

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI.

COUNCIL'S MEETING NO. 01/20010-11 DATED 21.04.2010 AT 3-00 P.M.

Arrangement of business

ITEM NO.	SUBJECT	PAGE	ANNEXURE
01 (C- 01)	Confirmation and signing of the minutes of the Council's Meeting No. 14/2009-10 held on 19.03.2010.	2	3 – 9
02 (A-01)	Improvement & upgradation of colony roads, back lanes taken over from CPWD in East Kidwai Nagar.	10 – 14	15 – 17
03 (A-02)	Improvement & upgradation of colony roads, back lanes taken over from CPWD in Laxmi Bai Nagar Area.	18 – 22	23 – 25
04 (A-03)	S/R of Roads in NDMC Area. SH: Widening and strengthening of colony service roads by concrete Roads & widening of MS gates in Lodhi Colony.	26 – 30	31 – 52
05 (B-01)	Supply, installation, testing and commissioning of CCTV Cameras in various buildings in NDMC area.	53 – 54	
06 (B-02)	Installation of additional transformers at various substations in Sarojini Nagar and Kidwai Nagar (West) area.	55 – 56	
07 (L-01)	Review of decision on Transfer of Ownership Rights in 15 Municipal Markets in NDMC area.	57 – 60	61 – 212
	VOLUME - II		
08 (L-02)	One Time Settlement Scheme-2010 in Estate-I Department.	213 – 216	
09 (A-04)	S/R of Roads in NDMC Area. SH:Providing & Laying cement concrete service roads in Bharti Nagar.	217 – 221	222 – 242
10 (A-05)	S/R of roads in NDMC area. SH:Upgradation & Improvement of Environs of Khan Market (Phase-II)	243 – 245	
11 (H-01)	Amendment in Recruitment Rules for the post of Medical Officer of Health (MOH).	246 – 249	250 – 256
12 (C-02)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.100 lacs.	257	258 – 270
13 (C-03)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	271	272 – 368

ITEM NO. 01 (C- 01)

Confirmation and signing of the minutes of the Council's Meeting No. 14/2009-10 held on 19.03.2010 **(See pages 3 - 9)**.

COUNCIL'S DECISION

Minutes confirmed.

The Council was informed about the WP (C) No.2229/2010 filed in the Delhi High Court by Sh. Karan Singh Tanwar, MLA & Member, NDMC against the decision taken by the Council in its meeting dated 19.03.2010, vide Item No. 09 (C-43). The Ho'nble Court directed that till the next date of hearing, the operation of resolution dated 19.03.2010 qua the petitioner is stayed.

The above information was noted by the Council.

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

**MINUTES OF THE COUNCIL'S MEETING NO. 14/2009-10 HELD ON 19.03..2010
AT 3-00 P.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.**

MEETING NO.	:	14/2009-10
DATE	:	19.03.2010
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. B. Bhamathi	-	Member
5.	Dr. M.M. Kutty	-	Member
6.	Sh. Dharmendra	-	Member
7.	Sh. Mukesh Bhatt	-	Member
8.	Sh. Gyanesh Bharti	-	Secretary, NDMC

ITEM NO.	SUBJECT	
01 (C- 42)	Confirmation and signing of the minutes of the Council's Meeting No. 13/2009-10 held on 24.02.2010.	Minutes confirmed.
02 (A-156)	S/R of Roads in NDMC Area. SH: Resurfacing of lanes of colonies in R-I Division.	Resolved by the Council to accord administrative approval and expenditure sanction amounting to Rs.2,30,62,000/- for the work of "Resurfacing of main lanes in R-I Division". It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.
03 (A-157)	Improvement & upgradation of colony roads, back lanes taken over from CPWD in Moti Bagh Area.	Resolved by the Council to accord : a) Approval to carry out the subject work out of NDMC funds in view of severe hardships faced by residents of the area in line with its earlier decision taken on 03 rd Sep.'09 & in supersession of its earlier decision dated 30 Sep.'09 about carrying out these works, in anticipation of vesting of roads/ parks in NDMC. b) approval for acceptance of the lowest offer of M/s K.R. Anand @ 6.58% below the estimated

		<p>cost of Rs.8,49,74,158/- against the justification of 0.94% below the estimated cost with the tendered amount of Rs.7,93,78,763/- for the work of "Improvement & upgradation of colony roads, back lanes taken over from CPWD in Moti Bagh".</p> <p>It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.</p>
04 (A-158)	Strengthening & Resurfacing of Roads in NDMC Area. SH: Procurement of Mechanical Road Sweepers.	<p>Resolved by the Council by majority to accord approval for acceptance of the lowest offer of M/s Brock @ 26.5% above the estimated cost of Rs.5,24,42,060/- against the justification of 28.38% above the estimated cost with the tendered amount of Rs.6,63,39,291/- (excluding custom duty) & also accord revised administrative approval & expenditure sanction amounting to Rs.8,83,00,000/- which includes the custom duty etc. to be paid on actual basis at the time of supply of machines for the work of "Strengthening & Resurfacing of Roads in NDMC Area, SH:Procurement of Mechanical Road Sweepers".</p> <p>It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.</p>
05 (A-159)	Rehabilitation of old Sewers. Sub-Head: Desilting and rehabilitation of 84" dia brick barrel Sewer Line from Kasturba Gandhi Marg, C-hexagon and Shah Jahan Road to Q point.	<p>Resolved by the Council to accord administrative approval and expenditure sanction amounting to Rs.19,37,26,000/- for the work "Desilting and rehabilitation of 84" dia brick barrel Sewer Line from Kasturba Gandhi Marg, C-hexagon and Shah Jahan Road to Q point".</p> <p>It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.</p>
06 (A-160)	Structural Strengthening and Improvement of Chander Lok Building.	<p>Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to Rs.1,92,49,000/- for "Improvement to Chander Lok Building".</p> <p>It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.</p>
07 (I-11)	Implementation of Smart Card based e-Governance solution.	<p>Resolved by the Council that the Ministry of Information Technology, Govt. of India be requested to review the technical and financial issues of the project.</p> <p>The Council further directed the department to resubmit the proposal to the Council, based on the advice of the Ministry of Information Technology, Govt. of India.</p>

08 (B-36)	Estimate for the "Replacement of 33 KV 300 sq. mm/3C PILCA cable between 33 KV ESS Tilak Marg to 33 KV ESS Nirman Bhawan".	<p>Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to Rs.1,07,43,922/-(G) & Rs. 1,06,60,710/-(N) for the "Replacement of 33 KV 300 sq. mm/3C PILCA cable between 33 KV ESS Tilak Marg to 33 KV ESS Nirman Bhawan" against the Depreciation Reserve Fund under the Budget Head E-3.</p> <p>It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.</p>
09 (C-43)	Proposal to amendment to Section 4 of New Delhi Municipal Council Act, 1994.	<p>Agenda was taken up for discussion. It was noted that the facilities under reference have been provided to the Vice-Chairperson/Members, based on the following Resolutions passed by the Council :</p> <ul style="list-style-type: none"> (i) Reso.No. 3(xxii) dt. 5.11.1996 (ii) Reso.No 3(xxii) dt. 2.5.1997 (iii) Reso. No.3 (xxxx) dt. 29.10.1997 <p>Sh. Karan Singh Tanwar, MLA & Member NDMC, pointed out that these facilities have been availed by all elected and nominated Members and Hon'ble High Court of Delhi in WP (C) No. 579/2008 has upheld these facilities being reasonable and justified, and the special leave petition against this judgment of High Court was also dismissed by the Supreme Court of India. Shri Tanwar also stressed that he was a Member of NDMC u/s section 4(b) of NDMC Act, 1994 by virtue of being MLA of a constituency partly comprising of NDMC area and, therefore, proposal for withdrawal of these facilities was not acceptable. He also contended that such facilities did not qualify under the definition of Office of Profit. He also objected to continuation of such facilities to other non-official Members, as all the Members are required to discharge similar nature of responsibilities under NDMC Act 1994. In view of these facts, Sh. Karan Singh Tanwar, MLA & Member emphasized for examination of these issues. The Member also pointed out that a detailed representation dated 18.03.2010 has been sent by him addressed to Chairman, NDMC. A copy of the representation was given by him to all the Members present.</p> <p>On seeking clarification on these issues by the Council, the Legal Advisor informed the Council that since the advice had come from the Ministry of Law and Justice, Govt. of India duly forwarded by the Ministry of Home Affairs, it would be advisable to withdraw these facilities with immediate effect from the elected representatives who are Members of the Council to avoid an "office of profit" disqualification. The Legal Advisor also informed the Council that so far as the High Court case is concerned, the issues raised were related to the facilities being given to the Members of</p>

		<p>the Council and not the issue of disqualification under "office of profit". The Council was further informed that the detailed representation dated 18.03.2010 given by Sh. Karan Singh Tanwar, Member has already been forwarded to the Ministry of Home Affairs.</p> <p>Taking note of all these facts and after detailed discussion, the Council resolved by majority that facilities given by the Council to the elected representatives who are Members of the Council, be withdrawn with immediate effect. The Council directed that in anticipation of the confirmation of this decision by the Council, Ministry of Home Affairs be informed of the adoption of this Resolution with immediate effect.</p>
10 (B-37)	Replacement / Augmentation of oil type transformers with dry type transformers in left out multi storeyed buildings in M/N area.	Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to Rs.5,83,09,500/- (G) & Rs.5,75,03,000/- (N) for Replacement/ Augmentation of oil type transformers with dry type transformers in left out multi storeyed buildings in M/N area.
11 (B-38)	Improvement of LT Rising Mains at Lok Nayak Bhawan, New Delhi. Sh : Supply, Installation, Testing and Commissioning of TPN Sandwich Rising main of Aluminium 1200 Amp Bus Bar.	<p>Resolved by the Council to accord approval to award the work to the lowest tenderer i.e. M/s Shiv Electrics of Improvement, at their quoted rates of Rs.1,12,02,840/- for the work of LT Rising Mains at Lok Nayak Bhawan.</p> <p>It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.</p>
12 (U-03)	Change of Tendering Process from calling of Limited Tenders from the List of private security agencies forwarded by Delhi Police to Open e-Tendering for Security and Traffic Services/ Arrangements at various premises of NDMC.	<p>Resolved by the Council that :</p> <ul style="list-style-type: none"> i) Limited tenders may not be called from the list forwarded by Delhi Police/CAPSI. ii) Tenders already called for Group 'C' & 'D' on the basis of previous NIT may be rejected, and iii) Tenders be floated as per modified NIT duly concurred by Finance Department for Group 'C', 'D', 'E', 'F', 'G' & 'H'.
13 (C-44)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.100 lacs.	Information noted.
14 (C-45)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.
	OTHER ISSUES	
	Admitted question raised by Sh. Karan Singh Tanwar, MLA & Member, NDMC regarding show cause notice issued to NDMC shops in the last 3 years.	Interim reply enclosed as Annexure I.

