on 31 Aug.'07. CRRRI was engaged as a Third Party Quality Assurance Agency for checking the quality of work executed under this agreement.
- d) Due to several requests from the RWA's for the resurfacing of lanes/ bylanes which were not originally included in the Estimate additional/ extra quantities were got executed during the execution of work after approval from Competent Authority. Due to execution of these Additional/ Extra items & difference between tendered cost & Estimated Cost on account of market variation there is need for revise the Administrative Approval & Expenditure Sanction for Rs. 3,59,05,000/- with the net excess of Rs.63,99,700/-.

4. Detailed proposal on the subject / project

- a) Tack coat with bitumen emulsion @ 0.25 Kg. Km².
- b) 25 mm thick DBC with bitumen 60/70 grade.
- c) Providing & mixing anti stripping agent.
- d) Improvement to drainage system.

5. Financial implications of the proposed project

The work has been completed with revised cost of Rs.3,59,05,000/- with net excess of Rs.63,99,700/- against Administrative Approval & Expenditure Sanction of Rs.2,95,05,300/-. Necessary funds are available to meet the expenditure in current year under head G.1.3 at P.No. 203, Item No. 358.47.

6. Implementation schedule with time limits for such stage including internal processing

The work has been completed on 31 Aug.'07.

7. Comments of finance department on the subject with diary No. & date

Finance Department vide diary No.272/Finance/R-Civil dated 26 Feb.'09 has proposed the matter be placed before the Council for consideration with following comments:-

- a) Revised estimate with excess of Rs.63,99,700 was received in Finance Department after a lapse of more than 15 months from the date of completion of work which is not in order whereas Para 19.4.2 of the Manual stipulates submission of revised estimate within a month of acceptance of the tender to the competent administrative authority.
- b) In terms of provisions of Para 2.3.5 of CPWD Manual excess upto 10% of the amount of the administrative approval can be authorized by the officers, upto their respective powers of technical sanction. In case, it exceeds this limit, a revised administrative approval must be obtained from the authority competent to approve the cost so enhanced. Seeking approval from E-in-C for the liability in excess of permissible limit of 10% was not regular.
- c) Deviation clause should be attracted only for resorting to additional/extra/substitution work considered necessary for completion of the work stipulated in the agreement. New work should not be considered against provision of deviations despite there being savings in the work.
- d) Specific reply on the comments of CRRI has not been brought on record. Letter dated 22 Jan.'07 of CRRI based on the sample collected after completion of 30-40% of the work states:-

"Pavement surfaces laid with such coarser mixes may also lead to development of premature distress when subjected to heavy traffic loading. A majority of cores extracted from the freshly laid BC surfaces are also found to be having less compaction (1 to 2%) than the specified level of compaction (minimum 98% of the design density").

Also why CRRI engaged as Third Party quality Assurance Agency, was not associated at the start of work.

- e) Details of expenditure do not match the excess for which approval is being sought.

8. Comments of department on the comments of finance Department

- a) The work was to commence on 13 Jul.'06 but due to rainy season it started on 07 Sep.'06 after job mix formula was approved on 14 Aug.'06. Revised estimate could not be prepared because there was large variation in quantities in NIT and actual requirement at site as this work was awarded after nearly a gap two years after preparation of Estimates. During this period some of the roads got deteriorated so there was a need to resurface these roads also & revision in estimate could not be anticipated. It was possible only after the completion of the work when the final measurements were recorded. However the instructions have been noted for further compliance.
- b) The excess in expenditure incurred is due to the reason stated in para (a) above. However the instructions have been noted for future.
- c) The deviation clause has been invoked to execute the additional/ extra quantities due to the site requirement and as a result of inspections made by Sr. officers and these have been got executed within the scope of work.
- d) CRRI was engaged as Third Party Quality agency in Sep.'06 for check of 25% of work & it is not necessary that they would conduct tests from the beginning. However, mandatory tests were conducted regularly at NDMC lab and results obtained were satisfactory. Regarding CRRI observations dated 22 Jan.'07 it is to state that:-

"The lanes/ bylanes are not subjected to heavy traffic loading. However till date i.e. after 22 months of completion of work there is no complaint regarding surface laid at these points. The density of road checked by CRRI is within acceptable limits between 95% - 98% as per clause 7.2 of NIT (Addl. terms & conditions) and contractor has been paid accordingly on prorata basis as per clause of the agreement".

The expenditure details match the excess for which approval is being sought.

- (e) The agenda with replies to above observations of finance was sent to Finance Department & Finance Department has got no further comments to offer.

9. Legal Implication of the subject/Project

There are no legal implications.

10. Details of previous council resolution existing law of Parliament and Assembly on subject

Preliminary Estimate has been approved vide Agenda Item No. 5(A-6) dated 27 May'05 & work awarded vide Agenda Item No. 5(A-15) dated 19 Jul.'06.

11. Comments of Law Department on subject

No law point at this stage is involved.

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

No comments.

13. Certification by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case

Certified that guidelines of CVC have been followed.

14. Recommendations

The case is placed before the Council for consideration and Accord of Revised Administrative Approval & Expenditure for Rs.3,59,05,000/- with a net excess of Rs.63,99,700 including sanction of additional item quantity for Rs.21,39,688/- & extra item statement amounting to Rs.5,01,800/-for the work of "S/R of Roads in NDMC Area; Resurfacing of colony and service roads, lane/ bylanes in R-II Division.

COUNCIL'S DECISION

Resolved by the Council to accord revised administrative approval & expenditure sanction amounting to Rs.3,59,05,000/- with a net excess of Rs.63,99,700/- including sanction of additional item quantity amounting to Rs.21,39,688/- & extra item statement amounting to Rs.5,01,800/- for the work of "S/R of Roads in NDMC Area, Resurfacing of Colony & service roads, lane/ by-lanes in R-II Division.

It was further decided by the Council that the delay in bringing up the matter before the Council be investigated by the Vigilance Department and in case of any negligence, responsibility will be fixed.

ITEM NO. 05 (A-58)**1. Name of the subject/project:**

Sub: Improvement to Gandhi Sadan Housing Complex.

SH: Improvement & up-gradation of Gandhi Sadan Housing Complex flats Mandir Marg.

2. Name of Deptt./Deptt. concerned.

Civil Engineering Department, NDMC.

3. Brief History:

A Sub-Committee was constituted for up-gradation of various NDMC Housing Complexes and Sub-Committee has circulated a report vide no. 1814/SE BM dated 15.9.2008. Sub-Committee has recommended the Improvement & up-gradation of Gandhi Sadan Housing Complex flats Mandir Marg. The said Housing Complex has 96 Nos. 4-storeyed type 2 flats. No major work of improvement has been taken up in the Housing Complex and during inspection of the Complex by the Sub-Committee, it was recommended to take up the proposal of up-gradation as these are essentially required.

4. Detailed proposal on the subject/project:

For up-gradation of the Housing Complex, following works have been taken up in the proposal:-

1. Replacement of GI and SCI pipes.
2. Providing & placing PVC water storage tank.
3. Providing & fixing Kota Stone slab in staircases.
4. Stone grit on exterior surface.
5. Water proofing treatment on terrace.
6. Providing and laying ceramic glazed floor tiles in rooms.
7. Replacement of damaged door shutters.
8. Sanitary fittings.
9. Improvement of internal service roads by RMC.
10. Providing and fixing FRP chajjas.
11. Providing and fixing MS safety door shutters.

5. Financial implications of the proposed project/subject:

The rehabilitation and improvement work being carried out with increase the life of the structure and hence the socio-economic aspect will be met. These staff quarters will benefit the habitant staff of NDMC which will be going to serve more after improvement for which a P.E. amounting to Rs. 1,39,41,300/- has been prepared for obtaining A/A & E/S.

6. Implementation schedule:

12 Months after award of work.

7. Comments of Finance Deptt. on the subject:

Subject to correctness of data, computation and information brought on record, we have no objection if the estimate amounting to Rs. 1,39,41,300/- (Rupees on crore thirty nine lakh forty one thousand three hundred only) is placed before the

competent authority for consideration, bringing on record the list of items which have not outlived prescribed life but are proposed to be replaced along with proposed expenditure on them and justification for replacement & re-use of these items.

CE(C-II) may sign the estimate at appropriate place marked for the same having been satisfied that the items & provisions in the estimate have support of the rules & regulations on the subject. Availability of funds may be ensured for execution of work.

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

The observations of the finance deptt. are clarified here as under:

1. The building is old as was constructed in 1968-69 and no major work was carried out till date except the items needed for maintenance purposes and to keep the building/ flats for day to day use. The items taken in the estimate needs to be replaced/ repaired being essential items which have served almost its life & some of items are connected to each other which needs to be replaced & this would increase the life of the structure. The credit to the dismantled material has been given in the estimate which would likely to receive after replacement of various items.
2. The estimate has been signed by CE (C-II) having been satisfied that items and provisions in the estimate have been taken as per rules and regulations.
3. There is budget provision of Rs. 35 lacs in the budget book of 2009-10 and rest will be sought in R/E 2009-10 & budget estimate 2010-2011. Finance has seen and there is no comments to offer.

9. Legal Implication of the project:

Nil

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

Nil

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

LA has seen the case.

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

Nil

13. Certification by the Department:

Certified that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.

14. Recommendation of the Department:

The case is placed before the Council for obtaining A/A & E/S amounting to Rs.1,39,41,300/- for improvement & up-gradation of Gandhi Sadan Housing Complex flats at Mandir Marg.

15. DRAFT RESOLUTION

Resolved by the Council, that the proposal for Improvement & up-gradation of Gandhi Sadan Housing Complex flats Mandir Marg amounting to Rs.1,39,41,300/- as proposed by the Sub-Committee has been approved and department may initiate action in anticipation of confirmation of the minutes by the Council.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval and expenditure sanction amounting to Rs.1,39,41,300/- for Improvement & up-gradation of Gandhi Sadan Housing Complex flats Mandir Marg.

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

ITEM NO. 06 (A-59)**1. Name of the subject/project**

Sub: S/R of roads in NDMC area.

SH: Improvement to Lane/ bylanes under LIP in R-IV Division

2. Name of the Department

Civil Engineering Department, Road-IV Division.

3. Brief history & detailed proposal on the subject/project

- a) A comprehensive plan for improvement lanes/ bylanes in Road Division-IV was approved in Principle by the Competent Authority in Mar.'07.
- b) In the proposed programme improvement to lanes/ bylanes by providing interlocking pavers was approved in the area of R-IV Division at the following locations:-
- Rajdoot Marg & adjoining lanes
 - Diplomatic Hotel and Keventer Lane
 - Lanes around Anchal School
 - Fire Brigade lane and Electrical Sub-station
 - E & F Crescent, Malcha Marg
 - Lanes behind Himachal Bhawan
 - Teen Murti Lane
 - Sunheri Bagh Lane
 - Khushak Lane
 - Moti Lal Nehru Lane
 - Lane from Rajaji Marg to Akbar Road and Krishna Menon Marg
 - Back lanes of D-I, D-II flats
 - Shoulders along service roads of D-I, D-II flats
- c) The Administrative Approval and Expenditure Sanction for the subject work for Rs.2,54,32,000/- was accorded by the Council vide Reso. No.10(A-55) dated 17 Sep.'08.
- d) Accordingly tenders were called through e-procurement system with date of opening as 02 Apr.'09 and the financial bid was opened on 12 May'09.
- e) Five agencies quoted their rates as per following details:-

S. No.	Name	Estimated Cost	Tendered Amount	Rate Quoted	Remarks
1.	M/s K.B.G. Engineers	Rs.2,57,91,474/-	Rs.3,07,09,985/-	19.07% above	
2.	M/s Puja Const. Co.	-do-	Rs.2,67,97,180/-	3.90% above	
3.	M/s Satish Rajesh Kumar (P) Ltd.	-do-	Rs.2,84,41,119/-	10.27% Above	
4.	M/s Satya Parkash Bros. (P) Ltd.	-do-	Rs.3,16,23,646/-	22.61% Above	
4.	M/s Swastic Const. Co.	-do-	Rs.2,51,60,847/-	2.45% below	Lowest

- f) M/s Swastic Construction Co. is lowest with the quoted rates 2.45% below the Estimated Cost of Rs. 2,57,91,474 with tendered amount of Rs. 2,51,60,847/- against justification of 8.99% above the Estimated Cost. The lowest offer of M/s Swastic Construction Co. is well within the justified rates & recommended for acceptance.
- g) The tender has been scrutinized by Project team of Planning & concurred by Finance.
- h) Empowered Committee during its meeting on 08 Jul.'09 after detailed deliberations recommended that the case be placed before the Council for accord of approval for acceptance of lowest offer of M/s Swastic Construction Co.
- i) The validity of tender which was expiring on 30 Jun.'09 has been got extended upto 31 Jul.'09.

4. Financial implications of the proposed project/subject

The financial implications of the proposal comes out to Rs.2,51,60,847/-.

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

The schedule period for completion of work is twelve months after award of work.

6. Comments of the finance department on the subject

The Finance Deptt. vide diary No.R/CE(C)/Finance/1291 dated 19 Jun.'09 has concurred the proposal of lowest offer of M/s Swastic Construction Co. @ 2.45% below the Estimated Cost with tendered amount of Rs.2,51,60,847/- against justification of 8.99% above the Estimated Cost subject to following:-

- (a) It has been seen from record that Sh. Natra Pal Singh is class-I (B & R) enlisted contractor of NDMC and should have submitted the necessary documents of eligibility at the time of enlistment. The financial bid of this

firm has not been opened as documents submitted by them were not certified by the respective departments where the work were executed. Department has also failed to verify the documents from the concerned office. Department may clearly brought out on record whether the document submitted by this firm are counterfeit. If yes, what action has been taken against the firm? If documents are not counterfeit, their financial bid should have been opened. Since the said contractor is a listed contractor and must have done works earlier for NDMC and having ongoing works as well, proper enquiry should be conducted to take suitable action against the contractor.

- (b) It is on record that the documents submitted by M/s Swastic Construction Co. were also required to be verified. Though financial bid of this firm has been opened, department has nowhere mentioned that the documents of this firm have been found genuine on verification.
- (c) Justification needs to be reviewed in the light of office memorandum No. DGW/MAN/184 dated 08 Jun.'09.

7. Comments of the department on comments of Finance Department

- a) The documents of eligibility criteria submitted by the agency Sh.Natral Pal Singh were not found in order on the verification so action would be taken separately against the contractor under Enlistment rules.
- b) The documents submitted by L-1, M/s Swastic Construction co. have been verified and found genuine on verification.
- c) The justification prepared and checked by the Planning is correct in the light of Office Memorandum No. DGW/MAN/184 dated 08 Jun.'09.
- d) The agenda with replies to above observations of finance was sent to Finance Department & Finance Department has got no further comments to offer.

8. Legal Implication Of The Subject/Project

There are no legal implications.

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

The Administrative Approval & Expenditure Sanction for Rs.2,51,32,000/- was accorded vide Council Reso. No. 10(A-55) dated 17 Sep.'08.

10. Comments of Law Department on the subject

No legal implications is involved.

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

No comments.

12. Certification by the department that all central vigilance commission (CVC) guidelines have been followed while processing the case

Certified that all necessary CVC guidelines have been followed during tendering.

13. Recommendations

The case is placed before the Council for consideration and

- (a) Accord of approval for acceptance of lowest offer of M/s Swastic Construction Co. @ 2.45% below the Estimated Cost of Rs.2,57,91,474/- with the tendered amount of Rs.2,51,60,847/- for the work S/R of roads in NDMC area SH: Improvement to Lane/ bylanes under LIP in R-IV Division.
- (b) To initiate further action in anticipation of confirmation of Minutes of the Council meeting.

COUNCIL'S DECISION

Resolved by the Council to award the work to M/s Swastic Construction Co. @ 2.45% below the Estimated Cost of Rs.2,57,91,474/- with the tendered amount of Rs.2,51,60,847/- for the work "S/R of roads in NDMC area SH: Improvement to Lane/ bylanes under LIP in R-IV Division".

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

ITEM NO. 07 (D-02)**1. Name of the Subject/Project**

Re-appropriation of Funds in Budget Estimates 2009-10.

2. Name of the Department

Finance (Budget) Department

3. Brief history of the Subject/Project

Regulation 8 of the proposed NDMC (Budget Estimates) Regulations, (2007), approved by the Council vide Resolution No. 13 (D-2) dated 22.08.2007 prescribes for re-appropriation of budget allocation as under:

"If at any time during the year, it becomes necessary to increase or reduce Budget Estimates of the current year under one function to another function or from one major head to another major head within the same function, or from one minor head to another minor head within the same major head, and the expenditure from the same cannot wait adoption of Revised Estimates by the Council on the recommendations of the Financial Advisor, the Chairperson, in anticipation of the approval of the Council, may authorize such alteration and place before the Council within one month from the end of the quarter, a report of such alteration and give effect to any order that may be passed by the Council in relation thereto....."

4. Detailed proposal on the Subject/Project

In pursuance of directions as contained in Regulation 8 of the proposed NDMC (Budget Estimates) Regulations, 2007, a report of the re-appropriations in Budget Estimates 2009-10 authorized during 1st Quarter of 2009-10 (01.04.2009 to 30.06.2009) as per the details enclosed as Annexure-I is placed before the Council for information and approval.

5. Financial implication of the proposed Project/Subject

No financial implication is involved.

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

Not applicable.

7. Comments of the Finance Department on the subject.

Not applicable.

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

Not applicable.

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

Reso. No.02 (D-9) dated 18.03.2009.

10. Comments of the Law Department on the Subject/Project.

Not Applicable.

11. Recommendation

Re-appropriation in Budget Estimates 2009-10 authorized during 1st Quarter of 2009-10 (01.04.2009 to 30.06.2009) as detailed in **Annexure-I (See pages 35-39)** be approved by the Council in terms of Regulation 8 of the proposed NDMC (Budget Estimates) Regulations, 2007.

12. Draft Resolution

Resolved that the Re-appropriations in Budget Estimates 2009-10 authorized during 1st Quarter of 2009-10 (01.04.2009 to 30.06.2009) as detailed in **Annexure-I** are approved in terms of Regulation 8 of the proposed NDMC (Budget Estimates) Regulations, (2007).

