

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI.

COUNCIL'S MEETING NO. 09/2010-11 DATED 29.12.2010 AT 3-00 P.M.

Arrangement of business

ITEM NO.	SUBJECT	PAGE	ANNEXURE
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ITEM NO. 01 (C- 26)

Confirmation and signing of the minutes of the Council's Meeting No. 08/2010-11 held on 24.11.2010 **(See pages 3 - 25)**.

COUNCIL'S DECISION

Minutes confirmed.

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

**MINUTES OF THE COUNCIL'S MEETING NO. 08/2010-11 HELD ON 24.11.2010
AT 3-00 P.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.**

MEETING NO.	:	08/2010-11
DATE	:	24.11.2010
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. Mukesh Bhatt | - | Member |
| 5. | Sh. Santosh D. Vaidya | - | Secretary, NDMC |

The meeting was adjourned for want of quorum.

**(SANTOSH D. VAIDYA)
SECRETARY**

**(PARIMAL RAI)
CHAIRPERSON**

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

**MINUTES OF THE COUNCIL'S ADJOURNED MEETING NO. 08/2010-11 HELD ON
24.11.2010 AT 3-30 P.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.**

MEETING NO.	:	08/2010-11
DATE	:	24.11.2010
TIME	:	3-30 P.M.
PLACE	:	PALIKA KENDRA, NEW DELHI.

PRESENT :

- | | | | |
|-----------|------------------------|----------|--------------------|
| 1. | Sh. Parimal Rai | - | Chairperson |
| 2. | Smt. Tajdar Babar | - | Vice Chairperson |
| 3. | Sh. Karan Singh Tanwar | - | Member |
| 4. | Sh. Mukesh Bhatt | - | Member |
| 5. | Sh. Santosh D. Vaidya | - | Secretary, NDMC |

ITEM NO.	SUBJECT	DECISION
01 (C-23)	Confirmation and signing of the minutes of the Council's Meeting No. 07/2010-11 held on 27.10.2010.	Minutes confirmed subject to condition that the comments of Sh. Karan Singh Tanwar, MLA & Member, NDMC, recorded under the heading 'APPRECIATION' be read as under :- Sh. Karan Singh Tanwar, MLA & Member, also congratulated all the employees of NDMC for timely completion of the works/projects undertaken by the Council. He stated that the commitment and dedication shown by NDMC workers, particularly their support provided in Games Village earned appreciation from all corners. He exhorted the employees to carry on with such excellent performances in future as well.
02 (A-25)	Improvement & Upgradation of Colony roads, back lanes taken over from CPWD in West Kidwai Nagar Area.	Resolved by the Council : (a) To accord approval for carrying out the subject work out of NDMC funds in view of severe hardships faced by the residents of the area in line with its earlier decision taken on 03 Sep.'09 & in supersession of its earlier decision of carrying out these works, in anticipation of vesting of roads/ parks with Council taken on 15 Jan.'10.

		<p>(b) To accord approval for acceptance of the lowest offer of M/s Shivalaya Construction @ 5.53% below the estimated cost of Rs.3,26,28,275/- against the justification of 3.79% above the estimated cost with the tendered amount of Rs.3,08,22,612/- for the work of "Improvement & upgradation of colony roads, back lanes taken over from CPWD in West Kidwai Nagar Area".</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>
03 (A-26)	S/R of Roads in NDMC Area SH: Resurfacing of lanes of colonies in R-I Division	<p>Resolved by the Council to accord approval for acceptance of the lowest offer of M/s Chaudhary Construction Co. @ 18.62% above the estimated cost of Rs.2,23,90,560/- against the justification of 30.27% above the estimated cost with the tendered amount of Rs.2,65,59,025/- & accord of Revised Administrative Approval & Expenditure Sanction for Rs.2,65,59,025/- for the work of "Resurfacing of lanes of colonies in R-I Division".</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 (B-26)	Purchase of L.T. ACB Panels in Two Tier.	<p>Resolved by the Council to accord approval for purchasing of 113 Nos. of L.T. ACB Panels in Two Tier from the eligible lowest tendering firm M/s C&S Electric Ltd with their Ex-works rates Rs.1293817/- (sum of items No.1(a+b+c)& item no. 2 (a+b+c)) + ED @ 10.3% + CST @ 2% for each panel. Thus making total computed cost of Rs.2,24,83,784/-, on the terms, conditions and specifications of NIT.</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 (B-27)	Providing Mechanized Facility Management Services at NDCC Phase-II.	<p>Resolved by the Council to accord approval for awarding the work of Providing Mechanized Facility Management Services at NDCC Phase-II to M/s. BVG India Ltd. at their quoted rates of Rs.2,24,51,895/- .</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 (B-28)	Purchase of HT 11KV, 350 MVA, VCB Panel (Indoor type) single bus bar without remote control.	<p>Resolved by the Council to accord approval for purchasing of 122 Nos. of HT 11KV,350 MVA, VCB Panel (Indoor type) single bus bar without remote</p>