	Admitted question raised by Sh. Karan Singh Tanwar, MLA & Member, NDMC regarding expenditure incurred by the Question raised by Sh. Karan Singh Tanwar, MLA & Member, NDMC regarding Horticulture department in the last 3 years for purchasing plants / tree saplings, maintenance and beautification of parks.	Interim reply enclosed as Annexure II.
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(GYANESH BHARTI)
SECRETARY

(PARIMAL RAI)
CHAIRPERSON

ANNEXURE 2 PAGES

ANNEXURE ENDS

ITEM NO. 02 (A-01)**1. Name of the subject/project**

Sub: Improvement & upgradation of colony roads, back lanes taken over from CPWD in East Kidwai Nagar

2. Name of the Department

Civil Engineering Department, Road Division-III

3. Brief history of the subject/project

- (a) Consequent to directions received from PM's Office in Jan.'07, the roads, lanes/ back lanes of East Kidwai Nagar Area were taken over from CPWD in Dec.'07.
- (b) The roads & back lanes in these colonies taken over from CPWD are in a dilapidated condition and need immediate repairs/ upgradation. Accordingly a comprehensive plan for upgradation of these colony roads to concrete roads alongwith improvement of civil works of parks was prepared and approved by Council through various resolutions.
- (c) Since the condition of these roads, lane/ bylanes is extremely bad & residents are suffering badly so Administrative Approval and Expenditure Sanction for providing concrete roads, lane/ bylanes in East Kidwai Nagar Area including improvement of drainage for Rs.11,21,63,000/- was approved by the Council vide Resolution No. 19(A-87) dated 30 Sep.'09 alongwith following directions:-
 - (i) Taking over of the colony roads/ lanes/ service roads & parks from CPWD in East Kidwai Nagar of NDMC for its maintenance, upgradation/ improvement etc. in anticipation of formal communication to be received from CPWD for transfer of the public street & parks, maintained by CPWD to NDMC.
 - (ii) To carry out the maintenance, upgradation/ improvement works in the area, taken over from CPWD, out of NDMC funds, in anticipation of receipt of direction, from the Central Government regarding vesting of these roads/ street & parks in favour of NDMC.
- (d) The case was also discussed in Special Council meeting on 03 Sep.'09. It was resolved by the Council that work may be taken up by NDMC itself out of

its own funds & necessary provisions to be made in Budget 2010-11 & Revised Estimate 2009-10.

- (e) The request for sending formal communication to NDMC for transfer of public streets maintained by them was sent to Director General (Works), CPWD on 15 Sep.'09.
- (f) The office of Director General (Works), CPWD vide letter No.7/17/07-W.II/DGW dated 01 Jan.'10 (**Annexure 'A' See page 15**) has intimated that it is not advisable to vest the streets & parks with NDMC as these colonies are to be redeveloped as per the provisions of new master plan norms which may necessitate a complete realignment of roads & change in layout plan.
- (g) Accordingly the case has been taken up with Secy (UD) vide Chairman Office D.O. letter no. 290/PS/C'Man/CE(R)/10 dated 21 Jan.'10 (**Annexure 'B' See pages 16 – 17**) for issue of directions to CPWD to send formal communication for transfer of these public streets/ parks to NDMC.
- (h) After taking over of these roads by NDMC the care and maintenance has got transferred to NDMC and there is an immediate need to maintain these roads in a proper condition so as to avoid inconvenience to the residents staying in these colonies.
- (i) Since the condition of these roads is extremely bad so there is an immediate need to carry out the upgradation of these roads as was decided by the Council during its special meeting on 03 Sep.'09 & regular meeting on 30 Sep.'09. In general whatever roads/ assets are taken over by NDMC for care and maintenance NDMC maintains these areas/roads to acceptable standards.
- (j) Besides the redevelopment plan of these colonies is yet to be drawn by CPWD and may take several years to materialize & for execution on the ground & the residents of the area cannot be made to suffer on account of non-maintenance of these colony roads. It is against this background only that Council took a decision on 03 Sep.'09 to take up the works by NDMC itself out of its own funds with necessary provision to be made in the budget 2010-11 and revised estimate 2009-10. However, Council has to take a decision against backdrop of CPWD response as stated in para (f) above vis-à-vis hardships & inconvenience faced by residents in these colonies.

- (k) Based on earlier decision of Council on 03 Sep.'09 & 30 Sep.'09 the tenders were invited through e-tendering system with the date of opening as 21 Jan.'10. Three tenders were received the details of which are as follows:-

S. No.	Name	Estimated Cost	Tendered Amount	Rates Quoted	Remarks
1.	M/s Dineshchandra R. Agarwal Infracon Pvt. Ltd.	Rs.11,02,96,164/-	Rs.11,30,52,842/-	2.5% above	Lowest
2.	M/s Satya Prakash & Bros. Pvt. Ltd.	-do-	Rs.11,98,01,860/-	8.62% above	
3.	M/s Suraj Bhan Goel & Co.	-do-	Rs.14,85,11,700/-	34.65% above	

- (l) M/s Dineshchandra R. Agarwal Infracon Pvt. Ltd. is the lowest bidder at 2.5% above the estimated cost of Rs.11,02,96,164/- against the justification 0.27% below the estimated cost with the tendered amount of Rs.11,30,52,842/-.
- (m) The rates quoted by the lowest bidder after scrutiny by Planning have been found to be reasonable and recommended for acceptance by the Council.
- (n) The Finance Department has concurred the proposal for award of work to lowest bidder i.e. M/s Dineshchandra R. Agarwal Infracon Pvt. Ltd.
- (o) The extended validity of tender is upto 10 May'10.

4. Detailed Proposal on the subject/ project

- HDPE pipe ducts for laying of Elect./ communication cables.
- Precast RCC pipe 300 mm dia for drainage.
- Ready mix concrete M-10 & M-40.
- Precast RCC manhole covers, gully chambers, manholes, RCC works etc.

5. Financial implications of the proposed project/subject

The financial implications of the proposal works out to Rs.11,30,52,842/-.

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

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

7. Comments of the finance department on the subject

The Finance Deptt. vide diary No.441/ Finance/R-Civil dated 26 Feb.'10 & 549/Finance/R-Civil dated 15 Mar.'10 has concurred the proposal & vide No.591/PS/FA/D-10 dated 06 Apr.'10 has seen the agenda.

8. Comments of the department on comments of Finance Department

No comments in view of concurrence by Finance Department.

9. Legal Implications of the subject/project

Nil

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

(a) Council vide special meeting No. 06/2009-10 held on 03 Sep.'09 has resolved that work may be taken up by NDMC itself out of its own funds.

(b) Administrative Approval and Expenditure Sanction for Rs.11,21,63,000/- was accorded by Council vide Reso. No. 19(A-87) dated 30 Sep.'09.

11. Comments of Law Department on the subject

No comments.

12. Comments of the department on the comments of the 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 CVC guidelines have been followed during tendering.

14. Recommendations

The case is placed before the Council for consideration and

(a) Approval to carry out the subject work out of NDMC funds in view of severe hardships faced by residents of the area in the line with its earlier decision taken on 03 Sep.'09 & supersession of its earlier decision of carrying out these works in anticipation of vesting of roads/ parks with Council taken on 30 Sep.'09.

(b) Accord of approval for acceptance of lowest offer of M/s Dineshchandra R. Agarwal Pvt. Ltd. @ 2.5% above the estimated cost of

Rs.11,02,96,164/- against the justification of 0.27% below the estimated cost with the tendered amount of Rs.11,30,52,842/- for the work of "Improvement & upgradation of colony roads, back lanes taken over from CPWD in East Kidwai Nagar Area".

- (c) To initiate further action in anticipation of confirmation of Minutes of the Council meeting.

COUNCIL'S DECISION

Resolved by the Council to accord :

- (a) Approval to carry out the work of Improvement & upgradation of colony roads and back lanes taken over from CPWD in East Kidwai Nagar, out of NDMC funds in view of severe hardships being faced by the residents of the area, in line with Council's earlier decision, taken on 03 Sep.'09 & in supersession of Council's earlier decision taken on 30 Sep.'09 for carrying out these works in anticipation of vesting of roads/ parks with the Council.
- (b) Approval for acceptance of lowest offer of M/s Dineshchandra R. Agarwal Pvt. Ltd. @ 2.5% above the estimated cost of Rs.11,02,96,164/- against the justification of 0.27% below the estimated cost with the tendered amount of Rs.11,30,52,842/- for the work of "Improvement & upgradation of colony roads and back lanes taken over from CPWD in East Kidwai Nagar Area".

It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.

ANNEXURE 3 PAGES

ANNEXURE ENDS

ITEM NO. 03 (A-02)**1. Name of the subject/project**

Sub: Improvement & upgradation of colony roads, back lanes taken over from CPWD in Laxmi Bai Nagar Area.

2. Name of the Department

Civil Engineering Department, Road Division-III

3. Brief history of the subject/project

- (a) Consequent to directions received from PM's Office in Jan.'07, the roads, lanes/ back lanes of Laxmi Bai Nagar Area were taken over from CPWD in Dec.'07.
- (b) The roads & back lanes in these colonies taken over from CPWD are in a dilapidated condition and need immediate repairs/ upgradation. Accordingly a comprehensive plan for upgradation of these colony roads to concrete roads alongwith improvement of civil works of parks was prepared and approved by Council through various resolutions.
- (c) Since the condition of these roads, lane/ bylanes is extremely bad & residents are suffering badly so Administrative Approval and Expenditure Sanction for providing concrete roads, lane/ bylanes in Laxmi Bai Nagar Area including improvement of drainage for Rs.8,81,99,000/- was approved by the Council vide Resolution No. 20(A-88) dated 30 Sep.'09 alongwith following directions:-
 - (i) Taking over of the colony roads/ lanes/ service roads & parks from CPWD in Laxmi Bai Nagar Area of NDMC for its maintenance, upgradation/ improvement etc. in anticipation of formal communication to be received from CPWD for transfer of the public street & parks, maintained by CPWD to NDMC.
 - (ii) To carry out the maintenance, upgradation/ improvement works in the area, taken over from CPWD, out of NDMC funds, in anticipation of receipt of direction, from the Central Government regarding vesting of these roads/ street & parks in favour of NDMC.