13. Draft Resolution

“Resolved by the Council that the Re-appropriations in Budget Estimates 2009-10 authorized during 1st Quarter of 2009-10 (01.04.2009 to 30.06.2009) as detailed in Annexure-I are approved in terms of Regulation 8 of the proposed NDMC (Budget Estimates) Regulations, (2007)”.

COUNCIL'S DECISION

Resolved by the Council that the Re-appropriations in Budget Estimates 2009-10 authorized during 1st Quarter of 2009-10 (01.04.2009 to 30.06.2009) as detailed in Annexure-I are approved in terms of Regulation 8 of the proposed NDMC (Budget Estimates) Regulations, (2007).

ANNEXURE-I**Re-appropriation of funds in Budget Estimates 2009-10 during
1st Quarter (01.04.2009 To 30.06.2009) (RAO No. 1 to 8)****STATEMENT-IV DETAILED STATEMENT OF EXPENDITURE.****(Rs. In Thousand)**

H.O.A	New Chart of account	Particular	B.E. 2009-10	B.E. 09-10 after Re-appropriation	Field Code	Sanction order No. & Date	Remarks
C.3.8(XIII)	53.410.80.14	Fire Fighting Arrangements in municipal Buildings	5000	4800	110	Budget/ 153/ SA-I/Fin(B) Dated 17/04/09	RAO-1
H.1.7	02.220.80.DH	Other Charges	-	200	118	Budget/ 153/ SA-I/Fin(B) Dated 17/04/09	RAO-1
C.15.5	02.220.80.DH	Information & Technology— Other Charges	3000	2800	317	Budget/ 161/ SA-I/Fin(B) Dated 30/04/09	RAO-2
C.15.10	02.210.20.06	Information & Technology – TA/DA	50	250	317	Budget/ 161/ SA-I/Fin(B) Dated 30/04/09	RAO-2
D.4.11.3	76.230.80.46	Relocation of J.J. Cluster	100	550	105	Budget/ 167/ SA-I/Fin(B) Dated 12/05/09	RAO-4
G.1.3	21.412.10.DH	Original Work	5000	4550	105	Budget/ 167/ SA-I/Fin(B) Dated 12/05/09	RAO-4
D.2.11.05	37.412.40.DH	Strengthening of Vital Statistics Cell (Non-plan)	NIL	950	303	Budget/ 239/ SA-I/Fin(B) Dated 19/06/09	RAO-8
D.2.16.12	41.412.40.DH	Mechanization of Sanitation Scheme for Removal of Garbage and Solid Waste (Non-plan) (Item No. 99/St. V)	1000	50	303	Budget/ 239/ SA-I/Fin(B) Dated 19/06/09	RAO-8
Total			14150	14150			

STATEMENT-V LIST OF ORIGINAL WORKS.**(Rs. In Thousand)**

H.O.A	New Chart of account	Scheme No. Current Year	Particular	B.E. 2009-10	B.E 09-10 after Re-appropriation	Field code	Sanction order No. & Date	Remarks
C.3.8(XIII)	53.410.80.14	02	P/F fire fighting arrangements in municipal buildings	5000	4800	110	Budget/ 153/ SA-I/Fin(B) Dated 17/04/09	RAO-1
D.4.12.1	06.412.40.DH	277.5	C/O staff Quarts at Dwarka	1000	900	113	Budget/ 164/ SA-I/Fin(B) Dated 05/05/09	RAO-3
D.4.2.4	55.412.40.DH	461 (New Scheme)	Construction of Multipurpose Gymnasium at Laxmi Bai Nagar New Delhi	Nil	100	111	Budget/ 164/ SA-I/Fin(B) Dated 05/05/09	RAO-3
D.4.12.1	06.412.40.DH	277.7	C/O Staff quarters for service personnel at Pushp Vihar, Saket Sector-IV	5000	1500	113	Budget/ 164/ SA-I/Fin(B) Dated 05/05/09	RAO-3
D.2.3.13	34.412.40.DH	76	Improvement work at Poly Clinic at Saheed Bhagat Singh Marg.	500	2000	101	Budget/ 164/ SA-I/Fin(B) Dated 05/05/09	RAO-3
D.4.4.10	61.412.40.14	462 (New Scheme)	Redevelopment of Musical Fountain Park at Netaji Nagar on BOT basis	Nil	2000	122	Budget/ 164/ SA-I/Fin(B) Dated 05/05/09	RAO-3
G.1.3	21.412.40.DH	367	Pavement Imp. Programme in R-II Division	145000	144650	105	Budget/ 164/ SA-I/Fin(B) Dated 05/05/09	RAO-3
G.1.3	21.412.40.DH	367.01	PIP in R-II Division—Imp. Of road side berm in F/O AB-95, Shahjahan Road”	Nil	350	105	Budget/ 164/ SA-I/Fin(B) Dated 05/05/09	RAO-3
G.1.3	21.412.40.DH	358.69	Microsurfacing Method (Non Plan)	3000	2470	106	Budget/ 164/ SA-I/Fin(B) Dated 05/05/09	RAO-3
H.1.13.A	02.410.40.30	463 (New Scheme)	Upgradation of equipments of Material Testing Lab at Vidhyut Bhawan.	Nil	530	120	Budget/ 164/ SA-I/Fin(B) Dated 05/05/09	RAO-3
G.1.3	21.412.10.DH	358.47	S/R Roads Lane/ By Lane	3500	3050	105	Budget/ 167/ SA-I/Fin(B) Dated 12/05/09	RAO-4

D.1.3.6	82.412.40.DH	31	Imp. To M.P. Middle School, Vinay Marg	200	400	113	Budget/ 167/ SA-I/Fin(B) Dated 12/05/09	RAO-4
D.4.12.1	06.412.40.DH	277.5	C/O staff Quarts at Dwarka (Already Re-appropriated vide O.O. No. 164 dated 05.05.09)	900	700	113	Budget/ 167/ SA-I/Fin(B) Dated 12/05/09	RAO-4
E.3	81.290.90.12	19(New Scheme)	Replacement of 33KV/11KV Power Transformers at various Elect. sub-stations	NIL	1000	209	Budget/ 193/ SA-I/Fin(B) Dated 22/05/09	RAO-5
E.3	81.290.90.12	9	Replacement of 33KV Yugo Entergo Panel board of S/S Nirman Bhawan & other place (PGCIL)	80000	79000	216	Budget/ 193/ SA-I/Fin(B) Dated 22/05/09	RAO-5
H.1.8	02.412.40.DH	400	Arbitration Award	200	2000	109	Budget/ 195/ SA-I/Fin(B) Dated 29/05/09	RAO-6
H.1.8	02.412.40.DH	400	Arbitration Award	10000	8200	114	Budget/ 195/ SA-I/Fin(B) Dated 29/05/09	RAO-6
G.1.3	21.412.40.DH	358.80	SR of Roads, SH: Prov. & fixing C.C. interlocking pavers in K. Kamraj Lane	Nil	200	107	Budget/ 222/ SA-I/Fin(B) Dated 15/06/09	RAO-7
G.1.3	21.412.40.DH	366.02	Street scaping and beautification of Road in NDMC area a) Niti marg, Tees January Lane, Tees January Marg, Mandir Marg, and BKS Marg, b) S.P. Marg, d) Janpath and Aurbindo Marg. (Non Plan)	145000	144800	107	Budget/ 222/ SA-I/Fin(B) Dated 15/06/09	RAO-7
G.1.3	21.412.40.DH	358.72	SR Roads in NDMC area SH: Imp. To existing footpath by factory made CC Slabs and kerb stone between Ring Road to Railway Museum round about at Shanti Path	200	700	106	Budget/ 222/ SA-I/Fin(B) Dated 15/06/09	RAO-7
G.1.3	21.412.40.DH	369	Pavment improvement Plan in R-III Division	70000	69500	106	Budget/ 222/ SA-I/Fin(B) Dated 15/06/09	RAO-7

D.2.17.11 A	25.412.10.DH	111	Imp.to drainage system at all round about in the area of Khan Market. (Plan)	NIL	50	105	Budget/ 222/ SA-I/Fin(B) Dated 15/06/09	RAO-7
D.2.17.11 A	25.412.10.DH	137	Imp.to covering of open surface drain at Amrita Sher Gill Marg	3500	3450	105	Budget/ 222/ SA-I/Fin(B) Dated 15/06/09	RAO-7
Total				473000	472350			
Trfd. To revenue A/c in Statement IV vide RAO No. 1 & 4					650			
Grant Total				473000	473000			

Statement--IV/V--- DETAILED STATEMENT OF EXPENDITURE/ LIST OF ORIGINAL WORKS
Replacement works/ Expenditure out of Segment Fund

(Rs. In Thousand)

H.O.A	New Chart of account	Scheme No. Current Year	Particular	B.E. 2009-10	B.E 09-10 after Re-appropriation	Field code	Sanction order No. & Date	Remarks
C.3.9.A	02.210.30.01		Pension	1400000	1400000	320	Budget/ 153/ SA-I/Fin(B) Dated 17/04/09	RAO-1
C.3.9.B	02.210.40.02		D.C.R.G.	30000	300000	320	Budget/ 153/ SA-I/Fin(B) Dated 17/04/09	RAO-1
			Sub - Total (C.3.9.A+B)	1430000	1700000		Budget/ 153/ SA-I/Fin(B) Dated 17/04/09	RAO-1
	310.10.41		Deduction of Amount from Pension & Gratuity Funds (Corpus)	-1430000	-1700000	320	Budget/ 153/ SA-I/Fin(B) Dated 17/04/09	RAO-1
H.1.8.	58.290.90.32	431.7	Development of Various Markets in NDMC area Improvement to baird Lane Market	NIL	1500	110	Budget/ 153/ SA-I/Fin(B) Dated 17/04/09	RAO-1
H.7	310.10.32		Deduction of Amount H.7 (Exp. out of Trfd. Markets Funds)		-1500	110	Budget/ 153/ SA-I/Fin(B) Dated 17/04/09	RAO-1
G.1.3	21.412.40.DH	358.74	SR of Roads, SH: Prov. of red sand stone flooring on inner circle of roundabouts in Diplomatic Enclave, Ch. Puri	Nil	700	107	Budget/ 222/ SA-I/Fin(B) Dated 15/06/09	RAO-7
H.7	310.10.32		Deduction of amount out of T.M. Fund	Nil	-700	107	Budget/ 222/ SA-I/Fin(B) Dated 15/06/09	RAO-7

ITEM NO. 08 (H-02)**1. NAME OF THE SUBJECT**

Appointment of Sh. K.K. Srivastava, (IA&AS:83) as Chief Auditor, New Delhi Municipal Council.

2. NAME OF THE DEPARTMENT

Personnel Department

3. BRIEF HISTORY OF THE SUBJECT

Under Section-33 (1) & (2) of NDMC Act, 1994, the Council shall appoint a suitable person as a Chief Auditor of the Council with the previous approval of the Administrator (Lt. Governor) of Delhi. The post of Chief Auditor had fallen vacant on repatriation of the incumbent to her parent cadre on 2.4.2009.

4. DETAILED PROPOSAL ON THE SUBJECT

As per provisions of Recruitment Rules, the post of Chief Auditor in the pre-revised scale of Rs.18400-22400/- has to be filled up on deputation from the officers of organized Audit & Accounts Services. Accordingly, names of suitable officers were sought from the concerned Cadre Controlling Authorities. On the basis of assessment of the ACR dossiers, the Administrator (Lt. Governor) Delhi found Shri K.K. Srivastava, IA&AS (1983) suitable for appointment to the post of Chief Auditor and ordered accordingly. Shri Srivastava has since joined NDMC on 13.6.2009.

5. FINANCIAL IMPLICATIONS OF THE PROPOSED SUBJECT

There are no financial implications. The officer will draw his salary against the vacant post of Chief Auditor.

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

The name of the officer will be sent to the Government of NCT of Delhi for publishing in the official gazette after the case is placed before the council for information.

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT

Not required being an administrative matter.

8. COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE DEPARTMENT

Not Applicable.

9. LEGAL IMPLICATIONS OF THE SUBJECT

Nil

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

Resolution No. 03 (V) dated 19.08.1996

Resolution No. 03 (VII) (H-3) dated 23.04.2003.

11. COMMENTS OF THE LAW DEPARTMENT

Not required being an administrative matter.

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

Not applicable.

13. RECOMMENDATIONS

The case is laid before the Council for information with regard to the appointment of Sh. K.K. Srivastava, IA&AS (1983) as Chief Auditor, NDMC w.e.f. 13.06.2009 and payment of salary and allowances to him as per terms and conditions of deputation.

COUNCIL'S DECISION

Information noted.

ITEM NO. 09 (B-11)**1. Name of the work**

Replacement/Augmentation of various 11 KV HT cables in M/N & M/S areas of NDMC.

2. Name of the Department

Electricity Department

3. Brief History of the case

Chairperson, NDMC 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 Deptt. 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 sub-stations/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 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. Council vide Reso. No. 11(B-15) dated 20-8-08 has accepted/approved the same.

In compliance to the above, details of existing 11 KV HT cables in Maintenance North and Maintenance South areas have been collected and the cables which are required to be replaced or augmented have been identified.

4. Detailed proposal on the Project

Some of the existing cables have been observed to have served their useful life whereas others have been found of insufficient size to meet the growing demand of load. The load has increased substantially in the past few years and there are multiple cable joints caused due to overloading/excessive digging activities in the area. Beside this the transformation capacity at a number of Sub-stations have increased and the corresponding cable sizes need to be augmented. Most of the HT cables have been augmented from 150/300 sq.mm to 400 sq.mm/3 core.

5. Financial implications

Financial implications in the proposal is anticipated to be Rs.30,21,61,295/-(Gross) which includes the cost of cables and laying charges etc.

6. Implementation schedule

12 months

7. Comments of the Finance Deptt. on the subject

Finance Deptt. vide Dy. No. 1400/Finance/R-Elect. dated 2-7-09 has concurred in the estimate amounting to Rs.30,21,61,295/-(Gross) & Rs.30,18,25,008/- (Net) for Replacement/Augmentation of various 11 KV (HT) cables in M/N & M/S areas of NDMC subject to the following :

- (i) Availability of funds.
- (ii) Approval of competent authority.
- (iii) Correctness of information and data submitted by department.
- (iv) Codal provision shall be adhered.

- (v) It may be certified that cables which have not served their useful life are necessarily required to be replaced/augmented.
- (vi) The project report furnished by the department is not as per the standing order No. 76/2003-04. The DPR in the required format be furnished before seeking approval of competent authority.

8. Comments of the Deptt.

A provision of Rs.50 lacs has been kept in B.E. 2009-10 under the Head E-3 (Replacement works) on Page-187 of Budget Book 2009-10. Further the budget provision will be enhanced at the time of R.E. 2009-10.

- (i) Approval of competent authority i.e. Council is being obtained.
- (ii) The information and data submitted have been verified.
- (iii) All codal provisions have been adhered to.
- (iv) The cables which have not served their useful life need necessarily to be replaced/augmented due to increase in load demand.
- (v) The DPR in the required format is as under :

(a)	The existing system :	The existing 174 Nos. 11 KV HT cables in M/N & M/S areas of NDMC are being proposed for replacement/augmentation.
(b)	Deficiencies of the existing system :	<p>The existing 11 KV HT cables are proposed to be replaced/augmented by the user department due to following reasons :</p> <ul style="list-style-type: none"> (i) Load has increased in the past few years. (ii) Some cables have multiple joints due to overloading/excessive digging activities in the area. (iii) The transformer capacity at some Sub-stations is being augmented against on going augmentation schemes and cables are required to be augmented to utilize the augmented capacity.
(c)	Extent of utilization of existing system:	Old cables shall be dismantled to the extent economical/used in the existing system. However, approximate length of cables to be dismantled are mentioned.

(d)	Necessity of augmentation of the system :	The replacement/augmentation of existing system was felt necessary due to growth in load demand/multiple joints/transformer capacity augmented.
(e)	Technical viability of the proposed scheme :	It is a replacement/augmentation scheme. Size of the cables has been enhanced and proposal is technically viable.

The Finance Department has seen and no further comments to offer.

9. Legal implication of the Project

No legal implication is involved.

10. Details of previous Council Resolution

NIL

11. Comments of Law Deptt.

"No legal issue is involved in this Agenda item. This has concurrence of the Law Deptt. However, department may ensure that terms and conditions mentioned in the Agenda item as per approval of competent authority."

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

The terms and conditions mentioned in the Agenda item are as per approval of the competent authority.

13. Certification by the Deptt. that all Central Vigilance Commission (CVC) guidelines have been followed

It is certified that all Central Vigilance Commission (CVC) guidelines have been followed in processing the case.

14. Recommendation of the Deptt.

The estimate amounting to Rs.30,21,61,295/-(Gross) & Rs.30,18,25,008/- (Net) for Replacement/ Augmentation of various 11 KV HT cables in M/N & M/S areas of NDMC may be placed before the Council to accord administrative approval and expenditure sanction. Since the work is of urgent nature, approval is solicited to take further action in anticipation to confirmation of the Minutes of Council Meeting.

15. Draft Resolution

The case is placed before the Council for Administrative approval and expenditure sanction is granted to the estimate amounting to Rs.30,21,61,295/-(Gross) & Rs.30,18,25,008/- (Net) for Replacement/Augmentation of various 11 KV HT cables in M/N & M/S areas of NDMC. Further approval is accorded to take further action in anticipation to confirmation of the Minutes of Council Meeting.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to Rs.30,21,61,295/-(Gross) & Rs.30,18,25,008/- (Net) for Replacement/ Augmentation of various 11 KV HT cables in Maintenance North & Maintenance South areas of NDMC.

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

ITEM NO. 10 (B-12)**1. Name of work:**

Establishing 33KV Electric Sub-Station at Constitutional Club.

2. Name of the Department:

ELECTRICITY DEPARTMENT

3. Brief history of the proposals:

The load in the vicinity of proposed S/S at Constitution Club is increasing day by day. The load of important buildings like Parliament Complex, Rail Bhawan, Krishi Bhawan, Shastri Bhawan, Jawahar Bhawan etc is increasing. The existing 11KV S/S at Krishi Bhawan is unable to meet up the load demand of the area. It is essential to establish 33KV ESS at this site to cater the growing load of the buildings even from reliability of power supply, since there is one 33KV ESS in this area i.e. S/S National Achieves and which is dedicated and is overloaded. As such it has been proposed to construct a 33KV Sub-Station. The proposed S/S will utilize the electric Power from proposed 220KV S/S Harish Chandra Mathur Lane. Therefore, two nos. 33/11KV, 16/20MVA transformers have been proposed at this S/S. The land for construction of 33KV Sub-station has already been allotted to NDMC by L&DO.

