

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

**COUNCIL'S MEETING NO. 05/2013-14 DATED 04.09.2013 AT 4-00 P.M.**

**Arrangement of business**

ITEM NO.	SUBJECT	PAGE	ANNEXURE
01 (C-10)	Confirmation and signing of the minutes of the Council's Meeting No. 03/2013-14 held on 23.07.2013.	3	4 – 6
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07 (A-11)	Re-development of Kidwai Nagar (East), GPRA Project – Type II quarters to be provided by NBCC/MoUD to NDMC on the basis of area available and FAR being utilized by the NBCC and provision of equivalent area as it exists for Commercial & Social infrastructures like Schools, Barat Ghar, Markets, Community Centre etc.	30 – 34	35 – 54
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10 (C-13)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.200 lacs. (For information of the Council)	71	72 – 89
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14 (S-07)	Grant of sanction for initiating Major penalty proceedings against Sh.P.P. Dhanetia, E.E(D/N) (Elect.), (Retired on 31.10.2011), Electricity Department, NDMC, New Delhi.	219 – 222	223 – 232
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**ITEM NO. 01 (C- 10)**

Confirmation and signing of the minutes of the Council's Meeting No. 03/2013-14 held on 23.07.2013. (See pages 4 - 6 )

**COUNCIL'S DECISION**

Minutes Confirmed.

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

**DRAFT MINUTES OF THE COUNCIL'S MEETING NO. 03/2013-14 HELD ON 23.07.2013, AT 4-00 P.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.**

<b>MEETING NO.</b>	<b>:</b>	<b>03/2013-14</b>
<b>DATE</b>	<b>:</b>	<b>23.07.2013</b>
<b>TIME</b>	<b>:</b>	<b>4-00 P.M.</b>
<b>PLACE</b>	<b>:</b>	<b>PALIKA KENDRA, NEW DELHI.</b>

**PRESENT :**

- |                          |          |                          |
|--------------------------|----------|--------------------------|
| <b>1. Sheila Dikshit</b> | <b>-</b> | <b>Presiding Officer</b> |
| 2. Ms. Archana Arora     | -        | Chairperson              |
| 3. Sh. Ashok Ahuja       | -        | Member                   |
| 4. Sh. D. Diptivilasa    | -        | Member                   |
| 5. Sh. C. K. Khaitan     | -        | Member                   |
| 6. Sh. Vikas Anand       | -        | Secretary                |

<b>ITEM NO.</b>	<b>SUBJECT</b>	<b>DECISION</b>
01 (C-07)	Confirmation and signing of the minutes of the Council's Meeting No. 02/2013-14 held on 27.06.2013.	Minutes confirmed and signed.
02 (B-02)	Preliminary estimate for "Replacement /Augmentation of Sub-station equipment at 8 nos. Sub-stations (Vidyut Bhawan, Nehru Park, Aurbindo Marg, Korea Embassy, Hungry Embassy, Aliganj No. 1 Delhi Earth Centre, Teaching Block) in M/S Area.	Resolved by the Council to accord administrative approval and expenditure sanction to the Preliminary Estimate amounting to `7,03,45,308/- for replacement /Augmentation of Sub-station equipment at 8 nos. Sub-station (Vidyut Bhawan, Nehru Park, Aurbindo Marg, Korea Embassy, Hungry Embassy, Aliganj No. 1 Delhi Earth Centre, Teaching Block) in M/S Area.  It was also resolved by the Council that further action may be taken by the Department in anticipation of

		confirmation of the Minutes by the Council.
03 (A-06)	Imp/Upgradation of Shivaji Stadium. SH: C/o Sports facility block, hockey stadium, warm-up pitch, two level basement for parking including electrical, fire-fighting & protection, HVAC, lift etc. complete as composite work.	<p>Resolved by the Council that :</p> <ol style="list-style-type: none"> <li>1. Permission is granted to process the final notice under clause-3 for rescinding the work of M/s China Railway Shisiju Group Corporation vide agreement No. 05/EE(BM-I)/AB/2008-09.</li> <li>2. Approval is accorded for rescinding of the work of M/s China Railway Shisiju Group Corporation vide agreement No. 05/EE(BM-I)/AB/2008-09 and for taking action clause 2 (Extension of Time) and clause 3 of the Agreement as mentioned at para 5.</li> <li>3. Permission is granted for executing the balance work through other agencies by call of tender.</li> <li>4. Approval is granted for initiating action to debar the firm of M/s China Railway Shisiju Group Corporation from participating in NDMC for three years.</li> </ol> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.</p>
04 (A-07)	Construction of Old Age Home at Kali Bari Marg.	<p>Resolved by the Council to accord approval for awarding the work to the lowest tenderer M/s. Aadhar Stumbh Township Pvt. Ltd. with the quoted amount of `9,79,76,217.00 which is 15.33% below the estimated cost of `11,57,14,152.00/- and 16.30% below the justified cost.</p> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.</p>
05 (A-08)	Development of Rain Water Harvesting system in Laxmi Bai Nagar, Sarojini Nagar, Nauroji Nagar, Netaji	Resolved by the Council to accord administrative approval and expenditure sanction for `2,50,61,000/- for the work 'Development of Rain Water Harvesting

	Nagar and Moti Bagh.	<p>system in Laxmi Bai Nagar, Sarojini Nagar, Nauroji Nagar, Netaji Nagar and Moti Bagh'.</p> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.</p>
06 (D-02)	Re-appropriation of Funds in Budget Estimates 2013-14.	Resolved by the Council that the Re-appropriations in Budget Estimates 2013-14 authorized during 1 <sup>st</sup> Quarter of 2013-14 as detailed in Annexure-I of the preamble are approved in terms of Section 56 of the NDMC Act 1994 & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010.
07 (O-01)	Audit Comments on Financial Statements/Accounts of NDMC for the year ending March, 2012.	Resolved by the Council that, information regarding Audit comments on the Financial Statements, on accrual basis for the year ended March, 2012, as reported by the Chief Auditor, is noted. The Accounts Department is advised to carry out the necessary rectifications in the Accounts for the subsequent years and submit an Action Taken Report on the comments of the Chief Auditor.
08 (T-01)	Annual Administrative Report for the year 2012-13.	Resolved by the Council that the Annual Administrative Report for the year 2012-13 is approved and the same may be forwarded to the Central Govt.
09 (C-08)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.200 lacs.	Information noted.
10 (C-09)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.
11 (S-03)	Issuance of orders for exoneration for Sh. S.M. Mustafa, Retired, A.E.(C) after making disagreement with the advice given by the Commission during Second Stage Advice.	Considering the facts of the case in totality the Council unanimously resolved to impose a penalty of 5% reduction in pension for a period of two years on the charged officer, Sh. S.M. Mustafa, Ex. A.E. (C) (Retd. on 30.06.2012).

12 (S-04)	Major penalty proceedings against Sh. D.K. Srivastava, Head Asstt. (Retd.)	Considering the facts of the case in totality the Council unanimously resolved to impose a penalty of 5% reduction in pension for a period of two years on the charged officer, Sh. D.K. Srivastava, Head Asstt. (Retd.).
	Agenda note.	Information noted.

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**ITEM NO. 02 (C - 11)**

Confirmation and signing of the minutes of the Council's Special Meeting No. 04/2013-14 held on 05.08.2013. **(See page 08 )**

**COUNCIL'S DECISION**

Minutes Confirmed.

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

**MINUTES OF THE COUNCIL'S SPECIAL MEETING NO. 04/2013-14 HELD ON 05.08.2013 AT 11-00 A.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.**

<b>MEETING NO.</b>	<b>:</b>	<b>04/2013-14</b>
<b>DATE</b>	<b>:</b>	<b>05.08.2013</b>
<b>TIME</b>	<b>:</b>	<b>11-00 A.M.</b>
<b>PLACE</b>	<b>:</b>	<b>PALIKA KENDRA, NEW DELHI.</b>

**PRESENT :**

- |     |                            |   |                          |
|-----|----------------------------|---|--------------------------|
| 1.  | <b>Smt. Sheila Dikshit</b> | - | <b>Presiding Officer</b> |
| 2.  | Sh. Jalaj Shrivastava      | - | Chairperson              |
| 3.  | Smt. Tajdar Babar          | - | Vice Chairperson         |
| 4.  | Sh. Karan Singh Tanwar-    |   | Member                   |
| 5.  | Sh. Ashok Ahuja            | - | Member                   |
| 6.  | Sh. I. A. Siddiqui         | - | Member                   |
| 7.  | Sh. Suka Ram               | - | Member                   |
| 8.  | Sh. Dharmendra             | - | Member                   |
| 9.  | Ms. Nila Mohanan           | - | Member                   |
| 10. | Sh. Vikas Anand            | - | Secretary                |

In pursuance of the Notification dated 25<sup>th</sup> July, 2013, (copy enclosed) issued by the M/o Home Affairs, Govt. of India, Sh. Jalaj Shrivastava, IAS (AGMU:1984) was administered the Oath of office of Chairperson, NDMC by Smt. Sheila Dikshit, Chief Minister, Delhi, presiding over the aforesaid meeting and in the presence of the members.

Sh. Dharmendra, Joint Secy. MoUD, Ms. Nila Mohanan, Addl. Secy. to the Chief Minister, Delhi, Sh. I.A. Siddiqui and Sh. Suka Ram were also administered the Oath of office as Members of the Council by the Chairperson of the Council vide Notification No. S.O. 2133(E) & 2134(E), both dated 9<sup>th</sup> July, 2013, (copy enclosed) issued by the M/o Home Affairs, Govt. of India.

The meeting ended with a vote of thanks to the Chair.

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**ITEM NO. 03 (A – 09)****1. Name of the Subject/Project:**

C/o Building for indoor GIS Switchgear of ESS Kidwai Nagar.

**S.H.:** Survey Report regarding demolition of existing structure of ESS Kidwai Nagar.

**2. Name of Department/Departments concerned: Civil Engineering Department.****3. Brief History of the Subject/Project:**

The case is related to proposal for C/o building for accommodating indoor GIS switchgear at ESS kidwai Nagar. In this regard, a conceptual plan prepared by the C.A. Department was sent to the user Department i.e. Electrical Department. Thereafter a plan vide job no. 319 & Drawing no. CA-799 issued from the C.A. Department was accepted by the Electrical Department.

As per drawing, there is a proposal for accommodating GIS switchgear after demolition of the affected/part portion of the existing structure at ESS Kidwai Nagar.

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

There is a proposal for construction of building for accommodating indoor GIS Switchgear at Electric Sub-station, Kidwai Nagar. The Architectural Drawing had been received. Accordingly, a detailed estimate for construction of building has been accorded. A/A & E/S including the civil work has been obtained from the Council by the Electric Department. As per the drawing, the indoor GIS switchgear will be accommodated after demolition of the existing structure at ESS Kidwai Nagar. After the demolition, the construction of two storey building will have to be carried out in accordance with the approved drawing and detailed drawing from the competent authority. The Survey Report in respect of affected portion of the existing building is proposed to be demolished has been prepared on the basis of CPWD standard Performa. The write off amount and reserve price are the projected amounts which is to be finalized after approval of the tender. It is also certified that there was no value addition investment on exiting structure since its construction in the year 1997-1978. The details of the value are as under:-

(a) Book Value	` 1,46,922/-
(b) Cost of dismantling	` 1,37,939/-
(c) Scrap Value	` 1,93,871/-

(d) Amount to be written off ` 90,990/- (Projected)

(e) Reserve price(c-b) ` 55,932/- (Projected)

(Credited of reserved price shall be adjusted against the book value of ` 1,46,922/-)

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

Financial implication of the proposed project ` 90,990/- is to be written off over account demolition of existing building with a reserve price of the building `55,932/-.

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

Implemented schedule with the time limit for such stage including internal processing.

Stage	Time
1. NIT process and approval	1 month
2. Publication and tender computing	1 month
3. Finalizing the tenders	1 months
4. Time allowed for demolition and disposal of material	2 months

Total 05 months would be required for demolition of existing structure and disposal of material from the site.

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

Financial Department has concurred the proposal vide diary no. 127/Finance/R-Civil dated 18.02.2013 for reserve price of ` 55,932/-.

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

N/A In view of concurrence of Finance Department.

Sub; - C/o Building for indoor GIS Switchgear of ESS Kidwai Nagar.

**S.H.:** Survey Report regarding demolition of existing structure of ESS Kidwai Nagar.

**9. Final views of Finance Department:**

Financial Department has concurred the proposal vide diary no. 127/Finance/R- Civil  
dated 18.02.2013 for reserve price of ` 55,932/-.

**10. Legal implication of the Subject/Project:**

N/A

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

N/A

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

N/A

**13. Final view of Law Department [wherever necessary]:**

N/A

**14. Certification that all Central Vigilance Commission's Guidelines have been followed while processing the case:**

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

**15. Recommendation:**

The case placed before the Council for approval of the Survey Report with the amount of ` 90,990/- for written off with reserve price of ` 55,932/- on account of demolished material and recommended that further action in the matter be taken in anticipation of confirmation of minutes of the Council Meeting.

**16. Draft Resolution:**

Resolved by the Council that the survey report with a written off amount of ` 90,990/- and reserve price of ` 55,932/- is accepted and be written off from the books on account of demolition of the existing structure.

It is also resolved that further action may be taken by the department in anticipation of the confirmation of the minutes of the Council.

#### **COUNCIL'S DECISION**

Resolved by the Council that the survey report with a written off amount of ` 90,990/- (Rs. Ninety thousand nine hundred ninety only) and reserve price of ` 55,932/- (Rs. Fifty five thousand nine hundred thirty two only) is accepted and be written off from the books on account of demolition of the existing structure.

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

**ITEM NO. 04(C – 12)****1. Name of the subject/project:****Reconstitution of Committees u/s 9 of NDMC Act 1994.****2. Name of the Department/departments concerned :** Council Secretariat.**3. Brief history of the subject/project:**

Section 9 of the NDMC Act 1994 provides for constitution of committees for the exercise of any power or discharge of any function by the Council. The section provides as follows :

*" 9. Setting-up of Committees – (1) The Council may constitute as many committees as it thinks fit for the exercise of any power or discharge of any function which the Council may by resolution delegate to them or for inquiring into, reporting or advising upon any matter which the Council may refer to them.*

*(2) Any such committee shall consist of members of the Council only :*

*Provided that a committee may, with the sanction of the Council, co-opt not more than two persons who are not members of the Council, but who in the opinion of the Council possesses special qualifications for serving on such committee.*

*(3) Each Committee constituted under this section shall be presided over by the Chairperson of the Council.*

*(4) Any matter relating to a committee constituted under this section, not expressly provided in this Act may be provided by regulations made in this behalf."*

In the past, three Committees were constituted by the Council u/s 9 of the NDMC Act, 1994, vide Resolution no. 10 (C-29) dated 20.11.2009, viz.

1. Committee framed for advising the Council on framing of Bye-laws/Regulations,
2. Committee framed for advising the Council on Tax Exemption and
3. Standing Committee on Audit.



#### 4. Detailed proposal on the subject/project:

After reconstitution of the Council on 18<sup>th</sup> January, 2011, the aforesaid Committees were also reconstituted vide Resolution No. 09(C-34) dated 23.02.2011 (**Copy enclosed as Annexure I, See pages 16 - 18** )

On 14.11.2012, as some of the members of the Council, including the Chairperson, were repatriated / retired, Office Orders were issued with the approval of the competent authority, indicating members of each 3 Committees, which are as under:-

<b>Name of the Committee</b>	<b>Composition as on Date 14.11.2012.</b>
Bye-laws/Regulations.	<b>Ms. Archna Arora – Chairperson</b> Smt. Tajdar Babar – Vice Chairperson Sh. Karan Singh Tanwar – Member Sh. Ashok Ahuja – Member Sh. Dharampal – Member Sh. Santosh D. Vaidya – Member Sh. D.S. Pandit, Secy. –Co-opted Member
Tax Exemption u/s 124 of NDMC Act.	<b>Ms. Archna Arora – Chairperson</b> Smt. Tajdar Babar – Vice Chairperson Sh. Karan Singh Tanwar – Member Sh. C. K. Khaitan – Member Sh. Dharampal - Member Sh. Santosh D. Vaidya – Member Secretary, NDMC – Co-opted Member Advisor (R&L), NDMC – Co-opted Member
Standing Committee on Audit.	<b>Ms. Archna Arora – Chairperson</b> Smt. Tajdar Babar – Vice Chairperson Sh. Ashok Ahuja – Member Sh. D. Diptivilasa – Member Ms. Santosh D. Vaidya – Member Chief Auditor, NDMC – Co-opted Member Fin. Advisor, NDMC, Co-opted Member

Now, Sh. Jalaj Shrivastava has joined NDMC as Chairperson of the Council, along with other members, namely Sh. Dharmendra, Ms. Nila Mohanan, Sh. I.A. Siddiqui and Sh.Suka Ram.

**Keeping in view of the above developments, it is proposed to reconstitute all the three Committees, framed u/s 9 of the NDMC Act, 1994, which is as under :-**

	<b>Name of the Committee</b>	<b>Existing Composition.</b>	<b>Proposed Composition</b>
1	Committee for advising the Council on framing of Bye-laws/Regulations .	<b>Ms. Archna Arora – Chairperson</b> Smt. Tajdar Babar – Vice Chairperson Sh. Karan Singh Tanwar – Member Sh. Ashok Ahuja – Member Sh. Dharampal – Member Sh. Santosh D. Vaidya – Member Sh. D.S. Pandit, Secy. – Co-opted Member	<b>Sh. Jalaj Shrivastava – Chairperson</b> Smt. Tajdar Babar – Vice Chairperson Sh. Karan Singh Tanwar – Member Sh. Dharampal – Member Sh. Dharmendra – Member Ms. Nila Mohanan– Member Sh. Ashok Ahuja – Member Secretary, NDMC – Co-opted Member Advisor (R&L) – Co-opted Member
2	Committee for advising the Council on Tax Exemption u/s 124 of NDMC Act,1994.	<b>Ms. Archna Arora – Chairperson</b> Smt. Tajdar Babar – Vice Chairperson Sh. Karan Singh Tanwar – Member Sh. C. K. Khaitan – Member Sh. Dharampal - Member Sh. Santosh D. Vaidya – Member Secretary, NDMC – Co-opted Member Advisor (R&L), NDMC – Co-opted Member	<b>Sh. Jalaj Shrivastava – Chairperson</b> Smt. Tajdar Babar – Vice Chairperson Sh. Karan Singh Tanwar – Member Sh. Dharmendra – Member Sh. Dharampal – Member Sh. I.A. Siddiqui - Member Sh. Suka Ram – Member Secretary, NDMC – Co-opted Member Advisor (R&L) – Co-opted Member
3	Standing Committee on Audit. (Vide O.O. dated 22.08.2013.)	<b>Sh. Jalaj Shrivastava – Chairperson</b> Smt. Tajdar Babar – Vice Chairperson Sh. Ashok Ahuja – Member Sh. D. Diptivilasa – Member Ms. Nila Mohanan – Member Chief Auditor, NDMC – Co-opted Member Fin. Advisor, NDMC, Co-opted Member	<b>Sh. Jalaj Shrivastava – Chairperson</b> Smt. Tajdar Babar – Vice Chairperson Sh. Ashok Ahuja – Member Sh. D. Diptivilasa – Member Sh. Dharmendra - Member Ms. Nila Mohanan – Member Chief Auditor – Co-opted Member Fin. Advisor - Co-opted Member Advisor (R&L) – Special Invitee

The officers mentioned hereunder may be entrusted the responsibilities of convening the meetings of the Committees and for sending agenda to the members of the Committees:

	<b>Name of the Committee</b>	<b>Officer in Charge</b>
1.	For the committee framed u/s 9 of NDMC Act, 1994 for advising the Council on framing of Bye-laws/Regulations.	Director (CS)
2.	For the committee framed u/s 9 of NDMC Act, 1994 for advising the Council on Tax Exemption u/s 124 of NDMC Act.	Director (Tax)
3.	For the Standing Committee on Audit.	Addl. Dy. Chief Auditor

The Council may also authorize the Chairperson to fill up the vacancies, as and when it may occur.

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

A Member is paid Rs.500/- per day for attending each meeting of the Committees, framed u/s 9 of the NDMC Act, 1994, subject to a maximum of Rs.3000/- per month, including the meetings of the Council.

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

Not Applicable.

**7. Comments of the Finance department on the subject:-**

F.A. has seen the case.

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

No comments.

**9. Legal Implication of The Subject/Project:**

There are no legal implications.

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

L.A. has seen the case.

**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.**

Not applicable as the matter is regarding reconstitution of the Committees.

**14. Recommendations :**

Reconstitution of three Committees u/s 9 of NDMC Act, 1994, as proposed in forgoing para 4 above, is placed before the Council for consideration & approval please. The Council may also authorize the Chairperson to fill up vacancies in these Committees as and when such vacancy may occur.

**15. Draft Resolution :**

Resolved by the Council that the constitution of three sub-committees u/s 9 of NDMC Act, 1994, as proposed in para 4 of the preamble is approved.

The Council also authorized the Chairperson to fill up vacancies in these Committees as and when such vacancy may occur.

**COUNCIL'S DECISION**

Resolved by the Council that the constitution of three sub-committees u/s 9 of NDMC Act, 1994, as proposed in para 4 of the preamble is approved.

The Council also authorized the Chairperson to fill up vacancies in these Committees as and when such vacancy may occur.

ITEM NO. 09 (C-34)/23.02.2011**1. Name of the subject/project:****Reconstitution of Sub-Committees u/s 9 of NDMC Act 1994.****2. Name of the Department/departments concerned**

Council Secretariat

**3. Brief history of the subject/project**

Section 9 of the NDMC Act 1994 provides for constitution of committees for the exercise of any power or discharge of any function by the Council. The section provides as follows :

*" 9. Setting-up of Committees – (1) The Council may constitute as many committees as it thinks fit for the exercise of any power or discharge of any function which the Council may by resolution delegate to them or for inquiring into, reporting or advising upon any matter which the Council may refer to them.*

*(2) Any such committee shall consist of members of the Council only :*

*Provided that a committee may, with the sanction of the Council, co-opt not more than two persons who are not members of the Council, but who in the opinion of the Council possesses special qualifications for serving on such committee.*

*(3) Each Committee constituted under this section shall be presided over by the Chairperson of the Council.*

*(4) Any matter relating to a committee constituted under this section, not expressly provided in this Act may be provided by regulations made in this behalf."*

In the past, three sub-Committees were constituted u/s 9 of the NDMC Act, 1994, by the Council vide Resolution no. 10 (C-29) dated 20.11.2009, viz. Committee framed for advising the Council on framing of Bye-laws/Regulations, Committee framed for advising the Council on Tax Exemption and Standing Committee on Audit.