- (d) The case was also discussed in Special Council meeting on 03 Sep.'09. It was resolved by the Council that work may be taken up by NDMC itself out of its own funds & necessary provisions to be made in Budget 2010-11 & Revised Estimate 2009-10.
- (e) The request for sending formal communication to NDMC for transfer of public streets maintained by them was sent to Director General (Works), CPWD on 15 Sep.'09.
- (f) The office of Director General (Works), CPWD vide letter No.7/17/07-W.II/DGW dated 01 Jan.'10 (**Annexure 'A' See page 23**) has intimated that it is not advisable to vest the streets & parks with NDMC as these colonies are to be redeveloped as per the provisions of new master plan norms which may necessitate a complete realignment of roads & change in layout plan.
- (g) Accordingly the case has been taken up with Secy (UD) vide Chairman Office D.O. letter no. 290/PS/C'Man/CE(R)/10 dated 21 Jan.'10 (**Annexure 'B' See pages 24 – 25**) for issue of directions to CPWD to send formal communication for transfer of these public streets/ parks to NDMC.
- (h) After taking over of these roads by NDMC the care and maintenance has got transferred to NDMC and there is an immediate need to maintain these roads in a proper condition so as to avoid inconvenience to the residents staying in these colonies.
- (i) Since the condition of these roads is extremely bad so there is an immediate need to carry out the upgradation of these roads as was decided by the Council during its special meeting on 03 Sep.'09 & regular meeting on 30 Sep.'09. In general whatever roads/ assets are taken over by NDMC for care and maintenance NDMC maintains these areas/roads to acceptable standards.
- (j) Besides the redevelopment plan of these colonies is yet to be drawn by CPWD and may take several years to materialize & for execution on the ground & the residents of the area cannot be made to suffer on account of non-maintenance of these colony roads. It is against this background only that Council took a decision on 03 Sep.'09 to take up the works by NDMC itself out of its own funds with necessary provision to be made in the budget 2010-11 and revised estimate 2009-10. However, Council has to take a

decision against backdrop of CPWD response as stated in para (f) above vis-à-vis hardships & inconvenience faced by residents in these colonies.

- (k) Based on earlier decision of Council on 03 Sep.'09 & 30 Sep.'09 the tenders were invited through e-tendering system with the date of opening as 15 Jan.'10. Eight tenders were received the details of which are as follows:-

S. No.	Name	Estimated Cost	Tendered Amount	Rates Quoted	Remarks
1.	M/s K.R. Anand	Rs.8,35,93,584/-	Rs.8,16,67,058/-	2.3% below	Lowest
2.	M/s PRL Projects & Infrastructure Ltd.	-do-	Rs.8,32,81,074/-	0.37% below	
3.	M/s YFC Projects Private Ltd.	-do-	Rs.8,83,32,260/-	5.66% above	
4.	M/s Atlas Construction	-do-	Rs.8,89,02,021/-	6.35% above	
5.	M/s MV Omni Projects India Ltd.	-do-	Rs.8,97,35,081/-	7.35% above	
6.	M/s Sanjeev Kumar and Bros.	-do-	Rs.9,13,09,652/-	9.23% above	
7.	M/s Swastic Construction Co.	-do-	Rs.9,17,21,171/-	9.72% above	
8.	M/s Satya Prakash & Bros. Pvt. Ltd.	-do-	Rs.9,25,35,860/-	10.70% above	

- (l) M/s K.R. Anand is the lowest bidder at 2.3% below the estimated cost of Rs.8,35,93,584/- against the justification 0.86% below the estimated cost with the tendered amount of Rs.8,16,67,058/-.
- (m) The rates quoted by the lowest bidder after scrutiny by Planning have been found to be reasonable and recommended for acceptance by the Council.
- (n) The Finance Department has concurred the proposal for award of work to lowest bidder i.e. M/s K.R. Anand.
- (o) The validity of tender is upto **15 May'10**.

4. Detailed Proposal on the subject/ project

- HDPE pipe ducts for laying of Elect./ communication cables.
- Precast RCC pipe 300 mm dia for drainage.
- Ready mix concrete M-10 & M-40.
- Precast RCC manhole covers, gully chambers, manholes, RCC works etc.

5. Financial implications of the proposed project/subject

The financial implications of the proposal works out to Rs.8,16,67,058/-.

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

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

7. Comments of the finance department on the subject

The Finance Deptt. vide diary No.440/Finance/R-Civil dated 04 Mar.'10 & 561/Finance/R-Civil dated 12 Mar.'10 has concurred the proposal & vide No. 590/PS/FA/D-10 dated 06 Apr.'10 has seen the agenda.

8. Comments of the department on comments of Finance Department

No comments in view of concurrence by Finance Department.

9. Legal Implications of the subject/project

Nil

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

- (a) Council vide special meeting No. 06/2009-10 held on 03 Sep.'09 has resolved that work may be taken up by NDMC itself out of its own funds.
- (b) Administrative Approval and Expenditure Sanction for Rs.8,81,99,00/- was accorded by Council vide Reso. No. 20(A-88) dated 30 Sep.'09.

11. Comments of Law Department on the subject

No comments.

12. Comments of the department on the comments of the 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 CVC guidelines have been followed during tendering.

14. Recommendations

The case is placed before the Council for consideration and

- (a) Approval to carry out the subject work out of NDMC funds in view of severe hardships faced by residents of the area in the line with its earlier decision taken on 03 Sep.'09 & supersession of its earlier decision of carrying out these works in anticipation of vesting of roads/ parks with Council taken on 30 Sep.'09.
- (b) Accord of approval for acceptance of lowest offer of M/s K.R.Anand @ 2.3% above the estimated cost of Rs.8,35,93,584/- against the justification of 0.86% below the estimated cost with the tendered amount of Rs.8,16,67,058/- for the work of "Improvement & upgradation of colony roads, back lanes taken over from CPWD in Laxmi Bai Nagar".
- (c) To initiate further action in anticipation of confirmation of Minutes of the Council meeting.

COUNCIL'S DECISION

Resolved by the Council to accord :

- (a) Approval to carry out the work of Improvement & upgradation of colony roads and back lanes taken over from CPWD in Laxmi Bai Nagar Area, out of NDMC funds in view of severe hardships faced by the residents of the area, in line with Council's earlier decision taken on 03 Sep.'09 & in supersession of its earlier decision taken on 30 Sep.'09 for carrying out these works in anticipation of vesting of roads/ parks with Council.
- (b) Approval for acceptance of lowest offer of M/s K.R. Anand @ 2.3% above the estimated cost of Rs.8,35,93,584/- against the justification of 0.86% below the estimated cost with the tendered amount of Rs.8,16,67,058/- for the work of "Improvement & upgradation of colony roads, back lanes taken over from CPWD in Laxmi Bai Nagar".

It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.

ANNEXURE 3 PAGES

ANENXURE ENDS

ITEM NO. 04 (A-03)**1. Name of the subject/project**

Sub: S/R of Roads in NDMC Area

SH: Widening and strengthening of colony service roads by concrete Roads & widening of MS gates in Lodhi Colony

2. Name of the Department

Civil Engineering Department, Road-II Division.

3. Brief history of the subject/project

- (a) Prime Minister's office vide letter No.680/50/c/9/2006-ES.I dated 08 Jan.'07 **(Annexure 'A' See pages 31 - 32)** while reviewing the issues of civic amenities in Delhi has recorded that the colonies that are to be handed over to NDMC from CPWD are to be listed & municipal functions are to be carried out by NDMC in these colonies as per the report by Ministry of Urban Development.
- (b) Accordingly as per decision taken in the meeting held on 26 Nov.'07 with Secretary (UD) Roads/back lanes & Civil Structures of parks in 36 colonies have been taken over from CPWD by NDMC & confirmed to Secretary, Ministry of Urban Development, Govt. of India vide Secretary, NDMC D.O. letter No.D/27/DH/08 dated 14 Jan.'08 **(Annexure 'B' See pages 33 - 38).**
- (c) The roads, lanes/ back lanes & civil structures of parks in Lodhi Colony Area were taken over from CPWD in Dec.'07.
- (d) The roads & back lanes in these colonies taken over from CPWD are in a very bad condition and need immediate repairs/ upgradation. Accordingly a comprehensive plan for upgradation of these colony roads to concrete roads alongwith improvement of civil works of parks has been prepared.
- (e) Secretary, Ministry of Urban Development was requested vide D.O. letter No.31/PS/Chairman/08 dated 21 Jan.'08 **(Annexure 'C' See pages 39 - 42)** for allocation of funds from Ministry of Urban Development for the upgradation plan of these colony roads/ back lanes. A reminder was also sent vide D.O. letter No.192/PS/Chairman/08 dated 28 Apr.'08 **(Annexure 'D' See pages 43 - 45)** with a copy to Minister of State for Urban Development as per discussion held with MoS(UD) on 03 Apr.'08 but no response has been received from Urban Development in this regard.