		<p>control from the eligible lowest tendering firm M/s Electroteknica Switchgears Pvt. Ltd. with their Ex-works rates as in para-4 of agenda at Sr. No. 1, 2, 3, 4 & 5 + ED @ 10.3% + CST @ 2% against form 'C'+ Freight @ Rs.3600 for each panel. Thus making total computed cost of Rs.2,88,95,342/-on the terms, conditions and specifications of NIT.</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 (B-29)	Replacement of 33KV outdoor switchgear with indoor GIS system at S/S Nehru Park.	<p>Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to Rs.385.35 Lacs for Replacement of 33KV outdoor switchgear with indoor GIS system at S/S Nehru Park.</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>
08 (B-30)	Laying of 33KV, 3Cx400 mm ² , XLPE Cable from 220/33KV ESS Harish Chandra Mathur Lane to various 33KV ESS's.	Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to Rs.397.86 Lacs for Laying of 33KV, 3Cx400 mm ² , XLPE Cable from 220/33KV ESS Harish Chandra Mathur Lane to various 33KV ESS's.
09 (B-31)	Laying of 33 KV, Cx400 sq. mm (XLPE) cable emanating from 220/33 KV Trauma Centre to various 33 KV ESS.	Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to Rs.248.37 Lacs for Laying of 33KV, 3Cx400sq.mm (XLPE) cable emanating from 220/33KV Trauma Centre to various 33KV ESS.
10 (B-32)	Status report of on-going work undertaken in revamping electrical system.	Information noted.
11 (K-02)	Reward for the group 'C' & 'D' employees for the work done for and during Common Wealth Games 2010.	<p>Resolved by the Council that the amount involved in the proposal contained in paragraph 3 of the preamble is sanctioned.</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 (H-03)	Framing of Recruitment Regulations for the post of Wireless Attendant and amendment of the Recruitment Regulations for the posts of Assistant Fire Guard.	Item withdrawn as the Council resolved to authorize Chairperson, NDMC, to approve recruitment rules for all Group 'D' posts.
13 (C-24)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.100 lacs.	Information noted.

14 (C-25)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.
	REPORT OF THE COMMITTEE	
	Interim report of the Committee constituted for framing of policy for regularization of left over persons working in the Council on muster roll / contract / adhoc basis.	Resolved by the Council that the report may be perused and Members may give their inputs / suggestions / comments, if any, within 7 days. The department will thereafter examine all such inputs / suggestions / comments and place the same before the Council, for its further consideration. The Council further directed the department to provide copies of the Judgements of the Hon'ble Supreme Court of India in Uma Devi's case, and related orders of Hon'ble High Courts / Central Administrative Tribunals, to the Members for their perusal.
	OTHER ISSUES	
	Question raised by Sh. Karan Singh Tanwar, MLA & Member, NDMC, regarding purchase of medicines in NDMC for the year 2010-11.	Reply placed on table, enclosed as Annexure I.

Sd/-

(SANTOSH D. VAIDYA)
SECRETARY

Sd/-

(PARIMAL RAI)
CHAIRPERSON

Annexures 18 pages

Annexure ends

ITEM NO. 02 (A-27)**1. Name of the subject/project**

Sub: Improvement & upgradation of colony roads, back lanes taken over from CPWD in Sector-I & III DIZ Area, Gole Market

2. Name of the Department

Civil Engineering Department, Road Division-V

3. Brief history of the subject/project

- (a) The roads, lanes/ back lanes were taken over from CPWD in Sector-I & III DIZ Area, Gole Market 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 taken over from CPWD in Sector-I & III DIZ Area, Gole Market for Rs.6,61,66,600/- was approved by the Council vide Resolution No. 03(A-136) dated 15 Jan.'10 alongwith following directions:-
- (i) Taking over of the colony roads/ lanes/ service roads & parks from CPWD in Sector-I & III DIZ Area, Gole Market 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 pages 32 - 33**) 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 page 34**) 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 15 Jan.'10. 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 the earlier decision of Council on 03 Sep.'09 & 15 Jan.'10 the tenders were invited through e-tendering system with the date of opening as 09 Jul.'10. The details of eligible financial bids received are as follows:-

S. No.	Name	Estimated Cost	Tendered Amount	Rates Quoted	Remarks
1.	M/s KBG Engineers	Rs.5,74,87,953/-	Rs.6,77,35,352/-	17.82% above	
2.	M/s K.R. Anand	-do-	Rs.6,01,67,221/-	04.66% above	
3.	M/s Shivalaya Construction Co. (P) Ltd.	-do-	Rs.5,82,07,919/-	1.25% above	
4.	M/s Sanjeev Kumar & Bros.	-do-	Rs.5,74,39,093/-	0.08% below	Lowest
5.	M/s Raunaq Construction	-do-	Rs.5,89,14,454/-	2.48% above	

- (l) M/s Sanjeev Kumar & Bros. is the lowest bidder at 0.08% below the estimated cost of Rs.5,74,87,953/- against the justification 6.94% above the estimated cost with the tendered amount of Rs.5,74,39,093/-.
- (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. Sanjeev Kumar & Bros.
- (o) The extended validity of tender is upto **15 Jan.'11**.

4. Detailed Proposal on the subject/ project

- (a) HDPE pipe ducts for laying of Elect./ communication cables.
- (b) Precast RCC pipe 300 mm dia for drainage.
- (c) Ready mix concrete M-10 & M-40.
- (d) 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.5,74,39,093/-.