#### 4. Detailed proposal on the subject/project

The Council has been reconstituted w.e.f. from 18<sup>th</sup> January, 2011. Members of the reconstituted Council were administered oath of office by the Hon'ble Lt. Governor / Administrator on 31<sup>st</sup> January, 2011. As the term of the Sub-committees is co-terminus with the Council, the Sub-Committees are required to be reconstituted.

It is proposed to reconstitute the said three Sub-Committees as per composition suggested against each:-

	<b>Name of the Sub-Committee</b>	<b>Proposed Composition of the New Sub-Committees.</b>
1	Committee for advising the Council on framing of Bye-laws/Regulations.	<b>Sh. Parimal Rai – Chairperson</b> Smt. Tajdar Babar – Vice Chairperson Sh. Karan Singh Tanwar – Member Sh. Ashok Ahuja – Member Sh. M. Gopal Reddy – Member Sh. Dharmendra – Member Smt. Rita Kumar – Member Sh. Santosh D. Vaidya, Secy. – Co-opted Member
2	Committee for advising the Council on Tax Exemption u/s 124 of NDMC Act.	<b>Sh. Parimal Rai – Chairperson</b> Smt. Tajdar Babar – Vice Chairperson Sh. Karan Singh Tanwar – Member Sh. M. Gopal Reddy - Member Sh. Dharmendra – Member Sh. S.K. Singh – Member Sh. Santosh D. Vaidya, Secy. – Co-opted Member Sh. V.C. Chaturvedi, Adv.(Rev) – Co-opted Member
3	Standing Committee on Audit.	<b>Sh. Parimal Rai – Chairperson</b> Smt. Tajdar Babar – Vice Chairperson Sh. Ashok Ahuja – Member Dr. M.M. Kutty – Member

		Sh. S.K. Singh – Member Smt. Rita Kumar – Member Chief Auditor, NDMC – Co-opted Member Financial Advisor, NDMC, Co-opted Member
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The officers mentioned hereunder may be entrusted the responsibilities of convening the meetings of the sub-committees and for sending agenda to the members of the sub-committees:

	<b>Name of the Sub-Committee</b>	
1.	For the committee framed u/s 9 of NDMC Act, 1994 for advising the Council on framing of Bye-laws/Regulations.	Director (CS)
2.	For the committee framed u/s 9 of NDMC Act, 1994 for advising the Council on Tax Exemption u/s 124 of NDMC Act.	Director (Tax)
3.	For the Standing Committee on Audit.	Dy. Chief Auditor

The Council may also authorize the Chairperson to fill up the vacancies, as and when it may occur.

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

A Member is paid Rs.500/- per day for attending each meeting of the Sub-committees, framed u/s 9 of the NDMC Act, 1994, subject to a maximum of Rs.3000/- per month, including the meetings of the Council.

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

Not Applicable.

**7. Comments of the finance department on the subject:-**

Finance has seen and concurred vide dairy No. 332/PS/FA/D-11 dated 17.02.2011.



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

No comments in view of concurrence of Finance.

**9. Legal Implication Of The Subject/Project**

There are no legal implications.

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

LA has seen vide dairy No. R-168/ADV. (R&L) dated 17.02.2011.

**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**

Not applicable as the matter is regarding reconstitution of the Sub-Committees.

**14. Recommendations**

Reconstitution of three sub-committees u/s 9 of NDMC Act, 1994, as proposed in forgoing para 4 above, is placed before the Council for consideration & approval please. The Council may also authorize the Chairperson to fill up vacancies in these sub-committees as and when such vacancy may occur.

**COUNCIL'S DECISION**

Resolved by the Council to accord approval to the constitution of three sub-committees u/s 9 of NDMC Act, 1994, as proposed in para 4 of the preamble.

The Council also authorized the Chairperson to fill up vacancies in these sub-committees as and when such vacancy may occur.

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

Sub: S/R of roads in NDMC area during 2012-13

SH: Resurfacing of lanes by lanes in jurisdiction of R-V Division

**2. Name of the Department**

Civil Engineering Department

**3. Brief History of the Subject.**

(a) There are 22 lanes by lanes in area of R-V Division where last bituminous resurfacing work was carried out during 2006-07 and outlived their life. CRRRI was appointed after approval of Chairperson, NDMC on 25.10.11 for evaluation of 22 lanes of R-V Division to give their recommendation to take up bituminous treatment in each lane. CRRRI has given their recommendation report of 20 lanes out of 22 lanes (due to not clear the site on two lanes) in the month of August, 2012 where 30 to 40 mm thick bituminous concrete has been recommended in lanes as per existing condition.

In addition to this, a separate study of lanes of Shaheed Bhagat Singh Market has also been done by CRRRI with their recommendation on 01.10.12 where 25 mm thick bitumen mastic wearing course has been recommended in all lanes.

(b) Following lanes by lanes have been considered in the scheme:-

- Dhobhi Ghat no-4 lane
- Dhobhi Ghat No-5 lane
- Dhobhi Ghat No-6 lane
- Mahadev Lane
- B.D Lane
- Shram Shakti Lane
- Aditya Sadan Lane

- Jantar Mantar Lane
- North Avenue back Lane
- Punjab National Bank Lane
- Bhai Veer Singh Lane
- Lal Bahadur Sadan Lane
- Baird Lane
- R.K.Asram Lane
- Natvar Singh Negi Lane
- Lane b/w M.S. Flat & block 1-134, Udyan Marg to Mandir Marg
- G.Point Lane ( From M.Marg to G.Point)
- Lane Behind Multi-storey Apartments at Udyan Marg
- Lane behind 1-13 Block b/w Udyan Marg to Mandir Marg
- Kali Bari Lane, entry to G-Point to 1-17 Block
- Shaheed Bhagat Singh Market lanes (Mastic Work)

(c) Some patch work of mastic i.e minor quantity at Mandir Marg near Balmiki Basti has also been included in the estimate.

(d) tender for the work were invited in the first call of tender as opening through e-procurement on 24.06.2013 and during opening of technical bid, 5 tenderers participated in tendering as per approved NIT and placed before the Technical Evaluation Sub-Committee for scrutinise the technical bid then all 5 tenderers were found eligible for opening financial bid. Due to non working of E-Token of EE(R-V), the financial bids of tender were opened on 08.08.2013, details of which are as under:-

S. No.	Name of Contractor/ Agency	Estimated cost (₹)	% above/ below the estimated cost	Tendered amount (₹)	Remarks
1	M/s. A.S. Infratech	2,50,27,576	13.60% below	2,16,24,144	1 <sup>st</sup> lowest
2	M/s. Atlas Construction	2,50,27,576	12.33% below	2,19,41,110	2 <sup>nd</sup> lowest
3	M/s. Satya Prakash & Bros. Pvt. Ltd.	2,50,27,576	6.34% below	2,34,40,182.73	3 <sup>rd</sup> lowest

4	M/s. Atcon India Ltd.	2,50,27,576	3.40% below	2,41,77,450	4 <sup>th</sup> lowest
5	M/s. Gupta Construction Co.	2,50,27,576	3.36% below	2,41,87,458	5 <sup>th</sup> lowest

- (e) M/s. A.S. Infratech is the lowest bidder @ 13.60% below the estimated cost of Rs. 2,50,27,576/- against the justification checked by the Planning @ 8.20% above the estimated cost with the tendered amount of `2,16,24,144/-.
- (f) The rates quoted by the lowest bidder after scrutiny by the Planning have been found to be reasonable and recommended for acceptance by the Council.
- (g) The Finance Deptt. has concurred the proposal for award of the work to lowest bidder M/s. A.S. Infratech on his quoted rate @ 13.60% below the estimated cost.

#### 4. Detailed Proposal of the subject/Project

- Sealing the cracks by using not rubberized bitumen 80/100
- Providing and applying tack coat using hot straight run Bitumen of grade VG-10.
- Providing and laying bituminous concrete using crushed stone & bitumen of grade VG-30.
- Providing and laying Dense Graded Bituminous Macadam of bitumen of grade VG-30.
- Providing and laying bitumen mastic wearing course of bitumen of grade 85/25.
- Providing and applying 2.5mm thick road marking strips of specified shade/colour.

#### 5. Financial Implications of the proposed project:

The financial implications of the proposal works out to `2,16,24,144/-.

#### 6. Implementation schedule with timelines for each stage including internal proceedings:

Approval of tender	-	September, 2013
Work will be awarded	-	September, 2013
Scheduled time of completion	-	Four months after award of work.

#### 7. Comments of the Finance Department on the subject with dairy no. and date:

Finance has concurred in the proposal vide diary No.1732/Finance/R-Civil dated 30.08.2013 which is as follows:-

In view of certification of the department that rates of L-1 firm are reasonable and workable & duly recommended by CE(C-I) for acceptance the offer of L-1, may be placed by the Deptt. for acceptance of tender of M/s. A.S. Infratech at the tendered amount of Rs.2,16,24,144/- which is 13.60% below the EC of Rs.2,50,27,576/- against the justification of 8.20% above EC. Tender rates are 20.15% below the justified cost, duly checked by Planning at Page-43 & 44/N.

While recommending the offer Deptt. may also place on record, OM No.DG/Cost Index/01 dt. 27.06.2013 which has recently come in the notice of FD, for information of the competent authority.

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

Finance has concurred in the proposal vide diary No.1732/Finance/R-Civil dated 30.08.2013. Further, the copy of OM No.DG/Cost Index/01 dt. 27.06.2013 is enclosed herewith at page-65/C to 68/C in the work file.

**(This issues with the approval of FA).**

**9. Final view of Finance Department:**

Finance has concurred in the proposal of the department for acceptance of tender of L-I firm, M/s.A.S. Infratech with tendered value of Rs.2,16,24,144/- vide diary No.1732/Finance/R-Civil dated 30.08.2013.

**10. Legal implication of the subject/project.**

N.A.

**11. Details of previous Council Resolutions, existing Law of Parliament and Assembly on the subject:**

Reso. No.16(A-44) dated 26.03.2013.

**12. Comments of the Law Department on the subject.**

N.A.

**13. Comments of the department on the comments of the Law Department.**

N.A.

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

All the Central Vigilance Commission's guidelines have been followed.

**15. Recommendations:**

Approval for acceptance of the lowest offer of M/s.A.S. Infratech @13.60% below the estimated cost of Rs.2,50,27,576/- against the justification of 8.20% above the estimated cost with the tendered amount of Rs.2,16,24,144/- which is 20.15% below the justified cost, for the work "S/R of Roads in NDMC Area. SH:- Resurfacing of lane by lane in jurisdiction of R-V division."

The case is placed before the Council for consideration and accordingly:

**16. Draft Resolution:**

Resolved by the Council to accord:-

- (a) Approval for acceptance of the lowest offer of M/s. A.S. Infratech @13.60% below the estimated cost of Rs.2,50,27,576/- against the justification of 8.20% above the estimated cost with the tendered amount of Rs.2,16,24,144/- which is 20.15% below the justified cost, for the work "S/R of Roads in NDMC Area. SH:- Resurfacing of lane by lane in jurisdiction of R-V division."
- (b) Further action in the matter be taken in anticipation of confirmation of minutes of the Council.

**COUNCIL'S DECISION**

Resolved by the Council to accord approval for acceptance of the lowest offer of M/s. A.S. Infratech @13.60% below the estimated cost of `2,50,27,576/- (Rs. Two crore fifty lacs twenty seven thousand five hundred seventy six only) against the justification of 8.20% above the estimated cost with the tendered amount of `2,16,24,144/- (Rs. Two crore sixteen lacs twenty four thousand one hundred forty four only) which is 20.15% below the justified cost, for the work "S/R of Roads in NDMC Area. SH:- Resurfacing of lane by lane in jurisdiction of R-V division."

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

**ITEM NO. 06 (G-02)****1. Name of the Subject/Project:**

DERC tariff orders for Retail Electricity Supply in NDMC area with effect from 01.08.2013.

**2. Name of the Department/ Departments concerned**

Power Department

**3 Brief history of the subject/project**

- (i) New Delhi Municipal Council is entrusted with distribution of electricity in the New Delhi area as per Sections 195 to 201 of the New Delhi Municipal Council Act, 1994. As per Section 200 of the NDMC Act, 1994, NDMC levies charges for the electricity supplied subject to the provision of any law for the time being in force. The relevant laws on this subject are the Delhi Electricity Reforms Act, 2000 and the Electricity Act, 2003.
- (ii) After the enactment of the Electricity Act, 2003, NDMC was declared a deemed licensee for its area under Section 14 of the Act, apart from other licensee operators in Delhi. As per Section 45(5) of Electricity Act, 2003, the charges fixed by the distribution licensees shall be in accordance with the provisions of the Act and Regulation made in this behalf by the concerned State Commission, viz. DERC.
- (iii) The Council vide its Resolution No. 07(G-03) dated 23.08.2001 adopted the revised electricity tariff prescribed by DERC effective from 1<sup>st</sup> June, 2001 with the stipulation that in case of any adjustment later by the Commission, the tariff applicable to consumers in NDMC area will also be amended accordingly.
- (iv) The Council vide its Resolution No. 14(F-10) dated 31.03.2008 adopted the revised electricity tariff order issued by DERC on 07.03.2008 determining the retail tariff for supply of electricity with effect 01.04.2008. The Council vide its Resolution No. 07(G-03) dated 21.08.2009, 09(G-03) and 07(G-01) dated 25.07.2012 the revised electricity effective from July, 2009, September 2011 and July 2012 respectively.



- (v) The ARR petition filed by NDMC was brought in the public domain through advertisement in newspapers, uploading on website of NDMC and Commission and public hearings held on 17.05.2013, 02.06.2013 and 04.06.2013.
- (vi) The Commission has passed order on True-up for FY 2011-12, revised ARR and corresponding determination of tariff for FY 2013-14 on 31.07.2013, implemented w.e.f. 01.08.2013. A copy of the tariff order for the financial year 2013-14 is at **Annexure I (See page 26-29).**

**4. Details proposal on the subject/project**

It is proposed that consumers in the slab -1 i.e. 0-200 units consumptions per month who are weaker section of the society and are not well to do and not in position to bear the burden of increase tariff, NDMC has decided to give relief to these domestic consumers, a 10% rebate w.e.f. 01.08.2013 on their energy bills linked with timely/prompt payment. Due to this rebate there is financial implications of `9.66 Lac per month and will receive 4% less receipt compare to the last year receipt.

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

The proposal of the Department for rebate of 10% w.e.f. 01.08.2013 to the domestic consumers falls under slab-1 i.e. upto 200 units with the result of this less receipt from domestic consumers `9.66 Lac per month.

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

The revised tariff is to be made effective from 01.08.2013 and would be collected from the consumers from the next billing cycle(s).

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

As provided under section 64 of the Electricity Act 2003, the orders passed by the Regulator, DERC cannot be amended or revoked and would continue to be in force for period as specified in the tariff orders, as such, the expenditure on the proposed rebate would have to met from the NDMC own resources i.e. from General Fund of NDMC. In case it is decided to allow the proposed rebate of 10% to electricity consumers of NDMC area, Department would be required to make a budget provision of `80 Lac in the RE 2013-14 (the rebate will be applicable from 01.08.2013 and rebate per month worked out by the Department to be 10% of `96.66 Lac per month and `120 Lac in the BE 2014-15.

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

Department will be make Budget provision of `80 Lac in the RE 2013-14 and `120 Lac in the BE 2014-15 as required for 10% rebate to the domestic consumers in the slab of 0 – 200 units.

## **9. Legal implication of the subject/project**

As provided under section 64 of the Electricity Act 2003 the orders passed by the regulator, DERC cannot be amended or revoked.

## **10. Comments of the Law Department on the subject**

One option is that the Council exercise its power under section 200 and does not make any increase in the tariff upto 200 units and maintain the tariff for the slab 0-200 at the old slab of fixed charges `15 per month and energy charges at `3.10 per unit. If this reduction is given in the slab of 0-200, it will give additional benefit of `35 per month to each of the consumer in higher slab. As such it is not advisable to tinker with slab fixed by the DERC as our intention is not to give further relief to consumers in slab of above 200 units.

The other option is to give relief to those consumers who are consuming electricity upto 200 units per month, a prompt payment rebate specifically to these 14000 consumers, who are not well to do and are not in a position to bear the increased burden.

They are the weaker sections of the society. It has, therefore, been proposed by the department that a 10% rebate linked with prompt payment be given to all those who are consuming electricity upto 200 units. This would mean no increase in the charges payable by them, on the other hand, it will give a marginal relief to them as well. The increase is reported to be 6% and by giving a rebate of 10%, NDMC would be giving them a further relief of about 4%. In other words as against `91 Lac being paid by them, they would be paying about `87 Lac, a relief of about 4%. Since consumer in higher slab are getting a relief, consumers upto 200 units will also get some relief. It may be pointed out that since it is linked with the payment in time, more and more consumers would like to avail the benefit and if they do not pay in time, it is a inbuilt penalty for delayed payment. Such a rebate appears to be permissible for early realisation.

If this is agreed to, the NDMC is not interfering with the tariff fixed by the DERC but is giving relief to the weaker sections of the society consuming upto 200 units and is linked with prompt payment as well.

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

NDMC is not interfering with the tariff fixed by the DERC but is giving the relief to the weaker section of the society a 10% rebate w.e.f. 01.08.2013 linked with the prompt payment given to all domestic consumers those who are consuming electricity upto 200 units per month.

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

- (a) Delhi Electricity Reforms Act, 2000
- (b) Electricity Act, 2003
- (c) DERC (terms and conditions for determination of wheeling tariff and Retail Supply tariff) Regulation, 2007
- (d) Council's Resolution No. 3(i) dated 17.07.2001
- (e) Council's Resolution No. 14(G-10) dated 31.03.2008
- (f) Council's Resolution No. 07(G-03) dated 21.08.2009
- (g) Council's Resolution No. 09(G-03) dated 13.09.2011
- (h) Council's Resolution No. 07(G-01) dated 25.07.2012

**13. Recommendations**

Keeping in view the provision made under section 64 of Electricity Act 2003 and to give relief for the weaker section of the society, it is proposed to give 10% rebate w.e.f. 01.08.2013 linked with prompt payment to all domestic consumers of slab -1 i.e. those who are consuming electricity upto 200 units per month.

**14. Draft Resolution**

**COUNCIL'S DECISION**

Resolved by the Council that keeping in view the provision made under section 64 of Electricity Act 2003 and to give relief for the weaker section of the society, approval is accorded to give 10%

rebate w.e.f 01.08.2013 linked with prompt payment to all domestic consumers of slab -1 i.e. those who are consuming electricity upto 200 units per month.

ANENXURE 26 – 29





ANNEXURE ENDS



**ITEM NO. 07 (A-11)****1. NAME OF THE SUBJECT/PROJECT:**

Re-development of Kidwai Nagar (East), GPRA Project – Type II quarters to be provided by NBCC/MoUD to NDMC on the basis of area available and FAR being utilized by the NBCC and provision of equivalent area as it exists for Commercial & Social infrastructures like Schools, Barat Ghar, Markets, Community Centre etc.

**2. NAME OF THE DEPARTMENT/DEPARTMENTS CONCERNED:**

Civil Engineering Department (Zone-II)

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

The Re-development Plan of Kidwai Nagar (East), GPRA project is in progress under the aegis of Ministry of Urban Development and regular meetings are being held at the level of different Sr. Officers of Ministry of Urban Development.

The total existing built up area held by NDMC in East Kidwai Nagar is 12217.07 sqm. which consists Local Shopping Centre, Barat Ghar, Community Centre, Schools, residential flats (28 Nos.) Creche and ESS etc. and is located on plot area of 27799.70 sq.m.

In connection to the above, re-development of Kidwai Nagar Plan was discussed and Minutes were issued by secretary, NDMC vide No. 154/PS/Secy./D/2013 dated 14.6.2013 (**Annexure Á**) (**See pages 35 – 36**) as per which a sub committee was formed for addressing various issues and for assessing the number of Type II quarters which should be provided by the NBCC/MoUD to the NDMC on the basis of area available FAR being utilized by the NBCC and report was to be submitted by 18.6.2013.

The members of said Sub committee were Dir.(Estate-I) as Chairman, Dir. (MH), C.E. (BM), C.A & S.E.(BM-II). Meeting of sub Committee was held on 17.6.2013 (**Minutes - Annexure 'B'**) (**See pages 37 – 39**) in the Chamber of Dir. (Estate-I) and it was

recommended that Equivalent plot area presently with NDMC with revised FAR may be made available to NDMC IN REDEVELOPMENT PLAN by NBCC. In case this is not workable then NDMC may be provided at least one tower consisting of around 80 Type II flats to be used for NDMC's employees. As far as other social infrastructure is concerned e.g. Schools, Barat Ghar, Markets, Community Centre etc. equivalent built up area as exists on date may be given to NDMC.

These Minutes of the Meeting were communicated to the Joint Secretary, MoUD by Dy. Dir. (Estate-I) for consideration and issuing necessary directions to the concerned. In this regard, Joint Secretary, (Land & Works), GOI, held a meeting on 23.7.2013 (**Minutes – Annexure C**) (**See pages 40 – 42**) with NDMC and NBCC officers which was attended by the Secretary, NDMC along with Dy. C.A-II, S.E.(BM-II) and NBCC Officers regarding providing of 80 Nos. of Type II flats in lieu of existing 28 flats with enhanced FAR. It was informed by NBCC that their one tower of Type II quarter comprise of 90 flats not 80 therefore, one separate tower would mean 90 flats allotment to NDMC against their demand of 80 & keeping in view of operational issues, after deliberation/negotiations, it was agreed that NDMC shall be allotted one tower consisting of 90 Type II flats, out of which 80 flats will be covered under enhanced FAR as per the demand of NDMC and for rest of 10 flats, NDMC would pay the cost to NBCC as per the rates fixed by NBCC. It was further suggested that NDMC may place its additional requirement of flats if required by them to NBCC.