- (f) Since the condition of these roads, lane/ bylanes is extremely bad & residents are suffering so Preliminary Estimate by field staff has been prepared.
- (g) The request for sending formal communication to NDMC for transfer of public streets maintained by them was sent to Director General (Works), CPWD on 15 Sep.'09.
- (h) The office of Director General (Works), CPWD vide letter No.7/17/07-W.II/DGW dated 01 Jan.'10 (**Annexure 'E' See page 46**) has intimated that it is not advisable to vest the streets & parks with NDMC as these colonies are to be redeveloped as per the provisions of new master plan norms which may necessitate a complete realignment of roads & change in layout plan.
- (i) Accordingly the case has been taken up with Secy (UD) vide Chairman Office D.O. letter no. 290/PS/C'Man/CE(R)/10 dated 21 Jan.'10 (**Annexure 'F' See pages 47 - 48**) for issue of directions to CPWD to send formal communication for transfer of these public streets/ parks to NDMC.
- (j) After taking over of these roads by NDMC the care and maintenance has got transferred to NDMC and there is an immediate need to maintain these roads in a proper condition so as to avoid inconvenience to the residents staying in these colonies.
- (k) Since the condition of these roads is extremely bad so there is an immediate need to carry out the upgradation of these roads as was decided by the Council during its special meeting on 03 Sep.'09 & regular meeting on 30 Sep.'09. In general whatever roads/ assets are taken over by NDMC for care and maintenance NDMC maintains these areas/roads to acceptable standards.
- (l) Besides the redevelopment plan of these colonies is yet to be drawn by CPWD and may take several years to materialize & for execution on the ground & the residents of the area cannot be made to suffer on account of non-maintenance of these colony roads. It is against this background only that Council took a decision on 03 Sep.'09 to take up the works by NDMC itself out of its own funds with necessary provision to be made in the budget 2010-11 and revised estimate 2009-10. However, Council has to take a decision against backdrop of CPWD response as stated in para (h) above vis-à-vis hardships & inconvenience faced by residents in these colonies.

- (m) The case was discussed in Special Council Meeting on 03 Sep.'09. It was resolved by the Council that work may be taken up by NDMC itself out of its own funds, necessary provisions will be made in Budget 2010-11 & Revised estimate 2009-10.
- (n) A meeting was also held in chamber of Chief Secretary on 10 Oct.'08 on the decision of laying CC roads in Govt. of NCT of Delhi. In meeting it was decided that NDMC would lay 100 Km. of lane length of CC roads preferably in this financial year. Copy of minutes vide No. CS/5123-5134 dated 10 Oct.'08 is at **Annexure 'G' (See pages 49 – 52)**.
- (o) CRRRI was engaged to evaluate the roads in NDMC Area & recommend the design & specifications for concrete roads. CRRRI has submitted design report & based on this design report estimates for provision of concrete roads have been framed by the field staff colonywise.
- (p) Accordingly the Preliminary Estimate for providing concrete roads in lane/ bylanes in Lodhi Colony Area including improvement of drainage for Rs.3,48,44,500/- has been prepared by the field staff based on recommendations of CRRRI which has been scrutinized by the Planning Department.
- (q) Preliminary Estimate has been concurred by the Finance Department.

4. Detailed Proposal on the subject/ project

- (a) Ready Mix concrete M-10 & M-40.
- (b) Precast RCC manhole covers, gully chambers, manholes, RCC works etc.
- (c) Interlocking pavers & widening of colony gates etc.

5. Financial implications of the proposed project/subject

The financial implications of the scheme works out to Rs.3,48,44,500/-

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

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

7. Comments of the finance department on the subject

Finance Department vide diary No.170/Finance/R-Civil dated 05 Feb.'10 has concurred the Preliminary Estimate for Rs.3,48,44,500/- & seen the agenda vide diary no. 602/PS/FA/D/10 dated 07 Apr.'10.

8. Comments of the department on comments of Finance Department

No comments in view of comments by Finance Department.

9. Legal Implications of the subject/project

NIL

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

Special Council Meeting on 03 Sep.'09.

11. Comments of Law Department on the subject

No comments.

12. Comments of the department on the comments of the 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 CVC guidelines would be followed during tendering.

14. Recommendations

The case is placed before the Council for consideration and

- a) Accord of approval for taking over of colony roads/lanes/service roads & parks from CPWD in Lodhi Colony area of NDMC for its maintenance, upgradation/ improvement to concrete roads.
- b) Approval for carrying out the maintenance, upgradation/improvement works in the area taken over from CPWD out of NDMC's funds in view of severe

hardships faced by the residents of the area in line with its earlier decision taken on 03 Sep.'09.

- c) Accord of Administrative Approval & Expenditure Sanction for Rs.3,48,44,500/- for the work of "Widening and strengthening of colony service roads by concrete Roads & widening of MS gates in Lodhi Colony ".
- d) To initiate further action in anticipation of confirmation of Minutes of the Council meeting.

COUNCIL'S DECISION

Resolved by the Council to accord :

- a) Approval for taking over of colony roads/lanes/service roads & parks from CPWD in Lodhi Colony area of NDMC for its maintenance, upgradation/ improvement etc.
- b) Approval for carrying out the maintenance, upgradation/improvement works in the area taken over from CPWD out of NDMC's funds in view of severe hardships being faced by the residents of the area, in line with Council's earlier decision taken on 03 Sep.'09.
- c) Accord of Administrative Approval & Expenditure Sanction amounting to Rs.3,48,44,500/- for the work of "Widening and strengthening of colony service roads by concrete Roads & widening of MS gates in Lodhi Colony ".

It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.

ANNEXURE 22 PAGES

ANNEXURE ENDS

ITEM NO. 05 (B-01)

1. **Name of work:** Supply, installation, testing and commissioning of CCTV Cameras in various buildings in NDMC area.
2. **Department:** Electricity Department
3. **Brief History of the proposal:** After the incident of terrorist attack on 26.11.08 in Mumbai, under the instructions of Chairman NDMC, a team of officers comprising CSO, FO-cum-NA, EE(E)BM-II and AEE-II(BM-II) inspected NDMC Commercial Complexes / Buildings for assessing the requirement of CCTV Cameras. The report was then put up to Chairman who in consultation with Secretary, CVO, CSO & other concerned officers decided to install CCTV Cameras at various NDMC Complexes for the safety & security of these buildings.
4. **Detailed proposal on the subject:** For safety and security of various NDMC Buildings / Commercial Complexes, installation of CCTV Cameras & associated system in following major buildings / complexes is proposed:
 - a) Palika Bhawan Commercial Complex
 - b) Yashwant Place Commercial Complex
 - c) Chanakya Bhawan
 - d) Chander Lok Building
 - e) Mohan Singh Place
 - f) Palika Place Commercial Complex
 - g) Shaheed Bhagat Singh Place
 - h) Lok Nayak Bhawan
 - i) PSOI Nehru Park Chanakya Puri

A meeting was held in the office of Secretary NDMC on 17.09.09, minutes of which were placed before Chairman by the Secretary. Chairman vide orders dated 22.09.09 directed as under:

Chief Engineer (Electric-II) to go ahead with the project for installation of CCTVs in the buildings as per security assessment and after getting the specifications vetted by IT/security department. The work should be completed in 6 months time.

After taking in to account the requirement for CCTV Cameras as per report submitted by CSO dated 14.07.09, which was also seen by CVO / Chairman, and also approval of specification by CE(E-II) dated 12.01.10 in consultation with IT Department, an estimate mounting to Rs 2,74,37,200/- has accordingly been prepared based on lowest market rates.

The expenditure is chargeable to Budget Head H-2-8 for procurement & installation of CCTV against which a budget provision of Rs 50 lacs exists during the year 2010-11 (IT Department) which shall be got suitably enhanced & allocated to Electricity Department. The estimate has been checked by Planning.

The estimate has been seen and concurred in by Finance Department.

5. **Financial implications:** Rs 2,74,37,200/- (Two Crore Seventy Four Lacs Thirty Seven Thousand Two Hundred only)

6. **Implementation Schedule:** Eight months
7. **Comments of the Finance Department:** The Finance vide Dy no. vide 232/Finance/R-Electric dated 09.02.10 has concurred in preliminary estimate with no further comments.
8. **Comments of the department on comments of Finance:** NIL
9. **Legal implication of the subject:** No legal implication is involved.
10. **Details of previous Council Resolution:** NIL
11. **Comments of Law Department:** No law point is involved.
12. **Comments of the department on the comments of Law Department:** NIL
13. **Certification by the department:** It is certified that while processing the case, all CVC guidelines & codal formalities have been followed.
14. **Recommendations of the department:** The case may be placed before Council for Administrative Approval & Expenditure Sanction to the estimate amounting to Rs 2,74,37,200/- for the work of Supply, installation, testing and commissioning of CCTV Cameras in various buildings in NDMC area. The work is of urgent nature & therefore approval may also be accorded to take further action in anticipation to the confirmation of minutes of the Council meeting.
15. **Draft Resolution:** Resolved by the Council that administrative approval and expenditure sanction is accorded for the estimate amounting to Rs 2,74,37,200/- for the work of supply, installation, testing and commissioning of CCTV Cameras in various buildings in NDMC area. Approval is also accorded to take further action in anticipation to the confirmation of minutes of the Council meeting.

COUNCIL'S DECISION

Resolved by the Council that administrative approval and expenditure sanction is accorded for the estimate amounting to Rs 2,74,37,200/- for the work of supply, installation, testing and commissioning of CCTV Cameras in various buildings in NDMC area.

It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.

ITEM NO. 06 (B-2)

(1) **Name of the work :** Installation of additional transformers at various substations in Sarojini Nagar and Kidwai Nagar (West) area.

(2) **Name of the Department :** Electricity

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

A number of notes have been received from EE(D/S) and EE(M/S) that load is rapidly increasing in Sarojini Nagar and Kidwai Nagar Areas and they are facing problem in meeting the load demand of these areas. More and more air conditioners and other electrical appliances are being added by the consumers in their premises and a substantial increase in load is expected in the next two three years. Considering the same a joint inspection by EE(P), EE(M/S), AEE(P) and JE(M/S) was carried out on 30.06.09 at various substations to explore the possibility of enhancement in the transformer capacity. During discussion of E. E.(E)(P.11KV) with Advisor (Elect.), it was decided that two existing oil type transformers of 1000 KVA at Sub-station Kidwai Nagar (West) are to be shifted from their present location in the Sub-station-cum- multi storied residential complex to the open space under temporary shed. This shifting is to be carried out for safety purpose. Moreover, one additional oil type transformer of 1000 KVA will also be installed under temporary shed at Sub-station Kidwai Nagar (West). Therefore, an estimate has been prepared to augment the transformer capacity at the following Sub-stations :

1. S/S Indira Niketan, Laxmi Bai Nagar
2. S/S C-Block, Sarojini Nagar
3. S/S I- Block, Sarojini Nagar
4. S/S Kidwai Nagar (West)

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

- (a) 2x1000 KVA Transformers each shall be installed at S/S I-Block & S/S C-Block in Sarojini Nagar and 1x1000 KVA transformer each will be installed at S/S Kidwai Nagar (West) and Sub-station Indira Niketan, Laxmi Bai Nagar. In all 6 Nos. of additional 1000KVA oil type transformers shall be installed at the above mentioned substations. The 1000 KVA oil type transformers to be installed at the above sub-stations would be available as spare after replacement/ augmentation of oil type transformer with dry type transformer (phase-II). 50% cost of new transformer as indicative cost has been taken in this estimate on account of providing old dismantled transformer.
- (b) Two 11KV VCB panels each at S/S I Block & S/S C-Block in Sarojini Nagar and one each at S/S Kidwai Nagar (West) & Sub-station Indira Niketan, Laxmi Bai Nagar. In all 6 Nos. of HT panels have been proposed for installation .
- (c) One LT ACB Two Tier (I/C+C) 1600A+1600A each at s/s I Block, S/S C-Block, S/S Kidwai Nagar (West) & Indira Niketan. A total of 4 Nos. of these LT ACB two tier (I/C+C) panels are to be installed.
- (d) One LT ACB two tier (I/C+O/G) 1600A+800A each at S/S I Block, S/S C-Block is proposed to be installed. In all 2 No. of these panels are proposed for installation.