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.2126/ Finance/R-Civil dated 08 Oct.'10 & 2335/Finance/R-Civil dated 08 Nov.'10 has concurred the proposal with a comment that incurring expenditure on roads/ lanes not transferred to NDMC, particularly in the light of CPWD's response needs to be looked into again as observed by FD in the instant case as well as in similar other cases. Taking this view of FD department may place the matter to the Council for consideration & decision as proposed. FD vide No.3237/PS/FA/D/10 dated 08 Dec.'10 has seen the agenda.

8. Comments of the department on comments of Finance Department

- (a) The office of Director General (Works), CPWD vide letter No. 7/17/07-W.II/DGW dated 01 Jan.'10 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.
- (b) 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.
- (c) 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 No. 06/2009-10 on 03 Sep.'09. In general whatever roads/ assets are taken over by NDMC for care and maintenance NDMC maintain these areas/ roads to acceptable standards.
- (d) 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 (a) & Finance Department observations at para-7 above vis-à-vis hardships & inconvenience faced by residents in these colonies. However in similar case of West Kidwai Nagar Council has taken a decision to carry out such works keeping in view of severe hardship faced by residents of the area.

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.6,61,66,600/- was accorded by Council vide Reso. No. 03(A-136) dated 15 Jan.'10.

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 15 Jan.'10.
- (b) Accord of approval for acceptance of lowest offer of M/s Sanjeev Kumar & Bros. @ 0.08% below the estimated cost of Rs.5,74,87,953/- against the justification of 6.94% above the estimated cost with the tendered amount of Rs.5,74,39,093/- for the work of "Improvement & upgradation of colony roads, back lanes taken over from CPWD in Sector-I & III DIZ Area, Gole Market".
- (c) To initiate further action in anticipation of confirmation of Minutes of the Council meeting.

COUNCIL'S DECISION

Resolved by the Council to accord approval:-

- a) 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 Sep.'09 & in supersession of its earlier decision taken on 15thJan.'10 to carry out these works in anticipation of vesting of roads/ parks with the Council.
- b) To accept the lowest offer of M/s Sanjeev Kumar & Bros. @ 0.08% below the estimated cost of Rs.5,74,87,953/- against the justification of 6.94% above the estimated cost with the tendered amount of Rs.5,74,39,093/- for the work of "Improvement & upgradation of colony roads, back lanes taken over from CPWD in Sector-I & III DIZ Area, Gole Market".

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 (B-33)

1. **Name of Work:** Purchase of LT XLPE cable of size:400 sq.mm/3.5C duly ISI marked.
2. **Department :** ELECTRICITY DEPARTMENT
3. **Brief History of the Proposal:** This is a case for the procurement of 15 Kms. LT XLPE cable of size:400 sq.mm/3.5C duly ISI marked was processed against various estimates sanctioned by CE(E-II) and council.
4. **Detailed Proposal of the Subject:** Tenders were invited in three bid system through e-procurement system from the manufacturers for the Purchase of LT XLPE cable of size:400 sq.mm/3.5C duly ISI marked by giving due publicity to the NIT as per the codal provisions. In response to the Tender Enquiry, offers of the following six firms were received on due date of opening i.e.30.07.10 on e-portal system.
 1. M/s Grandeur (India) Pvt. Ltd.
 2. M/s Krishna Electrical Industries Ltd.
 3. M/s Sri Ram Cables Pvt. Ltd.
 4. M/s Havells India Ltd.
 5. M/s Windsor Cables Pvt. Ltd.
 6. M/s Paragon India

The offers of the above firms were scrutinized and subsequently examined by the planning division, following five firms were found eligible for opening of their financial bid as per NIT requirement:-

1. M/s Grandeur (India) Pvt. Ltd.
2. M/s Krishna Electrical Industries Ltd.
3. M/s Sri Ram Cables Pvt. Ltd.
4. M/s Windsor Cables Pvt. Ltd.
5. M/s Paragon India

With the approval of CE(E-II), the price bids of five eligible firms were opened on 23.09.10.

The position of each tendering firm are as under:-

S.No.	Name of the Tendering Firms	LT XLPE Cable of size 400sq.mm/3.5C duly ISI marked Qty-15 Kms	Total Computed Cost	Remarks
1.	M/s Grandeur (India) Pvt. Ltd.	QR-6,05,809.80(Discounted)per Km CR- 6,81,572.37 (L-I)	Rs.1,02,23,586.00	Rates of th L-I firm are 15.5% above the estimated cost put to tender
2.	M/s Krishna Electrical Industries Ltd.	QR- 5,96,300.00 per Km CR- 6,89,373.278	Rs.1,03,40,599.00	

3.	M/s Sri Ram Cables Pvt. Ltd.	QR- 670000.00 per Km CR- 746400.10	Rs.1,11,96,002.00	
4.	M/s Windsor Cables Pvt. Ltd.	QR- 704000.00 per Km CR- 739918.87	Rs.1,10,98,783.00	
5.	M/s Paragon India	QR- 743878.08 per Km CR- 861522.398	Rs.1,29,22,836.00	
6.	M/s Havells India Ltd.	The firm did not meet the NIT requirement hence their offer was ignored.		