Accordingly, in principle approval was accorded by the Hon'ble Chairman, NDMC on dated 8.8.2013 for pursuing the issue with MoUD for getting one tower consisting of 90 Type II flats i.e. 80 Nos. of flats in lieu of existing flats and extra FAR available for other assets plus 10 Nos. flats on payment basis as per the rates decided by the NBCC for NDMC employees and the case be placed before the Council for its approval after financial implications received from MoUD/NBCC. This development was conveyed to the Joint Secretary, Ministry of Urban Development, Land & Works, Nirman Bhawan, New Delhi vide No. 184-90/SE(BM-II) dated 14.8.2013 (**Annexure-D**) (**See page 43**).

Accordingly the matter was discussed with Sh. V.K. Goel, G.M., Marketing, NBCC and it was informed that all the details regarding area of Type II flats and rate per sq.ft is available on NBCC website and the same can be down loaded from website and can be used for working out the financial implications involved for purchasing 10 Type II flats.

Details as mentioned above have been downloaded from the NBCC web site as per their letter No. BBCC/GM/RE/2013 dated 25.6.2013 (**Annexure É'**) (**See pages 44 – 49**) of

General Manager (Real Estate) ( made part of the agenda) and details available are as under:-

*"NBCC has the mandate to allot entire office space & 10% of Residential built-up space only to Central Govt. Departments/Ministries, PSUs, Autonomous Bodies etc. NBCC shall be maintaining the entire complex and the allottees are required to sign the maintenance Agreement with NBCC to this effect before taking over possession. We are enclosing brochure depicting salient features of the project subject to approval by local statutory authorities and changes thereof ordered, if any*

*Lease sale price for initial period of 30 years is as follows:-*

<i>Sl. No.</i>	<i>Category of Space</i>	<i>Rate per sft of super built-up area</i>
<i>1.</i>	<i>Residential Apartment</i>	<i>Rs. 10,004/-</i>

*Tentative area details of proposed apartments are as follows:-*

<i>Type</i>	<i>Units</i>	<i>Area of Unit in sq.ft.</i>	<i>Total area</i>	<i>Leaseable Units</i>	
<i>II</i>	<i>798</i>	<i>800</i>	<i>6,22,200</i>	<i>0</i>	

*10% of total units are proposed to be sold on lease basis. The number of units & saleable area are tentative as the plans are under approval of statutory authorities."*

**From the above tentative floor area cost of 10 flats each of 800 sqft. @ Rs.10,004/- comes to Rs. 8,00,32,000/- & maintenance agreement shall be signed by the employees with NBCC before taking over possession. Further a minutes of meeting issued by Under Secretary (PS), Ministry of Urban Development, with regard to Demolition of NDMC Lal Quarters, it is mentioned that "It was also decided that since the maintenance cost is in-built in the project cost, the maintenance part of the tower so allotted to NDMC shall also be looked after by NBCC. The maintenance charges would however, be paid by NDMC to NBCC. The request of NDMC for enhanced FAR was thus acceded to and it was suggested that officers of NBCC shall work out the financial implication in respect of 10 additional flats and inform the NDMC" (Annexure- 'F') (See pages 50 - 54).**

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

As per details given above, the present deficiency in Type –II quarters as verified from Municipal Housing is 424 quarters. This will be a boon for NDMC as there is acute shortage of houses in NDMC. By getting one proposed tower of 90 Type II Flats, NDMC will also be able to fulfill upto some extent the deficiencies of Type II flats and enhance the satisfaction level of the NDMC employee. Besides this, equivalent area for commercial and social infrastructures like Schools, Barat Ghars, Markets etc. will also be provided by NBCC.

#### **5. FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT/SUBJECT:**

The approximate cost as worked out from the details obtained from NBCC website is Rs. 8,00,32,000/-. The expenditure shall be charged to the Chart of Account 4124005 under the scheme "Const. of Type I multistoried flats at Babu Dham Housing Complex.

#### **6. IMPLEMENTATION SCHEDULE WITH TIMELINESS OF REACH STAGE INCLUDING INTERNAL PROCESSING:**

**3-5 years as per letter No.** BBCC/GM/RE/2013 dated 25.6.2013 down loaded from NBCC website.

#### **7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT:**

Finance Department vide their diary No. 1740/Finance R-Civil dated 30.08.2013 commented:-

AIP of Chairperson has already been obtained. This appears to be a foregone decision. Finance deptt. could not add anything further. Deptt. is advised to take appropriate action as per the upto date development. Interest of NDMC need be protected & may be placed for decision by the Council.

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

No comments in view of the comments of Finance Department.

**9. FINAL VIEWS OF FINANCE DEPARTMENT:**

As commented at Sr. No.7, vide their diary No. 1740/Finance R-Civil dated 30.08.2013

**10. LEGAL IMPLICATION OF THE SUBJECT/PROJECT:**

**NIL**

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

**Nil**

**12. COMMENTS OF THE LAW DEPTT.**

**NIL**

**13. COMMENTS OF THE DEPARTMENT ON THE COMMENTS OF LAW DEPARTMENT:**

**NIL**

**14. FINAL VIEW OF LAW DEPARTMENT :**

**NIL**

**15. CERTIFY THAT ALL CENTRAL VIGILANCE COMMISSION'S GUIDELINES HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE:**

Certified that all central vigilance commission (CVC) guidelines have been followed while processing the case.

**16. RECOMMENDATIONS:**

The case is placed before the council for consideration and decision for the following:-

- (i) Approval for proposal of NBCC/MoUD for provision of 80 Nos. of flats in one tower containing 90 flats against the enhanced FAR in respect of various NDMC assets.
- (ii) Administrative approval and Expenditure sanction of Rs. 8,00,32,000/- for payment to NBCC on account of purchase of 10 Nos. of Type II flats under Re-development of Kidwai Nagar (East), GPRA project. Permission be also accorded to pay the exact amount on final area of the flats for 10 quarters after the same is received from NBCC. Expenditure be charged to chart of Account 4124005 "Const. of Type-I multistoried flats at Babu Dham Housing Complex. On receipt of the budget in relevant head the required re-appropriation will be carried out.
- (iii) Permission be also accorded to take further action in anticipation of approval of minutes of the Council.

**17. DRAFT RESOLUTION:**

Resolved by the Council for the following:-

- (i) Approval for proposal of NBCC/MoUD for provision of 80 Nos. of flats in one tower containing 90 flats against the enhanced FAR in respect of various NDMC assets.
- (ii) Administrative approval and Expenditure sanction of Rs. 8,00,32,000/- for payment to NBCC on account of purchase of 10 Nos. of Type II flats under Re-development of Kidwai Nagar (East), GPRA project. Permission be also accorded to pay the

exact amount on final area of the flats for 10 quarters after the same is received from NBCC. Expenditure be charged to chart of Account 4124005 "Const. of Type-I multistoried flats at Bapu Dham Housing Complex. On receipt of the budget in relevant head the required re-appropriation will be carried out.

- (iii) Permission be also accorded to take further action in anticipation of approval of minutes of the Council.

### **COUNCIL DECISION**

Resolved by the Council that :-

- (i) Approval is accorded for the proposal of NBCC/MoUD for provision of 80 Nos. of flats in one tower containing 90 flats against the enhanced FAR in respect of various NDMC assets.
- (ii) To accord administrative approval and expenditure sanction amounting to `8,00,32000/- (Rs. Eight lacs thirty two thousand only) for payment to NBCC on account of purchase of 10 Nos. of Type II flats under Re-development of Kidwai Nagar (East), GPRA project. Permission is also accorded to pay the exact amount on final area of the flats for 10 quarters after the same is received from NBCC. The expenditure may be charged to chart of Account 4124005 "Const. of Type-I multistoried flats at Bapu Dham Housing Complex. Further it was directed that on receipt of the budget in relevant head the required re-appropriation may be carried out.

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

Annexure 20 pages











































**Annexure ends**

**ITEM NO. 08 (A-12)**

1. **NAME OF THE PROJECT:** Construction of Service Centre at Fire Brigade Lane, New Delhi. (Composite work).
2. **NAME OF THE DEPARTMENT:** CIVIL ENGINEERING DEPARTMENT-II, NDMC
3. **BRIEF HISTORY OF THE PROJECT:**

No. of service centers of Civil Engineering department are working in the semi permanent building, on road berms and on the vacant land available in NDMC area. It had been decided that these service centers should be shifted in to the zonal service centre to be constructed at Fire Brigade Lane. To accommodate these various Service Centres of NDMC in one building, a piece of land measuring 608.92 sq. mtr. was allotted by L&DO to NDMC for the construction of service centre. It was proposed that the said existing bungalow be demolished for construction of service centre. Earlier there was a proposal to construct three storied building, for which, a preliminary Estimate was prepared for amounting to Rs. 84,18,900/- and approved by council, vide Reso No. 28(A-25) dated 18.07.2007. The detailed estimate was prepared and the same was under scrutiny in planning but the amount of detailed estimate found increased more than the 10% of the administrative approval and the expenditure sanctioned of Rs.84,18,900/-. Then R.P.E. was processed and was again under scrutiny of planning. Subsequently, the scheme was discussed by the Architect with the Chairman, NDMC in the month of July, 2009 and decided to construct stilt parking with 7 storied building achieving permissible FAR.

Subsequently the Architect Department had again issued the modified drawings, consisting of stilt parking with seven storied building to utilize the permissible FAR. On the basis of modified drawing, the revised Preliminary Estimate Rs.6,25,32,800/- was concurred by the Council vide Reso. No. 26(A-94) dated 30.9.2009 along with written off amount of Rs. 2,14,617/- on account of demolition of existing bungalow. Thereafter the scheme was under approval of Delhi Fire Service. Some sort comings were intimated by DFS, for which, the scheme was again revised with reducing height upto 14.14 metre. Accordingly, scope of work reduced into the work of construction of basement, G.F., Ist Floor, IInd Floor and IIIrd Floor building. Approval of CFO was received in the month of February, 2011. Thereafter the case was referred to DUAC and their approval was received in the month of March, 2012. The C.A. Department provided the detailed drawings in the month of July, 2012. Accordingly, Detailed Estimate was processed and got checked from

Planning. During scrutiny, it was observed that the scope of work has been reduced and RPE with reduced scope of work was prepared in consultation with the Finance Department and the revised preliminary estimate got concurred for amounting to Rs. 5,15,77,000/- and approved by Council vide Resolution No. 03(A-35) dated 24.12.2012.

#### **4. DETAILED PROPOSAL ON THE SUBJECT/PROJECT:**

The item rate tenders were invited on behalf of NDMC through e- procurement system by uploading the tenders on the website vide tender ID No. 2013\_NDMC\_34395\_1 DATED 15.4.2013 and for wide publicity sending the letter to the Dir( PR ) for publishing for the advertisement in daily new papers in Delhi as well as out of station, vide letter No. EE C-III)/AB/D/540 dated 16.04.2013. Tender Notices have been issued to other divisions/departments by giving sufficient time of publicity, vide letter No/EE (C-III)/541-57/D dated 16.04.2013 by fixing last date and time of opening of tender as 06.5.2013 at 3.30 P.M., but due to some amendment in electrical conditions, the date of submission and opening was extended as 13.5.13 and further as 15.5.2013 by issuing corrigendum on web site.

In response to the wide publicity on due date and time of opening of tender box i.e. on 15.05.2013 at 3.30 P.M., it was found that the following four tenderers have submitted the Earnest Money and other hard copies of documents in the tender box.

1. Bipin Kumar
2. M/s.Devi Construction Co.
3. M/s. Naresh Kumar Gupta & Co. Pvt. Ltd.
4. M/s. RCC Developers Ltd.

On opening of tender on computer, the following have submitted their bids:-

1. Bipin Kumar
2. M/s.Devi Construction Co.
3. M/s. Naresh Kumar Gupta & Co. Pvt. Ltd.
4. M/s. RCC Developers Ltd
5. M/s. Balaji Construction Co.

One tenderer M/s. Balaji Construction Co. uploaded the tender on computer, but not submitted the EMD and other hard copies in tender box, hence the same was not opened on computer.

Accordingly after opening of technical bid of other four agencies, on computer, the technical comparative statement has been made and found eligible for opening of

financial bid and then the financial bid was opened of all the four agencies as detailed below:-

S.No.	Name of firm	Amt.	% below or above of estimated cost
1.	Bipin Kumar	Rs.44401883/-	0.5% above
2.	M/s.Devi Construction Co.	Rs.41617594/-	5.80% below
3.	M/s. Naresh Kumar Gupta & Co. Pvt. Ltd.	Rs.38518480/-	12.81% below
4.	M/s. RCC Developers Ltd.	Rs.45853078/-	3.79% above

Out of above four firms, M/s Naresh Kumar Gupta & Co. Pvt. Ltd. has quoted the lowest rates of Rs. 3,85,18,480/- i.e. 12.81% below the estimated cost of Rs.4,41,80,161/-. The justification statement for the above said work consisting of civil and electrical has been prepared and checked by respective planning units of civil and electrical department which, comes to 3.60% below the estimated cost put to tender of Rs. 4,41,80,161/-.

The quoted rate by the lowest tenderer is 9.56% below the justified cost of tender. The case was accordingly submitted to Finance Department for their scrutiny and concurrence. Finance has concurred the proposal for acceptance of the tender in respect M/s. Naresh Kumar Gupta and Co. Pvt. Ltd. for quoted amount of Rs.3,85,18,480/- vide their diary no.1654/Finance/R-Civil dated 29.08.13.

**5. FINANCIAL IMPLICATION OF THE PROPOSED PROJECT:**

Rs. 5,15,77,000/- plus permissible deviation 10%.

**6. IMPLEMENTATION SCHEDULE WITH TIME LIMITS FOR SUCH STAGE INCLUDING INTERNAL PROCESSING**

18 months after award of work.

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

Finance Department vide their diary No. 1278/Finance R-Civil dated 12.07.2013 raised observations:-

1. A/A & E/S was accorded by Council for Rs.5,15,77,000/- includes the Civil, Electrical, Fire & Horticulture work. It appears that tender have been invited for civil & electrical works but how the horticulture work & fireworks are to be executed have not been

brought on record. The department may bring on record the information w.r.t. amount in r/o PE, DE, NIT, tender & justified cost of each component in tabular form.

2. Department may ensure & certify that directions of the Council while according A/A & E/S vide resolution no.04(A-35) dated 24.12.2012 has been complied with and action taken on the same may be brought on record.
3. Department may ensure & certify that financial bids of those bidders were opened who were technically qualified as per eligibility criteria of NIT.
4. It appears from justification statement of electrical works, that justified costs of some items are prepared on rates of DSR 2012. Why lowest prevailing market rates have not been taken for justification needs clarification. Justification of rates of electric works needs to be signed by Electrical planning and also to be certified that rates taken are lowest prevailing market rates.
5. Record reveals that corrigendum has been issued by the department. Department may place on record the copy of the corrigendum mentioning the incorporation of the same in the NIT and certify that the due publicity was given to the corrigendum.
6. Department may ensure & certify that justification (consolidated and separately prepared for each part) has been prepared strictly as per codal provision and in the light Section 20.4.3.1 of CPWD Work Manual updated time to time and no overheads/cost/factor has been loaded in the justification beyond the codal provision.
7. It may be certified that rates of L-1 firm are in proximity of trend of rates of similar nature of work.
8. Copy of newspapers cuttings and uploading of tender on website have not been found placed on record. Department may ensure & certify that due publicity has been given to tender as per codal provision alongwith placing on record copy of newspapers cuttings and uploading on website.
9. Certificate has been not been recorded by Divisional accountant i.e. AAO and EE on the comparative statement. This needs to be recorded as per Section 20.2.2.(3)) of CPWD Works Manual.
10. Column no.5 to 9 may be filled up duly certified by AO (W).
11. EMD details of bidders may be give in column no.17 of Scrutiny note of tender.
12. The analysis of items for justification does not speak/certify that these are based on lowest prevailing market rate. Deptt. may ensure, justify and certify.

**Finance Department vide their diary no. Finance/R/1416 dated 19.07.2013 raised observations as follows:-**

The proposal has been examined keeping in view the fact that department technically, administratively, financially satisfied itself on all relevant the aspect/ requirements at all stages. In response to clarifications (Page 145 to 148/N) to FD earlier observations (Page-144/N), following is further observed:-

- 1) In response to FD observations at NP/144, the Department under point No.12 of its reply at NP-146, has still not certified that the justification is based on the lowest prevailing market rates and without any certification is directing the same to be examined by Finance. It is reiterated that the Department while evaluating the price bid shall clearly certify in its recommendations, without any ambiguity, as to whether the L-1 rates they are proposing for acceptance are reasonable or not.
- 2) Adequacy of funds.
- 3) Compliance of Para – 3 of Standing order NO.14/2005-06 dated 11.04.2005 may be certified and brought on record. This was so brought to the notice of FD by the Civil Engineering Department recently in the case of "Construction of Old Age Home at Kali Bari Marg".

**Finance Department vide their diary no. 1475/Finance/R-Civil dated 01.08.2013 raised observations as follows:-**

1. Department was advised to certify on record that justification is based on lowest prevailing market rates, but department is again referring the certificate given in abstract of justification. Department needs to certify that justification has been prepared on the lowest prevailing market rates and the rates of the L-1 firm are reasonable.
2. Relevancy of the standing order with Clause 15.7 is not clear as Clause 15.7 of CPWD Works Manual 2012 does not appear to speak about specialized work of costing more than Rs.10 crore as referred by the department. Department is again advised to clarify regarding compliance of standing order of F.D.
3. The deptt at 'X', P-150/N has inter-alia viewed for subjective clearance of case. However, it is advised that the time frame for scrutinizing the tender cases as stipulated vide circular No.D/272/Fin/06 dated 19.9.06 needs to be adhered to by the deptt. CPWD Works Manual vide Appendix 23 also stipulated schedule for scrutiny of tenders. The deptt. is advised to strictly followed these provisions so that cases could be received in Finance Deptt. well in time for proper examination.

**Finance Department vide their diary no. 1561/Finance/R-Civil dated 12.08.2013 raised observations as follows:-**



1. Despite of repeated advice of the FD and since the department is aware that validity of the tender is 12.8.2013, department has still not certified that justification has been prepared on lowest prevailing market rates and the rates of the L-1 firm are reasonable.
2. Regarding point no.3, department was given advised to adhere the compliance of the Circular dated 19.9.2006 but it appears that time frame for scrutinizing the tender process has not been followed by the department in this case, as financial bids were opened on 24.5.2013 but tender received in Finance on 3.7.2013 after expiry of more than one month.
3. On both the occasions (NP-149-150 & NP-156) on the replies of the Deptt CE (C-II) has asked A.O. to examine & the AOs note without encompassing replies to finance queries have been marked to FA. CE(C-II) may please like to endorse his considered views & state as to whether he agrees with the replies furnished by EE(C-III) & SE (C-II) & AO (Works). It may be appreciated that Finance can only concur a proposal with unambiguous recommendations & certificate of reasonability of rates since the same will be put to the Council.

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

1. As desired by the finance, it is submitted that the tenders for the civil work including electric work have been invited in composite tender. The work of horticulture and fire fighting will be taken up separately by the respective departments. However, the information w.r.t amount in r/o PE,DE,NIT, tender and justified cost of each component in tabular form is as under :-

<b>Description of work</b>	<b>PE</b>	<b>DE</b>	<b>NIT</b>	<b>Tender</b>	<b>Justified cost</b>
Civil Work	3,51,23,550/-	3,52,17,600/-	3,41,89,493/-	2,97,53,584/-	3,26,78,150/-
Electrical work	1,34,06,000/-	1,04,90,201/-	99,90,668/-	87,64,896/-	98,50,705/-
Fire work	30,00,000/-	To be taken up separately by the fire Deptt.	---	---	---
Horticulture	47,450/-	To be taken up separately by the Horticulture.	--	---	---
<b>Total Rs.</b>	<b>5,15,77,000/-</b>	<b>4,57,07,801/-</b>	<b>4,41,80,161/-</b>	<b>3,85,18,480/-</b>	<b>4,25,28,855/-</b>

2. It is ensured and certified that the direction of council while according A/A&E/S vide Reso. No. 03(A-35) dated 24.12.2012 has been complied with and for the action taken, may like to see the noting page 96 to 103. Further as directed by the council, the necessary clearances from the statutory organization like DUAC, Delhi fire service have been obtained as placed at P-26 and P-27 respectively in work file.
3. It has been ensured and certified that the financial bids of those bidders were opened, who were technically qualified the eligibility criteria of NIT.
4. The necessary clarification of electrical department is placed in the attached justification file of the electrical department.
5. The copy of corrigendum mentioning the incorporation of the part missing of the NIT is placed in the work file at page-15 and certified that due publicity was given to the corrigendum even enhancing the date of opening of tender.
6. It has been ensured and certified that the justification has been prepared strictly as per codal provision and in the light of section 20.4.3.1 of CPWD work manual updated time to time and no over heads/cost/factor has been loaded in the justification beyond the codal provision.
7. No similar nature of work has been accepted in recent past.
8. The copy of news paper cutting and uploading of tender on website are placed in the work file at P-20 and P-16 and it is ensured and also certified that the publicity has been given to tender as per codal provision.
9. The necessary certificates of AAO & EE already exists on the comparative statement at page 451 of the tender file as per section 20.2.2(3) of CPWD work manual.
10. The column No. 5 to 9 of check list have been duly filled. And for certification of AO(W), AO(W-II) may like to see for his signature.
11. The EMD details of bidders have been given in column No.17 of scrutiny note of tender.
12. The necessary certificates on the out come of all the analysis of rates for justification have been given on the abstract of justification. Though various certificates as desired, has been given above, it is requested that the same may please be examined by the finance department.

**Finance Department vide their diary No. Finance/R/1416 dated 19.07.2013 raised observations which are clarified here as under:-**

1. Observation at point No.12 on noting page 144 states that "The analysis of items for justification does not speak/ certify that these are based on lowest prevailing market rate. Deptt. may ensure, justify and certify". In compliance to above observation, it was replied vide point No. 12 on N/P 146 that "the necessary certificate on the out come of all the analysis of rates for justification have been given on the abstract of justification". It is again

reiterated that desired certificate already exists on abstract of justification and it states as "certified that the market rates taken in the justification are lowest prevailing market rates".