Four LT ACB Two Tier (O/G+O/G) 800A+800A each at S/S I Block, S/S C-Block & two each at S/S Kidwai Nagar (West) and S/s Indira Niketan are to be installed. In all 13 Nos. of these LT ACB Two tier (O/G+O/G) 800A+800A are proposed to be installed.

- (5) **Financial implications** : Rs.1,44,79,000/-.
- (6) **Implementation schedule**: Nine months.
- (7) **Comments of the Finance Deptt. on the subject** : Finance Deptt. vide Dy. No. 339/Finance/R-Elect dated 5-3-10 have concurred in the estimate with no further comments.
- (8) **Comments of the Deptt. on the Comments of the Finance Deptt.** : NIL
- (9) **Legal implication of the Project** : - No legal implication is involved.
- (10) **Details of previous Council Resolution** : NIL
- (11) **Comments of Law Deptt.** : NIL
- (12) **Comments of the Deptt. on the comments of Law Deptt.** : NIL
- (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** : The estimate amounting to Rs. 1,44,79,000/- for Installation of additional transformers at various substations in Sarojini Nagar and Kidwai Nagar (West) area may be placed before the Council to accord administrative approval and expenditure sanction. Approval may also be accorded to take further action in anticipation to confirmation of the Minutes of Council Meeting.
- (15) **Draft Resolution** : Resolved by the Council that Administrative approval and expenditure sanction is granted to the estimate amounting to Rs. 1,44,79,000/- for Installation of additional transformers at various substations in Sarojini Nagar and Kidwai Nagar (West) area. Approval is also accorded to take further action in anticipation to confirmation of the Minutes of Council Meeting.

COUNCIL'S DECISION

Resolved by the Council that administrative approval and expenditure sanction is granted to the estimate amounting to Rs. 1,44,79,000/- for Installation of additional transformers at various substations in Sarojini Nagar and Kidwai Nagar (West) area.

It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.

ITEM NO. 07 (L-01)**1 Name of the Subject:**

Review of decision on Transfer of Ownership Rights in 15 Municipal Markets in NDMC area.

2 Name of the Department: Estate Department -I**3. Brief History:**

A proposal for transfer of ownership rights to 15 Municipal Markets was initially placed before the Council for its approval/decision on 3.2.2000 vide Item no.3 (XXIV) (**Annexure-A See pages 61 - 99**). After due deliberations, certain clarifications were sought and the proposal was deferred. The proposal was again laid before the Council vide Reso. No.OM-3(XLIX) dated 27.7.2000 but it was again deferred (**Annexure-B See pages 100 - 148**).

Later, the Council vide its Resolution No.9 dated 3.8.2000 (**See pages 149 – 202**) and 3(i) dt. 28.1.2002 (**See pages 203 – 212**) decided to grant ownership rights to the shopkeepers of 15 Municipal Markets with certain modifications subject to necessary no objection of L&DO, Ministry of Urban Development and Poverty Alleviation (MoUDPA) as well as of the Delhi Development Authority especially for the five markets located on road berms (**Annexure C & D See pages 149 - 212**).

4. Detailed proposal on the Subject:

Inspite of aforesaid Resolutions the issue of ownership to the shopkeepers, could not be taken to its logical conclusion due to various reasons as brought out below :

- a) NDMC is the only body in the country which does not run on Govt. grants and sustains on its own resources. This is inspite of the fact that various Govt. properties are excluded from the purview of property tax. Similarly, Embassies also do not pay any charge to NDMC. The major revenue earner for NDMC, therefore, is Property Tax from remaining properties and collection from Estate Properties, besides recoveries towards electricity and water.
- b) Chapter III Section 11 (k) of the NDMC Act 1994 provides that the construction and maintenance of Municipal Markets and regulation of all markets is one of the Obligatory functions of the Council. The selling of shop or giving ownership rights in its market is not a municipal function and is not in conformity with the provisions of the NDMC Act, 1994.
- c) The land on which these markets are situated is on lease from L&DO to NDMC and therefore. NDMC is merely a lessee.
- d) A draft supplementary lease deed proposed to be executed between L&DO, NDMC and the allottees was forwarded to L&DO and the said

supplementary deed is yet to be received back from the L&DO. Even DDA did not agree to the proposal for granting ownership rights to 5 markets on road berm in principal and recommended seeking advice of MoUDPA.

- e) The Gazette Notification dated 24.3.2006 being referred to time and again is not for giving leasehold rights to licensees of NDMC markets. The Notification merely transfers markets under L&DO, Directorate of Estate (DOE) & CPWD to the local bodies and gives management of these markets to them, on behalf of the L&DO/DOE as per their policies. The proceeds from the ground rent, conversion charges, licence fees etc. is to be deposited in the Bank in a separate account and details thereof are to be submitted to L&DO/DOE from time to time.
- f) Majority of the original allottees of these markets have changed hands, of course for large profits. Of the remaining allottees, again in many cases possession has actually passed over to others without information to the NDMC. Therefore, the contention of the NDMC Markets Federation that these markets were rehabilitation markets and therefore, the allottees need sympathy does not hold ground.
- g) As per data available on record there are 788 shops on ground floor in these markets. Out of these in 10 markets we have 490 shops on ground floor with 96 flats for NDMC employees on 1st Floor, which covers 309 shops and remaining 151 shops have nothing on their top. Remaining 06 are road berm markets. It may be economically unviable and difficult for NDMC to accommodate 94 employees who have been accommodated in flats on the first floor of these markets. Besides, NDMC does not have land for construction of additional dwelling units.
- h) The notification dated 24.3.2006 being referred to time and again does not deal with leasehold or ownership rights to these markets but transfers management of some markets to NDMC on behalf of L&DO/Directorate of Estate. Even the amount collected from these markets is supposed to be deposited in a separate account and details submitted to MUD from time to time. Rather the notification clearly mentions that on transfer of these markets to the NDMC it will function as the lessor or the licensor in respect of shops and flats in these markets, as the case may be. It also says that the guidelines and procedure followed by the L&DO and DOE in the matter of substitution/mutation of title, Gift Permission, Sale permission, Mortgage Permission, Conversion of lease hold into freehold, change of use of premises, regularisation/restoration of allotment of shops etc/, change of trade, conferment of ownership rights, recovery of misuse/damages charges etc. may also be followed by the local bodies viz. New Delhi Municipal Council and Municipal Corporation of Delhi. Out of the transferred markets, there are leasehold markets as well as markets where shops are on licence basis.
- i) A major issue which is being neglected is the difference between a lessee and a licensee. The LEASE is defined under **Sec. 105 of 'The Transfer of Property Act'** and its fundamental perception is that it is the separation of the right of possession from ownership. It imports a transfer of interest to enjoy the property and a essential condition of a lease is that the tenant would have the

right of exclusive possession of the land. A lease is, therefore, transfer of interest in land and hence called leasehold interest. On the other hand LICENCE is defined under **Sec. 52 of 'The Indian Easement Act'** and it consistently excludes any issues which otherwise amounts to or involves a transfer in the property or right to enjoy it. A licensee has the right only to use the premises without being entitled to its exclusive possession and this principle is a well settled law. Therefore, a licensee does not have any right to claim ownership of a property and is merely allowed to use it for a specific purpose and for a specific period.

- j) Further, subsequent to the Council's resolution regarding ownership right, Sec. 141 of the NDMC Act has been clearly interpreted by the Hon'ble Supreme Court in case of Chanakya Cinema accepting the fact that any transfer, sale or disposal of immovable NDMC property could be through fair competition. Meaning thereby, that it should be at market rate by public auction, which is the accepted transparent mode of disposal and not merely be restricting it to the advantage of the licensees / occupants of the shops in question, which may not be a fair or a transparent mode as it would deprive many other aspirants.

5. Financial implication:

Collection of monthly licence fee from the various estate properties is one of the major source of revenue for the Council in each financial year, with recovery of above Rs.225 crore in 2009-10. The present proposal will not effect the financial position, as annual licence fee recovered would continue.

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

Not applicable

7. Comments of the Finance Department on the subject:

As has been pointed out by the department that the present proposal will not affect the financial position and also, since the issues raised are primarily legal matters; finance department has no comment to offer on it.

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

The Estate Department is in agreement with the opinion of the Finance Deptt.

9. Legal implication of the subject

As per opinion of Law Deptt. in Para 11.

10. Details of previous Council Resolutions on the subject:

As mentioned in para 3 above.

11. Comments on the Law Deptt.

The Law Deptt. vide its remarks dated 23/2/2010 has opined as under:

"The land on which all these markets are constructed by the NDMC were transferred from the L&DO on lease to NDMC, therefore, the status of the NDMC in respect of all these markets is merely as a lessee. The status of all the allottees of these markets is licensee not the lessees. The resolution earlier framed by the Council for grant of ownership rights in respect of the markets is in violation of law. Therefore, this Department is not agree with the proposal of the resolution for grant of ownership right. Hence it is not applicable being the status of the NDMC in respect of all these markets is only licensor not the lessor. Further, it is an obligatory function of the NDMC for construction, and maintenance of municipal market and regulation of all markets, selling of shops or giving ownership rights in its market is not a municipal function and is not in conformity with the provision of NDMC Act."

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

The Estate Department is in agreement with the opinion of the Law Deptt.