M/s Grandeur (India) Pvt. Ltd. has emerged as a first lowest tendering firm with their Ex-works of Rs.7,04,430.00 + ED @ 10.3% + CST @ 2% against form 'C'. The firm has offered discount @ 14% at their basic rates. The computed cost after discount for the per Km length of the Cable worked to Rs. 6,81,572.37. The total computed cost for the purchase of 15 Km cable has also been worked to Rs.1,02,23,586.00. The rates of the lowest tendering firm are 15.5% above the estimated cost put to tender based on LPR dt .08.6.10.

Justification statement based on the current DGS & D rate contract has been prepared placed in the file is tabulated as under:-

Description of Item	Rates of the L-I firm M/s Grandeur (India) Pvt. Ltd.	Justified rates based on the DGS&D rate contract	Remarks
LT XLPE Cable of size 400sq.mm/3.5C duly ISI marked Qty-15 Kms	Rs.6,05,809.80 Per Km (Ex-works rates)	Rs.7,04,430.00 per Km (Ex-works rates)	The rates of L-I firm are 14% below the justified rates.

The rates of the lowest tendering firm M/s Grandeur (India) Pvt. Ltd. are lowest , competitive , reasonable and hence justified.

The case was examined by the Planning and subsequently concurred by Finance vide diary No. 2518/finance/R-Elect. dt. 06.12.10 for the purchase.

5. **Financial Implications:** Rs.1,02,23,586/- (Rs. One Crore two lakh twenty three thousand five hundred & eighty six only), inclusive of taxes & duties etc.
6. **Implementation Schedule:** The material shall be supplied within two months from the date of issue of supply order.
7. **Comments of the Finance Department:**
Finance vide diary No2518/finance/R-Elect. dt. 10.12.10, concurred the proposal with the remark that replies seen. No further comments.
8. **Comments of the Department on comments of Finance Deptt.** NIL

- 9. Legal Implication of the Subject:** NIL
- 10. Details of previous Council Resolution:** NIL
- 11. Comments of Law Department:** NIL
- 12. Comments of the department on the comments of Law Department:**
NIL
- 13. Certification by the Department:**
All Central Vigilance Commission (CVC) guidelines have been followed.
- 14. Recommendations of the Department:** The case may kindly be placed before the Council for the purchase of 15Km LT XLPE cable of size:400 sq.mm/3.5C duly ISI marked from the lowest tendering firm M/s Grandeur (India) Pvt. Ltd. with their Ex-works of Rs.6,05,809.80 + ED @ 10.3% + CST @ 2% against form 'C', thus making a total computed cost for the purchase of 15Km cable has been worked to Rs.1,02,23,586.00 inclusive of taxes and duties on the terms, conditions & specifications of NIT.
- 15. Draft Resolution:** Resolved by the Council that the approval is accorded to the purchase of 15Km LT XLPE cable of size:400 sq.mm/3.5C duly ISI marked from the lowest tendering firm M/s Grandeur (India) Pvt. Ltd. with their Ex-works of Rs.6,05,809.80 + ED @ 10.3% + CST @ 2% against form 'C', thus making a total computed cost for the purchase of 15Km cable has been worked to Rs.1,02,23,586.00 inclusive of taxes and duties on the terms, conditions & specifications of NIT.

COUNCIL'S DECISION

Resolved by the Council to accord approval for the purchase of 15Km LT XLPE cable of size:400 sq.mm/3.5C duly ISI marked from the lowest tendering firm M/s Grandeur (India) Pvt. Ltd. with their Ex-works price of Rs.6,05,809.80 + ED @ 10.3% + CST @ 2% against form 'C', thus making a total computed cost for the purchase of 15Km cable, worked out as Rs.1,02,23,586.00 inclusive of taxes, duties and on the terms, conditions & specifications of NIT.

ITEM NO. 04 (P-03)

1. **Name of work** : **Project for installation of Public Art in New Delhi Municipal Council Area.**
2. **Name of the Department** : **Public Relation Department**

3. Brief History of the Proposals:

Council vide in its Resolution No. 07 (P-01) dated 19.05.2010 (**Annexure-I See pages 42 - 45**) approved 'Public Art' being made an integral part of the buildings & public spaces in the area of NDMC and directed framing of detailed policy guidelines. Accordingly policy guidelines have been framed. The same are as **Annexure-II (See pages 46 – 53)**.

A budget provision of Rs. 5 crores was to be made for 2010-11 and Rs. 5 crores each year henceforth. This is being done and expenditure in 2010-11 shall not be more than Rs. 5 crores.

Council had also directed the expert committee to examine the idea of installation of the 'Tree' and 'Dwarpal' structures at appropriate locations and give its suggestions, including final cost, for further consideration of the council. The expert committee in its 4th meeting held on 14.07.2010 examined both the proposals. After due deliberation, the committee decided to initially take up the installation of 'Tree' at NDCC-II complex and to take up the proposal of installation of DWARPAL at a later stage. Minutes of the 4th meeting of the expert committee are enclosed as **Annexure-III (See pages 54-55)**.