The work has already been outsourced to M/s PGCIL. This scheme is a part of XIth five year plan which has been technically cleared by CEA vide No. DPD/UT/312(NDMC)/2007/436 dtd. 26.06.07.

4. Detailed proposal on the Project:

The following equipments have been proposed in the estimate.

- | | | |
|-------|---|----------|
| (i) | 16/20MVA, 33/11KV Pr. Transformers | - 2 Nos. |
| (ii) | 33KV, 1250 A, 1500 MVA, SBB Indoor Type
GIS 7 Panel Board | - 1 No. |
| (iii) | 11KV, 1250 A, 350 MVA, SBB Indoor Type
SF-6/VCB 13 Panel Board | - 2 Nos. |
| (iv) | 1000KVA, 10.5/0.415 KV, Oil type | |

- | | |
|--|---------|
| Distribution Transformer | -2 Nos. |
| (v) Two Tier LT Panel Board with ACB | -1 No. |
| (vi) The S/S is proposed to be fed through 33KV, 400sq.mm/3C, XLPE Cable (Two Feed) from 220/33 KV S/S Harish Chandra Mathur Lane. | |

The cost of the above equipments comes out to Rs.11036.17 Lacs. The cost of the building has been taken as Rs.150 Lacs.

The anticipated cost of the project is Rs.1186.17 Lacs including 3% contingencies.

5. Financial Implications:

The estimated cost for establishing 33KV S/S at Constitutional Club is Rs.1186.17 Lacs chargeable to the head of a/c E.4.1.

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

- | | |
|---|---------------------|
| i) Approval of scheme by Council | July,2009 |
| ii) Issue of estimate to Construction Division for execution | August,2009 |
| iii) Preparation of detailed estimate | September,2009 |
| iv) Approval of Draft NIT | Outsourced to PGCIL |
| v) Call of tenders | Outsourced to PGCIL |
| vi) Award of work including opening of tenders, negotiations with the tenderer etc. | Outsourced to PGCIL |
| vii) Completion of work | June,2010 |

The scheme has been outsourced to M/S PGCIL, tentative schedule of time of completion the project is June 2010.

7. Comments of the Finance Department on the subject:

The Finance Deptt. vide diary No. 1248/Fin. Dated 16.06.09 has concurred in the Preliminary Estimate amounting to Rs.1186.17 lacs subject to following:-

1. Approval of the competent authority.

2. Availability of funds.
3. The department may bring on record the action being taken on the advice of Advisor (Power) given earlier about streamlining the procedure for framing the estimate for spares & for erection in NDMC in consultation with M/S DTL & CEA.
4. The work would be got executed after codal provisions.
5. The detailed estimates for the work would be prepared by the PGCIL/department on the basis of proper analysis of the rates.

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

1. Approval of the competent authority i.e. Council is being taken.
2. Rs.200 Lacs has been kept in the BE 2009-10. The budget shall be suitably revised in RE-2009-10 and subsequent years as per future requirement.
3. The advice of Advisor (Power) is being examined.
4. The codal provisions would be adhered to.
5. The detailed estimate shall be prepared by the PGCIL/executing division on the basis of proper analysis of rates.

Finance has seen above comments of the Deptt. & have offered no further comments.

9. Legal implications of the Project:

NO Legal implication is involved

10. Details of Previous Council Resolution:

Nil

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

Nil

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

Nil

13. Recommendation:

The preliminary estimate amounting to Rs.1186.17 Lacs for establishing 33KV ESS at Constitutional Club, may be placed before the Council to accord administrative approval and expenditure sanction. Since the work is of urgent nature and outsourced to M/S PGCIL, approval is solicited to take further action in anticipation to confirmation of the Minutes of Council Meeting.

14. Draft Resolution:

Resolved by the Council that Administrative approval & expenditure sanction is granted to the preliminary estimate amounting to Rs.1186.17 Lacs for establishing 33KV Electric Sub-Station at Constitutional Club. Further approval is accorded to take action and anticipation to confirmation of the Minutes of Council Meeting.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval & expenditure sanction to the preliminary estimate amounting to Rs.1186.17 Lacs for establishing 33KV Electric Sub-Station at Constitutional Club.

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

ITEM NO. 11 (B-13)**1. Name of Work:**

Up-gradation of Street-Lighting System in NDMC area for the forthcoming Commonwealth Games-2010, under phase-I & II.

2. Name of the Department:

Electricity Department

3. Brief History of the proposal:

The council vide its resolution no. 9(B-38) dated 19/12/07 approved an estimate for the Up-gradation of Street Lighting System in NDMC area for the forthcoming Commonwealth Games-2010, having provisions for the indigenous make light fittings & octagonal poles with other infrastructure like cable , feeder pillars, etc. but without SCADA automation, amounting to Rs.53,42,95,183(G) /53,20,04,083(N),for 67 main roads as per **Annexure 'I' (See pages 57-59)**.

Since, it was a specialized work of street lighting therefore with the approval of the chairman, NDMC the case was noted to the Empowered Committee for finalizing the scope of work and modalities for inviting the tender. As decided in the empowered committee meeting, SCADA for operation and maintenance of Road Lighting has been included at this stage, itself. The minutes of the Empowered Committee are at **Annexure 'II' (See page 60)**.

4. Detailed proposal of the subject:

After due approval of NIT amounting to Rs. 62,08,92,268/-, the tenders for the above subject work were invited by EE(E)C-III division, in three bid system from the under mentioned four short-listed firms as approved by the Empowered Committee headed by the Chairman, N.D.M.C on dated 19.1.2009

- (i) M/s Phillips Electronics India Pvt. Ltd.
- (ii) M/s. Keselec Schreder Pvt. Ltd.
- (iii) M/s Space Age Switch Gears Ltd.
- (iv) M/s Bajaj Electricals Ltd.

The date for opening of the tender was 17/04/09, which was further extended up to 27/04/09, on the request of the firms. Further, to clarify the tender conditions a pre- bid conference was held in the chamber of CE (E-II) on dated 19/03/09, in which the representatives of all the four firms participated. The clarification sought

out by the firms were clarified and the minutes of this pre - bid conference were communicated to all the firm vide ref. no. D/371-374/SE (E-I) dt. 02/04/09.

Eligibility envelope of the said tender was opened on 27.04.09 in the presence of EE(C-III), EE(C-I), AEE (III)/C-III & Sr, Assistant (Accounts) C-III & representatives of each of the four firms. Since, M/s Philips, M/s Keselec submitted EMD in the shape of FDR, in the name of Secretary, NDMC, therefore after discussion of CE(E-II), SE(E-I) & EE(C-III) with FA, the same was accepted and thereafter the Technical bids of all four bidders of this tender were opened on 29/04/09 in the presence of EE(C-III), EE(Store), AEE(III)/C-III & Sr, Assistant (Accounts) C-III & representatives of each of the four firms.

Technical Scrutiny of tender offers (Cover no. II) was undertaken and technical comparative statement prepared by EE(C-III) division. The same was checked by EE(R/L).

After scrutinizing the technical offers submitted by the four tenderers, a T.E.C. meeting was held in the Chamber of C.E. (E-II) on dated 13.05.09 wherein S.E (E-I), S.E. (E-II), S.E.(E-III), E.E. (Plg.), E.E. (C-III), E.E. (R/L), A.O. (E-I) were present. During the said T.E.C meeting no conclusion could be arrived, due to wide variation in the nos. of poles and other infrastructure offered to be installed/provided by the different firms, for meeting the performance requirements of the NIT, according to their design. Minutes of the TEC meeting at **Annexure 'III' (See pages 61-62).**

In order to have the expert opinion of the other Govt. Departments, who are executing similar type of Up-gradation of Street-Lighting works in their areas in Delhi, Chairman, NDMC approved the name of Sh. R. K. Sharma Chief Engineer (Elect.) of M.C.D and Sh. J. M. Paswan, S.E. (Elect.) of Delhi P.W.D to be a member of the TEC.

The 2nd meeting of the T.E.C. was held in the chamber of C.E. (E-II) on dated 05.06.2009 wherein Er. R. K. Sharma, Chief Engineer (Elect.) M.C.D & Er. J.M. Paswan, S.E. (Elect.) Delhi P.W.D participated alongwith S.E. (E-I), S.E. (E-III), E.E. (P-11KV), E.E. (R/L), E.E. (C-III), Dy. F.A., A.O. (E-I), of NDMC Sh. Partha Karmakar & Indra Nel Goswamy of M/s Phillips Electronics India Pvt. Ltd., Sh. Chekitan Sawhney & Rakesh Sharma of M/s. Keselec Schreder Pvt. Ltd., Sh. L. R. Sharma & K. K. Dhanya of M/s Space Age Switch Gears Ltd., Sh. Ashok Rawat & Richard Taylor of M/s Bajaj Electricals Ltd. During this meeting certain information/clarification were requested from the tendering firms. Minutes of the meeting at annexure **Annexure 'IV' (See pages 63-64).**

Accordingly after getting the required information from the various firms as per the directions of T.E.C.'s members, the case was again discussed in the 3rd meeting of the technical Evaluation Committee meeting held in the chamber of C.E. (E-II) on 12.06.09 wherein Er. R. K. Sharma, Chief Engineer (Elect.) M.C.D & Er. J. M. Paswan, S.E. (Elect.) Delhi P.W.D participated alongwith C.E.(E-II), S.E. (E-I), S.E. (E-III), E.E. (P-11KV), E.E. (R/L), E.E. (C-III), A.O. (E-I) & A.L.O. After a lot of discussions/deliberations members of TEC recommended that since each firm is confirming that their design shall meet the requirement of the N.I.T., therefore, price bid of the tender of all the firms may be opened but before opening price bid an undertaking may be obtained from all the firms that they will not charge for any extra work/ infrastructure required to be provided, in case the required levels of illumination as per NIT specifications are not met with their design. Minutes of the meeting at **Annexure 'V' (See pages 65-67)**.

After taking the above undertaking from all the firms and under intimation to them the price bids of the said tender were opened on 26/06/09 in the office of EE(C-III). Where EE(C-IV), AO (E-I), AEE-III(C-III), Sr. Assistant (Accounts) and representative of each of the four firms were present. The Comparative Statement duly checked by A.A.O. of E.E. (C-III) Division was prepared. Based on the criteria as laid down in the NIT for evaluation of the bids, as in clause no.9 at page no. 5 of NIT, the computed cost of all the four tenderers have been worked out & the position is as under:

(i)	M/s Phillips Electronics India Pvt. Ltd.	1 st Lowest
	Computed cost Rs.34,40,46,038/-	
(ii)	M/s Space Age Switch Gears Ltd.	2 nd Lowest
	Computed cost Rs.37,31,58,618/-	
(iii)	M/s Bajaj Electrical Ltd.	3 rd Lowest
	Computed cost Rs.40,91,54,439/-	
(iv)	M/s. Keselec Schreder Pvt. Ltd.	4 th Lowest
	Computed cost Rs.42,94,33,905/-	

A justification statement amounting to Rs 34,73,70,575/- has been worked out based on the last awarded lowest rates of the similar work awarded by MCD and Delhi –PWD. Further for the items which exist in our tender but are not covered in the scope of MCD or Delhi – PWD awarded works the justified rates have been work out on the basis of current market rate. Justification statement has been checked by EE (P-11 KV) and A.O.(E-I).

The offer of the L-1 firm amounting to Rs. 34,40,46,038/- is 0.966% below the justified amount of Rs. 34,73,70,575/- and 44.5% below the estimated cost put to tender of Rs. 62,08,92, 268 /-.

5. Financial Implication:

Rs.34, 40, 46,038/-

6. Implementation Schedule:

The work shall be completed within 12 months.

7. Comments of Finance Department:

Keeping in view the following facts that:-

- (i) The offers were invited from the four short listed firms as decided by the Empowered Committee and all these four firms submitted their offers and financial offers of these firms were opened on the recommendations of the Technical Evaluation Committee.
- (ii) The quantities shown in the BOQ/SOQ are indicative as per clause no 9 of NDMCED 6 and as clarified in Pre-bid conference dated 19/3/2009 that as this is a design based tender, the bidders are supposed to quote road wise BOQ for all roads along with the design of the lighting system proposed for roads.
- (iii) The lowest tenderer has quoted to undertake the complete work with the least numbers of poles, fittings etc. which would require comparatively less power load for operation and running of the road-light as mentioned by the department as bottom of page 45/N.
- (iv) The firms have given undertakings that additional infrastructure, if any, other than mentioned in BOQ required to be installed to achieve required lux level and other performance parameters as specified in the tender document would be provided by them at their cost and nothing extra shall be claimed from NDMC.

We concur in the proposal of the department to award work for "Upgradation of Street Lighting System in NDMC area for the forthcoming Commonwealth Games-2010 under Phase-I and II" to overall lowest firm, M/s Philips Electronics India Pvt. Ltd. at their total quoted amount of Rs. 34,40,46,038/- which is 0.966% below the justified amount of Rs. 34,73,70,575/- and 44.5% below the estimated cost put to tender of Rs. 62,08,92,268/- as checked by Planning and recommended by the C.E.E-II subject to:-

- (a) Department must ensure and certify that all codal requirements and CVC's guidelines have been adhered to.
- (b) A third party Quality Assurance Nodal Agency may be appointed for overall quality assurance of the Project as mentioned in the 'Standards for Integrated Street Lighting Project for Delhi' issued by Delhi Government.
- (c) Department must ensure and certify that the quoted rates are just, fair and reasonable.

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

- 1. All codal formalities and guidelines of CVC have been followed.
- 2. A third party Quality Assurance Nodal Agency out of suggested agencies such as RITES, EIL, CPRI, PDIL shall be appointed for overall quality assurance of the Project as mentioned in the 'Standards for Integrated Street Lighting Project for Delhi' issued by Delhi Government.
- 3. It is certified that the quoted rates of the Lowest Tenderer i.e. M/s Philips Electronics India Pvt. Ltd. are justified and reasonable to award the work. Finance has seen the above comments and have offered no further comments.

9. Legal Implications:

No legal implication involved.

10. Details of previous Council Resolutions:

Nil

11. Comments of the Law Department:

No legal implication involved at this stage. This has concurrence of the Law Department.

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

Nil

13. Certification by the Department:

All Central Vigilance Commission (CVC) guidelines have been followed.

14. Recommendations of the Department:

The case may be placed before the council for approval to award the work "Up-gradation of Street-Lighting System in NDMC area for the forthcoming Commonwealth Games-2010 under Phase-I&II" to the lowest tenderer M/s Philips Electronics India Pvt. Ltd. at their quoted cost of Rs.34, 40, 46,038/- (Rs. Thirty Four Crore, Forty Lacs, Forty Six Thousand and Thirty Eight only) on the terms & condition of NIT. Read with firm's letter Ref. No. CWG/NDMC/456 dated 15.06.09. Since, the work is of the urgent nature as such, approval is also solicited to award the work to the above firm in anticipation to the confirmation of the minutes of the council's meeting.

15. Draft Resolution:

Resolved by the council that the approval is accorded to award the work for "Up-gradation of Street-Lighting System in NDMC area for the forthcoming Commonwealth Games-2010 under Phase-I&II" to the lowest tenderer M/s Philips Electronics India Pvt. Ltd. at their quoted cost of Rs.34, 40, 46,038/- (Rs. Thirty Four Crore, Forty Lacs, Forty Six Thousand and Thirty Eight only) on the specification, terms & conditions of the N.I.T. Read with firm's letter Ref. No. CWG/NDMC/456 dated 15.06.09. further approval is also accorded to award the work to the above firm in anticipation to the confirmation of Minutes of the Council Meeting.

COUNCIL'S DECISION

Resolved by the Council to award the work to the lowest tenderer M/s Philips Electronics India Pvt. Ltd. at their quoted cost of Rs.34,40,46,038/- on the specification, terms & conditions of the N.I.T. read with firm's letter Ref. No. CWG/NDMC/456 dated 15.06.09, for "Up-gradation of Street-Lighting System in NDMC area, for the forthcoming Commonwealth Games-2010 under Phase-I&II" subject to certification by the department that all the terms and conditions, including the time limit, as laid down in the NIT will be strictly adhered to by the tenderer.

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

Annexure pages 11

Annexure End

ITEM NO. 12 (C-13)**1. Name of the subject/Project**

Annual Administrative Report for the year 2008-09

2. Name of the Department

Council Secretariat Department

3. Brief history of the subject/project:

As per Section 410 of NDMC Act, 1994 a detailed report of the Municipal Govt. of New Delhi is required to be sent to the Central Government. Section 410 of the Act provides as follows: -

"Annual Administration Report-

- (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Central Government in this behalf, the Council shall submit to that Government a detailed report of the Municipal Government of New Delhi during the preceding year in such form as that Government may direct.
- (2) The Chairperson shall prepare such report and the Council shall consider it and forward the same to the Central Government with its resolution thereon, if any.
- (3) Copies of the report shall be kept for sale at the municipal office."

As the Central Govt. has not prescribed any format for the AAR, or the content, the Annual Administrative Report used to be sent in the form of a letter alongwith inputs provided by the different departments without any formatting. In the absence of a duly printed report, copies are also not kept for sale, as required under Section 410(3). Since 2007-08, the report has been attempted in a format approved by the Chairman, NDMC.

4. Detailed proposal on the subject/project

The Annual Administrative Report has been prepared keeping in view the specific requirements of Section 410 of the NDMC Act. The Proposed Annual Administrative report contains the achievements of 2007-08 and targets for 2008-09. In addition, the important event photographs have been included in the Report. The report

contains 24 chapters and is of 93 pages. A copy of the report is circulated separately.

5. Financial implications of the proposed project/subject:

Nil

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

N.A.

7. Comments of the Finance Department on the subject:

Finance Department has concurred with the proposal for placing the Annual Administrative Report before the Council vide Dy.No.1985/PS to FA dated 09.07.09.

8. Comments of the department on comments of Finance Department

No comments required.