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

There are no guidelines on the subject.

14. Recommendations:

The case is placed before the Council for its reconsideration and review of its earlier decisions vide Resolution No.9 dated 3.8.2000 and 3(i) dated 28.1.2002 in connection with transfer of ownership rights to the 15 Municipal Markets in the NDMC area keeping in view the various reasons indicated in detail in Para 4 from (a) to (j) and advice of Law.

15. DRAFT RESOLUTION

The proposal for review of decision for transfer of ownership rights in 15 Municipal Markets in NDMC area was considered deliberately at length in terms of the facts given in Para 4 & 5 above. Considering the facts, resolved by the Council that the decision earlier taken vide Reso. No.9 dated 3.8.2000 and 3(i) dated 28.1.2002 for transfer of ownership rights in Municipal Markets is rescinded/withdrawn.

COUNCIL'S DECISION

Resolved by the Council by majority that the decision earlier taken vide Reso. No.9 dated 3.8.2000 and 3(i) dated 28.1.2002 for transfer of ownership rights in Municipal Markets is rescinded/withdrawn.

ANNEXURES

61 – 212

ANENXURE ENDS

ITEM NO. 08 (L-02)**1 Name of the Subject:**

One Time Settlement Scheme-2010 in Estate-I Department.

2 Name of the Department: Estate-I Department**3. Brief History of the Subject:**

Audit Department has been time and again raising the issue of action for recovery of huge arrears of licence fee/interest etc. from the defaulting parties under Estate-I Department. If we analyze the total arrears outstanding in respect of Estate-I Department, interest forms a major component of the same. To reduce infructuous arrears through settlement of disputes, it is felt that a policy is required to be framed to deal and settle with such cases.

4. Detailed proposal on the Subject:

I) The broad objective of introducing this scheme is to make an effort to liquidate the long pending dues of NDMC which broadly speaking can be categorized into following three types:

- (i) Licensees are in occupation of the premises and either the licence fee or the interest thereon is outstanding.
- (ii) Cases where licensees are in occupation of the premises but are in litigation either for licence fees and/or interest thereon or otherwise.
- (iii) Where licensees have vacated the premises (ex-allottees) and Estate Department annually levies interest on the outstanding arrears i.e. non-productive amount.

(As per Estate Policy we levy interest @ 12% per annum w.e.f. September, 2004.)

II) As far as I (i) & (ii) above where the licensee is in possession of the premises with outstanding dues of interest or interest and Licence Fee, it is proposed that a one time scheme of settlement of arrears of interest due upto 31.03.2010 may be introduced providing:-

- a) Where no license fee/damages are outstanding and only interest amount is outstanding as on 31.03.10 :-
 - (i) 80% of interest arrears may be given as rebate, if balance 20% of interest is paid by 31st of July, 2010;
 - (ii) 60% of interest arrears may be given as rebate, if balance 40% of the interest is paid by 31st of Oct., 2010;
 - (iii) 50% of interest arrears may be given as rebate, if balance 50% is paid by 31st Dec., 2010.
- b) Where license fee/damages as well as interest on delayed payment are outstanding as on 31.3.10:-
 - (i) 75% of the interest may be given as rebate, if arrears of license fee/damages due alongwith 25% of the interest is paid by 31st July, 2010;
 - (ii) 60% of interest maybe given as rebate, if the arrears of licnese fee/damages due alongwith 40% of the interest is paid by 31st Oct., 2010;

- (iii) 50% of the amount of interest to be given as rebate, if the arrears of licence fee/damage due alongwith 50% of the interest are paid by 31st Dec., 2010;
- c) We can not deny the possibility of allottees/occupants with arrears in litigation coming forward to square up their dues as interest forms a sizeable portion of pending dues and such cases may also be covered as per proposed scheme above.
- d) This scheme would also be available to the premises occupied by Govt. Departments as Licensees.

III) In respect of I (iii) category above, where licensees have vacated the premises i.e. ex-allottees, normally either they are not willing to pay or do not have the capacity to pay or are not traceable and therefore, addition of interest to the principal outstanding amount is only of academic interest. In all such cases, it is proposed that:-

- (i) Interest on all such outstanding dues may not be added from 01.04.2010 onwards.
- (ii) A settlement scheme for arrears from ex-allottees was put in place in 2002 which provided as below and may be continued further: -
 - In respect of the premises where arrears are outstanding as on 31.03.10 and where premises have been taken over by the Estate Department, due to non-payment of licence fee/damages by the licensees, each such case should be scrutinized by a Committee headed by the Chairman, NDMC consisting of F.A., L.A. and Director (Estate), if the outstanding demand on 31st March of 2010 is more than Rs. 5 lacs and by a Committee headed by the Secretary and comprising of Director (Estates), Director (Finance) and a representative of Law where the arrears are upto Rs. 5 lacs, with the approval of Chairman.
 - The Committee(s) shall try to settle these cases and if it is found that recovery of interest is not possible, the Committee may reduce the interest amount to the extent it can be paid by the defaulter. Similarly, the licence fee and the damages may be settled by the Committees so that the recoverable demand could be recovered either in lump-sum or in installments and the irrecoverable portion is waived off;

IV) In case(s) where arrears of Licence Fee is also in dispute, the same may also be examined and decided by the aforesaid Committees mentioned in III (ii) above.

V) After 31.12.2010 all cases where arrears of licence fee and interest would be outstanding for more than 3 months, Licences of such units would be cancelled without any further reference to them and their cases processed under Section 5 & 7 of the P.P. Act, for eviction and recovery.

5. Financial implication of the proposed Subject:

The amount of the present arrears in the Estate Department comprises of principal demand i.e. L/fee and interest due on it which has accumulated either due to litigation/dispute or non-payment of L/fee in time. The basic purpose of this settlement scheme is to recover the principal demand of licence fee to the maximum extent possible alongwith quantified interest thereupon out of the total arrears.

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

- (a) The settlement scheme would be applicable upto 31st December, 2010 as already provided in para 4 above;
 - (b) As far as ex-allottees are concerned, efforts would be made to bring on board all those who are traceable as per available addresses for a settlement by 31st March, 2011;
- 7. Comments of the Finance Department on the subject with diary number and date:** Finance Department has concurred the proposal of the department.
 - 8. Comments of the Department on comments of Finance Department:**
No Comments
 - 9. Legal implication of the subject:** As per comments of Law in para 11.
 - 10. Details of previous Council Resolutions on the subject:**
A similar scheme on the subject was earlier approved and implemented vide Reso. No.3(xviii) dated 4.7.2002.
 - 11. Comments of the Law Deptt on the Subject:**
Scheme needs approval of the Council.
 - 12. Comments of the Department on the comments of the Law Deptt:**
This is being put up to the Council for approval.
 - 13. Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.**
N.A.
 - 14. Recommendations:**
The case is placed before the Council for consideration and approval for introduction of One Time Settlement Scheme in the Estate-I Department as indicated in para 4 (I to V) above.
 - 15. Draft Resolution**
After considering the facts in agenda and discussions thereon, Council resolves to approve the proposal submitted by the department in para 4 (I to V) above of the Agenda Item, as concurred by Finance Department

COUNCIL'S DECISION

Resolved by the Council that :

- 1.** Where Licensees are in occupation of the premises and either the licence fee or the interest thereon is outstanding or where licensees are in occupation of the premises but are in litigation either for licence fees and/or interest thereon or otherwise, a one time scheme be introduced for settlement of arrears of interest, due upto 31.03.2010, providing:-
 - a) Where no license fee/damages are outstanding and only interest amount is outstanding as on 31.03.2010 :-
 - (i) 80% of interest arrears may be given as rebate, if balance 20% of interest is paid by 31st of July, 2010;
 - (ii) 60% of interest arrears may be given as rebate, if balance 40% of the interest is paid by 31st of Oct., 2010;
 - (iii) 50% of interest arrears may be given as rebate, if balance 50% is paid by 31st Dec., 2010.
 - b) Where license fee/damages as well as interest on delayed payment are outstanding as on 31.3.2010:-
 - (i) 80% of the interest may be given as rebate, if arrears of license fee/damages due alongwith 20% of the interest is paid by 31st July, 2010;

- (ii) 60% of interest maybe given as rebate, if the arrears of licence fee/damages due alongwith 40% of the interest is paid by 31st Oct., 2010;
 - (iii) 50% of the amount of interest to be given as rebate, if the arrears of licence fee/damage due alongwith 50% of the interest are paid by 31st Dec., 2010;
- c) The above scheme would be available to the allottees / occupants with arrears in litigation and coming forward to square up their dues.
- d) This scheme would also be available to the premises occupied by Govt. Departments as Licensees.
- 2.** In respect of licensees, who have vacated the premises i.e. ex-allottees, and normally either they are not willing to pay or do not have the capacity to pay or are not traceable, it was resolved by the Council that:-
- (i) Interest on all such outstanding dues may not be added from 01.04.2010 onwards.
 - (ii) A settlement scheme for arrears from ex-allottees, which was put in place in 2002 and provided as below, be continued further: -
 - In respect of the premises where arrears of more than 10 lacs are outstanding as on 31.03.10 and where premises have been taken over by the Estate Department, due to non-payment of licence fee/damages/interest by the licensees, each such case should be scrutinized by a Committee headed by the Financial Advisor (in chair), L.A. and Director (Estate - I).
 - Further cases of arrears of ex-allottees upto Rs.10 lacs or less will be scrutinized by a Committee headed by the Secretary (in Chair), Director (Finance) & Director (Estate-I).
 - (iii) The recommendations of the aforesaid Committees at 2(ii) shall be submitted to the Chairperson for approval.
- 3.** In case(s) where arrears of license fee is also in dispute, the same would also be examined and decided by the aforesaid Committees mentioned in para 2(ii) above.
- However Committee(s) would not be eligible for reduction and waiver of license fee or interest thereon but would only resolve the dispute about the license fee, if any.
- 4.** In case of any doubts about implementation of the scheme, the Chairperson is authorized to give required clarifications.
- 5.** This settlement would also apply to the units belonging to the Enforcement Department but would not be applicable to the transferred markets.
- 6.** If the scheme is found to be working successfully or its extension is considered essential, the same may be done upto 31.03.2011, with the approval of the Chairperson.
- 7.** After 31.12.2010 all cases where arrears of licence fee and interest would be outstanding for more than 3 months, Licences of such units would be cancelled without any further reference to them and their cases be processed under Section 5 & 7 of the P.P. Act, for eviction and recovery.
- 8.** It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.