After doing the needful accordingly, a proposal for installation of Public Art in NDMC area viz. installation of the 'Tree' sculpture by artist Mr. Subodh Gupta at NDCC-II complex under the public art policy of the NDMC and to take up the proposal of 'Dwarpal' at a later stage, was put up for consideration. After discussion, the council deferred its decision and the members were requested to go through the proposal and give their suggestions/comments on the subject, by 24th September, 2010. A copy of Council Resolution No. 07 (P-01) dated 15.09.2010 is enclosed as **Annexure- IV (See pages 56 – 58)**. Subsequently, Smt. Tajdar Babar, Vice Chairman and Sh. Mukesh Bhatt, Council member opined that the clause mentioned at point (e) "the council may also agree to Mr. Gupta's request that NDMC will not sell the piece of art created by Mr. Gupta. It can, however, be donated to a museum that has been pre-approved by the Artist" may be deleted and also suggested that "at least one Council member be also inducted in committee".

Based on the above, Mr. Subodh Gupta was requested to withdraw the clause regarding the restriction on the sale of the piece of art by NDMC which has been agreed by him.

Regarding the appointment of one Council member as member on the proposed PAAC, it is recommended that Member NDMC and Secretary, Department of Environment, GNCT of Delhi, Sh. Dharmendra may be nominated to the PAAC.

No recommendations/comments were received from other members.

As directed by the Council, the issues were also discussed in the meeting of the expert committee on 10.12.2010 and the committee recommended that (a) the clause related to the

resale of the piece of art be deleted from the proposal of Sh. Subodh Gupta and (b) Secretary, Department of Environment, GNCT of Delhi and Member NDMC, Sh. Dharmendra be nominated to the PAAC.

Minutes of the 6th meeting of the expert committee is enclosed at **Annexure-V (See pages 59 – 60)**.

It is worth mentioning here that on 13.12.2010 on the occasion of inauguration of the convention centre Hon'ble Union Minister for Home Affairs, Govt. of India, mentioned how modern sculptures can add to the beauty of the city. He hoped that the Chief Minister, GNCTD and NDMC would find some way in which artists like Aneesh Kapoor and his likes can find a place in Delhi. The current proposal is in line with the views expressed by the Hon'ble Minister.

Costing of the sculpture 'Tree'

Proposal for installation of 'Tree' was received from Mr. Subodh Gupta. The cost proposal received from him is enclosed as **Annexure-VI (See pages 61 – 66)**. The subgroup to scrutinize the proposal received by Mr. Subodh Gupta was approved by the Chairman on 28.7.2010. The subgroup met and deliberated on the proposal. Certain clarifications were also obtained from Mr. Subodh Gupta. After due deliberation the subgroup gave its recommendation vide report dated 30.08.2010. Copy of the report of the subgroup is enclosed as **Annexure-VII (See pages 67 – 104)**.

This report of the subgroup was presented before the expert committee meeting held on 3.09.2010. The expert committee discussed the report of the subgroup and also the draft public art policy guidelines. After due discussion the expert committee **recommended the adoption of guidelines of the public art policy by the council**. Regarding the proposal of Mr. Subodh Gupta the committee recommended that:

- (a) That the decision to have a sculpture titled "Tree" from Mr. Subodh Gupta in the premises of NDCC-II will be a unique piece of contemporary art installation for the first time not only in the capital city but also in the country. The concept of Banyan tree created by the artist resonates the lush landscape of New Delhi, symbolizes India's ancient wisdom and highlights the notions of universal sustainability associated with household utensils.
- (b) That the cost price of Rs. 305 lakh plus taxes as applicable quoted by the artist seems reasonable considering the cost of the (i) Production material & assembly (ii) Specialized technicians (iii) Transportation from outside the country as well from within the country (iv) Foundation including finishing and lighting and (v) the reputation and the caliber of the artist among the top Indian artists both nationally as well as internationally.
- (c) That there shall be a Project Monitoring Committee (PMC) to coordinate with the artist on regular basis and to monitor the progress of art work in accordance with the understanding arrived with the artist in terms of agreement to be signed with the artist by NDMC. Further the committee recommends the name of Sh. Kuldeep Singh as the representative of the expert committee in the project monitoring committee apart from officers of NDMC.
- (d) As regards the mode of payment the committee recommends that NDMC may consider to make secured advance to the artist upto 25% of the cost in order to enable him to make the initial investment towards materials & fabrication.
- (e) The council may also agree to Mr. Gupta's request that NDMC will not sell the piece of art created by Mr. Gupta. It can, however, be donated to a museum that has been pre-approved by the artist.

- (f) NDMC should provide for the upkeep & maintenance of the artwork. In case of any damage the restoration should be got done under the supervision of an contractor approved or suggested by the studio of the artist, all expenses in this regard will have to be borne by NDMC.

Minutes of the 5th meeting of the expert committee is enclosed as **Annexure-VIII (See pages 105 – 106)**.

4. Detailed proposal of the project:

- (a) The proposal is to go by the resolution of the council to install the 'Tree' at NDCC-II complex under the Public Art Policy of the NDMC. The proposal of 'DWARPAL' may be taken up at a later stage.
- (b) Approval of the public art policy guidelines

5. Financial Implication

Rs. 305 lakhs + applicable taxes.

6. Implementation schedule with timelines for each stages including internal processing:

7 months after award of work to the artist.