9. Legal Implications of the subject/project.

Nil

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

Annual Administrative Report in respect of NDMC for the preceding year viz. 2007-08 was approved by the Council vide Reso. No.23(C-21) dated 20.08.08.

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

L.A. has seen vide Dy. No.66/PS/LA/09 dated 10.07.09.

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

No comments required.

13. Certification by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.

Not applicable.

14. Recommendation:

As per the requirement of Section 410(2) of the Act, the said report is for consideration of the Council and to forward the same to Central Govt.

COUNCIL'S DECISION

Resolved by the Council to submit the Annual Administrative Report for the year 2008-09 to the Central Government, after incorporating suggestions, if any, received within 15 days of passing of the resolution.

ITEM NO. 13 (F-01)**1. Name of the subject/Project**

Modification in rate of rebates from payment of property tax to comply with Council Resolution No.18(F-3) dated 21/01/2009 for the year 2009-2010.

2. Name of the Department

Tax Department

3. Brief History of the subject/project:

The Committee constituted U/s-9 of the NDMC Act, 1994 advised the framing of the Bye-laws for the determination of the RV of the Property Tax with certain recommendations.

The Council in its meeting 21.05.2008 approved the recommendations of the Committee and suggested that the Bye-laws may be effective from 1.04.2008.

The Govt. of NCT of Delhi notified the Bye-laws on 24.02.2009 and directed that these Bye-laws may be effective from 1.04.2009. Accordingly, the Bye-laws known as "Determination of Annual rent Bye-law 2009" have become effective from 1.04.2009.

The Committee in its meeting of 9.05.2008 had resolved *"that at the time of determining the rates of Property Tax, in order to give relief to self occupied properties upto a rateable value of Rs.1 lac and self occupied residential properties occupied by sr. Citizen, women and handicap, a lower rate of tax and or rebate from the payment of property tax may be considered"*.

However as the bye laws had not been notified and the rate schedule had to be approved by 15th of February, the Council while approving the rates of municipal taxes for the year 2009-10, in its Resolution no. 18(F-3) dated 21.01.2009 resolved_in respect of property tax as under :-

A. Property Tax :

	Lands and Buildings or part thereof	Rate of Tax
i.	Where the rateable value does not exceeds Rs.10 lacs	20% of the Rateable value.
ii.	Where the rateable value exceeds Rs.10 lacs but does not exceeds 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.

Explanation :-

The rateable value computed in accordance with the provisions of the NDMC Act, 1994 shall be in multiples of Rs.100 and the last two digits of the rateable value upto Rs.99 shall be ignored.

Exemption :-

Land and building with rateable value upto Rs.1000 shall be exempt from the payment of property tax, for the year 2009-10, provided that there are no arrears of property tax upto the year ending 31st March, 2009.

B. Rebate :-

- (i) Rebate of 25% on the tax for the year 2009-10 shall be allowed at the time of payment of property taxes for the year 2009-10 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.

Provided that –

- (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 31.03.2009 or the arrears are also paid before or along with demand for the year 2009-10.
- (b) The property should be mutated in the name of the individual or the HUF as the case may be.
- (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.

- (ii) Rebate of 10% of the tax shall be allowed on the tax payable for the year 2009-10 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 31.03.2009 or the same are also paid before or along with the demand for the year 2009-10.

Provided that –

- (a) The rebate shall be 50% of the tax in respect of aided schools, aided colleges and aided of lands and buildings owned and occupied by a Society, substantially supported through grants from municipal fund of Council, the rebate shall be 100%.

- (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 2009-10 or 20% of the actual expenditure on providing Roof Top Rain Water Harvesting System, whichever is lower.

Provided that –

- (a) The feasibility of Roof Top 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.
- (b) The rebate, if granted, shall be available from the year 2009-10 and four subsequent years.

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 shall be final.

Provided further that on notification of Rateable Value Bye-law, rebates, if found necessary can be modified.

The Council had thus resolved that on notification of the rateable value Bye-laws, rebates if found necessary can be modified. Council had not approved variations in the rate of taxes for the year 2009-10, as it is not possible under the NDMC Act to change the rate of taxes, once the same are determined for a particular year. Accordingly, after the notification of the NDMC (Determination of Annual Rent) Bye-laws, 2009 and keeping in view the directions of the committee dt. 9.05.2008 and resolution of council dt. 21.05.2008 & 21/01/2009, the rebates are proposed to be modified as under:-

4. Detailed proposal on the subject/project

As brought out in para 3, it has become necessary to revisit the rebates being allowed to property tax payers in view of the introduction of the new bye laws. In order to keep the system simple as well as to ensure that the rebates reach the targeted section of taxpayers, the following rebates are proposed:

- (i) a rebate of 50% of tax determined on rateable values upto Rs.1,00,000/- under the bye laws of 2009.
- (ii) a rebate of 50% of the tax determined on rateable value under the bye laws of 2009 shall be allowed on the self occupied portion of the lands and buildings owned by a society and exclusively used and occupied by the society for educational purposes as a recognized school within the meaning of Delhi School Education Act, 1973 or for medical relief as hospital

Provided that

- a) The rebate shall be 50% of the tax in respect of aided schools, aided colleges and aided hospitals. Other conditions remaining the same.
 - b) The rebate shall be 100% for schools aided by NDMC.
 - c) The rebate shall be 10% for unaided schools.
 - d) The rebate shall be 50% of the tax for the year 2009-10 in respect of self occupied portion of land & building owned by a society which is substantially supported by grants from the consolidated fund of India or consolidated fund of NCT of Delhi.
 - e) 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.
- (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 2009-10 or 20% of the actual expenditure on providing Roof Top Rain Water Harvesting System, whichever is lower.
- Provided that
- (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.
 - (b) The rebate, if granted, shall be available from the year 2009-10 and four subsequent years.
- (iv) On net tax payable after rebates from (i) to (iii) above, a prompt payment rebate of 10% of the tax determined under the new byelaws for the year 2009-10 shall be allowed, if tax is paid for 2009-10 along with self assessment return by 31/12/2009.

Provided further that in case of any dispute on the question of a quantum of grant of rebates under clause (i) to (iv) the decision of Chairperson shall be final.

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

The exact implication of the rebates is dependent on the number of taxpayers coming forward for self assessment. However, the department expects that the overall impact of the introduction of the new byelaws shall be revenue neutral.

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

Since the Bye-laws have already been notified, these have to be implemented from the current financial year.

7. Comments of the Finance Deptt. on the subject

Finance has no objections.

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

No Comments

9. Legal implications of the subject/project

As discussed above

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

Resolution No F-2(21) dated 21/05/2008

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

The rebate proposals have been framed in consultation with the Legal Advisor.

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

No Comments

13. Recommendations

The proposals as contained in para 4 is placed before the Council for approval.

COUNCIL'S DECISION

Resolved by the Council that the proposal as contained in para 4 of the preamble is approved.

ITEM NO. 14 (G-02)**1. Name of the Subject/Project**

Extension of Settlement Scheme for resolving pending cases of outstanding electricity/water dues.

2. Name of the Department/Departments concerned

Commercial Department

3. Brief History of the subject/Project

A Settlement Scheme was launched in December 2007 vide Reso. No.20 (G-10) dated 19.12.2007 to liquidate accumulated arrears of electricity & water charges to the tune of Rs.116.00 crores (approx.). These include accumulated principal demand + penal levies viz. misuse charges & late payment surcharge. In many cases the sum of the aforementioned penal charges/levies is in multiples of principal demand as the same were levied at exorbitantly higher rates earlier thereby leading to prolonged litigation in various judicial forum resulting in huge accumulation of municipal arrears, most of which cannot be recovered by way of disconnection due to pending judicial cases/stay orders.

Initially the scheme was valid till 31.3.08 and was subsequently extended till 31.12.2008 vide Reso. No.05 (G-2) dated 16.7.2008 with the decision that the cases in which demand as outstanding on 30.06.2008 will be quantified as on that date i.e. 30.6.2008 as per the terms & conditions for calculation of rebate specified in the Reso. 20(G-10) dated 19.12.2007 and payment in such cases be collected with an interest @ 1% per month from 1.7.2008 to the date of payment, which must be before 31.12.2008. It was also decided that in respect of outstanding demand against Government Departments, interest shall not be charged if the quantified amount as on 30.6.2008 is paid by 31.12.2008.

Table – 1

(1)			(2)			(3)	
Details of cases to be settled at the end of November 2007 billing cycle			Details of cases settled under the scheme upto 31-12-08 and payment received upto 31-03-09			Details of Pending cases after the closure of settlement scheme	
Category	Nos. of case	Arrears as on Nov-07 (in Crores)	No. of cases	Demand before settlement (in Crores)	Payment Received (in Crores)	No. of cases	Amount to be recovered at the end of Nov., 2007 Billing cycle (in Crores)
Bulk & HTB	942	54.161	357	8.737	2.488	585	45.424
Pvt. & HTP	6472	58.721	714	27.209	2.069	5758	31.512
Non Gazetted	5864	2.421	2961	0.457	0.368	2903	1.964
Govt. Officers Bungalows (GOB)	1085	0.329	198	0.069	0.027	887	0.26
Non Gazetted Misc. (NGM)	3224	0.692	128	0.049	0.015	3096	0.643
TOTAL	17587	116.324	4358	36.521	4.967	13229	79.803

Thus it can be seen that a revenue of Rs.4.967 crores as accrued to the Council vide the said settlement scheme while the quantum of accumulated arrears at the end of November, 2007 billing cycle reduced from Rs.116 crores to Rs.79.803 crores. It can also be seen from Table 2 below that the accumulated arrears as on 31.3.09 are to the tune of Rs.94 crores.

Table - 2

Statement showing the position of arrears of Electricity/Water against various categories of consumers as on 31.03.2009

S.No.	Billing Group	No. of Bills	Arrears (in Rs.)
1.	Bulk	759	453,560,168.00
2.	Gazetted Officers' Billing	980	2,755,793.00
3.	HT Bulk	10	115,345,104.00
4.	HT Private	20	38,818,684.00
5.	Non Gazetted	5406	26,344,221.00
6.	Non Gazetted Misc	3509	6,737,606.00
7.	Private	6725	296,683,613.00
	TOTAL	17409	940,245,189.00

Many consumers who are not paying the accumulated arrears due to ongoing litigation have been approaching the Commercial Deptt. for resolving their cases as per the terms and conditions of the above mentioned scheme under the belief that it is still in force.

4. Detailed proposal on the subject/project

Annual Revenue receipts to the tune of Rs.550 crores (approx.) from electricity and water charges is a major source of revenue for the Council. Every year some of the collection remained in dispute mainly due to the defective energy meters, misuse and late payment surcharge and carried over as arrears. As on 31.3.09, the accumulated arrears are to the tune of Rs.94 crores (approx. as shown in Table 2 above) pending against the consumers of different categories viz. Government Offices, Non-Gazetted (NGM), Gazetted Officers (GOB), Private shops and establishments, Members of Parliament and Ministers.

A large part of these arrears are also involved in prolong litigation in District Court, Consumer Forums/State/National Commission, High Court from where number of cases have now been referred to the Council for amicable settlement of pending dispute through mediation.

The salient features of the scheme implemented earlier for granting rebate to resolve such cases of accumulated arrears, collect undisputed amount and reduce in fractious arrears and generate additional revenue to the Council are as under :-

- i) The principal demand of the consumption charges should not be normally reduced or waived unless the amount is unrecoverable.
- ii) The arrears upto a total of Rs.500.00 of over one year, on 01.01.2007 (not current demand of 2007) may be permitted to be waived for all the categories.
- iii) The misuse charges may, in deserving cases and subject to legal issues, if any, resolved should not be more than the present level of misuse charges

i.e. @ 50% of the applicable tariff. If there are any special reasons, it can be less than 50% with reason to be recorded.

- iv) The cases where arrears are outstanding against the Government offices, buildings and departments, and principal demand should be recovered without having any late payment surcharge on the basic principle that no surcharge should be charged on the consumption from Government to Government basis. This is the principle involved by NCT of Delhi in settlement of Electricity Tax dispute between MCD and NDMC.
- v) Cases of arrears for the period prior to September, 1996 where details are not available may be settled amicably so that consumption charges are recovered.
- vi) Considering the opinion of the Chairman, ECGRF, no surcharge should be levied in the disputed cases pending either before any court or with the department where the principal demand could not be paid in the shelter of any stay/interim order, if the consumer agrees to deposit the entire undisputed demand of the disputed period in one stretch or within in a reasonable time.
- vii) In the cases of the disputed demand, where no dispute is pending but arrears still exist, maybe settled after charging late payment surcharge on one time basis by restrict it at the simple rate of interest as payable under The Interest Act 1978 as permissible under section 7 (2A) of Public Premises Act 1971.
- viii) The cases having the arrears between Rs.500/- to Rs.10,000/- should be settled on a moderately escalating scale of rebate/remission based on the analogy of section 132 of The NDMC Act as fixed either by the Chairman or as recommended by the Grievances Redressal Committee.
- ix) If any other case still does not cover under the above proposed clauses of settlement, the Chairman, NDMC may be empowered to settle such case by setting up a Committee for settlement of disputes.

As such, it is proposed to extend the aforementioned settlement scheme up to 31.12.2009 (for inviting the applications from the consumers) and till 31.03.2010 (for accepting the payment from such consumers) for covering demands outstanding as on 31.3.09 (Table 2 above) and also quantified as on the date i.e. 31.3.09 as per the earlier terms and conditions resolved by the Council Resolution no. 20 (G-10) dated 19.12.2007 read with Resolution No. 05 (G-2) dated 16.07.2008. It is further proposed to incorporate the following additions:

- a) The consumers opting for settlement will have to withdraw his/her/their court case pending in any Court / Forum, if any, and an irrevocable undertaking to this effect will have to be furnished by the concerned consumer before settlement of outstanding dues.
- b) No credit/refund of amount shall be allowed to the consumer, if the settlement dues work out to be in surplus as a result of reduction in misuse charges and surcharge etc. in terms of aforesaid resolutions.

The progress under the Settlement Scheme during the period 19.12.2007 to 30.06.2008 was already placed and noted before the Council vide its Resolution No. 05 (G-2) dated 16.07.2008. Sixty Three more cases were also settled on the same

terms and conditions during the period 01.07.2008 to 31.12.2008 in accordance with Resolution no 05 (G-2) dt. 16.07.2008. The detail of such cases is also placed before the Council as per Annexure 'A'.

The details of 92 cases (Annexure 'B') in which the requests for settlement of dues were received from the consumers under the settlement scheme on or before 31.12.2008 but offer letters could be issued by the department only after 31.12.2008 and payment realized upto 31.3.2009 is also proposed to be placed before the Council for information.

5. Financial implication of the proposed/subject

Initially when the Settlement Scheme was launched vide Reso No. 20(G-10) dated 19.12.2007, the total arrears on account of electric/water charges were about Rs.116 crores. These arrears have now reduced to about Rs.94.00 crores as on 31.03.2009 against the categories of Bulk, Gazetted Officers, HT (Bulk & Private), Non-Gazetted, Non-Gazetted Miscellaneous and Private. Most of its part comprises the late payment surcharge on the principal consumption charges being ambiguous either due to dispute or non-payment. The Commercial department is likely to settle more arrears and realize additional revenue out of the blocked arrears.

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

The proposal for extension of settlement scheme is laid before the Council for immediate implementation after the approval by the Council in anticipation of the confirmation of the minutes of the meeting by giving wide publicity through public notice in the daily newspaper, NDMC website etc. It is proposed that the applications received from the consumers for resolving under the scheme up to 31.12.2009 shall only be processed for covering demands outstanding as on 31.3.09 (Table 2 above) and also quantified as on the date i.e. 31.3.09 for assessment as per the terms & conditions of the Resolution No. 20 (G-10) dated 19.12.2007 with the condition that the assessed demand shall be deposited with 1% simple interest w.e.f. 01.4.09 till the date of actual payment or 31.3.2010 whichever is earlier. Subsequent dues from 01.4.09 onwards will attract of normal rate of late payment surcharge @ 1.5% p.m. till date of payment.

7. Comments of the Finance Department on the Subject :

We have no objection to the proposal of the Department for placing the case before the competent authority for extending the scheme regarding settlement of dues of Electric/water charges upto 31.12.09. This is subject to:-

1. Approval of the Competent Authority.
2. Wide publicity may be given to a larger scale such as putting Public notice in all the Notice Board of Departments of NDMC, displaying the information regarding extending the scheme upto 31.12.2009 on the home page of NDMC's website on daily basis continuously like slogans for save water and electricity, in addition to what is proposed in Para (c) on Page 4/N of the Draft Agenda.
3. One condition regarding no further extension beyond 31.12.2009 may also be incorporated in the Public Notice,
4. Para (d) & (h) of the recommendations given in Draft Agenda being the same, one of them may be deleted.

8. Comments of Department on comments of Finance Department :

The Department agrees with the views of the Finance Department and accordingly amended draft agenda.

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

The Council earlier approved the proposed Scheme for settlement of disputes and recovery of outstanding electric/water dues vide its Resolution no. 20 (G-10) dated 19.12.2007. This Settlement Scheme was subsequently extended upto 31.12.2008 vide Resolution no. 05 (G-2) dated 16.07.2008.

10. Comments of the Law Department :

The comments of the Advisor (L&R) is as under :

“Please prepare an agenda item covering demands outstanding upto 31.03.2009, for settlement on the same terms and conditions as earlier approved by the Council. The demand, on settlement has to so reduced that it does not result in excess as on 31.03.2009. Have approval of Finance and then we put up to Chairperson for permission to put up the case for approval of the Council.”

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

The Commercial Department complied with the comments of the Advisor (L&R).