2. Rupees 10 lacs of funds are in the current year budget book. However, balance fund shall be sought either in re-appropriation of funds or in R.E.
3. The referred standing order No.14/2005-06 is for the specialized works and this circular is in reference to the clause 15.7 of CPWD works manual, under which specialized work as well as other works estimate costing more than 10 crores limit for NDMC falls in this category where as this work does not fall in this category since the estimated cost of this work is Rs4,41,80,161/-
4. Since the validity of tender is expiring on 12<sup>th</sup> August, 2013, efforts were made to get the case progressed so that the same is placed before the Council Meeting on 23<sup>rd</sup> July, 2013. However, it may not be feasible now to place the same in the coming Council. Considering the type of observation made, this office is of the view that the case could have been cleared to be progressed for further action subject to clarification as per para 1,2,3 on N/P 149 and it would have been possible for this office to place the agenda for award of this work before the Council on 23<sup>rd</sup> July, 2013 to ensure that the award of work to the agency is within the validity period of the tender i.e. 12<sup>th</sup> August, 2013.

**Finance Department vide their diary No. 1475/Finance/R-Civil dated 01.08.2013 raised observations which are clarified here as under:-**

1. The earlier reply given by this office at NP-153 is reiterated Para 1 of reply on NP-149 also refers wherein it is clearly mentioned that Market Rate taken in the justification are lowest prevailing market rates. This certificate has been endorsed as per provision of CPWD Manual. Asking for similar certificate again and again is not clear.
2. Standing Order No.14/2005-06 dated 11.04.2005 issued by the Finance Department is only for the Specialized work, whereas this tender is not specialized work and being normal work, the above standing order is not considered applicable in this case. It shall be governed as prescribed under Clause Para 15.2.1 of CPWD Manual and accordingly same procedure is adopted in this case.

Regarding, relevancy of Standing Order with Clause 15.7 is concerned, please co-relate Clause No.16.2.1 applicable for Specialized work and Clause No.15.2.2 applicable for normal works costing more than 10 crores for NDMC and 15 crores for CPWD. Accordingly specialized work of any amount and normal work more than 10 crores will be governed as prescribed in Clause 15.7 and 15.7.1. Therefore, in both the cases these Standing Orders are applicable.

3. The time frame for scrutinizing the tender case as stipulated vide circular no.D-272/Fin./06 dated 19.09.2006 has already been adhered to by the department. Further, as advised,

noted for strict compliance also. However, it is also pertinent to mention that almost month time has already been taken by the Finance Department and the case is still to be concurred.

This office reiterates views expressed at Para 4 of NP-150 and still maintains that the at the case could have been cleared to be progressed for further action subject to clarification as per Para 1,2,3 on NP-149, which would have enabled this office to place the agenda for award of this work before the Council on 23.07.2013 as the validity of tender is expiring on 12.08.2013. it is also pertinent to mention here that observations/ clarifications on the similar items are being raised again and again whereas main issue of analyzing, scrutinizing and concurring the tender for award of work within validity period particularly when the rates are on lower side does not appear to have been given the due priority keeping in view the interest of NDMC.

**Finance Department vide their diary no. 1561/Finance/R-Civil dated 12.08.2013 raised observations which are clarified as under:-**

1. The department has already certified at the abstract of justification and subsequently reiterated at NP-149-150 in response to the observation at NP-149 and again reiterated at NP-155 in response to the observation at N.P. 143 that the justification has been prepared on the lowest prevailing market rates and the rates of L-1 firm are reasonable. Therefore, there is no need to repeat the certificates again and again.
  
2. Regarding compliance of point no.3 of circular dated 19.09.2006, it is submitted that after opening of financial bid dated 24.05.2013, the comparative statements etc. were prepared by the Divisional Accountant, the justification statement was prepared by the sub-division after duly verifications of the lowest prevailing market rates, and the same was checked at divisional level. Further by S.E. (C-II) Planning than the case was forwarded to the Main Planning and scrutinized the justification statements with duly verification of the rates. Thereafter the case was forwarded through C.E. (C-II) to A.O. (W-II) and A.O. (W-II) examined the case in totality and forwarded the same for the concurrence of the finance on dated 03.07.2013. Since opening of tender and put up the case for concurrence of the finance, the various channels were followed within the prescribed period. However, the validity of tender has already been expired on 11.08.2013, the letter to the agency, vide letter no.A.E.-II(C-III)/33-35 dated 08.08.2013 has been requested to extend the validity which is still awaited. In case the agency denies to extend the validity, the tender is to be re-called, if higher rates are received, the finance department may please advise the fate of tender, as the tender was received from finance on 12.08.2013 at 3.05 PM i.e. after expiry of the validity period and taken 41 days against the prescribed period of 10 days as per circular dated 19.09.2006.

3. The certificate of reasonability of rates already exists at on the justification as well as on reiterates the same at NP-149-150 and again on NP-155 as well as endorsement of the views of E.E. (C-III), S.E. (C-II) and A.O. (W) is concerned, the reply was being onwards submitted by C.E. (C-II) himself.

**9. FINAL VIEWS OF THE FINANCE DEPARTMENT.**

**Finance Department vide their diary no. 1654/Finance/R-Civil dated 29.08.2013, concurred the proposal subject to certain clarifications:-**

This tender was opened on 15.5.13 with a validity period of 90 days, viz upto 13.8.13(Deptt's check-list at np-335). The case was received in Finance for the 1<sup>st</sup> time on 03.07.2013(after 49 days) for giving Tender Advice. Since the tender lies within the competency of the Council, conditional clearance of the case was not considered appropriate and the Deptt was advised to clarify certain short-comings on file. The primary observation was that the Chairman of the Tender Committee(CE-CII in this case) should submit unambiguous specific recommendations for the Council and certify that the L1 rates being recommended for acceptance are reasonable. This is a standard procedure being followed not only in NDMC but elsewhere in every govt. organization. Since such a certification was not forthcoming and every time the observations of the EE were being forwarded to A.O. and then marked to Finance the case was sent by Finance 4 times to the Deptt. asking the Tender Committee to put up a specific certification for the Council(d. 12.7.13 at np-144; dt 19.7.13 at np-149 dt. 1.8.13 at m[-153 and dt. 12.8.13 at m[-158). However on each occasions the file was sent back to Finance without specific recommendations being endorsed by CE(C-II).

2. Besides, since the Tender lies within the competency of the Council and the Council meets on a monthly basis, the last meeting being held on July, 23, 2013(not taking into account a special meeting on August 1, 2013), care should have been taken by the Deptt to see that the currency of the validity exist in continuity, which as per the noting of EE(C-III) dated 13.8.13 (np.159) is still not clear.

3. Since the file has been submitted too many times and has again been sent to FD, as a fait accompli, we are of the view that the case be placed before the Competent Authority by the CE Concerned with his proposal, provided he is satisfied.

1. about the compliance/non applicability of S.O. 14/2005 dt. 11.4.2005 for civil works in this case;
2. that the Tender validity still exists and is unbroken and operative, in view of the remarks of EE (C-III) at np-159('A') of the case file.
3. that the L1 bid is reasonable, justified and is specifically recommended for acceptance;

4. That in processing the Tender all CVC guidelines, CPWD Manual provision & GFR have been observed.

**REMARKS OF CIVIL ENGINEERING DEPARTMENT:-**

With reference to para 1, it is clarified that:-

The case was forwarded to the Finance Department on dated 03.07.2013 for concurrence with sufficient time of 41 days instead of 10 days prescribed for scrutiny in finance according to CPWD Manual and all the short comings received from the Finance Department were properly replied by the department in earlier replies. In this case the tender committee is not required being it is not a specialized work and costing less than Rs. 10 crores governed by the Manual under Section 15 of CPWD Manual. Accordingly, the same procedure was adopted in the case. It is further, intimated that every proposal based on the guidelines and provisions of the manual only are forwarded for scrutiny and concurrence of the finance department, when the same are found satisfactory. This aspect has already been brought out by the department as at NP-160.

The department had taken every due care so as to keep tender operative for concurrence by the Finance Department before validity period, for which, the tender was forwarded to the Finance Department well in time to place the case before Council meeting on 23.07.2013 alongwith the tender case of Kali Bari Marg. The contention at para 3 is not agreed to. The view of Finance Department to term the case as "fait accompli" is not considered in order. The case was sent to the Finance Department on dated 03.07.2013 with sufficient time of 41 days instead of 10 days prescribed as per CPWD Works Manual available, but every time the finance repeatedly raised the same observations for which proper satisfactorily reply was given by the department based on the Manual. Hence, it is apparent that the case was delayed by the Finance Department.

The necessary certification as sought by the Finance Department are as under:-

1. Regarding compliance/ non-applicability of S.O.14/2005 dated 11.04.2005 for civil works:- In this regard it is intimated that the standing order No.14/2005 dated 11.04.2005 was issued by the Finance Department and as such the Finance should decide at their own end regarding applicability of their standing order but in this case, the Finance itself is asking about the applicability/non-applicability of standing order from the civil engineering department. However, it is already replied that this standing order is not applicable in this case being not a specialized work and below than the Estimated Cost of Rs.10 crores.
2. The tender validity still exists and is unbroken/ operative as the agency extended the validity upto 10.09.2013 (Copy placed at Page No. 31/C of work file). Further, this office is of the opinion that the case has been delayed in Finance department

to the extent that the validity of tender got expired. However, now the validity period has been extended by the agency in response to EE(C-III) letter dated 08.08.2013, details of which has already been endorsed and enclosed at **Annexure 'A' (See page 65).**

3. It is intimated that the tender case for acceptance of L-1 is forwarded to Finance when the same is found reasonable & justified and the same is being raised again & again whereas proper reply has already been given every time.
4. It is intimated that proposals based on the guidelines, GFR and provisions of the manual only are forwarded for scrutiny and concurrence of Finance. Cases where reply to the observation of Finance by Field Staff is found satisfactory only are forwarded for further scrutiny & concurrence of Finance.

**10. LEGAL IMPLICATION OF THE SUBJECT/PROJECT: NIL**

**11. DETAILS OF PREVIOUS COUNCIL RESOLUTION EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THE SUBJECT:**

(i) Resolution No. 28(A-25) dt.18.07.2007 for A/A & E/S for PE amounting to Rs.84,18,900/-

(ii) Resolution No. 26(A-94) dt. 30.09.2009 for A/A & E/S for RPE amounting to Rs. 6,25,32,800/-

(iii) Resolution No. 03(A-35) dated 24.12.2012 for A/A & E/S for RPE amounting to Rs. 5,15,77,000/-.

**12. COMMENTS OF LAW DEPARTMENT ON SUBJECT: N I L**

**13. COMMENTS OF THE DEPARTMENT ON THE COMMENTS OF LAW DEPARTMENT :  
N I L**

**14. FINAL VIEWS OF THE LAW DEPARTMENT : N I L**

**15. CERTIFICATION BY THE DEPARTMENT THAT ALL CVC GUIDELINES HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE**

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

**16. RECOMMENDATION**

The case is placed before the Council for acceptance and award of Work to the lowest tenderer i.e. Naresh Kumar Gupta & Co. Pvt. Ltd with the tendered amount of Rs. 3,85,18,480/- which is 12.81% below the estimated cost of Rs. 4,41,80,161/-. The justified cost is 3.60% below the estimated cost. The tendered amount is 9.56% below the justified cost of tender. Permission may also be accorded for taking necessary action for award of work in anticipation of confirmation of the minutes of the Council.

**17. Draft Resolution**

Resolved by the Council that Council has accepted lowest tender of M/s. Naresh Kumar Gupta & Co. Pvt. Ltd for award of the work to M/s. Naresh Kumar Gupta & Co. Pvt. Ltd with the quoted amount of Rs.3,85,18,480/- which is 12.81% below the estimated cost of Rs.4,41,80,161/- and 9.56% below the justified cost of tender. Permission is also granted for taking necessary action for award of work in anticipation of confirmation of the minutes of the Council.

**COUNCIL'S DECISION**

Resolved by the Council that to accept the lowest tender of M/s. Naresh Kumar Gupta & Co. Pvt. Ltd. and to award the work to M/s. Naresh Kumar Gupta & Co. Pvt. Ltd. on the quoted amount of `3,85,18,480/- (Rs. Three crore eighty five lacs eighteen thousand four hundred eighty only) which is 12.81% below the estimated cost of `4,41,80,161/- (Rs. Four crore forty one lac eighty thousand one hundred sixty one only) and 9.56% below the justified cost of tender for 'Construction of Service Centre at Fire Brigade Lane, New Delhi (Composite work).

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



Annexure one page

**ITEM NO. 09 (G-03)****1. Name of the Subject/Project :**

Rationalization of Water Tariff in respect of Dhobi Ghats in NDMC area.

**2. Name of the Department :**

Commercial Department

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

As per Notification dated 01.4.1991 issued by Delhi Admn., Dhobi Ghats were placed in Category-I, which was for domestic use. As per the Tariff rate of Delhi Jal Board issued on 28.1.2005 and Order dated 29.9.2005, Dhobi Ghats were placed in Category-II (non-domestic). The water tariff of this category was in between the tariff of Category-I (domestic) and Category-III (non-domestic).

Accordingly, it was decided that the dhobi ghats in NDMC area would be charged for electricity and water at commercial rates. The Commercial Deptt. issued orders for realizing electricity and water bills at commercial rates w.e.f. July, 2005 billing cycle.

Over the years, representations have been received from the Associations of washerman to rationalize the water charges in view of their special circumstances.

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

The Council vide its Resolution No.3 (X) in its ordinary meeting held on 25.9.98 had resolved that any modification/clarifications announced by Delhi Jal Board shall be made applicable to the consumers in NDMC area also.

As per the contents of Resolution No.16 (K-3) of 28.9.2005 of the Council, Dhobi Ghats were charged for water connection at commercial rates w.e.f. April, 2005 (July, 2005 billing cycle). Therefore, water tariffs were raised by NDMC w.e.f. September 2009 (billing cycle) and again w.e.f. January 2011 billing cycle. The Comparative Statement of water tariff as applicable during these periods is enclosed as **Annexure – 'A' (See page 70)**.

There are 16 Dhobi Ghats in NDMC area. Presently water consumption in Dhobi Ghats is being charged at commercial rates. The Associations of washermen have been representing time and again against the applicability of commercial tariff rate in respect of dhobi ghats on the grounds that the dhobis belong to the weaker sections of society and this is the only commercial activity they engage in. For them washing is a vocation, practised by them for generations. This activity has mainly two factors of input, namely water and soap/detergent. The Associations have also represented that NDMC had constructed dhobi ghats for them before Independence. All the 16 Dhobi Ghats are located primarily in residential areas of NDMC to serve the laundry needs of the residents. The Associations have represented that on these grounds they deserve special consideration.

The representations of the Associations of dhobis have been examined and it is agreed that the water tariff with respect to the dhobi ghats needs to be rationalized in view of their special circumstances.

Therefore, the following water tariff is proposed in respect of dhobi ghats in NDMC area :-

$$2.5 X + Y$$

Where 'X' stands for maximum domestic rate as applicable at present.

'Y' stands for fixed monthly charges (service charges) as applicable to Domestic Category.  
PLUS Sewerage Maintenance Charge @ 50% of volumetric charges.

**5. Financial Implication of the proposal/subject :**

On the basis of actual water consumption in all the 16 dhobi ghats during the year 2012-13, the average monthly water consumption per ghat work out to 350 KL. Accordingly, the monthly water charges amount to `8,96,000/- for 16 dhobi ghats, as per the commercial tariff being charged presently.

If the present proposal is accepted, the monthly water consumption charges for all the 16 dhobi ghats will work out to approximately `2,11,900/- (by taking average monthly consumption per dhobi ghat to be 350 KL).

**6. Implementation schedule with timeliness for such stage including internal proceedings :**

It is proposed that the rationalized tariff for the 16 dhobi ghats be given w.e.f. September, 2013 billing cycle.

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

May please bring on record the following information :

(1) – For the period 01.04.2011 to 31.3.12 and financial year 2012-13 i.e. when the new tariff became applicable what was the amount billed and the amount recovered. This information may be juxtaposed with the previous financial years, when the revised tariff had not become operative. This is in order to assess the financial implications of this proposal.

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

As desired by Finance Deptt., the statement showing the bills raised and revenue realized in respect of water connections in the name of Pradhans at Dhobi Ghats in NDMC area has been prepared. The same is given below :-

**Statement showing Bill raised and revenue realised in r/o water connections in the name of Pradhan at Dhobi Ghats in NDMC area**

<b>Financial Year</b>	<b>Current Demand (in `)</b>	<b>Revenue Realised (in `)</b>	<b>%age of Current Demand realised</b>
2009 – 10	30,14,099.86	4,66,587	15.48%
2010 - 11	60,69,904.62	10,12,625	16.68%
2011 - 12	1,03,42,423.90	14,20,072	13.73%
2012 - 13	87,97,744.88	19,29,927	21.93%

From the above statement, it is evident that there is a huge gap between the demand raised upon dhobi ghats and the revenue realized from them. This situation has resulted in huge arrears amounting to `2.69 crores including surcharge, till date.

Therefore, there is an urgent need to rationalize the water tariff with respect to dhobi ghats in NDMC area, keeping in view the ground reality and the paying capacity of the washermen.

**9. Final comments of the Finance Department (if any) :**

**10. Legal implication of the subject :**

No implications.

**11. Details of previous Council Resolution on the subject :**

As per Para (4) above.

**12. Comments of Law Department :**

Fixation of water tariff is within the competence of the Council. It has no legal issue.

**13. Comments of the Departments on the comments of Law Deptt.:**

N.A.

**14. Final comments of Law Department (if any) :**

N.A.

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

No CVC guidelines are involved

**16. Recommendations :**

It is proposed that the rationalized tariff as at Para (4) above be made effective from September, 2013 billing cycle.

**17. Draft Resolution :**

It is resolved that the rationalized tariff be implemented from September, 2013 billing cycle and this decision may be implemented in anticipation of confirmation of the minutes of Council meeting.

#### **COUNCIL'S DECISION**

Resolved by the Council that the rationalized tariff, as proposed by the Department in para 4 of the preamble, be implemented from September, 2013 billing cycle.

It was further resolved by the Council that the consumers may be permitted to pay the outstanding arrears, amounting to `2.69 crores (Rs. Two crore sixty nine lacs only) including surcharge, within a maximum period of ten years. Modalities for this scheme would be worked out by the department.

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

**ANNEXURE – 'A'****Comparison of Water Tariffs charged from Dhobi Ghats in NDMC Area**

July, 2005 to Aug., 2009 Billing cycle		Sept., 2009 to Dec., 2010 Billing Cycle		W.e.f. Jan., 2011 billing cycle		
Slabs	Tariff (Category-II) (Non-domestic)	Slabs	Tariff (charges per kilolitre per month) (Category-II) (Non-domestic)	Slabs	Fixed monthly Access Charges (Service Charges) (in `)	Volumetric Charge per kilolitre per month (Non domestic) (in `)
Upto 50,000 Ltr. p.m.	`5/- + 50% per 1000 Ltrs.	Upto 25 KL	`10/-	0-10	400/-	10/-
			Plus 50%		-	
		Above 25 KL & upto 50 KL	`20/-	10-25	600/-	20/-
			Towards Sewerage	25-50	700/-	50/-
Above 50,000 Ltr. p.m.	`10/- + 50% per 1000 Ltrs.	Above 50 KL	`30/-	50-100	800/-	80/-
			Maintenance charges	>100	900/-	100/-
			<b>And</b>		<b>Plus</b> Water disposal charges @ 60% of volumetric charges.	
			`250/- Fixed monthly access charges (Service Charges) for all premises			



**ITEM NO. 10 (C-13)****CONTRACTS/SCHEMES INVOLVING AN EXPENDITURE OF RS. 1 LAC BUT NOT EXCEEDING RS. 200 LACS.**

Section 143 (d) of NDMC Act, 1994 provides that every contract involving an expenditure of Rs.1 lac but not exceeding Rs.200 lacs under clause 143 (c) shall be reported to the Council. In pursuance of these provisions, a list of contracts entered/executed upto July, 2013, have been prepared.

A list of the contracts, entered into for the various schemes, is accordingly laid before the Council for information. **(See pages 72-89 ).**

**COUNCIL'S DECISION**

Information noted.

**Annexure 18 pages**





































**Annexure end**

**ITEM NO. 11 (C-14)**

**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 June, 2013, had already been included in the Agenda for the Council Meeting held on 23.07.2013.

A report on the status of execution of the ongoing schemes/works awarded upto July, 2013, is placed before the Council for information. **(See pages 91 - 123 ).**

**COUNCIL'S DECISION**

Information noted.

**Annexure 33 pages.**







































































**Annexure End**

**ITEM NO. 12 (S – 05)**

1. **Subject:** **Major penalty proceedings initiated against Sh. D.R.Kori, E.E (D/S) (Elect.), (Retired on 31.12.2012), Electricity Department, NDMC, New Delhi.**

2 **Name of the Department:** **Vigilance Department**

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

Major penalty proceedings were initiated against Sh. D.R. Kori, E.E(D/S) under Rule-14 of CCS(CCA) Rule-1965 on a/c of providing unauthorized electric connection to AARDEE School, Sujan Singh Park, New Delhi vide Memorandum No.17/CH/Vig./Imp./TO(C-I)/2012 dt. 19.12.2012 after obtaining First Stage Advice from CVC on dated 10.12.2012. While proceedings, Shri D.R.Kori, EE(D/S) got retired from municipal services on 31.12.2012. Further, he admitted the charges vide his letter dated 18.03.2013, 04.06.2013 & 17.06.2013.

**Details of the case:**

Major penalty proceedings were initiated against Sh. D.R. Kori, E.E (D/S) (Retd.) under Rule-14 of CCS (CCA) Rule-1965 vide Memorandum No.17/CH/Vig./Imp./TO(C-I)/2012 dt. 19.12.2012 **(Annexure-I See pages )** by the Chairperson/Disciplinary Authority, NDMC as Disciplinary Authority, as follows:-

**Articles of Charge**

While working as Executive Engineer (D/S), Electricity Department, NDMC, New Delhi during the period 2006-2007, Sh. D.R.Kori has failed to maintain absolute devotion to duty in as much as:-

Ms. Shefali Ramani, the Applicant demanding an Electric load of 15KW in favour of Ardee Foundation vide application dated 13.02.06, Shri D.R. Kori, EE(D/S) provided undue benefit to the

Applicant by wrongly interpreting the contents of Order dated 08.08.03 passed by Hon'ble High Court at Delhi, in CW No. 5038/2003 titled as "Ardee Foundation Versus NDMC and Executive Engineer(E)D/S" in absolute favour of Ardee Foundation and in the year 2006, exhibiting that Hon'ble High Court had ordered to provide/sanction Electric Load in favour of Ardee Foundation, inspite of the fact that Hon'ble Court had ordered only for consideration and disposal of Application of the Petitioner for Permanent Electric Connection and not to grant permanent electricity connection in favour of petitioner, as is evident on the cursory reading of the contents of the said order.