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

Finance Department has concurred vide diary No. 1019/Finance dated 11.05.2010 Draft agenda seen vide diary no. 2161/PS/FA dated 10.09.2010 and diary no. 3254/PS/FA dated 14.12.2010.

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

No comments.

9. Legal Implication of the subject:

Nil

10. Details of the previous council's resolution, existing laws of Parliament and Assembly on this subject.

Council resolution No. 07 (P-01) dated 19.05.2010. (**Annexure-I See pages 42 - 45**) and Council resolution No. 07 (P-02) dated 15.09.2010 (**Annexure-IV See pages 56 - 58**)

11. Comments of Law Deptt. :

Law Department has concurred with the proposal on 10.09.10, law department commented:

"the proposal is as per council's resolution of 19.05.2010 and has our concurrence." No further comments were offered on 15.12.2010.

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

No Comments

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

Specific guidelines of CVC with regard to Public Art are not available.

14. Recommendations:

The case is placed before the council for:

- (a) Consideration & approval of public art policy guidelines as per **Annexure-II See pages 46 – 53).**
- (b) The council may also resolve to accept the recommendations as contained in the minutes of the 5th & 6th meeting of the expert committee on the proposal of the "Tree" by Sh. Subodh Gupta at an expenditure of Rs. 305 lakhs + applicable taxes. The expenditure for the implementation of the project shall be made from sanction of Rs. 5 Crores already approved by the Council vide resolution No. 07 (P-01) dated 19.05.2010.
- (c) the clause related to the resale of the piece of art be deleted from the proposal of Sh. Subodh Gupta
- (d) Member NDMC and Secretary, Department of Environment, GNCT of Delhi, Sh.Dharmendra may be nominated to the PAAC.

COUNCIL'S DECISION

Resolved by the Council, by majority, to accord :

- (e) Approval of public art policy guidelines, as mentioned in Annexure-II of the agenda.
- (f) Approval to accept the recommendations as contained in the minutes of the 5th & 6th meeting of the Expert Committee (Annexed as Annexure-VI and Annexure-V respectively) on the proposal of the "Tree" by Sh. Subodh Gupta at an expenditure of Rs.305 lakhs + applicable taxes. The expenditure for the implementation of the project shall be made from sanction of Rs.5 Crores already approved by the Council vide resolution No. 07 (P-01) dated 19.05.2010.
- (g) Approval that the this public art item shall be the property of NDMC and therefore, the condition put forth by the Artist that it would not be resold be deleted from the proposal of Sh. Subodh Gupta.

The Council also approved nomination of Sh. Mukesh Bhatt, Member, NDMC and Sh. Dharmendra, Secretary, Department of Environment, GNCT of Delhi, and Member NDMC as members of the Public Art Advisory Committee.

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

Annexures 65 pages

42 - 106

Annexure ends

ITEM NO. 05 (A-28)**1. Name of Subject/Project:**

Rehabilitation of old sewers. **SH:** Desilting and rehabilitation of 838x940mm Egg Shaped barrel at Man Singh Road from Ashoka Road to Q. Point- **Approval of extra item Statement and Revised estimate thereof.**

2. Name of Department concerned: Civil Engineering Department (PH – Circle).**3. Brief History of the subject/ project:** The Administrative Approval / Expenditure Sanctioned amounting to Rs. 8,06,63,000/- for the above mentioned work was accorded by the council vide reso. No. 17(A-11) dated 28.04.2008. After adhering to all codal formalities of tendering process and the approval of the council vide resolution no.15 (A-125) dated 18.02.09, the work was awarded to M/s SPML with tendered amount of Rs. 8,31,06,045/- at 6.53% above estimated cost of Rs. 7,80,08,034/-.

The stipulated date of start and completion were 16.03.2009 and 15.03.2010 respectively. The work was actually completed on 30.08.2010. At the time of framing estimate, the size of the existing egg shaped sewer barrel was taken as 838 X 940 mm on the basis of the data given by Tata consultancy services because actual measurement of size of the barrel was not possible at that time as this was an old trunk running sewer line with lot of silt in it. The sophisticated machineries required for the purpose were not available with the department. However, there is a provision in the contract to access the size of the existing line before carrying out CIPP lining after proper desilting with supper sucker etc. Accordingly the work was taken up and the sewer line was got desilted and CCTV conducted to measure the actual size of the existing barrel which was measured as 976x1369. Because of this variation in size of the sewer line extra amount becomes payable to the agency in accordance with the terms and conditions of the agreement.

The approval in-principle for this extra amount involved was obtained from the competent authority before actual execution of work at site.

Accordingly extra item statement no-2 amounting to Rs. 2,43,40,242/- and Revised PE amounting to Rs.10,61,94,151/- are due for approval by the council as the gross amount of the work has exceeded beyond 10 % of the A/A& E/S of the work.

4. Detailed proposal on the subject/project: As explained in Para 3 above, extra item statement no-2 amounting to Rs. 2,43,40,242/- and Revised PE amounting to Rs.10,61,94,151/- are due for approval by the council. The rates for this extra item has been derived as per the provisions of the clause15 (XX) of Special Condition 2 of the agreement which provides.