12. Recommendations :

In view of above, the proposal for extension of Settlement Scheme for Electric/water arrears is laid before the Council for information, consideration and granting approval in respect of the following recommendations :

- a) Sixty Three cases were settled on the same terms and conditions during the period 01.07.2008 to 31.12.2008 in accordance with Resolution no 05 (G-2) dt. 16.07.2008. The detail of such cases appended at **Annexure 'A' (See page 82)** and is placed before the Council for information.
- b) The details of 92 cases **Annexure 'B' (See page 83)** in which the requests for settlement of dues were received from the consumers under the settlement scheme on or before 31.12.2008 but offer letters could be issued by the department only after 31.12.2008 and payment realized upto 31.3.2009 are placed before the Council for information and approval.
- c) It is proposed to extend the aforementioned settlement scheme up to 31.12.2009 (for inviting the applications from the consumers) and till 31.03.2010 (for accepting the payment from such consumers) for covering demands outstanding as on 31.3.09 (Table 2 above) and also quantified as on the date i.e. 31.3.09 as per the earlier terms and conditions resolved by the Council Resolution no. 20 (G-10) dated 19.12.2007 read with Resolution No. 05 (G-2) dated 16.07.2008 by giving wide publicity through public notice in the daily newspaper, NDMC website etc. and also by putting Public Notice in all the Notice Board of Departments of NDMC, displaying the information regarding extending the scheme upto 31.12.2009 on the home page of NDMC's website on daily basis continuously like slogans for save water and

electricity. The condition regarding no further extension of the scheme beyond 31.12.09 will also be incorporated in the Public Notice as suggested by the Finance Department.

- d) The proposal will be implemented immediately after approval of the Council in anticipation of the confirmation of the minutes of the meeting.
- e) The proposal is to collect quantified amount from the cases under the settlement scheme on the basis of the unpaid dues as on 31.3.09 with interest w.e.f. 01.4.2009 @ 1% per month till the date of actual payment or 31.03.2010 whichever is earlier. Subsequent dues from 01.04.2009 onwards will attract normal rate of late payment surcharge @ 1.5% per month till date of payment.
- f) In the cases of the Government Department and Public Sector Undertakings also the conditions prescribed at (e) above will apply in view of the provisions of the Circular No.F.11(53)/2009/Power/1546 dated 24th June, 2009 of Secretary (Power), Govt. of NCT of Delhi placed at **Annexure – 'C' (See page 84)** regarding non-payment of electricity dues by various Government Departments as decided in the meeting of the Empowered Committee held on 8.7.09 at 3.30 P.M.
- g) It is also proposed to approve the following two conditions in addition to the conditions approved earlier by the Council vide its Reso. No. 20(G-10) dated 19.12.2007:-
 - I) The consumers opting for settlement will have to withdraw his/her/their court case/complaint pending in any court/Forum, if any, and an irrevocable undertaking to this effect will have to be furnished by the concerned consumer before settlement of outstanding dues.
 - II) No credit/refund of amount shall be allowed to the consumer, if the settlement dues work out to be in surplus as a result of reduction in misuse charges and surcharge etc. in terms of aforesaid resolutions.

13. DRAFT RESOLUTION:

Resolved by the Council that the settlement scheme for liquidating the accumulated arrears outstanding as on 31.3.09 be settled as per the terms and conditions of the Resolution No.20 (G-10) dated 19.12.2007 and the recommendations specified above.

COUNCIL'S DECISION

Resolved by the Council that the settlement scheme for liquidating the accumulated arrears outstanding as on 31.3.09 be settled as per the terms and conditions of the Resolution No.20 (G-10) dated 19.12.2007 and the recommendations specified in para 12 of the preamble.

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

Annexure 3 pages

Annexure End

ITEM NO. 15 (A-60)**1. Name of the subject/project:**

Sub: Community and Multipurpose Hall.

SH: Imp. to Barat Ghar, Khan Market including fire fighting, electrical and AC works.

2. Name of the Deptt. / Deptt. Concerned:

Civil Engg. Deptt. NDMC

3. Brief History:

The existing Barat Ghar at Khan Market was commissioned in 1989 and consists of a multipurpose hall on the Ground floor, kitchen, dormitory, room, Toilets, office space with rooms and toilets. This is an important & flagship, facility used extensively for marriage and other community gathering & function, 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 to be upgraded with the facilities to the acceptable standard in keeping with modern trends and comfort levels.

4. Detailed proposal on the subject/project:

A/A and E/S for Rs.3,16,15,000/- was accorded vide Reso. No. 14 (A-80) dt. 17.12.08 After getting the detailed estimate technically sanctioned and draft NIT approved According, Press notice of its publication in leading daily newspaper in Delhi and editions outside Delhi were sent vide no. EE (Spl. Project)/D/AB/355 date.27-05-09. Tender Notice issued to all NDMC Divisions as well as contractor's Association & also sent to Dir. (IT) for its publication on the website. Item rate tenders for the above work were opened on 22.06.09.

In response to the above, three tenders were received through e-tendering

Details of which is given as below.

Estt. Cost put to Tender: Rs.3,22,99,544/-

<u>S.No.</u>	<u>Agency</u>	<u>% age quoted</u>	<u>Amount</u>
1.	M/S Himcon Engineers (I) Pvt. Ltd.	2.03% below	Rs.3,16,42,694/-
2.	M/S KBG Engineers	14.35% above	Rs.3,69,34,348/-

The justifications duly checked by planning works out to 0.45% above the estimated cost of Rs.3,22,99,544/- against the lowest tender cost @ 2.03% below the E.C. overall percentage of tendered cost below justified cost of tender as 3.70 %. The case was duly recommended by planning for acceptance. and was sent to Finance for their concurrence to the proposal. The Finance has concurred the case vide their dairy No.FA- 1541 /R-CE(C-II) dated 09.07.2009.

5. Financial implications of the proposed project/subject:

The total financial implication for the above work is Rs. 3,16,42,694/-

There is a budget provision of Rs.925.00 lacs exists under the Head of A/C D 4-2-2-4 scheme 213 page 150 of year 2009-10.

6. Implementation schedule:

Time of completion of work: 10 months after award of work.

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

We concur in for consideration of the offer of L-1 M/s. Himcon Engineers (India) Pvt Ltd amounting to Rs.3,16,42,694/-(Rs. Three crore sixteen lac forty two thousand six hundred ninety four only), i.e. 2.03% below the EC put to tender, provided it is ensured & certified that i) no extra elements on account of overheads as listed in OM No. DGW/MAN/169 dt. 31.12.08 and OM dt 8.06.09 have been considered in the justification as checked at 0.45% above ii) approved policy of NDMC has been followed in respect of publicity of tenders since only copies two newspapers cuttings have been found on record and iii) being technical matter, the L-1 is capable to execute the work since past performance certificates submitted by him are from private agencies.

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

The observation of Finance Department is clarified here as under:-

1. Certified that no extra cost has been added in the justification.
2. Certified that the approved policy of NDMC has been followed.
3. Matter of record.

The Finance Department has seen and no further comments to offer.

9. Legal implication of the project:

NIL

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

Reso. No. 14 (A-80) dtd. 17.12.08 approved the proposal for Community and Multipurpose Halls. SH: Imp. to Barat Ghar, Khan Market including fire fighting, electrical and AC works.

"Resolved by the Council that approval to the proposal and A/A & E/S to the preliminary estimate amounting to Rs3,16,15,000/- is accorded.

11. COMMENTS OF THE LAW DEPARTMENT ON THIS PROJECT.

NIL

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

NIL

13. Certified that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.

14. Recommendation

The case may be placed before the Council for acceptance of the work of the lowest tenderer i.e. M/s Himcon Engineers (India) Pvt. Ltd. at their tendered amount of Rs.3,16,42,694/- which is 2.03% below the estimated cost of Rs.3,22,99,544/- against justified rate i.e. 0.45% above the Estimated Cost. The deptt. may initiate action in anticipation of confirmation of minutes by the Council.

15. DRAFT RESOLUTION

Resolved by the Council that the work may be accepted of the lowest tenderer M/S Himcon Engineers (India) Pvt. Ltd.. at their tendered amount of Rs.3,16,42,694 /- which is 2.03% below the estimated cost of Rs.3,22,99,544 /- against justified cost of rate i.e. 0.45% above the Estimated Cost. The deptt. may initiate action in anticipation of confirmation of minutes by the Council.

COUNCIL'S DECISION

Resolved by the Council to accept the work of the lowest tenderer M/S Himcon Engineers (India) Pvt. Ltd. at their tendered amount of Rs.3,16,42,694/- which is 2.03% below the estimated cost of Rs.3,22,99,544/- against justified cost of rate i.e. 0.45% above the Estimated Cost.

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

ITEM NO. 16 (N-01)**1. NAME OF THE SUBJECT/PROJECT**

Annual Estimate for the work "Maintenance of Parks & Gardens" for the year 2009-10.

2. NAME OF THE DEPARTMENT/DEPARTMENTS CONCERNED.

Horticulture Department, NDMC

3. BRIEF HISTORY OF THE SUBJECT/PROJECT

NDMC is maintaining public greens of approximately 1100 acres area within its jurisdiction which comprise of Gardens, Colony Parks, Roadside trees, Roundabouts, school greens, Greens of NDMC offices, markets and residential complexes, open green spaces etc. Being the capital of the country, it is necessary to maintain the greens properly in the best of shape with the best of our capability. The provision of necessary/relevant items and activities is therefore made in this proposal as per budget.

4. DETAILED PROPOSAL ON THE PROJECT/SUBJECT

Preliminary Estimate amounting to Rs.443.30 lakh including 3% contingencies was prepared by the department for meeting the annual maintenance requirements of various parks, gardens and other green areas. The said estimate includes provision of payment of unfiltered water charges to CPWD and purchase of sundries, compost, inorganic & organic manure, fertilizers, earthen as well as RCC pots, payments to casual labourers, pipes for watering, purchase of planting materials as per seasonal requirement for trees, shrubs, annual etc., polythene bags, Cow dung manure, purchase of PVC pipe, insecticides, pesticides, repair of Tool & Plants, purchase of fuel for machinery, hiring of tempos, JCB and water tankers and adjustment of electric/water charges raised by the Commercial Department of NDMC. A provision of Rs. 10.00 lakh each has been kept for special Maintenance of Race Course Road Complex and greens of NDCC II.

5. FINANCIAL IMPLICATIONS OF THE PROPOSED/ PROJECT/ SUBJECT

Finance department has agreed for Rs.2.75 Crores (Rupees two crore seventy five lakh).

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

NOT APPLICABLE as maintenance activities will continue throughout the year.

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT

Finance Department has agreed for Rs.2.75 Crores (Rupees two crore seventy five lakh) i.e. actual expenditure of last year + 10% enhancement vide their U.O. No. 1186 dt. 12-06-09. Comments of the Finance Department is reproduced as under:

“It appears that the department has not adhered to norms and the estimate has been processed including enhancement in casual labour from 9000 of previous year to 18000 without any basis of extant policy. It is viewed that the estimates for works for the CWG 2010 are being taken up by the department/different departments separately in accordance with requirements/assigned works to NDMC and as such extra provisions on this account in annual estimate is not found legitimate. Perusal of clarifications afforded by the department shows that expenditure on maintenance work was incurred as Rs.2.5 Crore during 2008-09 against the approved estimate amounting to Rs.274.30lakh. We agree for AA&ES amounting to Rs.2.75core (Rs. Two crore seventy five lacs only) i.e. last year expenditure plus 10% enhancement. However, the department may re-appropriate the provisions of different items in estimate within this AA&ES to the estimate, having regard to norms approved by the Council read with norms and classification of work given in chapter 7 of CPWD Maintenance Manual.”

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

The department agrees to the Comments of the Finance Department and will abide by their advice. It is relevant to submit that there have been recent works of development of various landscapes and green strips which need to be maintained properly as special cases like NDCC Phase-II and Race Course Road complex, surroundings of parliament and annexe requiring additional funds for which further requirements will be placed before the Council whenever required.

The Finance Department has seen and no further comments to offer.

9. LEGAL IMPLICATION OF THE SUBJECT/PROJECT.

There is no legal implication in this case.

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

Estimate for the year 2008-09 as sanctioned by the Council vide Reso. NO.8 (N-I) dated 18.06.2008.

11. COMMENT OF THE LAW DEPARTMENT ON THE SUBJECT /PROJECT

There is no legal implication in this case.

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

No comments, since there is no legal implication in this case.

13. CERTIFICATION BY THE DEPARTMENT THAT ALL CENTRAL VIGILANCE COMMISSION (CVC) GUIDELINES HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE.

Certified that all CVC guidelines will be followed while execution of the works.

14. RECOMMENDATIONS

Recommended for according Administrative approval and expenditure sanction to estimate amounting to Rs.2.75 Crores (Rupees two crore seventy five lakh only) for the work Maintenance of Parks & Gardens during 2009-10.

15. DRAFT RESOLUTION

Resolved by the Council that Administrative approval and expenditure sanction is accorded to estimate amounting to Rs.2.75 Crores (Rupees two crore seventy five lakh only) for the work of Maintenance of Parks & Gardens during 2009-10. Resolved further that action on the item may be taken pending confirmation of the minutes of the meeting.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to Rs.2.75 Crores for the work of Maintenance of Parks & Gardens during 2009-10.

It was further resolved that in case the Department is not able to manage with this allocation, Council may be approached for allocation of additional funds at RE stage.

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

ITEM NO. 17 (N-02)**1. NAME OF THE SUBJECT/PROJECT**

Annual Estimate for the work "Maintenance of Colony Parks for the year 2009-10.

2. NAME OF THE DEPARTMENT/DEPARTMENTS CONCERNED.

Horticulture Department, NDMC

3. BRIEF HISTORY OF THE SUBJECT/PROJECT

The CPWD Colony Parks were transferred to NDMC w.e.f. 01.04.2007 on 'as is where is' basis and the Horticulture Department started basic maintenance works to ensure that public residing in these colonies is not inconvenienced. Total 981 parks or 35 colonies including lawns of Shanti Path having the approximate area of 254 Acres excluding open green area of the colonies. Accordingly a proposal was placed before the Council for granting funds for maintenance of these colony parks which the Council approved providing of funds and approval of management plan in its meeting 14.11.2007 vide item No. 16 (N-3). The Council suggested that maintenance works be continued. However, the MoUD be asked to provide funds to meet the expenditure. The matter was discussed in a meeting taken by the Secretary Urban Development, Govt. of India where the NDMC was asked to maintain the parks from its own funds. However, a proposal for one time grant was submitted to MoUD and the response is awaited.

4. DETAILED PROPOSAL ON THE PROJECT/SUBJECT

Preliminary Estimate amounting to Rs. 410.00 lakh including 3% contingencies has been prepared by the department for meeting the annual maintenance requirements of CPWD Colony parks during 2009-10 for 981 CPWD Colony Parks or 35 Colonies including lawns of Shanti Path having the approximate area of 254 Acres excluding open green area of the colonies. The estimate is prepared for 240 Acres based on CPWD Norms and the past experience of Horticulture Department in maintenance works. The main provision is for engagement of casual labour having 25.5% of the total proposed expenditure as the Horticulture Department does not have malis for maintaining these CPWD Parks ;by the NDMC. The estimate contain the provision of SFRC tree guard, the green house and roll call shelters.

5. FINANCIAL IMPLICATIONS OF THE PROPOSED/ PROJECT/ SUBJECT

Finance department agreed for Rs.2.00 Crores (Rupees two crore).

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

NOT APPLICABLE as maintenance activities will continue throughout the year.

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT

Finance Department has agree for Rs.2.00 Crores (Rupees two Crores only) i.e. last year expenditure plus 10% enhancement. vide their U.O. No. 1209 dt. 12-06-09. The Comments of the Finance Department is reproduced as under:-

"The proposed estimate is for maintaining the parks of the colonies owned by Ministry of Urban Development, Govt. of India and FD has always viewed that the expenditure incurred/to be incurred on maintenance and upkeep of these parks should be got reimbursed from CPWD/MOUD either annually or as one time grant. It is observed that no payment has yet been received from CPWD/MOUD as the department has stated that case is being persuaded with MOUD, vide clarification to FD's observation No.6. The present status of the case needs to be brought on record.

It is also worthwhile to mention that SR 319 made under FR 45-A provides that raising, leveling, dressing sites, construction of revetments retaining walls, compound walls, fences, gates, approach roads and paths within compound etc. shall be regarded as expenditure for the purpose of assessment (capital cost) of license fee which in present case is levied by MOUD. Accordingly, it is therefore, advisable to incur any expenditure including of capital nature on this account, after ensuring that requisite funds are made available to NDMC.

The proposed estimate amounting to Rs.410 lakh, prepared appears to be the higher side also keeping in view the stated expenditure during 2008-09 as Rs.1.32 lac (*read 1.32 crore*) plus expected TEs of Rs.50 lac.

With the above observations, we agree for A/A & E/S amounting to Rs.2.00 crore (Rs. Two crore only) i.e. last year expenditure (Rs.1.82 crore) plus 10% enhancement. However, the department may re-appropriate the provisions of different items in estimate within this A/A & E/S to the estimate, but according to the norms laid down for the purpose, in chapter 7 of CPWD Maintenance Manual."

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

There is no assurance from Ministry of Urban Development for reimbursement of any expenditure incurred in this regard which was informed in meeting taken by

Secretary, Ministry of Urban development. Therefore a proposal for one time grant for Rs.88.85 crores (The proposal has component on capital expenditure of Rs.58.94 crores and revenue expenditure of Rs.29.90 crores) was sent to Secretary (UD), Ministry of Urban development through Chairperson in February 2008. But so far no response has been received. Now Council has to decide whether the department continues with the maintenance and improvement works at CPWD colony parks during 2009-10. The department will continue to maintain colony parks so that residents of the area not inconvenience.

Further as desired by finance that CPWD maintenance manual will be followed in this regard it is submitted that the council has already approved the norms for engagement of manpower like engagement of 2 mali per acre of parks area and one worker for 4 acre for cleaning of park (1/4 person per acre) in addition the department has to maintain all trees of the whole colony and open green space/kacha portion in addition to the existing parks for which no provision is reflected in the estimate which will take resources from the current estimate.

The Finance Department has seen and no further comments to offer.

9. LEGAL IMPLICATION OF THE SUBJECT/PROJECT.

No law point is involved.

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

Estimate for the year 2008-09 as sanctioned by the Council vide Reso. NO.19 (N-2) dated 20.08.2008.

11. COMMENT OF THE LAW DEPARTMENT ON THE SUBJECT /PROJECT

No law point is involved.

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

Not applicable

13. CERTIFICATION BY THE DEPARTMENT THAT ALL CENTRAL VIGILANCE COMMISSION (CVC) GUIDELINES HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE.

Certified that all CVC guidelines will be followed while execution of the works after taking necessary approval.

14. RECOMMENDATIONS

Recommended for according Administrative approval and expenditure sanction to estimate amounting to Rs.2.00 Crores (Rupees two crore only) for the work Maintenance of CPWD Colony Parks during 2009-10. The work will be done by either engaging casual workers or contractor or by both as per requirement.