ITEM NO. 09 (A-04)**1. Name of the subject/project**

Sub: S/R of Roads in NDMC Area

SH: Providing & Laying cement concrete service roads in Bharti Nagar.

2. Name of the Department

Civil Engineering Department, Road-II Division.

3. Brief history of the subject/project

- (a) Prime Minister's office vide letter No.680/50/c/9/2006-ES.I dated 08 Jan.'07 **(Annexure 'A' See pages 222 - 223)** while reviewing the issues of civic amenities in Delhi has recorded that the colonies that are to be handed over to NDMC from CPWD are to be listed & municipal functions are to be carried out by NDMC in these colonies as per the report by Ministry of Urban Development.
- (b) Accordingly as per decision taken in the meeting held on 26 Nov.'07 with Secretary (UD) Roads/back lanes & Civil Structures of parks in 36 colonies have been taken over from CPWD by NDMC & confirmed to Secretary, Ministry of Urban Development, Govt. of India vide Secretary, NDMC D.O. letter No.D/27/DH/08 dated 14 Jan.'08 **(Annexure 'B' See pages 224 - 229).**
- (c) The roads, lanes/ back lanes & civil structures of parks in Bharti Nagar Area were taken over from CPWD in Dec.'07.
- (d) The roads & back lanes in these colonies taken over from CPWD are in a very bad condition and need immediate repairs/ upgradation. Accordingly a comprehensive plan for upgradation of these colony roads to concrete roads alongwith improvement of civil works of parks has been prepared.
- (e) Secretary, Ministry of Urban Development was requested vide D.O. letter No.31/PS/Chairman/08 dated 21 Jan.'08 **(Annexure 'C' See pages 230 - 233)** for allocation of funds from Ministry of Urban Development for the upgradation plan of these colony roads/ back lanes. A reminder was also sent vide D.O. letter No.192/PS/Chairman/08 dated 28 Apr.'08 **(Annexure 'D' See pages 234 - 236)** with a copy to Minister of State for Urban Development as per discussion held with MoS(UD) on 03 Apr.'08 but no response has been received from Urban Development in this regard.
- (f) Since the condition of these roads, lane/ bylanes is extremely bad & residents are suffering so Preliminary Estimate by field staff has been prepared.

- (g) The request for sending formal communication to NDMC for transfer of public streets maintained by them was sent to Director General (Works), CPWD on 15 Sep.'09.
- (h) The office of Director General (Works), CPWD vide letter No.7/17/07-W.II/DGW dated 01 Jan.'10 (**Annexure 'E' See page 237**) has intimated that it is not advisable to vest the streets & parks with NDMC as these colonies are to be redeveloped as per the provisions of new master plan norms which may necessitate a complete realignment of roads & change in layout plan.
- (i) Accordingly the case has been taken up with Secy (UD) vide Chairman Office D.O. letter no. 290/PS/C'Man/CE(R)/10 dated 21 Jan.'10 (**Annexure 'F' See pages 238 - 239**) for issue of directions to CPWD to send formal communication for transfer of these public streets/ parks to NDMC.
- (j) After taking over of these roads by NDMC the care and maintenance has got transferred to NDMC and there is an immediate need to maintain these roads in a proper condition so as to avoid inconvenience to the residents staying in these colonies.
- (k) Since the condition of these roads is extremely bad so there is an immediate need to carry out the upgradation of these roads as was decided by the Council during its special meeting on 03 Sep.'09 & regular meeting on 30 Sep.'09. In general whatever roads/ assets are taken over by NDMC for care and maintenance NDMC maintains these areas/roads to acceptable standards.
- (l) Besides the redevelopment plan of these colonies is yet to be drawn by CPWD and may take several years to materialize & for execution on the ground & the residents of the area cannot be made to suffer on account of non-maintenance of these colony roads. It is against this background only that Council took a decision on 03 Sep.'09 to take up the works by NDMC itself out of its own funds with necessary provision to be made in the budget 2010-11 and revised estimate 2009-10. However, Council has to take a decision against backdrop of CPWD response as stated in para (h) above vis-à-vis hardships & inconvenience faced by residents in these colonies.
- (m) The case was discussed in Special Council Meeting on 03 Sep.'09. It was resolved by the Council that work may be taken up by NDMC itself out of its own funds, necessary provisions will be made in Budget 2010-11 & Revised estimate 2009-10.

(n) A meeting was also held in chamber of Chief Secretary on 10 Oct.'08 on the decision of laying CC roads in Govt. of NCT of Delhi. In meeting it was decided that NDMC would lay 100 Km. of lane length of CC roads preferably in this financial year. Copy of minutes vide No. CS/5123-5134 dated 10 Oct.'08 is at **Annexure 'G' (See pages 240 - 242)**.

(o) CRRI was engaged to evaluate the roads in NDMC Area & recommend the design & specifications for concrete roads. CRRI has submitted design report & based on this design report estimates for provision of concrete roads have been framed by the field staff colonywise.

(p) Accordingly the Preliminary Estimate for providing concrete roads in lane/ bylanes in Bharti Nagar Area for Rs.1,09,07,800/- has been prepared by the field staff based on recommendations of CRRI which has been scrutinized by the Planning Department.

(q) Preliminary Estimate has been concurred by the Finance Department.

4. Detailed Proposal on the subject/ project

- (a) Ready mix concrete M-10 & M-40.
- (b) Precast RCC manhole covers, gully chambers, manholes, RCC pipe & other related works etc.
- (c) HDPE pipe ducts for laying of Elect./ communication cables.

5. Financial implications of the proposed project/subject

The financial implications of the scheme works out to Rs.1,09,07,800/-

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

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

7. Comments of the finance department on the subject

Finance Department vide diary No.458/Finance/R-Civil dated 12 Mar.'10 has concurred the Preliminary Estimate for Rs.1,09,07,800/- & seen the agenda vide diary no.700/PS/FA/D/10 dated 16 Apr.'10.

8. Comments of the department on comments of Finance Department

No comments in view of comments by Finance Department.

9. Legal Implications of the subject/project

NIL

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

Special Council Meeting on 03 Sep.'09.

11. Comments of Law Department on the subject

No comments.

12. Comments of the department on the comments of the 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 CVC guidelines would be followed during tendering.

14. Recommendations

The case is placed before the Council for consideration and

- a) Accord of approval for taking over of colony roads/lanes/service roads & parks from CPWD in Bharti Nagar area of NDMC for its maintenance, upgradation/improvement to concrete roads.
- b) Approval for carrying out the maintenance, upgradation/improvement works in the area taken over from CPWD out of NDMC's funds in view of severe hardships faced by the residents of the area in line with its earlier decision taken on 03 Sep.'09.
- c) Accord of Administrative Approval & Expenditure Sanction for Rs.1,09,07,800/- for the work of "Providing & Laying cement concrete service roads in Bharti Nagar".

- d) To initiate further action in anticipation of confirmation of Minutes of the Council meeting.

COUNCIL'S DECISION

Resolved by the Council to accord :

- a) Approval for taking over of colony roads/lanes/service roads & parks from CPWD in Bharti Nagar area of NDMC for its maintenance, upgradation/ improvement etc.
- b) Approval for carrying out the maintenance, upgradation/improvement works in the area taken over from CPWD, out of NDMC's funds in view of severe hardships faced by the residents of the area, in line with Council's earlier decision taken on 03 Sep.'09.
- c) Accord of administrative approval & expenditure sanction amounting to Rs.1,09,07,800/- for the work of "Providing & Laying of cement concrete service roads in Bharti Nagar".

It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.

ANNEXURE 21 PAGES

ANNEXURE ENDS

ITEM NO. 10 (A-05)**1. Name of the subject/project**

Sub: S/R of roads in NDMC area

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

2. Name of the Department

Civil Engineering Department, EE(CP) Division.

3. Brief history of the subject/project

- (a) There was 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 was also a need to discipline the shop /building signages alongwith other development works.
- (b) It was 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. in phase-I & Improvement & upgradation of middle lane between two blocks to be taken up in phase-II of the project as extensive discussions were required to be held with various service providers like MTNL, Airtel, IGL, & Electrical Engineering Department, Water Supply & sewerage departments because all services are in the middle lane only and there was requirement to design a Duct Bank in this middle lane. Construction of Duct Bank 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.
- (c) Accordingly work under Phase-I has commenced on the ground after accord of Administrative Approval & Expenditure Sanction by the Council vide Resolution No. 03(A-56) dated 22 Jul.'09 & accord of approval for award of work vide Resolution No. 02(A-121) dated 18 Dec.'09.
- (d) The Preliminary Estimate for Phase-II i.e. Improvement/ Upgradation of Middle Lane for Rs. 4,98,50,000/- has been prepared by the field staff and has been checked by the Planning.
- (e) Finance Department has also concurred the Preliminary Estimate.

4. Detailed proposal on the subject / project

- (a) Construction of duct bank of HDPE pipes encased with concrete for laying of power cables, telecom cables, cables for CCTV & PA system.
- (b) Laying of new storm water drainage line, sewerage & water line on both sides of Duct Bank.
- (c) Pedestrianisation of middle lane & laying of cobbled granite stone with vitrified tiles in flooring & Stone cladding/ skirting on both sides of wall.
- (d) Street furniture like lamp posts, hanging planters, benches, litter bins, walkover lights etc.
- (e) Provision of water meters, brick masonry chambers etc.
- (f) Laying of new electrical cables of different sizes & shifting of old lines/ cables, feeder pillars, energy meters, column lights etc.
- (g) Provision of signages of uniform size to be fixed within predefined band, the cost of which would be borne by stakeholders.
- (h) Fixing of A/C units in designated bands on walls or on roof.
- (i) Uniform colour scheme in terms of shade & quality.

5. Financial implications of the proposed project

The financial implications of the proposal works out to Rs. 4,98,50,000/-.

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. 660/Finance/R-Civil 07 Apr.'10 has concurred the proposal for Rs. 4,98,50,000/- & seen the agenda vide diary No.696/PS/FA/D-40 dated 16 Apr.'10.

8. Comments of department on the comments of finance Department

No comments in view of concurrence by Finance Department.