The above misconduct on the part of Shri D.R. Kori, Executive Engineer (D/S), Electricity Department, NDMC, tantamount to unbecoming of a municipal employee and he has, thus, violated the provisions of Rule 3 of Central Civil Services (Conduct) Rules 1964.

**(ii) STATEMENT OF IMPUTATION OF MISCONDUCT.**

While working as Executive Engineer (D/S), Electricity Department, NDMC, during the period 2006-2007, Shri D.R.Kori, has failed to maintain absolute integrity and devotion to duty in as much as that:-

A Temporary Electric Connection bearing K.No. KT 14702, for an Electric Load of 10KW had been sanctioned in the name of Ardee Foundation, 16<sup>th</sup> Floor, Dr. Gopal Dass Bhawan, New Delhi. On the issue of grant of a permanent electric connection in his favour, Ardee Foundation had approached Hon'ble High Court at Delhi through CW No. 5038/2003 and Hon'ble High Court was pleased to pass the following order on 08.08.2003 as is evident from the perusal of the contents of the copy of the aforesaid order, supplied by the Advocate of the party vide application dated 08.08.03, addressed to Chairperson, NDMC.

"The grievance of the petitioner is that the permanent electricity connection has not been granted to the petitioner despite the application having been filed for the same along with requisite documents.

In view of the aforesaid, it is directed that the application of the petitioner shall be disposed of within a maximum period of two weeks from today.

The temporary connection of the petitioner shall not be disconnected till the disposal of the application for permanent electricity connection subject to the petitioner continuing to deposit charges for the temporary connection.

Writ petition stands disposed of in the aforesaid terms"

Therefore, it was clear that there has been no room for any ambiguity in the interpretation of the aforesaid Order by which, NDMC had been bound to consider and dispose of the Application filed by Ardee Foundation for grant of permanent electric connection. More over, NDMC was not even obliged to continue the aforesaid temporary electric connection in favour of Ardee Foundation, in case, if it was decided not to grant any permanent electric connection to Ardee Foundation. Moreover, the aforesaid order had lost its sanctity especially when the application was being considered in the year 2006. Still, Shri D.R. Kori, EE(D/S) while having active collusion with Ms. Shefali Ramani, the Applicant demanding an Electric load of 15KW in favour of Ardee Foundation vide application dated 13.02.06 Shri D.R.Kori, EE(D/S) vide his note dated 12.09.11 and note dated 28.07.11 sent to Vigilance Department, has also admitted that electric connection had been sanctioned on the basis of aforesaid Court Orders, though, no action had been required on the aforesaid orders of the High Court.

The application had been filed by Ms. Shefali Ramani W/o Mr. Rohit Ramani, for and on behalf of Ardee Foundation, showing herself as resident of Electric Sub-Station Block, Near Golf Apartment, Sujan Singh Park, New Delhi without mentioning of any municipal number. The perusal of the application filed by M/s Ardee Foundation reveals that electric connection was sought for "Creche" and the location of the premises has been mentioned as "Electric sub-station Block, Near Golf Apartment, Sujan Singh Park, New Delhi" which itself on the face of it was insufficient address. Shri D.R. Kori, EE(D/S), in his note dated 13.04.2006 had mentioned about the area permissible as per MPD, 2001 i.e. up to 50 Sq. Meter Area by referring the letter of DDA wherein it is clearly mentioned that Creche and Day Care Center are allowed in residential flat at



ground floor up to 50 Sq. Meter Area. But to the utter surprise, primary fact that "Only mention of permissibility of some construction, area or trade to be run in the master plan, is itself, not sufficient or entitle the owner to run or any other government agency to grant any license, unless and until, the area so constructed is proved to be validly raised upon with a valid building permit according to the laid down norms for a Creche," has been ignored. In spite of making specific mention of permissibility of running Creche up to 50 Sq. Meter Area, no efforts were made either to check the area of the Creche and other sanctions like building permit and a valid licence from concerned State Authority etc. which were sine qua non, was deliberately ignored. Even the perusal of the application of the party, it appears that there is no mention of any "Covered Area" in the application and columns have been deliberately left blank. It is further revealed that number of rooms had been mentioned as "Nine" of No efforts were made to get the form properly filled up, to bind the party within the disclosed covered area and not only this, no mind was applied to the fact how in 50 Sq. Meter Area, 9 rooms can be validly constructed especially when the restriction of ground floor is to be applied and how 50 tubes and 50 lamps can be accommodated in 50 Sq. Meter Area.

Ms. Shefaii Ramani had attached an undertaking declaring that she was resident of "Electric substation Block, Near Golf Apartment, Sujan Singh Park, New Delhi". This shows that Ardee Foundation and Resident of Smt. Shefaii Ramani was the same but without any allotment of municipal number. There had been an implied conclusion that connection of Creche shall be misused for unauthorizedly constructed residence, especially when Creche had also been unauthorizedly constructed. There is a document "Supplementary Trust Deed" shown executed on 25.11.2002 by Shri Ashok Varma, S/o Late Shri R.D. Varma, R/o A-9, Greater Kailash-I, New Delhi (author of the trust) appointing Ms. Shefaii Varma Ramani as a Managing Trustee of the Trust. Therefore, it is a fact on record, submitted by the party that Ms. Shefaii Varma Ramani had been appointed as a Managing Trustee of the Trust namely Ardee Foundation on 25.11.2002. There is also a photocopy of "Deed of Sale" dated 11.09.2002 executed between Shri Ashok Varma, Sole Proprietor of M/s Universal Builders and Contractors i.e. Seller and M/s Ardee Foundation through its Trustee Ms. Shefali Ramani. Whereas, Ms. Shefali Ramani W/o Shri Rohit

Kewal Ramani had been appointed Managing Trustee vide Supplementary Trust Deed executed on 25.11.2002, therefore, the Sale Deed executed on 11.09.2002 had been having no sanctity in the eyes of law. This fact could have been ascertained just by comparing the dates of these two documents and no legal expertise was required. Even, there was difference in narrating the names of Ms. Shefali Ramani as in the Supplementary Trust Deed, name has been mentioned as Ms. Shefali Varma Ramani whereas in the deed of sale it is mentioned as Ms. Shefali Ramani. Whereas, Ms. Shefali Ramani had attached an affidavit declaring that she was occupant (instead of resident) of "Electric Sub-Station Block, Near Golf Apartment, Sujan Singh Park, New Delhi". This declaration would have been sufficient to raise hackles of EE(D/S) to the effect that electric connection shall be misused by extending to the so called residence of Ms. Shefali Ramani as Ardee Foundation and Resident of Smt. Shefali Ramani was the same but without any allotment of municipal number and further it was also appearing clearly that party was not consistent in making declarations. The affidavit had been executed in personal capacity of Ms. Shefali Ramani and not as a Managing Trustee of Ardee Foundation, whereas connection was being demanded in the name of 'Ardee Foundation' for Creche.

There is appearing a document "General Power of Attorney" executed by Shri Ashok Varma, Chairman of Ardee Foundation in favour of Smt. Shefali Ramani by constituting her as lawful General Power of Attorney. *But the address of Ms. Shefali Ramani has been shown as Gadaipur, Mehrauli, Delhi which is not matching with the address as appearing in the affidavit.* Chairman of the Trust "Ardee Foundation" i.e. Shri Ashok Varma, had sold the present premises (running Creche) without mention of area and demarcation and even municipal number of the premises, to Ms. Shefali Varma refer Sale Deed mentioning her as Trustee of Ardee Foundation. Chairman of one of the Trust is selling the premises on which Creche is being run by the same Trust to another Trustee of same Trust, especially when the relation between them was of 'Father and Daughter' as is evident from the comparison of the address of Ms. Shefali Ramani, as is appearing in the affidavit for obtaining additional electric load with the address where Shri Ashok Varma had been residing i.e. A-9, Greater Kailash-I, New Delhi and she has shown herself as daughter of Shri Ashok Varma.

Smt. Shefali Ramani has not been constituted as lawful attorney for the purpose of obtaining electric connection, yet her application has been entertained. Moreover, act of

considering the application for grant of electric connection, being resultant of order dated 08.08.2003 passed by Hon'ble Court in the case titled as, "Ardee Foundation Versus NDMC and Executive Engineer (E) D/S, in CW No.5038/2003", must had culminated in grant of electric connection in the name of that person who had been representing 'Ardee Foundation' in the court of law in the aforesaid matter. There is another file bearing N0.1773/D/S maintained by EE(D/S) showing that an additional load of 25.7KW had been sanctioned for the same Creche of 50 Sq. Meter Area vide Letter No.D/3156 to 3158/EE(D/S) dated 30.10.2007.

Vide note dated 04.07.07 of Shri Sunil Kumar, JE of D/S Division regarding grant of additional load of 27.5 KW to Creche, Ardee Foundation he proposed to write a letter to the party for demand of affidavit though undertaking was required but Shri Paras Ram, the then AE(D/S) vide note dated 06.07.2007 directed him to collect the affidavit personally. The consumer submitted undertaking on 13.07.2007 and got the affidavit witnessed. Thereafter, he processed the case vide note dated 13.07.2007 detailing that party had demanded additional load of 1KW for light and 24.7KW for power (total additional load 25.70KW) and requested to refer the matter to EE(M/S Division) because the quantum of load was more than 30KW in total, which was also recommended by AE(D/S) vide note dated 13.07.2007 and Shri D.R. Kori, EE(D/S), accordingly forwarded the matter to EE(M/S) to examine the technical feasibility, vide note dated 16.07.2007 and the file finally returned on 23.07.2007 to EE(D/S). Thereafter, note dated 23.07.2007 was put up by him recommending sanction of additional load of 27.5KW (1KW for light and 26.5KW for power). Shri D.R. Kori, EE(D/S) also recommended the case vide note dated 24.07.2007 for grant of sanction of non-domestic additional load of 27.5KW, as aforesaid and it was further recommended by Shri H.C. Baweja, the then SE(E-II) vide note dated 24.07.2007. But Shri C.L. Jindal, directed to discuss the case along with complete LTGS mains plans of the nearby area. Thereafter, Shri D.R. Kori inspected the site and put up a note dated 25.07.2007 and explained all the matter stating that there had been lot of margin in Pillar No. 18 and i.e. why LT cable 95 Sq. 3V2 C had been proposed. However, Shri D.R. Kori avoided to make any mention that connection was for Creche only and restricted to 50 Sq. Meter Area at ground floor only, inspite of the fact that it was he (Shri D.R. Kori) who himself mentioned this condition (at Condition No.5) on the initial sanction letter dated 20.04.2006 and finally it was approved by Shri C.L. Jindal, CE(E-II) on 27.07.2007. In addition to absence of explanation either on record or in their statement to the

absence of Condition No.5 & 6 in Sanction Letter No.D-1767-69/EE(D/S) dated 30.07.2007, though it was specifically mentioned in earlier Sanction Letter No.D-1385-87/EE(D/S) dated 20.04.2006 by which the use of connection was restricted for the Creche i.e. 50 Sq. Meter Area only, there is further no mention of "50% misuse charges due to over loading" in the note of either Shri Sunil Kumar, JE or Shri Paras Ram, AE or even Shri D.R. Kori, EE(D/S) inspite of the fact that it was clearly appearing in the electricity bill of this premises.

He explained the presence of two sanction letters No. D-1767-69/EE(D/S) dated 30.07.2007 and D-3156-58/EE(D/S) dated 30.10.2007 by stating that first sanction letter dated 30.07.2007 had been issued in the name of Smt. Shefali Verma and later on it was corrected and issued in the name of M/s. Ardee Foundation vide letter dated 30.10.2007. He also could not explain the absence of Deed of Trust, authorization in the form of GPA or SPA or any other documents showing legal occupancy and ownership of the space while submitting the application for grant of additional load, though, it were submitted by the party while getting the load sanctioned for the first time vide letter dated 20.04.2006. He further could not explain the change of name i.e. earlier it was Ms. Shefali Ramani and at the time of demand of additional load it was Ms. Shefali Verma and change in residential address from "Electric Block, Golf Apartment, Sujan Singh Park, New Delhi" to "A-9, Greater Kaiiash-1, New Delhi-48". He disclosed startling facts that wall of Electric Sub-Station and the Creche are adjoining to each other and it is also to add that whenever maintenance officials of M/S and D/S Division are to visit for rectification of fault, they have to demand the keys of the sub-station from the owner or chowkidar of the premises i.e. Ardee Foundation and thereafter, entrance is possible in the sub-station.

The C.O did not examine the documents submitted by the Applicant while requesting grant of 15KW electric load vide application dated 13.02.06 and did not demand any document, at the time of grant of additional electric load of 25.7KW, making total Electric Load as 40.7KW vide application dated 26.06.07. He ignored the primary fact that Ms. Shefali Ramani, the Applicant was neither authorized trustee of Ardee Foundation nor the applications had been filed for and on behalf of trust and/or as a member of Ardee Foundation and also ignored the material fact that affidavits submitted by the Applicant, did not support the facts as being claimed by the

Applicant and did not bother to see that there were so many columns left blank in the applications submitted by the Applicant. Further, he ignored the primary fact that premise for which Electric Connections/Load were being demanded had been having no municipal number allotted and even the address in the applications dated 13.02.06 and 26.06.07 was as "Electric Sub-station Block near Golf Apartment, Sujan Singh Park, New Delhi" which must have been sufficient to arrive at a conclusion that it was an absolute unauthorized construction constructed on the set-back of the building (mandatory to be kept vacant for passage). He ignored that facility of electricity was being misused from the temporary Electric Connection sanctioned during the course of construction of Golf Apartment as there was a full-fledged school under the name and style "Ardee School" was being run including swimming pool. The C.O also avoided the verification of area, though essentially required because the request of the Applicant, was for grant of electric connection for running Creche at ground floor, that too in the 50 Sq. Meter Area only and there had been a full-fledged school, under the name and style "Ardee School" along with Swimming Pool, being run unauthorizedly and further ignored the fact that it was beyond imagination that 50 Sq. Meter Area was requiring Electric Load of 15 K.W. and 50 No. of tubes, 50 No. of lamps, 15 fans, 1 exhaust fan, 2 ACs, computer with two printers and 4 no of power plug of 500W each as being demanded by the Applicant in application dated 13.02.06 and there was further requirement of grant of additional load of 25.7 K.W. by increasing the number of AC to 8 and installation of water pump of 5HP, one hot plate of 1KW and boundary light/security lights 4 no of 250W each. The C.O also ignored the fact that misuse of the electric connection for her residence in addition to running of full-fledged Ardee school/swimming pool etc. was imminent as Ms. Shefali Ramani, the applicant had been showing her residence at the same address, therefore, the, instead of creche for which electric load/connection was being demanded and also ignored the fact that no residence/swimming pool/creche/school was permitted just adjacent to Electric Sub-station.

The C.O in his note dated 13.04.2006 has also supported the case of the party to grant 15KW load for 50 Sq. Meter Area by recording a false justification by adding words "Day Care Centre" with the word "Creche" for which connection has been demanded by the party. It is a fact that party had never demanded connection for Day Care Centre. Further, Shri D.R. Kori, EE(D/S) had recommended to sanction the electric connection of 15KW for 50 Sq. Meter Area without any application of mind to the fact how 50 Nos. of tubes, 50 Nos. of lamps, 15 Nos. of fans can be installed in 50 Sq. Meter Area and further, no explanation or supporting documents are appearing to the extent how sanction of 9 KW power load is justified for 50 Sq. Meter Area. The most astonishing but shocking aspect of the process of inspection, formulating recommendations and sanction of electric load of 15KW, is the issuance of sanction Letter No.D-1385 to 1387/EE(D/N) dated 20.04.2006 in favour of "M/s Ardee Foundation, 16<sup>th</sup> Floor, Gopal Das Bhawan, 28, Bara Khamba Road, New Delhi-1" and sanction of load has been shown in favour of "Electric Sub-Station, B-Block, Near Golf Apartment, Sujan Singh Park for Creche", though, there is no mention of address of "Gopal Das Bhawan" is appearing in the application documents and it is a fact that no electric load can be sanctioned in favour of Electric Sub-Station. There are following conditions mentioned in the Sanction Letter dated 20.04.2006 :

- "5. Subject to restricted area of 50 Sq. Meter Area as per letter issued by DDA.
- 6. Subject to disconnection of existing temporary electric connection of 10 KW."

The specific mention of these two conditions clearly reveals that Shri D.R.Kori,EE(D/S) was aware of the fact that electric load of 15KW was being demanded by the party and being sanctioned by the department for Creche i.e. 50 Sq. Meter Area, still the request of the party was not rejected on the ground of submission of false information by the party to the effect that there had been nine rooms constructed in 50 Sq. Meter Area that too after inspecting the premises and further how 15 KW electric load was justified for such small area and the main and vital fact that how misuse of this electric load could be stopped especially when the temporary connection of 10KW load was being disconnected, inspite of the fact that misuse of this electric load was imminent because party had been using this temporary connection for other purposes than the sanction i.e. other than the Creche (Refer copy of Electric Bill), for which misuse charges @ 50% were being levied. Shri Sunil Kumar, JE(D/S) had himself mentioned in his note dated

16.03.2006 that party wanted to get rid of misuse charges in the guise of new electric connection.

There is another file bearing N0.1773/D/S maintained by EE(D/S) showing that an additional load of 25.7KW had been sanctioned for the same Creche of 50 Sq. Meter Area vide Letter No.D/3156 to 3158/EE(D/S) dated 30.10.2007 but without mention of the Condition No.5 (as quoted herein above) to the effect that addition electric load was being sanctioned for Creche i.e. 50 Sq. Meter Area. It appears from the perusal of the note dated 04.07.07 of Shri Sunil Kumar, JE of D/S Division regarding grant of additional load of 27.5 KW to Creche, Ardee Foundation that he proposed to write a letter to the party for demand of affidavit though undertaking was required but Shri Paras Ram, the then AE(D/S) vide note dated 06.07.2007 directed him to collect the affidavit personally. The consumer submitted undertaking on 13.07.2007 and got the affidavit witnessed. Thereafter, he processed the case vide note dated 13.07.2007 detailing that party had demanded additional load of 1KW for light and 24.7KW for power (total additional load 25.70KW) and requested to refer the matter to EE(M/S Division) because the quantum of load was more than 30KW in total, which was also recommended by AE(D/S) vide note dated 13.07.2007 and Shri D.R. Kori, EE(D/S), accordingly forwarded the matter to EE(M/S) to examine the technical feasibility, vide note dated 16.07.2007 and the file finally returned on 23.07.2007 to EE(D/S). Thereafter, note dated 23.07.2007 was put up by him recommending sanction of additional load of 27.5KW (1KW for light and 26.5KW for power). Shri D.R. Kori, EE(D/S) also recommended the case vide note dated 24.07.2007 for grant of sanction of non-domestic additional load of 27.5KW and it was further recommended by Shri H.C. Baweja, the then SE(E-II) vide note dated 24.07.2007. But Shri C.L. Jindal, directed to discuss the case alongwith complete LTGS mains plans of the nearby area. Thereafter, Shri D.R. Kori inspected the site and put up a note dated 25.07.2007 and explained all the matter stating that there had been lot of margin in Pillar No. 18 and i.e. why LT cable 95 Sq. 3<sup>1</sup>/<sub>2</sub> C had been proposed. However, Shri D.R. Kori avoided to make any mention that connection was for Creche only and restricted to

50 Sq. Meter Area at ground floor only, inspite of the fact that it was he (Shri D.R. Kori) who himself mentioned this condition (at Condition No. 5) on the initial sanction letter dated 20.04.2006 and finally it was approved by Shri C.L. Jindal, CE(E-II) on 27.07.2007.

Shri D.R. Kori, EE(D/S) also recommended the case vide note dated 24.07.2007 for grant of sanction of non-domestic additional load of 27.5KW, and it was further recommended by Shri H.C. Baweja, the then SE(E-II) vide note dated 24.07.2007. But Shri C.L Jindal, directed to discuss the case along with complete LTGS mains plans of the near by area. Thereafter, Shri D.R. Kori inspected the site and put up a note dated 25.07.2007 and explained all the matter stating that there had been lot of margin in Pillar No.18 and i.e. why LT cable 95 Sq. 3W/C had been proposed. However, Shri D.R. Kori avoided to make any mention that connection was for Creche only and restricted to 50 Sq. Meter Area at ground floor only, inspite of the fact that it was he (Shri D.R. Kori) who himself mentioned this condition (at Condition No.5) on the initial sanction letter dated 20.04.2006 and finally it was approved by Shri C.L. Jindal, CE(E-II) on 27.07.2007. Thus, Shri D.R. Kori, EE(D/S) absolutely failed to explain in his statement regarding the reason why the condition *5. Subject to restricted area of 50 Sq. Meter Area as per letter issued by DDA* as is appearing in the sanction letter (for new electric load) dated 20.04.2006, had not been mentioned in the sanction letter (for additional load) dated 30.07.2007 and 30.10.2007. However, Shri D.R. Kori in his second statement dated 13.04.12 stated that this omission was due to non mention of this clause by AE and JE in their entire noting portion.

Therefore, in view of above, it is sufficiently proved that Shri D.R. Kori, EE(D/S) deliberately and knowingly deleted the condition No. 5 *"5. Subject to restricted area of 50 Sq. Meter Area as per letter issued by DDA."* from the contents of the Sanction Letter dated 30.10.2007 issued for intimating the fact of grant of additional electric load of 25.7KW (total 40.7KW), though said condition was specifically mentioned in the Sanction Letter dated 20.04.2006 while intimating the fact of grant of 15KW load in favour of Ardee Foundation pursuant to the Application dated 13.02.06 filed by Ms. Shefali Ramani, just to conceal the fact that Electric connection/Electric Load had been sanctioned for creche to be used within 50 Sq.m. area only, in future references.