15. DRAFT RESOLUTION

Resolved by the Council that Administrative approval and expenditure sanction is accorded to estimate amounting to Rs.2.00 Crores (Rupees two crore only) for the work of Maintenance of CPWD Colony Parks during 2009-10. The department may maintain the CPWD Colony parks through casual workers or Contractors or by both as per requirement in the best interest of work. Resolved further that action on the item may be taken pending confirmation of the minutes of the meeting.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to Rs.2.00 Crores for the work of Maintenance of CPWD Colony Parks during 2009-10.

It was further resolved that in case the Department is not able to manage with this allocation, Council may be approached for allocation of additional funds at RE stage.

It was further decided that the department may maintain the CPWD Colony parks through casual workers or Contractors or by both, as per requirement, in the best interest of work.

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

ITEM NO. 18 (N-03)**1. NAME OF THE SUBJECT/PROJECT**

Common Wealth Games Projects 2010 (S.H.: Proposal for raising of 1 Million potted plants for Common Wealth Games Project.).

2. NAME OF THE DEPARTMENT/DEPARTMENTS CONCERNED.

Horticulture Department, NDMC

3. BRIEF HISTORY OF THE SUBJECT/PROJECT

The proposal for raising of 1 M (10 lakhs) potted plants has been prepared in pursuance of directions of the Govt. of NCT of Delhi. Raising of 5.5 M potted ornamental plants was decided in a meeting taken by the Chief Secretary on 22.08.2008 with all concerned Greening Agencies like DDA, MCD, CPWD, PWD, NDMC, Forest Department and others and NDMC has been allotted a target of 1 M potted plants.

Accordingly the proposal has been prepared for Rs.23.22 crores which include both ornamental perennials and annual / seasonal plants. Out of 1 M, 0.4 M would be RCC pots of different sizes for perennials and 0.6 M earthen pots of different sizes.

Around 50% plants would be raised in departmental nurseries and remaining 50% would be procured from the market from best possible sources

Brief information on the proposal is given below for perusal

- Target: 1 M (10,00,000)
- Type of Plants:

- Ornamental Ficus spp.	: 2,00,000
- Palms & Bamboo	: 2,00,000
- Foliage Plants & Shrubs	: 2,00,000
- Ground Cover & Seasonal	: 2,00,000
- Annual Flowers/ornamental	: 2,00,000
- Grass Turf/Carpet	: 1,00,000 Sq.M

4. DETAILED PROPOSAL ON THE PROJECT/SUBJECT

A Preliminary estimate amounting to Rs.23,21,39,402/- has been prepared for raising of plants and procurement of Planting materials, Earthen pots, RCC pots, Fertilisers, good earth, sand, manure and creating supporting infrastructures like Agro shed, irrigation network, Green house/poly house and also engagement of casual labour.

Criteria for Species Selection Flowering plants limited in October.

- More emphasis on
 - coloured foliage characteristics.
 - Ornamental Ficus topiaries.
 - Bamboos
 - Shrubs
 - Ground covers
- Earthen & RCC Pots for filling to be arranged simultaneously to be ready by February to July,2010

Some species will be selected during field visits at the time of August-October, 2009 to short list plants at their best during event's time. These plants would be brought to Delhi and stored at proper site/ nurseries for hardening and ready for display at various sites.

The growing season for cuttings, grafting/ layering etc is very short i.e. 1-1/2 to 2 months in Delhi's climatic conditions, all efforts would be made to maximize the production. The plants in most categories have to be raised first in polybags/ polypots and later on to be shifted to earthen pots/ RCC pots/ after attaining suitable size. Also small saplings will be purchased from private nurseries and subsequently grown to appropriate size.

Strategy for preparation of Potted Plants:

- Department's own production – 5.00 lakh
- To be purchased from market – 5.00 lakh
- Earthen Pots - 6.00 lakh
- RCC/Fibre Pots - 4.00 lakh
- Selection of sample pots before NIT.
- Estimate prepared for -Rs.23.22 Crores.
- Plant selection is very important as good quality planting material in bulk is difficult to obtain from open market.
- Planting material can be procured from nurseries from the various parts of the country like Vishakhapatnam, Kadium , Hyderabad in Andhra Pradesh, Kolkatta, Bangalore and Pune.
- Purchase through Sub-Committee through wide selection.
- Collection of suitable plants is a continue process-which will start immediately.

The provision of planting materials, good earth, fertilizers, poly-green houses, manpower for creation and maintenance of potted plants has been kept in the estimated amount, however on execution, there might be some variation.

Finance department agreed for Rs.23,21.39,400/- (Rupees twenty three crore twenty one lakh thirty nine thousand and four hundred only).

5. FINANCIAL IMPLICATIONS OF THE PROPOSED/ PROJECT/ SUBJECT

Rs.23,21.39,400/- (Rupees twenty three crore twenty one lakh thirty nine thousand and four hundred only).

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

Timeframe:

1.	Starting of work-	June,2009
2.	0.3 M plants in polybags-	31 st October,2009
3.	0.7 M plants	31 st March,2010
4.	0.3M plants	15 th September,2010.
5.	Preparation of RCC pots	31 st March,2010
6.	Preparation of Earthen pots	31 st July,2010
7.	Potting of plants &hardening	15 th September,2010
8.	Transport of special seasonal plants/ turf grass from outside Delhi	15 th Septmber-30 th Sept.,2010

The work is not a onetime activity, it will be done in many phases/ parts in the interest of best output within the sanctioned amount.

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT

Finance Department has concurred the estimate amounting to Rs.23,21,39,400/- subjects to the following conditions:

1. Name of the work differs on noting portion, Report of estimate and abstract of the estimate. The same may be corrected as one name.
2. Sufficient budget provisions for execution of work may be ensured since no budget head & provisions have been brought on record, which may be got opened.
3. DPR of the work may be prepared and placed before the competent authority while obtaining AA&ES.
4. The work may be carried out following codal formalities as also directed by the Chairman on dated 13.05.2009.

5. Ensuring & certifying that the estimate of the proposed work has been done having regard to targets assigned to NDMC(.7M perennial plants & .3M annual/seasonal plants).

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

1. Necessary correction has been made and name of work:-Common Wealth Games Project 2010. S.H.: Proposal for raising of 1 million potted plants for Common Wealth Games Project.
2. Approval of the Chairperson dt.13-5-09 in principle obtained for Creation of new Budget head for CWG Project and an allocation of Rs.50 Lakhs for starting the works for tendering for various works and collection of planting materials.
3. DPR of the work is placed in the file.
4. The work shall be carried out after following all codal formalities.
5. It is certify that the estimation of the proposed work has been done as suggested.

Further it is stated that 50% work of plants materials shall be got done by the Department and rest 50% work shall be procured by wide publicity through e-tendering/quotation. The Department will make efforts to economize the expenditure to keep it to minimum possible level.

The Finance Department has seen and no further comments to offer.

9. LEGAL IMPLICATION OF THE SUBJECT/PROJECT.

There is no legal implication in this case.

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

Not Applicable

11. COMMENT OF THE LAW DEPARTMENT ON THE SUBJECT /PROJECT

No comments.

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

No comments.

13. CERTIFICATION BY THE DEPARTMENT THAT ALL CENTRAL VIGILANCE COMMISSION (CVC) GUIDELINES HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE.

Certified that all CVC guidelines will be followed.

14. RECOMMENDATIONS

Recommended for according Administrative approval and expenditure sanction to estimate amounting to Rs.23,21,39,400/- (Rupees twenty three crore twenty one lakh thirty nine thousand and four hundred only) for the work Common Wealth Games Project 2010, S.H.: Proposal for raising of 1 million potted plants for Common Wealth Games Project.

15. DRAFT RESOLUTION

Resolved by the Council that Administrative approval and expenditure sanction is accorded to estimate amounting to Rs.23,21,39,400/- (Rupees twenty three crore twenty one lakh thirty nine thousand and four hundred only) for the work Common Wealth Games Project 2010, S.H.: Proposal for raising of 1 million potted plants for Common Wealth Games Project.. Resolved further that action on the item may be taken pending confirmation of the minutes of the meeting.

COUNCIL'S DECISION

Resolved by the Council by majority vote to accord administrative approval and expenditure sanction to the estimate amounting to Rs.23,21,39,400/- for the work of Common Wealth Games Project 2010, S.H.: Proposal for raising of 1 million potted plants for Common Wealth Games Project.

It was further resolved by the Council that the department will request Delhi Govt. for allocation of funds for this project.

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

ITEM NO. 19 (L-01)**1. Name of the Project**

Redevelopment of Musical Fountain Park area (up to Africa Avenue) at Netaji Nagar on BOT Basis.

2. Name of Department

Director (Estate)-I

3. Brief History of the Project

NDMC has a park at Netaji Nagar having Musical Fountain, which is spread in approximately 8,000 Sqm of area. The construction of the same was completed in 1997 and since then it is being maintained and operated by the private agencies on annual basis. Due to various Technical reasons, the Musical Fountain is not functional for last many years.

The above said park, as per MPD 2021, is a District Park with land use "Recreational". Presently the area is not being maintained to the required level. There is also a Hut which is in a dilapidated condition and needs to be maintained up to the required standard and put to use. The location of the site is very prime as it is on the main Ring Road side which makes it viable for revenue generation. It has also been observed that there is another park (touching Africa Avenue) adjacent to the aforesaid area which is about 12200 Sqm., also needs to be maintained to the required level.

4. Detailed Proposal on the Subject/Project

Keeping in view the development of the area as a whole and with thrust on Commonwealth Games 2010, with prior approval of the Competent Authority, an EOI was called for the same, considering various activities allowed in a District Park as per MPD 2021.

Expression of Interest (EOI) was called by giving wide publicity in the leading Newspapers namely, *Hindustan Times, Statesman, Business Standard, Business Line, and Hindustan (Hindi)*. On the due date i.e., 15th Oct 2008, three firms had submitted their credentials. For evaluation of the EOI documents and to scrutinize the proposals received, a Sub Committee was approved by the Chairman NDMC consisting of the following officers:-

- (a) Additional FA
- (b) Chief Architect
- (c) Director (Projects)
- (d) Director (Horticulture)
- (e) Director (Estate)

EE (BM-PK) was entrusted with the responsibility to provide technical support for the Project.

Three (3) Developers/Companies responded and showed their interest by submitting the relevant documents. The details of the Companies are as under:-

- (i) Choice Development Company Pvt. Ltd.
- (ii) Mind Matrix
- (iii) Sunrydge India Heritage Pvt. Ltd.

The responsiveness was examined by the Committee based upon following eligibility conditions as provided in EOI:-

- (a) Average Net Worth of the applicant should not be less than Rs.1.5 crores during the last three financial years.
- (b) The applicant should have been making profit in the last three financial years.

The details of responsiveness check is as under:-

Description	Choice Development Company Pvt. Ltd.	Mind Matrix	Sunrydge India Heritage Pvt. Ltd.
Cost of document Rs.2,000.00	NDMC Challan No 108053 dated 1.10.08	Pay order No 008258 dated 15.10.08 Bank of India	NDMC Challan No 108059 dated 30.9.08
Min. Net Worth Rs.1.5 crores	Rs.55.00 crores	Rs.1.02 crores	Rs.10.00 crores
Balance sheet	Enclosed	Enclosed	Enclosed
Methodology	As detailed	As detailed	As detailed
Remarks	Seems to be Qualified for issuance of RfP as per the eligibility conditions in EOI	Not Qualified. Net worth is not as per the requirement and the experience and methodology not adequate	Seems to be Qualified for issuance of RfP as per the eligibility conditions in EOI

The Evaluation Committee examined the responses in detail along with all related issues and recommended as below:

- I. The time frame for concession period should not be more than 15 years in one stretch.
- II. It was observed that wide and adequate publicity has already been given while calling the EOI and since the work is to be taken on a Fast Track due to ensuing CWG 2010, hence, it was recommended to issue the RfP document to the short listed firms as per the conditions of EOI.
- III. The area of the park adjoining to the Musical Fountain Park was also discussed and it was felt that while developing the Musical Fountain area the same Concessionaire should also maintain the adjoining park, keeping it green as per the requirement of the Horticulture Deptt. It was decided that it should be merged with the adjacent park by integrated path way and there may be some playing equipments etc. for the children in this area.
- IV. The issue of activities to be allowed was also discussed and it was agreed that in addition to the Musical Dancing Fountain, the Concessionaire should be permitted to undertake activities permissible under MPD 2021 but keeping the required green characteristic as per the guidelines.
- V. Being a prime location, there is a huge advertising potential and NDMC may allow the advertisement by wall paneling facing Ring Road with certain ceilings as per the Supreme Court guidelines on advertising policy. As revenue from the advertisements may be quiet high, the Sub Committee proposed that the type and size of the advertisement should be properly defined and ceiling should be as per Supreme Court guidelines and we may ask for revenue sharing model.
- VI. Sub Committee also emphasised that necessary criteria for pruning of trees etc. should be enforced keeping in view the guidelines on the subject.

Since, it was not a routine project; hence, it was proposed that the RfP as well as the draft concession agreement should be prepared very carefully. The Committee also recommended engaging a Consultant for the purpose. The recommendations of the Sub-Committee along with appointment of M/s DIMTS as Consultant for preparing RfP Document, Concession Agreement and advising us on aspects of Revenue generation was approved by the Chairman on 06/02/09. Consultant's fee was fixed at Rs.14.75 Lacs.

For monitoring of the project, an In House Technical Committee consisting of CE(BM), CA, Director (Projects), CE(E-II) & Director (Hort.) has also been approved.

Based upon the assessment made by the Sub-Committee, the following two (2) bidders were pre-qualified for bidding for Techno-Commercial bid (RfP) :-

- (i) Choice Development Company Pvt. Ltd.
- (ii) Sunrydge India Heritage Pvt. Ltd.

The RfP document was issued to both the bidders with due date of submission as 18.05.2009. A pre-bid meeting was held on 01.05.2009. As per advise of our Consultants and to maintain the green character of the area, it was agreed in principle to have a ceiling as of 20% of the area including parking area for Commercial use & this was clearly explained to both the bidders in the pre-bid meeting. To evaluate the Techno Commercial Bids, an evaluation committee consisting of following was approved by Chairman, NDMC:

- (i) FA
- (ii) CA
- (iii) Director (Hort.)
- (iv) Sh. Sudhir Vohra, Consultant Architect
- (v) Representative(s) of DIMTS
- (vi) Director (Estate-I)

Both the bids were received on due date of submission and Technical Evaluation was made by M/s DIMTS. During deliberations of Technical Evaluation, it was unanimously felt by the Committee that for proper clarity of the scheme & effective marking, a presentation be made by both the bidders in front of Evaluation Committee Members on 15.06.2009. After detailed deliberations, the Technical Evaluation was reviewed and marking was made by all the members individually. The details of marking is enclosed as

Annexure 'A' (See pages 106-109), with average marks as under:-

- | | | |
|------|--------------------------------------|-------|
| (i) | Choice Development Company Pvt. Ltd. | 56.33 |
| (ii) | Sunrydge India Heritage Pvt. Ltd. | 85.25 |

The Evaluation Committee also deliberated on the issue of required parking for this project. After considering all related issues, the Committee was of the opinion that NDMC should also explore possibility of additional parking area for the project in the nearby vicinity simultaneously. Efforts in this regard would be made in consultation with Civil & Enforcement Department.

The Financial bids were opened on 23.06.2009 in the Chamber of FA in presence of Evaluation Committee Members and bidders representatives. M/s APPLAUSE HOSPITALITY SERVICES PVT. LTD. (JV of SUNRYDGE INDIA HERITAGE PVT. LTD.) was found to be H1. The proposed layout plan of the project submitted by the H1 is enclosed as **Annexure 'B' (See page 110)**. The Consultant, M/s DIMTS has given its final Evaluation Report as under:-

S. No.	Bidders	Technical Proposal		Financial Proposal		Composite Score	Ranking
		Score	Weightage	Score	Weightage		
1.	Choice Development	56.33	60%	17.98	40%	40.99	H2
2.	Applause Hospitality	85.25	60%	100.00	40%	91.15	H1

5. Financial Implication of the proposed Project

NDMC shall earn revenue of Rs.25,01,000.00 per quarter. It is also offered by the H1 concessionaire that a sum of Rs.50,02,000.00 shall also be paid as an up front fee to NDMC (in addition to quarterly fee) as below:

- i) Rs.25,01,000.00 with in 90 days of approval of plans
- ii) Rs.25,01,000.00 with in 90 days of commencement of commercial operations at site

The quarterly fee shall be payable over next 15 years with an Annual enhancement @ 5% p.a. over the quarterly concession fee corresponding to the immediately preceding year.

6. Implementation Schedule with Time Limits for such stage including Internal processing

Work is to be awarded on BOT basis and is expected to be completed with in 12 months after award.

7. Comments of Finance Department on the subject

The same was concurred in by the Finance Department with the following observations:

1. Subject to approval of the competent authority
2. The statement of Marks (Annexure-A) of technical and Financial Evaluation may be authenticated by the Director (Estate)
3. A Project Monitoring Committee may also be put in place and accordingly be mentioned while seeking approval of the Council
4. The department may consider mentioning the maximum area in the Concession Agreement which can be exploited by the concessionaire for commercial facilities in order to avoid disputes, if any, culminating to litigation in future

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

The Evaluation report is authenticated by Director (Estate) and a Project Monitoring Committee as under, stands approved by the Chairman:

- a) Chief Engineer (BM), Civil**
- b) Chief Architect**
- c) Director (Projects)**
- d) Chief Engineer (E-II)**
- e) Director (Horticulture)**
- f) Director (Estate)**

As regards the capping for commercial activities is concerned, a ceiling of 20% of the area is already proposed for commercial uses, which includes the parking area.

Finance has seen the subsequent comments of the department and have offered no further comments.

9. Legal Implication of the subject/project

NIL

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

NIL

11. Comments of Law Department on subject

NIL

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

NIL

13. Certification by the department that all CVC guidelines have been followed while processing the case

It is certified that CVC guidelines have been followed during tendering

14. Recommendations

The case is placed before the Council for its approval to place the order to M/s APPLAUSE HOSPITALITY SERVICES PVT. LTD. (JV of SUNRYDGE INDIA HERITAGE PVT. LTD.) at its quoted rates, initially for a period of 15 years.