“Size of barrel given in schedule of quantity in item no. 1 has been determined by the deptt. in case of any deviation in the size of the barrel found at site, the same shall be paid at prorata basis. The decision of engineer-in-charge will be final.”

5. **Financial implications of the proposed project/subject :**
The required budget provision has been sought in RE of the current year 2010-11.
6. **Implementation Schedule with timeliness for each stage including internal processing:** The finalization of the payments are proposed in the current financial year 2010-11. The final payments can be released only after approval of extra item statement no -02 and revised preliminary estimate of the work.
7. **Comments of Finance Department on the subject with diary no. & date :** The Finance department has concurred in the proposal of the department vide Diary No.2588/Fin dated 16.12.2010.
8. **Comments of the department on the comments of Finance Department:**
No Comments
9. **Legal implication of the subject/project :** Nil.
10. **Details of previous Council Reso. Existing Law of Parliament and Assembly on the subject:**
 - (i) The AA/ ES amounting to Rs. 8, 06, 63,000/-for this work was accorded by the council vide reso. No. 17(A-11) dated 28.04.2008.
 - (ii) The work was awarded to M/s SPML with tendered amount of Rs. 8,31,06,045/- after taking the approval of the council vide resolution no.15 (A-125) dated 18.02.09.
11. **Comments of Law Department on the subject/project :** Nil
12. **Comments of the department on the comments of Law Department:** NIL
13. **Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.**
It is certified that all CVC guidelines and other procedures have been followed in the case.

14. Recommendations: The case is laid before the council for consideration and accord of approval for the following:

(i) Extra item statement no -02 amounting to Rs. 2,43,40,242/-

(ii) Revised preliminary estimate amounting to Rs.10,61,94,151/- with a net excess of Rs.2,55,31,151/- over the original PE for the work "De-silting and rehabilitation of 838x940 mm egg shape barrel at Man Singh Road from Ashoka Road to Q Point."

COUNCIL'S DECISION

Council deferred consideration of the items resolving that the increase in the revised preliminary estimate amounting to Rs.10,61,94,151/- with a net excess of Rs.2,55,31,151/- over the original preliminary estimate due to increase in the actual size of the existing barrel, measured as 976x1369mm, instead of estimated size earlier measured as 838x940 mm be verified by a Third Party Audit, namely either IIT, Delhi or Roorkee, who will certify the justification, reasonableness and calculation of the excess amount of Rs.2,55,31,151/-, as per pro rata basis on the provisions of the clause15 (XX) of Special Condition 2 of the relevant agreement.

ITEM NO. 06 (D-04)

1. Name of the Subject: CONDUCTING SUBORDINATE ACCOUNTS SERVICE EXAMINATION FOR NDMC.

2. Name of the Department: Finance & Accounts Department.

3. Brief History of the Subject: The NDMC vide its Resolution No. 28 dated 20.01.1978 approved the Minutes dated 17.01.1978 of Labour Welfare Sub-Committee headed by the then President of NDMC wherein the rules for Subordinate Supervision of Statutory Audit/Accounts Examination were finalized. Municipal Corporation of Delhi authorities agreed to admit NDMC candidates in Part-I and Part-II of the above examination every year. The office of the Chief Auditor, MCD had been conducting the examination every year since 1978.

MCD vide resolution no.423 dated 03.10.2008 approved discontinuation of this examination now known as S.O.Grade Examination for NDMC candidates. Since then we have been facing difficulty in filling up the posts of AAOs as the feeder channel to the post is blocked. This is because the RR for the post specifies for filling up the post by promotion from Junior Accounts Officer with two year service in the grade in the pay scale of 6500-10500 who have qualified S O Grade examination conducted by Municipal Chief Auditor, MCD.

The Chairman, NDMC vide orders dated 18.11.2008 constituted a Sub-Committee of CAO, Director (Personnel), Director (IT) to review and suggest the appropriate syllabus and the method of examination for NDMC candidates for this Examination.

To facilitate further the filling up the post of AAOs, the RR (enclosed as **Annexure-I (See pages 112 - 113)**) needs to be modified to the extent that the exam will be conducted by NDMC or authorized agency.

4. Detailed proposal on the subject: The modification in RR(enclosed as **Annexure-I (See pages 112-113)**) needs to be noted by the Council.

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| 5 | Financial implications of the proposed project/ subject: | N.A. |
| 6 | Implementation Schedule: | N.A. |
| 7 | Comments of Finance Department: | Proposal has been initiated by FA's Secretariat. |
| 8 | Comments of Department on the comments of Finance Department: | N.A. |
| 9 | Legal implication of the subject/project | N.A. |
| 10 | Details of Previous Council Resolution: | Resolution NO. 28 dated 20.01.1978 |

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|-----------|---|--|
| 11 | Comments of Law Department on the subject: | N.A. |
| 12 | Comments of the Department on the comments of Law Department: | N.A. |
| 13 | Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case. | N.A. |
| 14 | Recommendation: | Recommended that the proposal to modify the RR (enclosed as Annexure-I See pages 112-113) may be noted by the Council. |
| 15 | Draft Resolution | Information noted. |

COUNCIL'S DECISION

Information noted.

Annexure 2 pages

Annexure ends

ITEM NO. 07 (L-06)**1 Name of the Subject:**

Annual enhancement of licence fee in Palika Bazaar.