The Omissions committed by said Shri D.R.Kori, EE(D/S) Electricity Department, NDMC, are grave misconduct on his part tantamount to unbecoming of municipal employee and he has, thus, violated the provisions of Rule 3 of CCS (Conduct) Rules 1964.

**4. Action on Charge-sheet**

He, vide his defence (**Annexure-II, See pages** ) dated 17.6.2013 against charge sheet memorandum dated 19.12.2012 in continuation his earlier reply dated 18.03.2013 & 04.06.2013 submitted that he has admitted the charges under the compelling circumstances of his family responsibilities, because he has two young daughters of marriageable age for which the pending funds are essentially required to discharge his social liabilities as a parent. Since, he has admitted the charges leveled against him and as such, there is no need to hold the departmental enquiry in the event of pleaded guilty by the Charged Officer as per provision of CCS and CCA Rules 1965.

In view of the above, the decision on the said charge sheet may be taken at the earliest and to release his pending funds as early as possible as the same are required urgently to discharge his social liabilities.

**5. Finding of Inquiring Authority:**

The C.O accepted the charges leveled against him, hence, no need to appoint I.O.

**6. Action on the Inquiry reports:** N/A

**7. Submission made by C.O. against the findings of Inquiring Authority.**

: N/A

**9. Financial implication:**

: Nil

10. **Implementation schedule:** :Immediately after the approval of the Council.
11. **Comments of the Finance :** : N.A.
12. **Legal implication:** : N.A.
13. **Details of previous council Resolution:** : N.A.
14. **Comments of the Department on the Comments of the Law Department:** : N.A.
15. **Final View of the Law Department:** :
16. **CVC Advice:** : CVC vide O.M dated 10.12.2012 advised to initiate major penalty proceeding against Shri D.R.Kori, EE(D/S). Further, advised to carry out systematic improvement steps as suggested in their report.
17. **Rule position about quantum of withdrawal of pension:- Under Rule 9 of CCS (Pension) Rule.**

**9. Right of President (Council in this case) to withhold or withdraw pension.**

1. The Council reserves to the right of withholding a pension or gratuity, or both either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave mis-conduct or negligence during the period of service, including service rendered upon re-employment after retirement:

Provided that the Union Public Service Commission shall be consulted before any final orders are passed:

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of rupees three hundred and seventy-five (Rupees Three thousand five hundred from 1.1.2006) per mensem.

**It means that :-**

**(1) Pension can be withdrawn in full by the Council on account of mis-conduct.**

**(2) If part pension is withdrawn then it can not be reduced below rupees three thousand five hundred.**

#### **18. COMPETENCY OF THE COUNCIL**

As per Resolution No. 2 dated 29.06.1973 read with Reso. No. 12 dated 27.07.1973 and section No. 416 of NDMC Act, Council is vested to exercises the power of President in disciplinary matters.

(Any withdrawal of pension can be made with the approval of the President (in case of NDMC employee, power is vested with Council) under the CCS (Pension) Rules and also only in case of disciplinary case of grave misconduct.)

#### **19. Recommendation:**

Council is to impose withdrawl/reduction in pension of NDMC retired employees. Accordingly, matter is placed before the Council to take a decision on suitable cut in pension of Sh. D.R.Kori, EE(Elect.) (Retired).

#### **COUNCIL'S DECISION :**

Considering the facts of the case in totality the Council unanimously resolved to impose a penalty of 5% reduction in pension for a period of one year on the charged officer, Sh. D.R. Kori, EE (C/S) (Elect.) (Retired on 31.12.2012).

Annexures 39 pages

137 – 175





















































































Annexure ends

**ITEM NO. 13 (S-06)**

1. **Subject:** **Major penalty proceedings initiated against Sh. Chattar Singh, Jointer 1<sup>st</sup> Grade, (Retired on 31.12.2008), Electricity Department, NDMC, New Delhi.**

2 **Name of the Department:** **Vigilance Department**

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

Major penalty proceedings were initiated against Sh. Chattar Singh, Jointer 1<sup>st</sup> Grade under Rule-14 of CCS(CCA) Rule-1965 vide Memorandum No.16/CH/Vig./Imp./IOV-IV/09 dated 15.04.09 (**Annexure-I See pages 183 - 184**) on a/c of getting the job of Khallasie fraudulently in NDMC on compassionate grounds in 1971 by declaring himself as the son of Late Shri Kirpal Singh. Shri Kirpal Singh was working in NDMC as a Mistry. Further, an enquiry was conducted into the charges framed against him on his denial of the same. The I.O submitted his findings dated 15.03.10 holding the charges framed against Shri Kirpal Singh as 'proved'. Personal hearing was granted by the Chairman/Disciplinary Authority on 21.07.10 and his entire pensionary benefits were permanently held vide order vide dated 17.09.10. The C.O has filed an appeal before the Appellate Authority/Hon'ble L.G. against the penalty order dated 17.09.10 passed by the Chairman/Disciplinary Authority, NDMC. The L.G office has conveyed that "NDM Council is vested with the powers of President of India in cases of Vigilance matter. In that case it needs to be considered that the penalty imposed by Chairman, NDMC, holding the entire pensionary benefits payable to Shri Chattar Singh, permanently, under Rule 9 of CCS(Pension) Rules 1972 is ultra vires. Hence, it has been desired to seek comments of NDMC on the legality of the impugned order of Chairman, NDMC, and if ultra vires, why the appeal may not be disposed by Hon'ble Lt. Governor, setting aside the impugned order and remitting the case to NDM Council for taking a view as done in the case of Sh.S.C.Ahuja, DEO & two cases of Sh.A.R.Dhawan, Assistant Engineer."

4. **Details of the case**

While working as Jointer First Grade, NDMC, New Delhi, during the period 1971-2008, Sh. Chhattar Singh has failed to maintain absolute devotion to duty in as much as:-

He got the job of Khallasie in NDMC on compassionate ground in 1971 fraudulently by declaring himself as the son of late Shri Kirpal Singh who was working in NDMC as a Mistri. Thus, it is evident that Sh.Chattar Singh has secured the job on compassionate ground by knowingly submitting a false affidavit.

The above act on the part of Sh. Chttar Singh S/O late Sh. Kirpal Singh, Jointer First Grade, M/N Division, Electricity Department, NDMC amounts to gross misconduct unbecoming of municipal employee and he has, thus, violated the provisions of Rule 3 of CCS (Conduct) Rules-1964.

**(ii) Statement of imputation of misconduct (Annexure-II See page 185)**

While working as Jointer First Grade, NDMC, New Delhi, during the period 1971-2008, Sh. Chhattar Singh has failed to maintain absolute devotion to duty in as much as:-

Sh.Chattar Singh S/O late Sh. Kirpal Singh was appointed as Khallasie on compassionate ground on 6.10.1971 vide office order No.183/Estt./Elect./Part IV/3378/EC V dated 27.10.1971 on the death of Sh.Kirpal Singh who was appointed as Mistry in NDMC. Sh.Chattar Singh had declared his father's name as Late Sh.Kirpal Singh in the attestation form and in affidavit dated 24.9.1971 which was submitted for date of birth at the time appointment. Smt. Rani Devi W/O late Sh.Kirpal Singh vide letter dated 20.7.2007 informed his office that Sh.Chattar Singh has secured the job on compassionate ground by declaring himself as a son of Sh.Kirpal Singh who expired in 1971. Smt. Rani Devi also stated that Sh.Chattar Singh is son of her husband's elder

brother named Sh.Jandu. To verify the authenticity of the complaint, Smt. Rani Devi was called in Vigilance Department and she visited this office along with her two sons for recording her statement. Sh.Chattar Singh had taken her thumb impression on some papers for settlement of pensionary benefits. At the time of the death of her husband, her children were of age 10 years, 7 years, 3 years age and small son was of 15 days. At that time, she could have served the Municipal service. She also submitted the photocopy of identity card issued by election commission, photocopy of ration card and the statements of her two sons also. Sh.Pyar Singh Rana S/O late Shri Kirpal Singh had stated in his statement that he came in this office with his mother Smt.Rani Devi and statement given by her was recorded before him which is correct. Sh.Chattar Singh is his father's elder brother's son (Tau Ka Ladka). Statement as above given by Sh.Pyar Singh and stated that he was 7 years old at the time of death of his father. During scrutiny of the personal file of Sh.Chattar Singh, a telegram has been seen at page 119 of personal file and (page 34) of Vigilance files intimating the death of the mother of Sh.Chattar Singh . Accordingly, he had availed leave for 15 days w.e.f. 3.11.1978 to 17.11.1978 on account of the death of his mother. Thus, it is evident that Sh.Chattar Singh has secured the job on compassionate ground by submitting a false affidavit.

The above act on the part of Sh. Chttar Singh S/O late Sh. Kirpal Singh, Jointer First Grade, M/N Division, Electricity Department, NDMC amounts to gross misconduct unbecoming of municipal employee and he has, thus, violated the provisions of Rule 3 of CCS (Conduct) Rules-1964.

#### **8. Action on Charge-sheet**

He denied the charges leveled against him Vide his defence (**Annexure-III See pages 186 - 194**) and further stated that his parents left for heavenly abode when he was a tender at the age of 10-12 years. The cremation and other religious functions were performed by his

paternal uncle-chacha Sh.Kirpal Singh and Smt. Rani Devi. As they were having the joint family so his paternal uncle namely Sh.Kirpal Singh (since deceased), who was working in the NDMC department and his wife namely Smt. Rani Devi, adopted him as his son after the death of his parents and brought him to Delhi. Thereafter, all his relatives and community treated him as their son for all intents and purposes. Subsequently, he was also appointed in the year 1969 in the NDMC department on the post of Khallasi at Muster Roll basis. At time of appointment Sjh.Kirpal Singh entered his name in the father's column of his muster roll sheet. In the same year he was married and Sh.Kirpal Singh and Smt. Rani Devi acted as his parents in the ceremonies and ritual of the marriage. In 1971 Sh.Kirpal Singh while working as Mistry in NDMC expired leaving behind his wife (i. e. his adoptive mother) himself, four minor sons aged about 10 years, 7 years, 5 years, and 15 years respectively and one minor daughter of 3 year age. It is evident from the facts and circumstances that his mother was the only person in the family, excluding him, who could have been appointed on compassionate ground in order to earn the bread for the entire family. However, his mother decided that he should be appointed to the said post and she would stay at home with the minor children in order to sub serve the interest of the family. Consequently, he was regularized on the post of khallasie on compassionate ground due to death of his adopted Sh.Kirpal Singh on complaint given due to the death of his adoptive father Kirpal Singh and as per the requirement of law at that point of time three government servant become his guarantor. Out of these three persons two were working in the NDMC and one was employed in Delhi Electrical Supply Undertaking. The said employee in the DESU department was his adoptive mother's brother i.e. Smt. Rani Devi's brother. He also deposited Rs.170.70 paise as a security to the department. Therefore, his appointment was purely with the consent of his mother as well as other family members. Rather following the advise of his family members that he was so appointed on the death of Sh.Kirpal Singh who was appointed as Mistri in NDMC as Khalasi on 6.10.1971 vide Office order dated 27.10.1971.

Accordingly, Sh. Diwakar Qudeshia, AAO (SM) was appointed as Inquiring Authority to inquire into the charges leveled against him vide order dt.27.05.2009 (**Annexure-IV, See page 194**) of the Chairman as Disciplinary Authority, NDMC.

#### **9. Finding of Inquiring Authority**

The Inquiring Authority submitted its report dt. 15.03.10 (**Annexure- V, See pages 195 - 198**) by analyzing the case as per the charges as follows:

In his statement, Sh.Chattar Singh did not accept all the charges while working as Jointer 1<sup>st</sup> Grade, NDMC, New Delhi, during the period 1971-2008. Sh.Chattar Singh has failed to maintain absolute devotion to his duties in as much as that he got the job of khallasie in NDMC on compassionate ground in 1971 fraudulently by declaring himself as the son of Late Sh.Kirpal Singh who was working in NDMC as a Mistri. Thus, it is evident, that Sh.Chattar Singh has secured the job on compassionate ground by knowingly submitting a false affidavit. From the statements of Sh.Chatter Singh and Smt. Rani Devi W/O Late Sh.Kirpal Singh, it is quite clear that above act on the part of Sh.Chatter Singh, Jointer 1<sup>st</sup> grade, NDMC amounts to gross misconduct on his part unbecoming of a municipal employee and he has thus, violated the provision of Rule 3 of the CCS (Conduct) Rules 1964 MC, hence, charges against CO have been "Fully Proved".

#### **10. Action on the Inquiry reports**

The finding of the Inquiring Authority was accepted by the Chairman as original Disciplinary Authority and conveyed to the C.O. vide letter dated 20.04.2010 (**Annexure-VI, See page 199**).



**11. Submission made by C.O. against the findings of Inquiring Authority.**

He, vide his representation dated 19.05.10 (**Annexure-VII, See page 200 - 206**) has stated that the applicant's parents left for heavenly abode when he was a tender at the age of 10-12 years. The cremation and other religious functions were performed by his paternal uncle-chacha Sh.Kirpal Singh and Smt. Rani Devi i.e. the complainant. As they were having the joint family so his paternal uncle namely Sh.Kirpal Singh (since deceased), who was working in the NDMC department and his wife namely Smt. Rani Devi, adopted him as his son after the death of his parents and brought him to Delhi. Thereafter, all his relatives and community treated him as their son for all intents and purposes.

He was also appointed in the year 1969 in the NDMC department on the post of khallasie on muster roll basis for the period of 2 years. At the time of appointment Sh.Kirpal Singh entered his name in the father's column of the muster roll sheet. In the same year he was married and Sh.Kirpal Singh and Smt. Rani Devi acted as his parents in the ceremonies and ritual of the marriage. In 1971, Sh.Kirpal Singh while working as Mistri in NDMC expired leaving behind his wife (i.e. the applicant's adoptive mother) applicant, four minor sons aged about 10 years, 7 years, 5 years and 15 days respectively and one minor daughter of 3 year age. It is evident from the facts and circumstances that his mother was the only person in the family, excluding him, who could have been appointed on compassionate grounds in order to earn the bread for the entire family. However, his mother decided that he should be appointed to the said post and she would stay at home with the minor children in order to sub serve the interest of the family. Consequently, the applicant was regularized on the post of Khallasie on compassionate ground due to the death of his adoptive father namely Sh.Kirpal Singh. As per the law at that point of time three government servants became his guarantor. Out of these three persons two were working in the NDMC and one was employed in DESU. The said employee in the DESU was his adoptive mother's real brother (late Sh.Khem

Singh). He was appointed on compassionate ground in place of Sh.Kirpal Singh only with the consent of Smt.Rani Devi and her brother Khem Singh. It is wrong to say that the applicant had got thumb impression from Rani Devi on blank papers. Rani Devi had given no objection to the NDMC with regard to the applicant's appointment out of her own free will. Rather the applicant was so appointed following the advise of her family members. The Inquiry Officer failed to look into the evidence adduced by the applicant. The applicant is shown as the son of Kirpal Singh in the Ration Card as well as in the Identity card issued by the Election Commission of India. The applicant had also produced a pedigree table of his family which was not looked up by the Inquiry Officer. The Inquiry Officer failed to take into consideration that the complainant Smt.Rani Devi did not file any complaint from the year 1971 (i.e. the date of appointment of the applicant) to 2007. It is highly improbable that the complainant did not know that the applicant was appointed with NDMC. The only reason given by her for making a complaint so late is that only few months back she came to know from one of her relatives that Sh.Chattar Singh is working in NDMC on compassionate grounds on the services of her husband. The complainant has not able to give sufficient reason for making a complaint at such belated stage and on this count alone the complaint deserves to be rejected and the Inquiry proceedings be quashed. The Inquiry Officer failed to consider the settlement letter dt.5.3.2009 which was submitted before the Director (Vig.) on 5.3.2009 which was registered in the department dt.5.3.2009. The complainant Smt.Rani Devi realized her mistake and called a meeting of the family in order to over come the problem which was created by her self. On the advised her elder son Namely Prithvi Singh and in presence of other sons and relatives including one Chandan Singh who is employee of NDMC working as Shift in Charge , Smt.Rani Devi wanted to withdraw the complaint. A copy of the settlement was also produced before the Inquiry officer.

**8. Findings of the Disciplinary Authority (Annexure-VIII See pages 207 - 208 (page 43/N))**

Going through all the related records of the case by Disciplinary Authority it was noticed that Shri Chattar Singh was appointed on compassionate grounds after the death of Shri Kirpal Singh, who was employed in NDMC as Mistry. Shri Chattar Singh had declared himself as the son of late Shri Kirpal Singh in his attestation form as well as in the affidavit dated 24.9.1971 submitted by him as the proof of his date of birth. Whereas the complainant, Smt. Rani Devi has refuted the claim of the CO that he is the son of her husband late Sh. Kirpal Singh and submitted that he had fraudulently secured the job in NDMC on compassionate grounds by declaring himself as the son of her late husband. She has also submitted that the C.O is the son of the elder brother of her late husband Shri Kirpal Singh. The CO himself has also admitted in his reply dated 22.4.2009 submitted in response to the memo dated 15.4.2009 issued to him and subsequently in his written statement dated 27.7.2009 that he is the adopted son of late Shri Kirpal Singh. He submitted that he was adopted by the younger brother of his father on account of untimely death of his parents but he has not submitted any documentary evidence in support of his claim. Examination of the Inquiry report and all other relevant records of the case reveals that the prosecution successfully established by adducing ample documentary evidences that Shri Chattar Singh is the son of elder brother of late Shri Kirpal Singh. Therefore, it has come to the conclusion that C.O had secured the job of Khallasie on compassionate grounds on the death of Shri Kirpal Singh by falsely declaring himself as of his son.

**20. Orders of the Chairman/Disciplinary Authority**

Considering all the facts and circumstances of the case and also taking into account that Sh. Chattar Singh has already retired from the Municipal Service, the Chairman, NDMC, exercising the powers conferred upon him in the capacity of the Disciplinary Authority

under Rule 9(2) (a) of the CCS (Pension) Rules, 1972, **hold the entire pensionary benefits permanently payable to C.O. vide order dated 17.09.2010 (Annexure-IX, See pages 209 - 210).**

**21. Orders of Appellate Authority**

Aggrieved with the orders of the Disciplinary Authority, NDMC, Shri Chattar Singh, C.O filed an appeal **(Annexure-X, See pages 211 - 216)** before the Appellate Authority/Hon'ble L.G.,Delhi who vide order dated 12.3.2013 and 12.7.2013 **(Annexure-XI) (See page 217) & (Annexure-XII) (See page 218)** conveyed that "NDM Council is vested with the powers of President of India in cases of Vigilance matter. In that case it needs to be considered that the penalty imposed by Chairman, NDMC, holding the entire pensionary benefits payable to Shri Chattar Singh, permanently, under Rule 9 of CCS(Pension) Rules 1972 is ultra vires. Hence, it has been desired to seek comments of NDMC on the legality of the impugned order of Chairman, NDMC, and if ultra vires, why the appeal may not be disposed by Hon'ble Lt. Governor, setting aside the impugned order and remitting the case to NDM Council for taking a view as done in the case of Sh.S.C.Ahuja, DEO & two cases of Sh.A.R.Dhawan, Assistant Engineer."

- |   |  |
|---|--|
| <b>22. <u>Financial implication:</u></b>    | Nil  |
| <b>23. <u>Implementation schedule:</u></b>  | Immediately after the approval of the Council. |
| <b>24. <u>Comments of the Finance :</u></b> | N.A.   |
| <b>25. <u>Legal implication:</u></b>        | N.A.   |

26. Details of previous council Resolution: N.A.

27. Comments of the Department on the  
Comments of the Law Department: N.A.

17. Final View of the Law Department

18. CVC Advice: N.A.

**19. Recommendation**

Council is to impose withdrawl/reduction in pension of NDMC retired employees. Accordingly, matter is placed before the Council to take a decision on suitable cut in pension of Sh. Chattar Singh, Jointer 1<sup>st</sup> Grade (Elect.) (Retired).

**COUNCIL'S DECISION**

Considering the facts of the case in totality the Council unanimously resolved to impose a penalty of 5% reduction in pension for a period of two years on the charged officer, Sh. Chattar Singh, Jointer 1<sup>st</sup> Grade, Elect. Deptt. (Retired on 31.12.2008).

Annexures 36 pages















































































Annexure edns

**ITEM NO. 14 (S-07)**

1. **Subject:** **Grant of sanction for initiating Major penalty proceedings against Sh.P.P. Dhanetia, E.E(D/N) (Elect.), (Retired on 31.10.2011), Electricity Department, NDMC, New Delhi.**

2 **Name of the Department:** **Vigilance Department**

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

Major penalty proceedings are to be initiated against Sh.P.P. Dhanetia, E.E(D/N) (Retd.) **under Rule-9 of CCS(Pension) Rule-1972 instituted only for a misconduct or misbehaviour in respect of any event which took place not earlier than four years before the institution of the proceedings** on account of grant of electric load to Dhobis unauthorizedly occupied space at dhobi ghat No.13, Aditya Sadan, Ashoka Road, New Delhi. The case was also sent to CVC for First Stage Advice for issuing the charge sheet to the delinquent servant vide this office U.O. note dated 13.6.2012. CVC vide their O.M No.012/NDM/004-198109 dated 28.12.2012 advised for issuing Govt. Pleasure on Shri P.P.Dhanetia, the then EE(D/N)E, NDMC.

3. **Details of the case:**

While working as Executive Engineer (D/N), Electricity Department, NDMC, New Delhi during the period 2009-2011, Sh. P.P.Dhanetia with connivance of Shri M.K.Poddar, AE(D/N) and concerned dhobis (Dhobi ghat No.13, Aditya Sadan, Ashoka Road, New Delhi) granted electric connection/electric load to them by accepting the recommendations of Shri M.K.Poddar, AE(D/N) in the guise of order dated 04.08.10 passed by Hon'ble High Court in WP(C)4860/2010 and CM No.9602/2010 titled as "Rajak Navyuvak Sangh" Versus NDMC, without obtaining opinion of Law Department in Court matter and without consulting Welfare Department, NDMC and without examination of applications/documents filed by the dhobis in the year 2008 and concealing the

fact that licenses of Dhobis were going to expire just within 15 days or so and none of the dhobis had filed fresh applications pursuant to aforesaid orders of High Court by which the prayer of the concerned dhobis to grant individual electricity connection to each of the members who have the license to operate at various dhobis ghats had been accepted and it was ordered to grant electric connection on the condition if applicant fulfilled the parameters for grant of electric connection and clearance of arrears, if any.