COUNCIL'S DECISION

Resolved by the Council by majority vote to place the order to M/s APPLAUSE HOSPITALITY SERVICES PVT. LTD. (JV of SUNRYDGE INDIA HERITAGE PVT. LTD.) at its quoted rates, as defined in para 5 of the preamble, initially for a period of 15 years.

Annexure 5 pages

Annexure End

ITEM NO. 20 (A-61)**1. Name of Subject :-**

Construction of staff quarters for service personnel Sector-VII , Pushp Vihar , New Delhi.

2. Name of the Department:-

Civil Engineering Department Zone-II

3. Brief History of the Subject :-

Construction of building and maintenance of dwelling houses for Municipal Officers and other employees is one of the discretionary function of the Council under section 12(n) of NDMC Act 1994. Accordingly L&DO was requested to make available land for construction of staff quarters for service personnel.

A piece of land measuring 1.98Acres was allotted to NDMC by L&DO vide letter L&DO/LV/16/(716)/490 dt. 28.08.2001 but physical possession of only 1.609 Acres of land was handed over to NDMC on 27-12-01 Cost of land has since been deposited with L&DO for Rs 19,800/-

After getting physical possession the boundary wall was constructed around the plot. The security guard was also made depute security to avoid any encroachment.

Architect department issued drawings for housing of service personnel comprising 96 Type-II Quarters along with E/S/S & pump house in Four storied blocks.

Based on architectural drawing , Preliminary estimate based on PAR 1992 was prepared for Rs.6,73,46,000/- and approved by council vide Reso. No. (A-14) dt. 28.9.05.

The lay out plan was received duly approved by MCD on 12.09.08, though the same was submitted to them for approval on 04.10.05 Subsequently plan was submitted to DUAC and CFO Delhi for clearance. DUAC raised certain observations regarding stilt parking . Accordingly modified plan and model has been submitted to DUAC for approval. DUAC have approved the plans with observation i.e. a proper landscape plan with input of qualified landscape architect needs to be submitted. Accordingly Architect deptt. have submitted the landscape plan. The plan was cleared by CFO and DUAC on 28.01.09 and 03.06.09

As a result of change in plan as per observation of DUAC and the fact that earlier estimate approved was based on PAR 1992 there was a requirement to revise the estimate and seek revised administrative approval.

5. Financial implication of the proposed Project / Subject :-

On the basis of modified architectural drawings, revised preliminary estimate amounting to Rs.12,05,09,000/- has been prepared based on PAR 2007, DSR 2007 with cost index, duly checked by planning division was forwarded to Finance and have concurred the same for Rs.12,05,09,000/-

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

Time of completion of the project 2 years after the award of work.

7. Comments of the Finance department at the subject:-

- (i) Ensuring & certifying that the project in question involves landscape related construction and
- (ii) While submitting the proposal to Chairman for approval of the Council. Clear recommendation duly signed by HOD be recorded, in compliance of contents of Circular No. EIC/D/PS/301 dated 23.02.2005 issued by the then E-in-C.

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

- (i) It is certified that after Construction Land Scapping is also required.
- (ii) Recommendation have been recorded.

Finance Department have seen and they have no further comments.

9. Legal Implication of the Subject / Project.

NIL

10. Details previous council resolution/ existing and of Parliament and assembly on the Subject.

Previous council Reso No. 2(A-14) dt. 28.09.2005.

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

The Estimated Cost on 2005 was Rs.6,73,46,000/-. It is now Rs.12,05,09,000/- delay & reason for increasing Cost may be explained in the proposal.

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

The lay out plan was received duly approved by MCD on 12.09.08, though the same was submitted to them for approval on 04.10.05 Subsequently plan was submitted to DUAC and CFO Delhi for clearance. DUAC raised certain observations regarding stilt parking. Accordingly modified plan and model has been submitted to DUAC for approval. DUAC have approved the plans with observation i.e. a proper landscape plan with input of qualified landscape architect needs to be submitted. Accordingly Architect deptt. have submitted the landscape plan. The plan was cleared by CFO and DUAC on 28.01.09 and 03.06.09.

13. Certification by the department that all central Vigilance Commission (CVC) guidelines have been followed, while processing the case.

Certified that necessary guidelines of CVC have been followed , while processing the case.

14. Recommendation

The case is placed before the council for according Revised Preliminary Estimate amounting to Rs.12,05,09,000/-for the construction of staff quarters. It is also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the council .

15. Draft resolution:-

Resolved by the council that revised A/A & E/S is accorded to the preliminary estimate amounting Rs.12,05,09,000/- for construction of staff quarters for service personnel at Sector -7 Pushp Vihar, Saket .

It was also resolved that further action in the matter be taken in anticipation of confirmation of minute's by the council .

COUNCIL'S DECISION

Resolved by the Council to accord revised administrative approval and expenditure sanction to the preliminary estimate amounting Rs.12,05,09,000/- for construction of staff quarters for NDMC employees at Sector -7 Pushp Vihar, Saket .

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

ITEM NO. 21 (H-03)**1. NAME OF THE SUBJECT:-**

Acceptance of the report of Bharat Bhushan Committee constituted in pursuance of directions of the Supreme Court for rationalization of pay and allowances of employees in NDMC.

2. NAME OF THE DEPARTMENT:-

Personnel Department.

3. BRIEF HISTORY OF THE SUBJECT:-

- (i) The Supreme Court vide its order dated 16th July, 2008 passed in SLP (Civil) No.(s) 13301/2005 & Batch while disposing of the appeal commented that the anomalies should not have been brought on record but the same should have been settled by the authorities themselves by rationalizing the pay scales of all employees working in NDMC.
- (ii) In pursuance thereto a Committee was constituted by the Chairman, NDMC on 8.8.2008 under the chairmanship of Sh. Bharat Bhushan, Member (Judicial), Appellate Tribunal (VAT), GNCTD.
- (iii) The Committee was required to consider the issue in its totality and submit its recommendations regarding pay and allowances payable to different categories of municipal employees. The committee was required to specifically take into consideration the following categories of employees:
 - (a) Employees governed by CPC and other Committees like Tikkoo Committee in case of doctors and Chattopadhyay Committee in case of teachers;
 - (b) Employees covered by Shiv Shankaran scale;
 - (c) Employees given the Shiv Shankaran scale in compliance of court directions including the case decided by the Supreme court as well as other cases pending in various courts;
 - (d) Employees to whom special scales have been earlier given by the New Delhi Municipal Committee.
- (iv) The Committee was also required to look into the recommendations made by the Sixth CPC before suggesting rationalization of the pay scales.
- (v) On the basis of interim recommendations of the Committee accepted by the Council, recommendations of the 6th CPC were provisionally adopted for all

the employees of NDMC and pay and allowances revised. Further, 40% of the admissible arrears were also released.

- (vi) The Council vide its Resolution No.14(H-6) dated 17.9.2008 referred the matter regarding stoppage of recruitment to Group 'D' category and any other issue specifically related to NDMC for examination of the Committee. Accordingly, the terms of Committee also included examination of issue relating to stoppage of recruitment to category 'D' posts.
- (vii) The Committee was initially required to submit its report within a period of 3 months. However, the Committee was granted extension from time to time till 30.4.2009.
- (viii) The Committee has since submitted its report to the Chairman, NDMC.

4. DETAILED PROPOSAL ON THE SUBJECT:-

The recommendations of the Committee for rationalization of pay scales and allowances of all the employees of NDMC may be accepted. **The Report of the Committee is being circulated separately.**

5. FINANCIAL IMPLICATIONS OF THE PROPOSED SUBJECT:-

A total outgo of about Rs.168 Crores is estimated on account of arrears & salary and allowances during 2008-09 and 2009-2010. Further, pension liabilities are likely to increase by about Rs.37 Crores per annum. The arrears on account of implication of Supreme Court directions for the period 01.04.1998 to 31.12.2005 are yet to be calculated.

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

On acceptance of report of the committee by the Council, the exercise to revise the pay and allowances of all the employees would be taken in right earnest and completed within three months.

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

As Financial Advisor was a member of the Committee, the comments of the Finance Dept. have not been sought separately.

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

Not Applicable

9. LEGAL IMPLICATIONS OF THE SUBJECT:-

Nil

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

Council's Resolution No.14(H-6) dated 17.9.2008.

11. COMMENTS OF THE LAW DEPARTMENT:-

As Legal Advisor was a member of the Committee, the comments of the Law Dept. have not been sought separately.

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

Not Applicable

13. RECOMMENDATIONS:-

The report of the Committee on rationalization of pay and allowances be adopted by the Council.

14. DRAFT RESOLUTION:-

The recommendations of the Committee on rationalization of pay and allowances are accepted. The Chairperson may take further necessary action thereon.

COUNCIL'S DECISION

Resolved by the Council that those employees who have been left out of the benefit of Shiv Shankaran Scale, may also be given the benefit of the Shiv Shankaran Scale, in view of the directions given by Hon'ble Supreme Court of India in SLP (Civil) No.(s) 13301/2005 & Batch.

It was further resolved by the Council that the present report of the Bharat Bhushan Committee may be referred back to the same Committee for giving its further recommendations within two weeks from the receipt of report of the Pay Revision Committee constituted for the Delhi Transco Ltd.

ITEM NO.22 (H-04)**1. Name of the subject/project:**

Regularization of TMR workers including Non-Card holders.

2. Name of the Department:

Personnel Department.

3. Brief History of the subject/project:

- (i) Even before establishment of the Council, large number of daily wagers, called Temporary Muster Roll (TMR) workers were employed by the erstwhile Committee.
- (ii) The Council vide Resolution No. 4(V) dated 23.2.1996 resolved that TMR workers on completion of 500 days be regularized as Regular Muster Roll (RMR) workers as per availability of vacancies.
- (iii) The Council vide Resolution No. 3(iv) dated 14.2.1997 resolved that:
 - (a) All Regular Muster Roll Workers who have put in more than 6 years service on 31.12.1996 should be regularized as a one time measure.
 - (b) In order to accommodate all those workers, required number of Group 'D' posts in respective cadres be created.
 - (c) The regularization be done irrespective of existing vacancies in various departments and the existing vacancies abolished and posts created in the respective departments to accommodate/ regularize persons who were working as TMR or RMR on 31.12.1990 and had completed 6 years from 31.12.1990.
 - (d) All RMR workers, even those working against Group 'C' posts, be regularized only against Group 'D' posts.
 - (e) TMR workers, who were appointed before 31.12.1990 and have worked regularly without any break and completed 6 years service be regularized after due verification.
- (iv) Pursuant to the said Council Resolution, 2122 workers, who had completed 6 years of continuous service without break were regularized. This included 1864 RMR workers who had completed 6 years of continuous service without break on 31.12.1996 and 256 workers whose length of service as TMR plus RMR without break was six years on 31.12.1996. Thus, all TMR/RMR workers engaged prior to 1.1.1991 were regularized.
- (v) The Council vide Resolution No. 8 dated 18.3.1999 resolved that:
 - (a) The policy formulated vide Resolution dated 14.2.1997 be followed subject to the modification that in the first instance the regularization be carried out against existing vacancies. The cut off date as approved at the time of last regularization was 31.12.1996.

The next cut off date could be 31.12.1997 followed by 31.12.1998 and so on.

- (b) Subsequent regularization be carried out against the vacancies arising out of retirement, resignation, death etc. in the respective category against which RMR worker would be eligible for regularization.
 - (c) The respective user departments may carry out work study justifying creation of additional posts, if so required, in the department and after proper sanction thereof, regularization of RMR workers in the respective departments may be considered.
 - (d) The beneficiary must fulfill the educational qualifications as prescribed in the Recruitment Rules for the category of posts against which he is considered for regularization.
 - (e) Keeping in view the existing workforce and future regularization of RMR workers, there should now be a complete ban on regularization of TMR into RMR.
 - (f) For all future recruitments a proper roster system as in the case of regular appointments may be followed giving benefit to SC/ST category of RMR workers.
 - (g) For short time deployments on special occasions, muster roll shall be drawn as per works requirements/ norms and charged on the work itself. This would be a one time exercise for which no card should be issued and their services dispensed with at the completion of the work/ special requirement.
- (vi) TMRs being considered were those who were N.D.M.C. Card Holder. New card holder was not considered.
 - (vii) The Council vide Resolution No. 11(H-16) dated 19.12.2007 resolved that the proposal for taking the cut-off date for counting 500 days for TMR workers as 31.12.2001 for considering them as RMR and then after six years of service and regularization of gap period they may be regularized w.e.f. 1.1.2008. Other conditions as prescribed in the last Council Resolution shall remain the same.
 - (viii) The Constitution Bench of the Apex Court in its judgment dated 10.4.2006 in State of Karnataka Vs. Uma Devi & Others has held that even in case of temporary appointment or daily wagers, the process of regular appointment or recruitment against vacant posts has to be as per recruitment rules and it need be ensured that those who are qualified to apply are not deprived of the opportunity to compete for the post.

4. Detailed proposal on the subject/project:

1. The Council's Resolution dated 18.3.1999 has been recently examined by the Central Administrative Tribunal, Principal Bench in the case of Shri Ajay Kumar Pandey Vs. New Delhi Municipal Council (Case No.427/09). The Tribunal vide its order dated 30.04.2009 has upheld the Council's Reso. dated 18.3.99 that there would be no TMRs after 18.3.1999. The point at issue was as to who are the persons entitled to the benefit of being considered as RMR and there after regularization after 06 years as RMR

subject to RRs, age criteria and availability of vacancies. The Tribunal has held that whosoever had been engaged as TMR upto 18.3.99 should be considered for RMR on completion of 500 days as TMR and then regularized on completion of 06 years of continuous service subject to other conditions. The relevant portion from this judgment reads that all such persons who had come to the rolls before 18.3.1999, the supervening prohibition date, may be considered for giving the status of RMR and then regularization. The Tribunal's decision and its implementation would mean that the cut off date for ban is 18.3.1999 and whosoever had joined the N.D.M.C. as TMR before the said date, a prohibition date, whether he was a card holder or not, is entitled to RMR status on completion of 500 days and on completion of 06 years service as RMR, he would be eligible for regularization subject to fulfillment of other prescribed conditions.

- (ii) The interpretation by the Tribunal is the most rational interpretation and benefit of the said decision shall be given to all those who had joined the N.D.M.C. as TMR upto 18.3.1999, the date of prohibition.

Accordingly a seniority list of those who were taken as TMR prior to coming into force of the ban from 18.3.1999, and who were working without any break up to 31.12.2006 will be drawn up and persons on the basis of seniority from this list will be first adjusted/regularized against the vacancies, if any, as on 31.12.2006 from 2.1.2007 and remaining persons against the vacancies as on 31.12.2007. The said regularization has to be from 1.1.2008. If there are any leftovers, these may be regularized against the vacancies that may be worked out as on 31.12.2008. This has to be as per the recruitment rules, reservation quota, qualifications and as per the age prescribed for the respective post and fulfillment of conditions prescribed vide earlier Council Resolutions. These conditions are reiterated as under: -

- i. The workers to be given RMR Status should be either MR Card Holder or Non-Card holder.
- ii. The workers must have worked 500 days and above upto 31.12.2001 to become eligible for RMR status.
- iii. He should be working in N.D.M.C. in 2008 and overall, there should not be a total gap of two years to ascertain his continuity.
- iv. The days of service put in by a muster roll employee should be verified by the divisional Accountant/Accounts Officer including HODs. The work and conduct report of the workers should be satisfactory.
- v. If any clarification is required to implement the above proposal clarification given by the Appointing Authority i.e. Secretary, N.D.M.C. shall be final.

- (iii) After adjustment of all those who were taken as TMR prior to 18.3.1999 and working without any break up to 31.12.2006, the vacancies, if any, have to be filled in by the Establishment Branches as per the Council's Resolutions and directions of the Supreme Court, i.e., by following normal established procedure of giving regular appointment or at best ad hoc

appointment or short term contractual appointment till regular appointment made as per the recruitment rules for the post. This, however, cannot be out of TMRs/ RMRs/ Daily Wagers. The said vacant posts will be filled as per recruitment rules of the respective posts after inviting applications and requesting Employment Exchange to sponsor candidates and selection be made out of these candidates. The persons with requisite qualifications, age, etc. who had earlier worked with the NDMC may also be considered along with other candidates.

- (iv) Since the proposal does not involve creation of additional posts, approval of the Council is not required if the above procedure is followed, which is as per the policy already decided by the Council and judgment of the Apex Court. In any case, appointment of persons in Category 'D' post does not require approval of the Council as Secretary, NDMC is competent to appoint them.

5. Financial implications of the proposed project/subject :

As the regularization would be against posts falling vacant on account of retirement, resignation, death, etc., no additional financial implications are envisaged.

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

After the proposal is placed before the Council for information, necessary follow up action would be taken for regularizing the eligible applicants as per existing policy of the Council after verifying the particulars of applicants from the concerned user departments.

7. Comments of the Finance Department on the subject

No Comments.

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

Not required.

9. Legal implications of the subject/project:

No legal implications, as the proposal is as per past Council's Resolutions, Supreme Court's judgment and recent judgment of CAT.

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

- (i) Resolution No.4(v) dated 23.2.1996
- (ii) Resolution No 3(iv) dated 14.2.1997
- (iii) Resolution No 8 dated 18.3.1999
- (iv) Resolution No.3(ii) dated 24.5.2002
- (iv) Resolution No. 11(H-6) dated 19.12. 2007

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

There are two issues (i) TMR to RMR and RMR to Regular as per Council's decision of 18.3.1999, when a complete ban was enforced on TMR and (ii) further recruitment out of those taken after 18.3.1999.

In the case of Sh. Ajay Kumar Pandey, CAT has directed ban should be effective from 18.3.1999 and all those who were taken as TMR by 18.3.1999 should be considered for RMR and regularization as per Council policy. We may accept the decision of CAT in the case of Sh. Ajay Kumar Pandey and give RMR Status to all those who were taken as TMR by this date. MR Card is not necessary for these workers.

In future or those who joined after 18.3.1999, the policy suggested in the agenda meets requirement of law. We concur with department's proposal.

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

The suggestions of the Law Department have been incorporated in the detailed proposal.

13. **Certification by the department that all the Central Vigilance Commission (CVC) guidelines have been followed while processing the case:**

Not applicable.