9. Legal Implications of the subject/Project

NIL

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

- (a) Council Resolution No. 03(A-56) dated 22 Jul.'09 for accord of Administrative Approval & Expenditure Sanction for Phase-I.
- (b) Council Resolution NO. 02(A-121) dated 18 Dec.'09 for award of work of Phase-I.

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

14. Recommendations

The case is placed before the Council for consideration and

- (a) Accord of Administrative Approval & Expenditure Sanction for Rs. 4,98,50,000/- for the work of Upgradation & Improvement of Environs of Khan Market (Phase-II).
- (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.4,98,50,000/- for the work of Upgradation & Improvement of Environs of Khan Market (Phase-II).

It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.

ITEM NO. 11 (H-01)1. **NAME OF THE SUBJECT :**

Amendment in Recruitment Rules for the post of Medical Officer of Health (MOH).

2. **NAME OF THE DEPARTMENT:**

Personnel Department

3. **BRIEF HISTORY OF THE SUBJECT:**

(i) The Recruitment Rules for the post of Medical Officer of Health (MOH) were approved by the then Committee vide its Resolution No. 14 dated 22.12.1993. A copy of the said Resolution is annexed as **Annexure-I (See pages 250 - 251)**.

(ii) Section 43(1)(c) of the NDMC Act, 1994 provides that the Council may make regulations in respect of the qualifications of candidates for appointment to the post of Secretary and Chief Auditor of the Council and of category 'A' and category 'B' posts included in the Schedule referred to in Section 34(1) of the Act, and the manner of selection for appointment to such posts.

(iii) Section 43(2) of the said Act further provides that no regulations referred to above shall be made except after consultation with the UPSC.

(iv) Section 387(2) of the said Act stipulates that no regulations made by the Council shall have effect until it has been approved by the Central Government and published in the Official Gazette.

(v) The amended RRs for the post of MOH were placed before the Council. The Council vide Resolution No. 3(xxviii) dated 22.11.2002 authorized the Chairperson to consider the basic qualification required for the post, its method of recruitment etc. and seek concurrence of UPSC accordingly. A copy of the said Resolution is annexed as **Annexure-II (See page 252 - 254)**.

(vi) The Council vide its subsequent Resolution No. 4(H-7) dated 29.12.2006 resolved that all RRs of Group 'A' and 'B' posts that are henceforth proposed to be amended shall first be placed before the Council with the existing RRs and reasons for amendment. Thereafter with the modifications suggested and with prior approval of the Council, they shall be forwarded to the UPSC/MHA/GNCTD. In case any change is suggested by the UPSC, the same shall be brought before the Council before finalization with UPSC.

(vii) As the amended RRs for the post of MOH were already placed before the Council in November, 2002 for information, whereon the Council had authorized the Chairperson to finalize the same in consultation with the Commission, the matter was referred to the Commission for its concurrence.

(viii) NDMC Doctors' Welfare Association has demanded that the post of MOH be filled up by departmental promotion and in case no suitable departmental candidate is available, then only the same be filled up on deputation or by direct recruitment.

(ix) The amendment of RRs is still under consideration in consultation with the Commission. The queries/ information sought by them have been provided from time to time. The Commission has since sought, amongst other approval of the Council for amendment of RRs.

(x) As per the Schedule of establishment in respect of Category 'A' and 'B' posts the prescribed pay scale for the post of MOH is Rs. 37,400-67,000/- plus Grade pay of Rs. 10,000/-.

4. **DETAILED PROPOSAL ON THE SUBJECT:**

(i) The extant Recruitment Regulations of the post of MOH prescribe that the same be filled on deputation from officers working as CMO/ Specialist Grade II/ CMO(NFSG)/ Specialist Grade-I in Central Health Service/ Defence Service/MCD and possessing post graduate qualification with experience of administration and Public Health.

(ii) The post of Municipal Health Officer in the other municipal body, i.e., Municipal Corporation of Delhi (MCD) is filled up by promotion/ transfer on deputation failing which by direct recruitment.

(iii) The department has now doctors with requisite qualifications and experience in Public Health. In order to utilize their expertise, which is generally not available with the officers from outside, and to provide promotional avenues to the departmental candidates, the following changes are proposed in the Recruitment regulations to the post of MOH:

Item	Existing RR	Proposed RR
Scale of pay	Rs. 4500-5700/- (IV CPC) + Special pay of Rs. 500/- per month	PB-4 - Rs. 37,000-67,000 + Grade Pay of Rs. 10,000/- (VI CPC) + Special pay of Rs. 1,000/- per month
Educational and other qualifications	Post graduate qualification with experience of administration and Public Health	(i) Post Graduate Degree/Diploma in Social and Preventive Medical Community Medicine/Public Health Community Medicine/Public Health from a recognized University/Institution or equivalent. (ii) At least 10 years practical and administrative experience in the field of public health after obtaining post graduate degree or 15 years experience after obtaining post graduate diploma
Method of recruitment	By deputation from CHS/ Defence service/MCD	By promotion failing which by deputation (including short term contract) and failing both by direct recruitment

The proposed amended Recruitment Regulations of the post of MOH are enclosed as **Annexure –III (See pages 255 - 256).**

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

There are no financial implications.

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

On receipt of concurrence of the Commission, the matter will be referred to Ministry of Home Affairs for approval within a fortnight. Thereafter, the Government of NCT of Delhi will be requested to get the Recruitment Regulations notified at the earliest.

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:**

The framing/ amendment of Recruitment Regulations is an administrative matter.

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

- (i) Resolution No. 14 dated 22.12.1993
- (ii) Resolution No. 3(xxviii) dated 22.11.2002
- (iii) Resolution No. 4(H-7) dated 29.12.2006

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

No comments

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

Not required

13. **RECOMMENDATIONS**

The amendment in extant Recruitment Regulations for the post of Medical Officer of Health (MOH) as indicated in para 4 (iii) above and draft RR as at Annexure III be approved.

14. **DRAFT RESOLUTION**

Resolved that the amended Recruitment Regulations for the post of Medical Officer of Health (MOH) attached as Annexure III are approved. The Department may take steps to get these finalized in consultation with the Commission and Ministry of Home Affairs and get them notified through Government of NCT of Delhi.

COUNCIL'S DECISION

The Council approved the proposal, reiterating its earlier decision taken in its meeting held on 22.11.2002 vide Item No. 3(xxviii) and also authorized the Chairperson, NDMC to make Regulations for all posts, subject to the condition that the Council be kept informed of the decisions taken in this regard.

ANNEXURE I & II
5 pages

annexure I & II ends

Annexure –III**Amended Draft Recruitment Rules for the post of Medical Officer of Health (MOH).**

1.	Name of Post	Medical Officer of Health (MOH)
2.	No. of Posts	1 (One)
3.	Classification	Group 'A'
4.	Scale of Pay	PB-4 – Rs. 37,400-67,000/- +Grade pay of Rs. 10,000/- +Special pay of Rs. 1,000/- per month
5.	Whether selection or non-selection post	Selection
6.	Age limit for direct recruitment	Not exceeding 50 years
7.	Whether benefit of added years of service admissible under Rule 30 of the CCS (Pension) Rules, 1972	Not applicable
8.	Education and other qualification required for direct recruitment	<p><u>Essential</u></p> <p>1 A recognized medical qualification included in the First or Second Schedule or Part –II of the Third Schedule (other than licentiate qualifications) appended to the Indian Medical Council Act, 1956. Holders of educational qualifications included in Part-II of the Third Schedule should also fulfill the conditions stipulated in sub-section (3) of Section 13 of the Indian Medical Council Act, 1956.</p> <p>2. Post Graduate Degree/Diploma in Social and Preventive Medical Community Medicine/Public Health community Medicine/Public Health from a recognized University/Institution or equivalent.</p> <p>3. At least 10 years practical and administrative experience in the field of public health after obtaining post graduate degree or 15 years experience after obtaining post graduate diploma.</p>
9.	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotion	Age - No Essential qualifications - Yes
10.	Period of probation, if any	Two years
11.	Method of recruitment whether by direct recruitment or by	By promotion failing which by deputation (including short term contract) and failing both by direct recruitment.

	promotion or by deputation/absorption and percentage of the vacancies to be filled by various methods.	
12.	In case of recruitment by promotion/deputation/absorption, grades from which promotion/deputation/absorption to be made	<p><u>Promotion/Deputation</u></p> <p>(1) Officers of the Central/State Governments/UTs/local bodies</p> <p>(a) (i) Holding analogous posts on regular basis in the parent cadre/department; or</p> <p>(ii) with seven years service in the grade rendered after appointment thereto on a regular basis in the PB-4 Rs.37,400-67,000/-+ Grade pay of Rs. 8700/- or equivalent in the parent cadre/department;</p> <p>(b) Possessing qualifications and experience prescribed in Col. 8 :</p> <p>(The Departmental Officers in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion. Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization / Deptt. of the Central Govt. shall ordinarily not exceed five years. The maximum age shall be not exceeding 56 years as on the closing date of receipt of applications).</p>
13.	If DPC exist, what is its composition	<p>1. Chairman/Member UPSC- Chairman</p> <p>2. Secretary, NDMC - Member</p> <p>3. Financial Advisor, NDMC - Member</p>
14.	Circumstances in which UPSC is to be consulted in making recruitments	Consultation with the UPSC is necessary.

ITEM NO. 12 (C-02)**CONTRACTS/SCHEMES INVOLVING AN EXPENDITURE OF RS. 1 LAC BUT NOT EXCEEDING RS. 100 LACS.**

Section 143 (d) of NDMC Act, 1994 provides that every contract involving an expenditure of Rs.1 lac but not exceeding Rs.100 lacs under clause 143 (c) shall be reported to the Council. In pursuance of these provisions, a list of contracts entered/executed upto March, 2010, have been prepared.

A list of the contracts, entered into for the various schemes, is accordingly laid before the Council for information. **(See pages 258 - 270).**

COUNCIL'S DECISION

Information noted.

Annexure 13 pages

Annexure ends

ITEM NO. 13 (C-03)**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 February, 2010 had already been included in the Agenda for the Council Meeting held on 19.03.2010.

A report on the status of execution of the ongoing schemes/works awarded upto March, 2010, is placed before the Council for information. **(See pages 272 - 368).**

COUNCIL'S DECISION

Information noted.

(GYANESH BHARTI)
SECRETARY

(PARIMAL RAI)
CHAIRPERSON