"The Chairperson/Disciplinary Authority vide order dated 11.1.13 has given approval to issue the charge sheet to Shri P.P.Dhanetia, EE(Elect.) (Retd.) in addition to sent a note of disagreement to CVC in the light of facts of the case."

#### **Article of Charge**

The charge sheet to be issued to Shri P.P.Dhanetia, EE(D/N) (Retd.) after sanction/approval of the Council along with the statement of imputation of misconduct is annexed at **Annexure-I**.  
(See pages 223 - 225)

#### **4. Comments of the Vigilance Department:-**

Advice of the CVC may not be accepted in the light of the fact that charges being of serious nature and have been committed deliberately and granted electric connection to the dhobis whose license had been expired and their request to grant electric connection had been rejected already and not only this, one Shri Shyam Bhadur had been granted electric connection whose license had expired in the year 2008 and further anti date notings were framed. Electric connections so granted at Aditya Sadan dhobi ghat to unauthorized dhobis have already been disconnected and unauthorized dhobis have been removed.

Moreover, CVC is an advisory body constituted under CVC Act, 2003 to tender advice as is evident from the perusal of the contents of the Section 8 (1) (g) of CVC Act, 2003, which reads as under:

### CHAPTER III

#### FUNCTIONS AND POWERS OF THE CENTRAL VIGILANCE COMMISSION

##### 8. (1) The functions and powers of the Commission shall be to-

(g) tender advice to the Central Government, corporations established by or under any Central Act, Government Companies, societies and local authorities owned or controlled by the Central Government on such matters as may be referred to it by that Government, said Government companies, societies and local authorities owned or controlled by the Central Government or otherwise;

Chairperson, NDMC as and in the capacity of the Disciplinary Authority has right to disagree with the advice of CVC, though on genuine grounds which are sufficiently available in this case.

To initiate action, the powers conferred by sub-clause (i) of Clause (b) of sub-rule (2) of Rule 9 of the Central Civil Services (Pension) rules, 1972, the powers for grant of sanction/approval for initiation of disciplinary proceedings against a retired employee are vested with the **President** and as per Rso.No.2 dt.29.06.1973 read with Reso. No.12 dt.27.07.1973 and section No.416 of NDMC Act, **Council** is vested to exercise the powers of President in disciplinary matters.

Accordingly, draft charge sheet for according sanction for the departmental proceedings against Shri P.P.Dhanetia, EE(D/N)E (Retd.) is annexed as **Annexure-II (See pages 226 – 232)** for sanction/approval of the Council.

#### 5. Financial implication:

: Nil

6. **Implementation schedule:** :Immediately after the approval of the Council.
7. **Comments of the Finance :** : N.A.
8. **Legal implication:** : N.A.
9. **Details of previous council Resolution:** : N.A.
10. **Comments of the Department on the Comments of the Law Department:** : N.A.
11. **Final View of the Law Department:** :
12. **CVC Advice:** : CVC vide O.M dated 28.12.2012 advised to Issue Govt. Displeasure on Shri P.P.Dhanetia, the then EE(D/N)E, NDMC (Now retired).

### 13. Rule position:

In exercise of powers conferred by sub-clause (i) of Clause (b) of sub-rule (2) of Rule 9 of the Central Civil Services (Pension) rules, 1972, the powers for grant of sanction/approval for initiation of disciplinary proceedings against a retired employee are vested with the **President** and as per Rso.No.2 dt.29.06.1973 read with Reso. No.12 dt.27.07.1973 and section No.416 of NDMC Act, **Council** is vested to exercise the powers of President in disciplinary matters.

### 14. COMPETENCY OF THE COUNCIL

As per Resolution No. 2 dated 29.06.1973 read with Reso. No. 12 dated 27.07.1973 and section No. 416 of NDMC Act, Council is vested to exercise the powers of President in disciplinary matters.

**15. Recommendation:**

Council is to grant sanction /approval for initiating of disciplinary proceedings under Rule 9 of CCS (Pension) Rule-1972 to conclude major penalty proceedings in accordance with the procedure laid down in Rules 14 and 15 of the CCS (CCA) Rule -1965 against Sh. P.P.Dhanetia, EE(D/N)E, (Retired).

**COUNCIL'S DECISION**

Considering the facts of the case in totality the Council unanimously resolved to express its displeasure on the charged officer, Sh.P.P. Dhanetia, E.E(D/N) (Elect.), (Retired on 31.10.2011).

Annexure 10 pages



















+Annexure ends



**ITEM NO.15 (S-08)**

1. **Sub:** Major penalty proceedings initiated against Sh. Jai Bhagwan, Mistry, (retired on February, 2006).
2. **Name of the Department:** Vigilance Department
3. **Brief History of the subject:** Shri Jai Bhagwan, C&D Mistry, NDMC, was caught red handed while demanding and accepting a bribe of Rs.400/- on 4.10.2005 from Shop No.5, Mohan Singh Place by Anti Corruption Branch and FIR was registered. Major penalty proceeding was initiated against Sh. Jai Bhagwan, Mistry, retired under Rule 14 of CCS (CCA) Rules 1965, vide Memorandum dated 18.8.2006. Inquiry was conducted and I.O. submitted the charges leveled against him as 'proved'. Special Judge has also convicted him and sentenced for one year & six months. He was retired in February. 2006. Memorandum No.56/CH/Vig/Imp/2009/IOV-IV dated 20.11.2009 was sent to Sh. Jai Bhagwan to hold Skelton Inquiry against him. Disciplinary authority gave approval dated 27.11.2009 to withhold the entire pensionary benefits permanently payable to Shri Jai Bhagwan and an order was issued dated 21.12.2009.
4. **Details of the case:**

**Articles of Charge**

While working as C&D Mistry, Commercial Department, NDMC, New Delhi during the year 2005. Sh. Jai Bhagwan has failed to maintain absolute devotion to duty in as much as that:-

Shri Jai Bhagwan, C&D Mistry, NDMC, was caught red handed while demanding and accepting a bribe of Rs.400/- on 4.10.2005 from Shop No.5, Mohan Singh Place by Anti Corruption Branch and FIR was registered.

The above act on his part amounts to gross misconduct unbecoming of a Council/Municipal Servant. He has thus violated the provisions of Rule-03 of the CCS (Conduct) Rules, 1964".

**5. Findings of Inquiring Authority**

Inquiry was conducted and Inquiring Authority concluded the charges vide Letter dated 28.08.09 leveled against Sh. Jai Bhagwan, C&D Mistry as '**Proved**'.

**6. Submissions made by C.O. against the findings of Inquiring Authority**

N.A.

**7. Findings of the Disciplinary Authority**

The Disciplinary Authority, vide his note dated 27.11.09 (**Annexure-I**) (**See pages 237 - 238**), after having gone through all the records noticed that occupant of the Shop No.5, Mohan Singh Place had approached the ACB, GNCT of Delhi on 04.10.2005 and reported about the demand of illegal gratification by Shri Jai Bhagwan, C & D Mistry, NDMC from him in consideration not to disconnect the electric supply to his shop. He also informed the ACB about the receipt of an electricity bill having due date in August, 2005 for paying the same. Accordingly, the ACB had organized a trap and caught Shri Jai Bhagwan red handed while demanding, obtaining and accepting of Rs.400/- as illegal gratification from the complainant in the presence of punch witnesses. The tainted money was also recovered from his possession and accordingly, an FIR was registered against him and he was arrested by the ACB. The Disciplinary Authority further observed that Shri Jai Bhagwan had been held guilty of the charges framed in the chargesheet and convicted under sections 7&13(2) of the Prevention of Corruption Act, 1988 by the Hon'ble Court of Law and hence he deserves to be dismissed from the municipal service under Rule 19 of

the Central Civil Services (Classification, Control and Appeal) Rule 1965 despite the fact that his appeal filed against the order of the lower has been admitted by the High Court as the penalty order has not been set aside so far. However, considering the facts that he has already attained the age of superannuation, the imposition of penalty of "Dismissal" upon Shri Jai Bhagwan is not possible.

**8. Orders of the Chairman/Disciplinary Authority**

Keeping in view all the facts and circumstances of the case a penalty of "withhold the entire pensionary benefits permanently payable to Sh. Jai Bhagwan was imposed by the Disciplinary Authority/Chairman, NDMC vide order dated 21.12.09 (vide office order dated 30.12.09) **(Annexure- II, See pages 239 - 240).**

**9. Orders of Appellate Authority**

Aggrieved with the orders of the Disciplinary Authority, NDMC, Sh. Jai bhagwan, the CO, filed an appeal **(Annexure-III, See pages 241 - 261 )** before the Appellate Authority/Honb'le Lt. Governor Delhi, who, vide order dated 11.03.13 **(Annexure-IV, See pages 262 – 263 )**, desired to seek comments of NDMC on the legality of the impugned order of Chairman, NDMC, and if ultra vires, why the appeal may not be disposed by Hon'ble Lt. Governor, setting aside the impugned order and remitting the case of NDMC Council for taking a view as done in the case of Sh. S.C. Ahuja, DEO & two cases of Sh. A.R. Dhawan, Assistant Engineer.

**10. Financial implication: Nil**

**11. Implementation schedule:**

Immediately after the Agenda is accorded by the Council.

12. **Comments of the Finance:** N.A.
13. **Legal implication:** N.A.
14. **Details of previous Council Resolution:** N.A.
15. **Comments of the department on the comments of the Law Department:** N.A.
16. **Final view of the Law Department:**  
L.A. has advised dated 16.08.2013 "May be placed before the Council. Has no legal issue pl."
17. **CVC Advice:** Not required
18. **Rule position about quantum of withdrawal of pension:-**  
**Under Rule 9 of CCS (Pension) Rule.**

**9. Right of President (Council in this case) to withhold or withdraw pension.**

1. The Council reserves to the right of withholding a pension or gratuity, or both either in full or in part, or withdrawing a pension in full or in part, whether permanently or for specified period, and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement:  
Provided that the Union Public Service Commission shall be consulted before any final orders are passed:

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of rupees three hundred and seventy-five (Rupees Three Thousand Five Hundred from 01.01.2006) per mensem.

**It means that:-**

- (1) Pension can be withdrawn in full by the Council on account of misconduct.**
- (2) If part pension is withdrawn then it cannot be reduced below rupees three thousand five hundred.**

**19. Competency of the Council:**

As per Resolution No.2 dated 29.06.1973 read with Reso. No.12 dated 27.07.1973 and Section No.416 of NDMC Act, Council is vested to exercises the power of President in disciplinary matters.

(Any withdrawal of pension can be made with the approval of the President (in case of NDMC employee, power is vested with Council) under the CCS (Pension) Rules and also only in case of disciplinary case of grave misconduct).

**20. Recommendation:**

Council is to impose withdrawal/reduction in pension of NDMC retired employees. Accordingly, matter is placed before the Council to take a decision on withdrawal/reduction in pension of Sh. Jai Bhagwan, C&D Mistry (Retired), NDMC, New Delhi.

**COUNCIL'S DECISION**

Considering the facts of the case in totality the Council unanimously resolved to impose a penalty of 5% reduction in pension for a period of one year on the charged officer, Sh. Jai Bhagwan, Mistry, (retired on February, 2006).

Annexure 27 pages

























































Annexure ends



**COMMERCIAL DEPARTMENT**

**Addendum to Item No. 9 bearing the name, "Rationalization of Water Tariff in respect of dhobi ghats in NDMC area" to be placed before the Council in its ordinary meeting to be held on September 4, 2013.**

**Further comments of Finance Department on the subject :**

(to be added in Para/Point No. 7 of the captioned item)

The Department may place this proposal before the Council for a decision to be taken in the matter. As per the statistics provided by the department such a rate rationalization will bring down the billing by 76% and, therefore, caution has to be exercised. Finance Deptt. suggests that the following should be kept in view :-

- (i) Parity in tariff with other local bodies such as MCD, DJB etc. may be kept in view before finalization of the proposal.
- (ii) Cost of water supply expenses and cost of disposal of sewerage including O&M charges accruing to NDMC should be taken into account while recommending any revision, in order to ensure that the revised rate does not result in NDMC suffering a deficit over actual expenditure being incurred on water supply.
- (iii) Keeping in view the low realization percentage of revenue in comparison to the bills raised (in the previous 4 financial years, which is in the range of 13.73% to 21.93%), if the Council feels that it is appropriate to rationalize the rates as a welfare measure no exemption/relaxation should be given in the arrears due till date & liquidation of the previous demand should be made a pre-condition.

**Further comments of the Department on the comments of Finance Deptt. :**

(to be added in Para/Point 8 of the captioned item)

The comments of Finance Department are placed before the Council for its decision on the rationalization of water tariff in respect of dhobi ghats in NDMC area.

Chairperson has seen.

Sd/-

**(Geetika Sharma)**

**Director (Commercial)**

**ITEM NO. 16 (N-01)****1. Name of the subject/project**

Annual Estimate for the Maintenance of Parks and Gardens 2013-14.

**2. Name of the Department/Departments concerned**

Horticulture Department, NDMC

**3. Brief history of the subject/project**

NDMC maintains public greens of approximately 1100 acre area within its jurisdiction which comprise of Gardens, Colony Parks, Roadside Trees, Roundabouts, School greens, Greens of NDMC office, markets and residential complexes, open green spaces etc. Being the capital of the country, it is necessary to properly maintain the greens in the best of shape. The provision of necessary/relevant items and activities is therefore made in this proposal.

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

A Preliminary Estimate amounting to Rs. 963 lacs has been prepared by the department for meeting the annual maintenance requirements of various parks, gardens and other green areas. The said estimate includes provision of payment of unfiltered water charges to CPWD, adjustment of Electric/Water charges raised by the commercial Department, transfer entries from Civil & Health of NDMC, Payments to casual laborers/Drivers/DEO, Purchase of Cow dung manure/good earth/jamuna sand, inorganic & organic manure, fertilizers, Robber Hose Pipe, Polythene bags, landscaping materials, Procurement of Indoor/outdoor plants, seeds bulbs, seedlings, turf grass, earthen/RCC Pots, Perimeter fencing, Hiring of water tanker/Tempos/ JCB, Provision for Disaster Management, Research & Development Training, repair of Tools & Plants, machinery, The department also runs a School of Gardening for training to gardeners, Maintenance of temporary green house, Provision of safety jackets, towels and soaps, fixing name plates & boards basic amenities like drinking water cooler etc. Telephone bills, Caution tapes, Sundries, Special maintenance of RCR

Complex/CP/Palika Kendra/satya sadan, Provision of bouquets/garlands/cuts flowers and floral decoration at different occasions. Organizing flower shows for which adequate budget provision has been kept.

**Finance Department agreed for Rs.963 lac (Rupees nine crore sixty three lac Only).**

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

Rs.963 lac (Rupees nine crore sixty three lac only).

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

Not applicable being works of regular and emergent nature taken up for annual maintenance of greens during the year 2013-14.

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

**Diary No.649/Finance/R-Hort dated 08.05.2013**

1. Supporting documents showing the actual consumption/ expenditure have not been placed on record. Actual expenditure of last year may be mentioned against each item as the estimate is stated to be based on experience/previous consumption. In case of abnormal increase, reasons/justifications of the same may also be stated.
2. A provision of Rs.205 lac has been proposed for transfer entries and Rs.50 lac for payment to CPWD for unfiltered water supply bills. This may be justified as all the works/supplies related to these TEs should form part of relevant item(s) in the estimate.
3. Provision amounting to Rs.334.52 lakh for casual labour, LMV-HMV drivers, Data Entry operators and casual labour in addition to existing regular strength needs proper justification.
4. Under item No.4 "Hort. inputs/material", the measurement sheets/worksheet have not been found placed on record to justify the quantities as per norms/actual consumption.
5. Provision for augmentation of irrigation network may be deleted from item No.7 as the same cannot be taken under AR & MO works.

6. Due justification for hiring of water tankers, vehicles and JCB in addition to vehicles available with the department may be brought on record.
7. Provision for Rs.28.5 lac has been kept for petrol, CNG. The department bringing on record actual expenditure incurred during previous year may ensure and certify that this item will not form part of any other estimate.
8. Details of scope of work under item No.9.4 "maintenance and operation of School of Gardening" may be brought on record. Only the component relating to annual repair and maintenance may be retained in the instant estimate.
9. Sundries vide item No. 12 may be justified with reference to norms for annual maintenance by CPWD keeping in view the huge provision kept under miscellaneous items.
10. The department justifying the provision of Rs.15 lac under item No.13 for Satya Sadan, RCR complex, CP/Palika Kendra under Special Maintenance may ensure that the same is not for works of original nature.
11. Provision considered in item No. 14 & 17 are similar and proposed expenditure of Rs.33 lac needs due justification.
12. Disaster Management (Item No.9.2), flower shows, (item No.16) do not directly connected to AR & MO works and taken up as separate schemes.
13. Items taken on lump sum basis may be quantified on the basis of quantities consumed during last three years.
14. The provision of contingency is not considered in any AR & MO works estimates in NDMC. In this estimate, main component is of casual labour and sundries have been kept to meet miscellaneous expenditure and therefore, provision for contingencies needs to be deleted.
15. Actual expenditure during last three years against respective budget provision may be brought on record. Previous year's approved estimate amounting to Rs.440 lac may be added for reference.
16. Cost Index/Cost escalation on DSR/MR/LAR need be indicated. Date/Period of MR/LAR be mentioned.
17. Being statutory provision, issue of Labour Cess be addressed.
18. Detail for credit of dismantled material/items be provided.

**Diary No.1317/Finance/R-Hort dated 05.08.2013**

1. The department is advise to reconsider their proposal and restrict proposed estimate to actual expenditure of previous year or average of expenditure incurred during last three years.
2. Fund amounting to Rs.450 lac has been stated available in the budget 2013-14 while the proposed estimate has been submitted for Rs.963 lac. The department may ensure the preparation of estimate as advised at Sr. No. 1 above and also provide confirmation for allocation of funds under re-appropriation showing matching savings or additional funds as the case may be from budget department.

**8. Comments of the department on comments of Finance Department**  
**For Diary No.649/Finance/R-Hort dated 08.05.2013:-**

1. The details showing in actual expenditure during the year 2013-14 has been placed in the file as per P-63/C.
2. As regards the provision of Rs.205 lac for transfer entries, it is stated that out of Rs.205 lac a provision of Rs.200 lac was kept for water and electricity charges which is based on actual expenditure during the last year plus 10% enhancement. Further, a provision of Rs.7.5 lac has been kept for transfer entries of other NDMC's departments i.e. Health/Water Supply/Civil Department etc. which is also based on last year's actual expenditure. It is further mentioned here that these expenditures were not form part of any other item in the estimate as one item No.7 i.e. provision for repair of submersible motors, maintenance of pumps and motor augmentation irrigation network, amounting to Rs.5.50 lac have been deleted from the estimate. Regarding Rs.50 lacs for payment to CPWD for un-filtered water supply bills, this is regular feature for which payment is being made every year.
3. The detailed statement justifying the provision of casual labour, LMV/HMV drivers, Data Entry Operators has been placed in the file as per Page-46/C. As regard increase in no. of days upto 320 days, it is stated that during the previous year when 270 days were taken the department had faced a lot of difficulty in maintaining the greenery during the non-availability of Casual Labour. Therefore, it is essential that the labour be deputed for 320 days by giving the minimum/usual break.

4. As regard the horticulture input material the measurement sheet/work sheet has already placed in the file vide Page-42-43/C.
5. Needful done please.
6. The detailed justification for hiring of water tanker/vehicles and JCB against the existing strength is placed in the file as per Page-46/C. Further, it is also informed that the provision for hiring of water tankers has been raised from 12 to 17 tankers; accordingly the estimate has been modified.
7. As regards the consumption of petrol/CNG, it is stated that during the last year an amount of Rs.25 lac has been incurred on these items. Further it is also certified that these items will not form part of any other estimate.
8. The provision kept vide item No.9.4 i.e. "Maintenance and operation of School of Gardening" is comprising of the activities for maintenance and operation fo School. These activities contains all basic arrangements like preparation of pamphlets, designing of course modules, printing of reading materials, purchasing of material for practical training, honorarium etc. This also includes the local as well as institute tours to the Group D staff for enhancing their skills. This also includes the day to day maintenance of the school building to have the effective learning environment.
9. As regards the sundries taken vide item No.12, it is stated that an amount of Rs.15/- is quite jhustified as the amount of Rs.5/- in the CPWD Manual is insufficient for day to day maintenance required by the department, being the VIP area. The same is also justified by the Horticulture advisory committee in the recent meeting held in the chamber of Secretary NDMC.
10. As regard the provision of rs.15 lac towards item No.30 for Satya Sadan, RCR Complex, CP/Palika Kendra under special maintenance, it is certified that the provision is kept for special maintenance only and not for original works.
11. The provision kept vide item No.14 is for performing the activities like decoration of various statues within NDMC area, various school functions, various inaugurations/stone laying functions and other important/urgent functions of various departments of NDMC on the directions of Higher Authorities. Whereas the provision kept against item No.17 is relating to the decoration/floral arrangement on the various National events like Republic Day, Independence Day and International events like INDIA-ASEAN, brics summit, Welcoming The Foreign Delegates etc. Therefore, both the two

items does not relate to each other. Hence, the provision is kept separately for these items.

12. The provision kept for disaster management is purely a part of AR & MO works as the disaster management meant for establishing a temporary control room during the rainy season for attending the day to day emergent complaints of the residents during day and night. Further the flower show is also a part of AR & MO activities as the flower show is organized to motivate the staff/workers for giving their best performance at site as well as to encourage them to work hard.
13. The items taken on Lump Sum basis are very difficult to be quantified as these items are basically need based items for which the quantity cannot be predetermined. Therefore, these items may continued to be kept on lump sum basis as also done in the previous year.
14. Regarding provision of contingency it is stated that rest of the component other than labour is to be procured through open tendering system, in which contingency is taken into account to meet the cost of advertisement, hike in labour wages etc. Moreover, there are certain unforeseen expenditures such as payment against court order etc. which are also to be made time to time, so the same may be considered please.
15. Added in the file as per page-63/C.
16. Regarding inclusion of 14% C.I. on DSR 2012, it is submitted that necessary office order is added in the file as per page – 61/C. Regarding MR/LAR the rates has been taken of the period October 2012 and no cost escalation has been taken in the estimate, as the rates are not very old one.
17. Regarding charging of labour cess, it is submitted that for the works being executed through work contract, the necessary labour cess being deducted while making the payment and further got deposited in the concerned department.
18. In the Horticulture department most of the works are related to maintain/up-keeping of the greenery in the area. Therefore, dismantle material is not received. However, during the repair of machinery the provision for the small quantity of dismantles items shall be taken against the respective job.