14. **Recommendation:**

The proposal for regularization of TMR workers engaged on or before 18.3.1999, whether card holders or non-card holders, as directed by the CAT in the case of Sh. Ajay Kumar Pandey, which is as per the criteria already decided by the Council in its earlier resolutions and certain conditions as indicated in para 4(ii) above.

The above proposal is placed for information before the Council.

COUNCIL'S DECISION

The recommendations contained in para-4 of the agenda item were noted. Process for filling up the vacancies as per proposal contained in para-4(iii), be expedited and completed at the earliest.

ITEM NO. 23 (C-14)**CONTRACTS/SCHEMES INVOLVING AN EXPENDITURE OF RS. 1 LAC BUT NOT EXCEEDING RS. 50 LACS.**

Section 143 (d) of NDMC Act, 1994 provides that every contract involving an expenditure of Rs.1 lac but not exceeding Rs.50 lacs under clause 143 (c) shall be reported to the Council. In pursuance of these provisions, a list of contracts entered/executed in June, 2009, have been prepared.

A list of the contracts, entered into for the various schemes, is accordingly laid before the Council for information. **(See pages 124-137).**

COUNCIL'S DECISION

Information noted.

Annexure pages 14

Annexure End

ITEM NO. 24 (C-15)**ACTION TAKEN REPORT ON THE STATUS OF ONGOING SCHEMES/WORKS APPROVED BY THE COUNCIL.**

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

The said report on the status of the ongoing schemes/works upto May, 2009 had already been included in the Agenda for the Council Meeting on 17.06.2009.

A report on the status of execution of the ongoing schemes/works awarded upto June, 2009, is placed before the Council for information. **(See pages 139-179).**

COUNCIL'S DECISION

Information noted.

Annexure pages 41

Annexure End.

ITEM NO. 25 (B-14)

- 1. Name of work-** Establishing 33KV Electric Sub-Station at Aliganj Jorbagh
- 2. Name of the Department-** ELECTRICITY DEPARTMENT
- 3. Brief history of the proposals-**

CPWD is re-developing the area of Ali Ganj Jorbagh. The load demand of the proposed housing complex scheme is to the tune of 6.3MVA (app.), as worked out as per new yard stick which may increase with time. As per NDMC policy resolved vide Reso. No. 6(iv) dated 20.4.01, If the consumer has load demand of more than 4 MVA, 33KV ESS is required to be established.

Load of the area is increasing day-by-day; as it is surrounded by the resident of diplomats alongwith Schools, Community Centre, Barat Ghars and residence complex of NDMC. Presently, load requirement of the area is being fulfilled by 66KV ESS Vidyut Bhawan and 33KV ESS Rajiv Gandhi Bhawan through 11KV ESS at Ali Ganj Jorbagh-I & II, Lodhi Road I & II and Aurbindo Marg.

The existing 11KV System would not be able to meet the load demand of the proposed GPRA project of CPWD since 11KV ESS are already being operated at their maximum capacity. Keeping in view the system constraints a 33KV ESS is essentially required to be established in the area. The proposed 33KV ESS will relieve load on existing 33KV and 66KV S/S Vidyut Bhawan.

Accordingly CPWD was requested to make provision of land for establishing 33/11KV ESS in their proposed complex. CPWD has earmarked a plot measuring 1500 Sq.Mt. in their lay out plan which is submitted to the L&DO and matter for allotment of land to NDMC for proposed 33KV ESS is being pursued with L&DO.

The scheme is a part of XIth five-year plan, which has been technically approved by CEA vide No. DPD/UT/312(NDMC) 2007/436 dated 26.06.07. The scheme has outsourced to PGCIL for turnkey execution.

4. Detailed proposal on the Project-

To meet the load demand following have been proposed in the estimate.

- | | | |
|-------|--|----------|
| (i) | 16/20MVA, 33/11KV Pr. Transformers | - 2 Nos. |
| (ii) | 33KV, 1250 A, 1500 MVA, SBB Indoor Type GIS 7 Panel Board | - 1 No. |
| (iii) | 11KV, 1250 A, 350 MVA, SBB Indoor Type SF-6/VCB 13 Panel Board | - 2 Nos. |
| (iv) | 1000KVA, 10.5/0.415 KV, oil type, Distribution Transformer | -2 Nos. |
| (v) | Two Tier LT Panel Board with ACB | -1 No. |
| (vi) | The S/S is proposed to be fed through 33KV, 3x400 Sq.mm XLPE Cable from 220KV Substation Trauma Centre, AIIMS and 66KV Substation Vidyut Bhawan. | |

Accordingly a preliminary estimate amounting to Rs. 1450.64 Lacs including 3% contingencies has been prepared to cover the cost of the above work including the cost of the building and allied works.

5. Financial Implications- The estimated cost for establishing 33KV S/S at Aliganj Jorbagh is Rs. 1450.64 lacs chargeable to the head of a/c E.4.1.

6. Implementation schedule with timeliness for each stage including internal processing: - The scheme has been outsourced to M/s Power Grid Corporation of India Limited for turnkey execution and as per MOU completion time is 24-30 months.

7. Comments of the Finance Department on the subject-

The finance Deptt. has concurred in the preliminary estimate amounting to Rs.1450.64 lacs subject to-

1. Approval of the competent authority.
2. Availability of funds.
3. The department may bring on record the action being taken on the advice of Advisor (Power) given earlier about streamlining the procedure for framing the estimate for spare and for erection in NDMC in consultation with M/s DTL & CEA.
4. The work would be got executed after adhering codal provisions.
5. As informed by the department at page 7/N that the preparation of estimate is not the part of the turnkey agreement with PGCIL, therefore the detailed estimate for the work would be prepared by the department on the basis of proper analysis of the rates.
6. Cost; if any; for establishing of 33KV ESS recoverable from CPWD in the light of resolution no.3 (iv) dated 20.04.01 referred to by the department at portion marked 'A' on page 1/N may be recovered.

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

Observation of Finance Deptt. are clarified as under:-

1. Approval of the competent authority i.e. Council is being sought.
2. Rs.200 Lacs has been kept in the BE 2009-10. The budget shall be suitably revised in RE-2009-10 and subsequent years as per future requirement.
3. The advice of Advisor (Power) is being examined.
4. The codal provisions would be adhered to.
5. The detailed estimate shall be prepared by the PGCIL / executing division on the basis of proper analysis of rates.
6. Vide Council res. No. 3(IV) Dt. 20.04.2001 at Para-3 and Sub-para-4 i.e. The entire cost of establishing 66/33 KV Sub-station shall be borne by NDMC. However, cost of 11KV connection on LT connection as the case may be, shall be borne by the consumer as per 11KV policy.

Finance have seen above comments of the Deptt. & have offered no further comments.

9. Legal implications of the Project: - Nil

10. Details of Previous Council Resolution- Nil

11. Comments of the Law Deptt. on the Project: NIL

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

13. Recommendation:- The preliminary estimate amounting to Rs. 1450.64 Lacs for establishing 33KV ESS at Aliganj Jorbagh, may be placed before the Council to accord administrative approval and expenditure sanction. Since the work is of urgent nature and outsourced to M/S PGCIL, approval may also be solicited to take further action in anticipation to confirmation of the Minutes of Council Meeting..

14. Draft Resolution:- Resolved by the Council that Administrative approval & expenditure sanction is granted to the preliminary estimate amounting to Rs. 1450.64 Lacs for establishing 33KV Electric Sub-Station at Aliganj Jorbagh. Further approval is accorded to take action and anticipation to confirmation of the Minutes of Council Meeting

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval & expenditure sanction to the preliminary estimate amounting to Rs.1450.64 Lacs for establishing 33KV Electric Sub-Station at Aliganj, Jorbagh.

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

ITEM NO. 26 (B-15)

- 1. Name of the Project:-** Providing 66KV cable from S/S School lane to S/S Vidyut Bhawan
- 2. Name of the Department Concerned:-** Electricity Department
- 3. Brief history of the project:-**

The 66KV Substations at School Lane and Vidyut Bhawan are having single source of supply from G.T. Station. The installed transformer capacity at each of the s/stn. is 140 MVA. The supply to S/S School Lane is through two Nos. 630 sqmm., S/core cable and to S/S Vidyut Bhawan was through two Nos. 630 sqmm., S/core cable, each having the feeder capacity of 45MVA.

Keeping in view the limited feeder capacity and available transformer capacity, it was proposed to lay a new feeder from S/S Park Street each to S/S School Lane and S/S Vidyut Bhawan, to augment the feeder capacity and also to provide alternate source of supply. The scheme for laying of new feeders from S/S Park Street to S/S School Lane and S/S Vidyut Bhawan was resolved by Council vide resolution No. 6(B-1) dated 18.10.07

Since both the faulty feeders to S/S Vidyut Bhawan form G.T. Station have been replaced, with 1000 sqmm. S/core cable, sufficient power is available at S/S Vidyut Bhawan.

A meeting was held in the chamber of Advisor (Power) on dated 2.3.09 regarding laying of 66KV feeder from S/S Park Street to S/S School Lane and S/S Vidyut Bhawan when Advisor (Elect.), CE (E-II) and other senior officers of NDMC were present. The minutes of meeting were circulated vide No. EE(E)C-VI/D-1277 dated 26.03.09. It was deliberated and decided as under:

- 1. Laying of 66KV feeder, 1000 sqmm./S Core from S/S Park Street to S/S School Lane and S/S Vidyut Bhawan.**

The 66KV S/S School Lane and S/S Vidyut Bhawan are having single source of supply i.e. from GT Station. In order to make system more reliable and keeping in consideration of newly laid 1000 sqmm./ S Core both GT Circuits and sufficient power availability at Vidyut Bhawan and its optimum utilization, it was decided that :-

- a) 66KV feeders from Park Street to School Lane will be laid as per sanctioned scheme.
- b) In place of 66KV feeder from Park Street to Vidyut Bhawan, the 66KV feeder will be laid from School Lane to Vidyut Bhawan.

With the above arrangement, in case of any exigencies at any of the sub station, the proposed feeder can be utilized to meet the restricted load demand.

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

Following has been proposed in the estimate:

1. 145/66KV, 3150A, 40KA, GIS Panels (one each at S/S School Lane and S/S Vidyut Bhawan) - 2 Nos.
2. 66KV, stranded Al. Conductor XLPE cable Single core of size 1000sq.mm (Feeder length 4 Km) is proposed to be laid from ESS School Lane to ESS

Vidyut Bhawan in place of already sanctioned scheme i.e. from ESS Park street to ESS Vidyut Bhawan having Feeder length 5Km.

5. Financial implications of the proposed project:-

The estimated cost for laying of 66KV feeders between S/S School Lane and S/S Vidyut Bhawan is Rs.1153.58 Lacs chargeable to the head of A/c E-4.1.

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

The scheme for laying of 66KV feeder from S/S Park Street to S/S Vidyut Bhawan has been outsourced to M/s Power Grid Corporation of India Limited for turnkey execution to be completed by June,2010. Now instead of this work M/s PGCIL shall execute the work of providing 66KV, 1000sqmm./SC cable from S/S School lane to S/S Vidyut Bhawan.

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

The Finance Deptt. has concurred to the proposed estimate vide diary no. 1405 dated 30.6.09 with the condition that

The department may place the case before the Council for revised administrative approval and expenditure sanction explaining the reasons for change in scheme and in the estimated cost.

8. Comment of the Deptt. on comments of Finance Deptt.:-

The reasons for change in scheme have been explained above in the "History of the Project" at S. No.-1.

The increase in the estimated cost is due to inclusion of two Nos. 145/66KV, 3150A, 40KA, GIS Panels (one each at S/S School Lane and S/S Vidyut Bhawan) and increase in the cost of the cable of size 1000sqmm/SC and its accessories.

Finance have seen above comments of the Deptt. & have offered no further comments.

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

10. Details of previous Council resolution:-

The scheme for laying of new feeders from S/S Park Street to S/S School Lane and S/S Vidyut Bhawan was approved by Council vide resolution No. 6(B-1) dated 18.10.07.

11. Comments of the Law Deptt. on the project:-

This has concurrence of the Law Deptt.. however department may ensure that facts and figures mentioned therein are correct and as per the approval of the competent authority.

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

It is ensured that facts and figures mentioned therein are correct and as per the approval of the competent authority.

13. Certificate on CVC guidelines: - All CVC guidelines shall be adhered to while processing the case.

14. Recommendation: -

The estimate amounting to Rs.1153.58 Lacs for "Providing 66KV cable from S/S School lane to S/S Vidyut Bhawan" may be placed before the Council to accord administrative approval and expenditure sanction. Since the work is of urgent nature and similar size of cable laying work is carried out by M/s PGCIL as such approval may be accorded to get the work done of this small length from M/s PGCIL. Further approval is also solicited to take further action in anticipation to confirmation of the Minutes of Council Meeting.

15. Draft Resolution: -

Resolved by the Council that administrative approval & expenditure sanction is granted to the estimate amounting to Rs.1153.58 Lacs for "Providing 66KV cable from S/S School lane to S/S Vidyut Bhawan". Since the work is of urgent nature and similar size of cable laying work is carried out by M/s PGCIL as such approval is accorded to get the work done of this small length from M/s PGCIL. Further approval is accorded to take action in anticipation to confirmation of the Minutes of Council Meeting.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval & expenditure sanction to the estimate amounting to Rs.1153.58 Lacs for "Providing 66KV cable from Sub-station School lane to Sub-station Vidyut Bhawan".

Since the work is of urgent nature and similar size of cable laying work is carried out by M/s PGCIL, as such approval is accorded to get the work done of this small length from M/s PGCIL.

It was also resolved that further action in the matter be taken in anticipation of confirmation of the minutes by the Council.

RESOLUTION MOVED BY SHRI KARAN SINGH TANWAR, MEMBER, NDMC U/S 23 OF NDMC ACT, 1994 REGARDING REMOVAL OF PAY ANOMALY AND PAYMENT OF WAGES TO LEFT OUT CATEGORIES IN ACCORDANCE WITH SHIV SHANKARAN COMMITTEE SCALES.

New Delhi Municipal Council started payment of wages to a certain section of its workforce working in Electricity/Rates Department as per recommendations of Shiv Shankaran Committee way back in 1971-72 whereas the employees working in other Departments of the Council were denied the benefits of SS Scales. Being aggrieved by this decision of the Administration, the employees filed a case in the Supreme Court of India and the Hon'ble Court had been pleased to order the Council to pay most categories of workforce as per recommendations of aforesaid Committee in the year 1988and, accordingly employees were paid arrears w.e.f. 01.06.1982.

Inspite of implementation of decision of Hon'ble Supreme Court, certain categories of workforce was still being denied the benefits of SS Scales and some of them again approached the Hon'ble Supreme Court for relief. Hon'ble Supreme Court vide its orders dated 16.07.2008 had been pleased to order, as reproduced below:-

"We have gone through the order passed by the Division Bench and we agree with the view taken by the High Court. However, these anomalies should not have been brought on record but these should have been settled by the authorities themselves by rationalizing the pay scales to all the employee working in the department."

Inspite of aforesaid orders, the issue of rationalizing of pay scales of left out categories of employees is hanging fire for one reason or the other which smacks to be step-motherly treatment.

In view of the above, it is resolved that all remaining left out categories be given SS Scales in compliance with aforesaid directions of Hon'ble Supreme Court of India as the Council has sufficient funds to pay the arrears etc.

COUNCIL'S DECISION

An agendum on the said matter is already placed before the Council vide Item No. 21 (H-03) above. Decision recorded thereunder may be referred.

RESOLUTION MOVED BY SHRI KARAN SINGH TANWAR, MEMBER, NDMC U/S 23 OF NDMC ACT, 1994 REGARDING REGULARISATION OF EMPLOYEES WORKING ON MUSTER ROLL (TMR/RMR), AD HOC AND/OR CONTRACT BASIS.

The Council vide Resolution No.13 (H-21) dated 21.01.2004 approved the proposal of conversion of TMR workers (Card Holders) into RMR. The Council vide another resolution dated 18.03.1999 decided not to issue any M/Roll Card after 1998, which means that all daily wage employees serving the Council after 1998 do not have any card thereby precluding them from the benefits of RMR status. It is also a fact that all M/R employees whether are holding a M/R Card or not, are being paid equally by the Council.

It was also resolved by the Council in its meeting No.13/2007-08 held on 19.12.2007 that the proposal for taking the cut off date for counting 500 days for TMR workers as 31.12.2001 for considering them as RMR and then after six years of service and regularization of gap period, they may be regularized w.e.f. 01.01.2008.

In the aforesaid meeting the Council had further advised that the proposal regarding regularization of daily wagers be placed in the next Council meeting keep in view the resolution made by Hon'ble Vice Chairperson and Members in the meeting of the Council held on 17.10.2007 vide item No.38 (H-8). Though the spadework for the said exercise was completed in April-May, 2008, the matter has reportedly never been taken up in the Council resultantly the future of non/card holders is still at stake though some of them have been serving the Council for more than 10 years. More or less the same is the case of others employed on contract basis.

In view of the above, it is resolved that the service of all employees who have put in more than 500 days as on 31.03.2009 on M/R or contract be regularized to remove the anomaly and prevailing frustration amongst such employees.

COUNCIL'S DECISION

After detailed discussion and keeping in view of the Resolution dated 8.7.2009 moved by Sh. Karan Singh Tanwar, MLA & Member, NDMC as well as the contents of earlier resolution dated 11.10.2007 on the same subject, moved by Smt. Tajdar Babar, Vice Chairperson, Sh. Mukesh Bhatt, Member and Smt. Sima Gulati, Ex-Member, (which was considered in the Council's Meeting held on 17.10.2007), it was resolved by the Council that :

(i) The Personnel Department shall prepare a comprehensive policy on the subject and submit the same for Council's further consideration within a period of three months.

(ii) While preparing the policy, all aspects and points raised in the Resolution dated 11.10.2007, moved by Smt. Tajdar Babar, Vice Chairperson, Sh. Mukesh Bhatt, Member and Smt. Sima Gulati, Ex-Member and Resolution dated 8.7.2009, moved by Sh. Karan Singh Tanwar, MLA & Member, will be specifically addressed to.

**(GYANESH BHARTI)
SECRETARY**

**(PARIMAL RAI)
CHAIRPERSON**