2 Name of the Department:

Estate-I Department

3. Brief History of the Subject:

The grievances of Palika Bazar Shopkeepers Association were mentioned during the Council's meeting held on 27.10.10. Chairman had then informed that Director (Estate-I) has been advised to examine the representation of Palika Bazar Shopkeepers Association for deferment of annual enhancement in licence fee. Similarly, Chairperson has also desired that the issue of levying of cancellation charges in respect of units which were found indulging in trade violation during survey undertaken in March, 2008 be examined.

Palika Bazaar is a prestigious air conditioned underground market consisting of 402 units which are regulated through 5 trade zones. Policy for annual enhancement of licence fee in this market was approved by the Council vide Resolution No. 1 (L-4) dt. 29.08.07 which provides that licence fee in this market would be increased by 10% bi-annually w.e.f. 01.04.2008. Accordingly, annual enhancement of this market was due on 01.04.10.

Upgradation/Renovation of this market which was long due was taken up in November, 2009 and broadly included replacement of air-conditioning system, transformers, flooring, change of shutters, new false ceiling with CCTV, provisions of escalators and x-ray machines etc. With a view to expedite the work, a weekly off and restriction on working hours for the market were also prescribed, in consultation with the Market Association. As per the report of E.E. (BM-II) Electric who is the Nodal Officer coordinating the renovation work, though the major works are over yet the remaining works are likely to be completed by 31.12.10.

Palika Bazar Shopkeepers Welfare Association (Regd.) for quiet some time have been representing:

- (a) That there has been steep fall in the business and therefore, the bi-annual enhancement of licence fee w.e.f 01.04.10 may be frozen for two years.

Recommendations in this regard have also been received through Members of the Council, who have forwarded representations of the Association.

4. Detailed proposal on the Subject:

It is obvious that considering the nature/quantum of renovation/upgradation work undertaken, normal business in the market must have suffered.

It is therefore proposed that though bi-annual enhancement for all the units may be effected from 1st April, 2010 in books but it may actually be realised w.e.f. 01.04.2011. By doing so NDMC may not loose on licence fee on cumulative basis.

5. Financial implication of the proposed Subject:

We receive about Rs. 5.50 crores as licence fee from Palika Bazaar per annum and therefore, broadly speaking rebate proposed would result in waiver of about Rs. 55 lakhs.

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

Not Applicable.

7. Comments of the Finance Department on the subject with diary number and date:

F.A. has seen the proposal on 22.12.2010 vide Diary No.3257/PS/FA/D-10 dated 22.12.2010.

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

No Comments.

9. Legal implication of the subject:

N.A.

10. Details of previous Council Resolutions on the subject:

As mentioned in para 3 above.

11. Comments of the Law Deptt on the Subject:

L.A. has recommended that bi-annual enhancement may be effected from 01.04.2010 and recovered for the financial year 2010-11 and rebate proposed may be given for financial year 2011-12.

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

Department has already recommended that bi-annual enhancement should be effected in books w.e.f. 01.04.2010 so as to avoid any recurring loss to NDMC. However, keeping in view administrative convenience, it has been proposed to give rebate for 2010-11 and effect enhancement from 01.04.2011.

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

N.A.

14 Recommendations:

Considering the facts as brought out above, case is put up before the Council for consideration and appropriate decision regarding implementation of bi-annual enhancement of licence fee due from 01.04.2010.

COUNCIL'S DECISION

After detailed deliberations it was resolved by the Council to extend the rebate for two years instead of one year; and keeping in view administrative convenience, it has been proposed to give rebate for 2010-11 & 2011-12 and effect enhancement from 01.04.2012.

ITEM NO. 08 (C- 27)

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 November, 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 118 - 129).**

COUNCIL'S DECISION

Information noted.

Annexures

118 – 129

annexure ends

ITEM NO. 09 (C-28)

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 October, 2010, had already been included in the Agenda for the Council Meeting held on 24.11.2010.

A report on the status of execution of the ongoing schemes/works awarded upto November, 2010, is placed before the Council for information. **(See pages 131 - 213).**

COUNCIL'S DECISION

Information noted.

**(SANTOSH D. VAIDYA)
SECRETARY**

**(PARIMAL RAI)
CHAIRPERSON**

Annexure
End on page

THE FOLLOWING RESOLUTION PASSED BY THE COUNCIL IN ITS MEETING DATED 29.12.2010:-

“After completion of the business, an issue regarding extension of the ongoing tax rebate scheme of NDMC was also mentioned with the permission of the Chair and the Council resolved to extend the scheme for one more month, i.e. upto 31st January, 2011”.

THE FOLLOWING RESOLUTION PASSED BY THE COUNCIL IN ITS MEETING DATED 29.12.2010:-

"A point regarding clarification on the method of fixing of the justified rates also came up before the Council. The Council directed that the departments should strictly follow the existing procedure i.e. the Departments should decide the justified rates criterion before opening of the financial bid which may be kept in a sealed cover till the opening of financial bid/tender. The same should be opened after opening of the financial bid/tender and requisite comparisons be made accordingly".

(SANTOSH D. VAIDYA)
SECRETARY

(PARIMAL RAI)
CHAIRPERSON