**For Diary No.1317/Finance/R-Hort dated 05.08.2013:-**



The estimate of annual maintenance of Parks and Gardens 2013-14 amounting to Rs. 963.00 Lacs has been prepared and placed in the file which is based on minimum actual requirements. It pertinent to mention here that the road side greens developed during CWG-2010 which were earlier maintained by respective contractors and presently the same are being maintained by the Department itself, which has increased the area of maintenance to a large extent i.e. BHS Road, S.P. Marg, Mother Teresa Crescent, BKS Marg, Madhav Rao Scindhia Marg, Tees January Road, Aurangzeb Road, Moti Lal Nehru Marg, Akber Road, Mandir Marg, R. K. Ashram Marg, Park Street Road, Maulana Azad Road, Feroz Shah Road, Tuglak Road, Amrita Shergill Marg, Prithivi Raj Road, Subramanian Marg, Inner/Outer Circle Road, Ashoka Road, Jaswant Sinha Marg etc. Therefore; the maintenance expenditure has increased due to engagement of casual labour, water tankers/tempo, consumption of petrol, rate of Petrol/Diesel, input materials, labour rate etc.

The estimate has been prepared as per the minimum actual requirement and on the basis of the experience of the Department. This is the bare minimum requirement and the horticulture area cannot be maintained as per standard of NDMC on the lesser amount than the estimated amount. Casual manpower has been taken as per the policy of the department after adjusting the regular sanctioned strength/man in position and this is also the bare minimum requirement to maintain the area. The Department also undertakes that proper accounts of expenditure on each item in the estimate will be maintained during this year and next year, the estimate will be processed on the basis of actual item wise expenditure. It is again certified that this estimate has been prepared on bare minimum essential requirement as advised by Finance Department. This is amounting to Rs. 963.00 Lacs for Maintenance of Parks and Gardens during 2013-14.

Finance Department may like to consider for the concurrence of Annual Estimate of Parks and Gardens during 2013-14 amounting to Rs. 963.00 Lacs (Rupees Nine Crore Sixty Three Lacs Only), please.

## **9. Final views of Finance Department**

Horticulture Department has satisfied itself about the technical, administrative, financial and other aspects relating to the proposal and considers it as an essential requirement. The Annual Estimate of Horticulture Department for maintenance of Parks and Gardens was considered/examined in the light of details brought out by the department and recommendation of Director (Hort.). However the Deptt. will adhere to CPWD OM No.CSQ/68/SE/TAS/CI/2013-14/240-E dt. 27.6.13 w.r.t. Cost Index at the time of preparing DE.

The department may proceed further for placing the case for consideration of Council to accord of AA&ES amounting to Rs.963 lakh.

**10. Legal implication of the subject/project**

It has no legal issue.

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

Estimate for the year 2012-13 as sanctioned by the Council vide item No.07(N-02) dated 25.06.2012.

**12. Comments of the Law Department.**

It has no legal issue.

**13. Comments of the Department on the comments of Law Department.**

No comments.

**14. Final view of Law Department (wherever necessary)**

It has no legal issue.

**15. Certificate by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.**

It is certified that all CVC guidelines will be followed while processing the case.

**16. Recommendation:**

Recommended for according Administrative Approval and Expenditure Sanction to estimate amounting to Rs.963 Lac (Rupees nine crore sixty three lac only) for the work Maintenance of Parks & Gardens during 2013-14. The Deptt. will adhere to CPWD OM No.CSQ/68/SE/TAS/CI/2013-14/240-E dt. 27.6.13 w.r.t. Cost Index at the time of preparing DE.

**17. Resolution:**

Resolved by the Council that Administrative Approval and Expenditure Sanction is accorded to estimate amounting to Rs.963 Lac (Rupees nine crore sixty three lac only)

for the work Maintenance of Parks & Gardens during 2013-14. It is also resolved that further action may be taken by the department in anticipation of confirmation of the minutes by the Council.

**COUNCIL'S DECISION**

Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to `963 Lacs (Rs. Nine crore sixty three lacs only) for the work of Maintenance of Parks & Gardens during 2013-14.

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

**ITEM NO. 17 (N-02)****1. Name of the subject/project**

Annual Estimate for the Maintenance of CPWD Colony Parks and 2013-14

**2. Name of the Department/Departments concerned**

Horticulture Department, NDMC

**3. Brief history of the subject/project**

The CPWD Colony Parks were transferred to NDMC w.e.f. 01.04.2007 on 'as is where is' basis and the Horticulture Department started basic maintenance works to ensure that public residing in these colonies is not inconvenienced. Total 981 parks or 35 colonies including lawns of Shanti Path having the approximate area of 254 Acres excluding open green area of the colonies. Accordingly a proposal was placed before the Council for granting funds for maintenance of these colony parks which the Council approved providing of funds and approval of management plan in its meeting 14.11.2007 vide item No. 16 (N-3). The Council suggested that maintenance works be continued. It has become a continuous process since then.

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

A Preliminary Estimate has been prepared by the department for meeting the annual maintenance requirements of CPWD Colony parks during 2013-14 for 981 CPWD Colony Parks or 35 Colonies including lawns of Shanti Path having the approximate area of 254 Acres excluding open green area of the colonies. The estimate is prepared for 240 Acres based on CPWD Norms and the past experience of Horticulture Department in the maintenance works. The main provision is for engagement of Casual labour in the proposed expenditure as the Horticulture Department does not have malis for maintaining these CPWD Parks by the NDMC. The estimates contain the provision of payment of electricity, transfer entries for store items, Yamuna sand, good earth , cow dung manure & organic / inorganic, seeds, bulbs, . And special maintenance of Shantipath, North Avenue renovation of lawn, purchase of estimate T&Ps, Equipment and machinery for maintenance of greens, power shakti tiller, the green house and roll call shelters.

**Finance Department agreed for Rs.542.97 lac (Rupees Five Crore Forty Two Lac and Ninety Seven thousand Only).**

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

Rs.542.97 lac (Rupees Five Crore Forty Two Lac Ninety Seven Thousand only).

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

Not applicable being works of regular and emergent nature taken up for annual maintenance of CPWD Colony Parks during the year 2013-14.

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

**Diary No.231/Finance/R-Hort dated 15.03.2013**

1. The component of casual work days has been worked out at 465 labour for 320 days. It is revealed from record that provision on the same account for previous year was 270 days. This may be clarified.
2. Inclusion of 10 Nos. drivers is beyond approval of Council. The same may be justified.
3. Chapter 4 of CPWD Maintenance Manual prescribes Renovation of lawn in 5-6 years. Therefore, renovation of law (S.No.2G) taken at 1/4<sup>th</sup> of CPWD area may now be taken at 1/5<sup>th</sup> of area. The quantities for item Nos.2a,c,d may also be reworked accordingly.
4. Details in the DoM sheet may also be worked out on the basis of 1/5<sup>th</sup> of area of CPWD Colony parks wherever applicable.
5. Actual expenditure incurred during last three years against all the items considered in the proposed estimate may be brought on record.
6. Items taken on lump sum basis may be quantified on the basis of quantities consumed during last three years.
7. Sundries as per CPWD norms are chargeable at Rs.5/- per acre per month. The same may be corrected accordingly.
8. Component of contingency may be deleted as the same is not applicable to annual estimate for maintenance.

9. The provision for annual Flower Show is not covered under day-to-day maintenance; the same may be taken against respective HOA and deleted from the proposed estimate.
10. Provision for Rs.5 lac has been kept for petrol, CNG, 2T, mobile oil etc. It may be ensured and certified that this item will not form part of any other estimate.
11. Appropriate budget head and budget provision therein may be brought on record.
12. Status of review of manpower norms approved by Council may also be brought on record.

**Diary No.613/Finance/R-Hort dated 10.04.2013**

1. The labour component for CPWD colony parks was approved as 2 malis per acre and one sweeper per acre. In addition to existing strength, 465 casual labour and 16 sweepers were employed for 270 days in previous year. This year the no. of days has been increased to 320 days and additional strength of drivers (10 Nos.) has been proposed resulting in additional 27250 days and Rs.1.07 crore. The department may work out the labour portion within the provision of Council Resolution in this regard.
2. Actual expenditure for last three years was required to be brought out against each item. The same has not been done. The department may bring out actual expenditure of previous year against each item and for items where lump sum amount has been taken; actual expenditure of last three years may be brought on record.
3. The provision of contingency is not considered in any A/R & M/O works estimates in NDMC. In this estimate, main component is of casual labour and sundries have been kept to meet miscellaneous expenditure and therefore, provision for contingencies needs to be deleted.
4. Regarding Annual Flower Show, the department is advised to seek provision for the same as separate scheme as conducting of flower show is not covered under maintenance of CPWD Colony parks.
5. Estimate is based on DSR/MR/LAR, therefore, department may justify inclusion of 14% C.I. on DSR 2012 as no C.I. has so far been issued by DG (Works) on DSR 2012 and also indicate the date/period for procurement of MR/LAR and clarify, if any cost escalation is taken in the estimate.

6. Indicate how CPWD reimburse the expenditure.
7. Charging of Labour Cess may be indicated.

**Diary No.973/Finance/R-Hort dated 12.06.2013**

1. As decided during Advisory Committee Meeting held on 28.05.2013 in the chamber of Secretary, the estimation is to be done on the basis of actual/actual expenditure of last three years.
  - a) The department may take the average of actual labour used during last three years and the average of numbers of days the labour worked for working out requirement of labour and No. of days for the year 2013-14.
  - b) Similarly, average of actual expenditure incurred during last three years may be taken as basis for proposed requirement of current year and the same may be brought out in tabular form in addition to information at S.No.2/P.45N.
2. Regarding hiring of 10 Nos. casual labour as drivers, it was specifically mentioned in the Advisory Meeting the casual labour cannot work as driver. Agencies have been listed by Delhi govt. for hiring of drivers and NDMC may also hire drivers by a separate scheme against justification.
3. Payment against court orders is not chargeable to AR-MO works. The provision for contingency may be deleted.

**Diary No.1304/Finance/R-Hort dated 19.07.2013**

1. Engagement of casual labour/safai karmchari/drivers amounting to Rs.439 (415.15+14.28+9.85) lac is the major component of the estimate amounting to Rs.542.97 lac. The average of last three years against this item is rs.246.85 lac. IT is not clear why such huge provision has been kept when it was decided to restrict the current year estimate to the 'average amount'.
2. Similar enhanced provisions have been kept for items at SL 3,4,5,6,7,8,12,13,14,15 and 16 and need to be restricted to 'average amount' or actual expenditure of previous year.
3. The provision for casual drivers amounting to Rs.9.85 lac may be deleted as already advised at SL2/P.46N.

The department is advised to reconsider their proposal and restrict proposed estimate to actual expenditure of previous year or average of expenditure incurred during last three years.

**Diary No.1472/Finance/R-Hort dated 23.07.2013**

1. The detail of actual expenditure incurred during last three years is placed at P.28-29/C. the department in its reply at SL 1 has certified that estimate was to be prepared on actual basis. At the same time, it is stated that no. of days for labour have been increased as compared to previous year(s). The total expenditure for 2012-13 is stated to be Rs.446.12 lac while the average of last three years come to Rs.296.45 lac. The estimate for 2013-14 is amounting to Rs.542.97 lac and is quite escalated as compared to last year's expenditure. The escalation holds good for almost all the items of the estimate as may be seen from the detail at P.28-29/C. If the department cannot restrict the proposed expenditure to average of last three years then the deptt needs to restrict it on actual requirement basis within last year estimate and budget provisions also giving proper justification of such required items/quantities.
2. The provision of casual drivers is an addition to the estimate of 2013-14 and did not exist in previous years. The provision of drivers is beyond NDMC norms as has already been advised at SL2/P.41/N and needs to be deleted.
3. The component of contingency was deleted by the department at P.47/N and estimate amounting to Rs.542.97 was forwarded for concurrence whereas at P.49/N estimate inclusive of contingency, amounting to rs.559.25 lac has been submitted for concurrence. The correct position may be brought on record.
4. Fund amounting to Rs.4.50 crore has been stated available in budget 2013-14, while the proposed estimate is more than the available fund. The deptt. may ensure the preparation of estimate as advised in above observations and also provision confirmation for allocation of funds under re-appropriation or addition as the case may be from budget branch.
5. The department is advised to adhere to CPWD norms while calculating the man power requirements. Any aberrations should be pointed out separately with detailed justification & the administrative approval from Secretary be obtained.

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

**For - Diary No.231/Finance/R-Hort dated 15.03.2013**



1. This time the component of casual work days has been taken as 465 casula labour for 320 days against that of 270 days during last year, because it has been practically observed that due to gap in maintenance the greenery is affected and after that break situation becomes worse. As almost the greenery is on rocky/artificially generated space.
2. Regarding the inclusion of 10 nos. of drivers in this estimate, it is clarified that the drivers shall be engaged purely on casual basis on work charge basis to be paid as per notified wages for skilled labour along with required break period.
3. Regarding, renovation of lawn in 5-6 years, it is stated that the area taken 1/4<sup>th</sup> of CPWD Colony Parks is justified as per horticulture norms and the turn for renovation of lawn at Sr. No.1 will automatically come in the 5<sup>th</sup> Year. Department will ensure the same.
4. May be considered as justified in view of 3 above.
5. The total expenditure incurred for M/o CPWD Colony Parks for the year 2010-11, 2011-12 and 2012-13 are 2.74 crore, 2.49 crore and 4.48 crore respectively.
6. The actual expenditure incurred during last year on the items taken on L/S basis has now been mentioned in the estimate for reference.
7. Regarding charging of sundries at Rs.5/- per acre, per month, it is clarified that being VVIP area, it requires intensive maintenance package, so needs more sundry items and the provision of Rs.4.00 lac is same as sanctioned in last year's modified estimate.
8. Regarding component of contingency, it is stated that the contingency is taken to meet certain unforeseen expenditure for which there is no specific provision was kept in the estimate. Therefore, the provision of contingencies may be considered as justified.
9. Regarding taking the provision for Annual Flower show against respective HOA, it is stated that a provision is kept being the Flower show is of revenue expenditure nature and is part of maintenance/up-keep of CPWD Colony park. Further, the Flower Show is organized to give a moral boost to staff working for M/o CPWD Colony Parks.
10. Regarding provision of Rs.5.00 lac for petrol, CNG, 2T Mobil oil etc. it is ensured and certified that this item will not form part of any other estimate.
11. The chart of a/c is 2305125, having budget provision of Rs.4.5 crore as per budget book (A/c).

12. Regarding review of man-power norms it is stated that the same is under consideration with Finance Department.

**For - Diary No.613/Finance/R-Hort dated 10.04.2013**

1. No labor has ever been provided while handing over the CPWD Colony Parks. Further, as per approval of 02 Malis and 01 Sweeper per acre area has been approved, as per same the total no. of casual labours works out to total of 540 casual labour for 180 acres of colony parks area (180x2 Malis + 180x1 Sweeper i.e. total 540 nos.), against which only 481 (465+16) casual labour were sought. Further, the labour was sought on the basis of part year experience/requirement which is essential for maintaining the greenery. As regard increase in no. of days from 270 days to 320 days, it is stated that during the previous year when 270 days were taken, the department had faced a lot of difficulty in maintaining the greenery during the non-availability of casual labour. Therefore, it is essential that the labour be deputed for 320 days by giving the minimum/usual break. Regarding provision of 10 Nos. of casual drivers, it is stated that they are required for watering/irrigation purpose on tractor trolleys, for which no drivers were provided by the department and the same may be considered as a part of casual labour only. The rest of the reason is very same as given in reply by the department as per point no. 1 vide P-42/N.
2. The actual expenditure incurred against each item for last 3 years is brought on record in tabular form

S. No	Particulars/Description of items	Actual Expenditure incurred during last 3 years (Figure in lacs)		
		2010-11	2011-12	2012-13
1	i) engagement of Casual Labour	168	192	352
	ii) Safai Karamchari	-	-	9.85
	iii) Casual Driver	-	-	-
2	a) S/S of sludge & organic/inorganic and okhla sludge	10.2 -	1.85	4.75
	b) Inorganic manure & growth regulator		1.00	0.85

3	S/S of Yamuna sand	4.00	2.50	7.00
4	S/S of Good Earth	0.50	2.50	5.00
5	S/O Insecticide and fungicides	1.00	2.00	2.10
6	S/o PVC Pipes	2.22	4.50	6.00
7	a) Procurement of plant material	4.00	5.5	7.00
	b) Renovation of lawn of 60 acre area	2.00	16.00	30.00
	c) P/o Seeds bulbs, cutting and seasonal flowers etc.	1.00	7.00	1.00
8	a) P/o Earthen pots 12" hand made	0.50	-	1.00
	b) P/o Earthen pots 10" hand made	-	-	0.90
9	Provision for patch grassing	-	-	2.00
10	Provision for repair & maintenance of pump, motor & fountains etc.	-	2.50	0.80
11	Hiring of machinery like JCB	-	2.00	1.12
12	Tree protection measure/R/o tree guard/temporary fencing/bamboo Jeffery & removal of silt, change of soil, manuring & maintenance of trees in CPWD colony open areas and outside the park and petty civil nature work	-	1.00	0.25
- 13	Provision for repair & maintenance of equipments & machinery	0.25	1.00	1.80
14	Special maintenance of shanty path, North Avenue renovation of lawn, top dressing, seasonal flower beds and hedges, ornamental plants etc. i/c manpower	-	-	3.50
15	Purchase of sundries	1.00	2.00	4.20
16	Provision of petrol, CNG, 2T and mobil oil.	1.20	4.00	5.00

The sanctioned estimate for the year 2010-11 was Rs.2.00 crore, for year 2011-12 was 2.50 crore and for the year 2012-13 was 4.50 crore.

3. Regarding provision of contingency, it is stated that rest of the component other than labour is to be procured through open tendering system, in which the contingency is taken into account to meet the cost of advertisement etc. Moreover, there are certain unforeseen expenditures such as payment against court orders etc which are also to be made time to time, so the same may be considered please.
4. As per advise, the provision for Annual Flower Show has been deleted from the estimate and shall be got included M/o Parks & Gardens estimate.
5. Regarding inclusion of 14% C.I. on DSR 2012, it is submitted that necessary office order is added in the estimate file as per P-20/C. Regarding MR/LAR the rates has been taken of the period October 2012 and no cost escalation has been taken in estimate, as the rates are not very old one.
6. Regarding re-imbursement of expenditure from CPWD, it is submitted that the case for re-imbursement of upto date expenditure has been submitted by this branch to higher authorities, which has not been finalized as yet being policy matter.
7. Regarding charging of labour Cess, it is submitted that for the works being executed through work contract, the necessary labour Cess being deducted while making the payment and further got deposited in the concerned department.

In view of above, the modified annual estimate amounting to Rs.559.25 lac duly checked by HDM (Hort) attached at page 21-27/C is against submitted Finance Department for early concurrence please.

**Diary No.973/Finance/R-Hort dated 12.06.2013**

As directed in the Standing Committee meeting held in the Chamber of Secretary on 28.05.2013, Annual Estimate for M/o CPWD Colony Parks during the year 2013-14 based on the expenditure of previous 3 years in a comparative form is placed in the file (P-28-29).

It is pertinent to mention here that during 2012-13; expenditure was incurred amounting to Rs.446.12 lac whereas an amount of Rs.28.80 lac pertaining to 2012-13

(P-30/C) was paid during 2013-14 on various items. So the actual liability incurred on AR\*W&MO CPWD Colony Parks during 2012-13 works out to Rs.474.92 lac.

The position of expenditure incurred on AR&MO CPWD Colony Parks during last three years are as under:-

2010-11	Rs.195.87 Lac
2011-12	Rs.247.35 Lac
2012-13	Rs.446.12 Lac

**For - Diary No.1304/Finance/R-Hort dated 19.07.2013**

1. This to clarify that it was decided to bring up the average amount of last three years on record and the estimate should be prepared on actual basis. Further, it is also informed that the working days for casual labour has been increased in previous as well as in current estimate, because due to gap/break period the maintenance could not be taken up properly resulting which the department has to face pressure from RWA's and area M.P./Ministers during their visits. As evident the last year actual expenditure incurred was Rs.446.12 lacs.
2. In view of Sr. No.1 above, the requirement has enhanced.
3. The advise at SL2/P-46/N for hiring of drivers through the listed agencies shall be complied upon. As these drivers will be deputed against the work of CPWD Colony Parks, the expenditure for same is to be booked under this head.

**For - Diary No.1472/Finance/R-Hort dated 23.07.2013**

1. The estimate has been prepared as per actual requirement and on the basis of the experience of the department. This is the bare minimum requirement and the horticulture area of CPWD Colony Parks cannot be maintained as per the standard on the lesser amount than the estimated amount. There is no sanctioned manpower for the maintenance of CPWD Colony Parks. The department also undertakes that proper accounts of expenditure on each item in the estimate will be maintained during this year and next year, the estimate will be processed on the basis of actual item wise expenditure. It is again certified that this estimate has been prepared on bare minimum essential requirement as advised by Finance Department.

2. There are 16 Nos. drivers available against 33 Nos. of existing vehicles in the department. However; for smooth functioning only a provision of only 10 drivers has been taken in the estimate which is minimum bare requirement.
3. As advised, the 3% contingencies have been deducted.
4. Availability of funds will be ensured before committing liabilities.
5. It has been ensured and certified that manpower taken in the estimate is approved by the council.

Finance Department may like to consider for the concurrence of Annual Estimate of CPWD Colony Parks during the year 2013-14 amounting to Rs.542.97 Lacs (Rupees Five Crore Forty Two Lac and Ninety Seven Thousand Only) please.

#### **9. Final views of Finance Department**

Horticulture Department has satisfied itself about the technical, administrative, financial and other aspects relating to the proposal and considers it as an essential requirement. The Annual Estimate of Horticulture Department for maintenance of Parks and Gardens was considered/examined in the light of details brought out by the department and recommendation of Director (Hort.). However at the time of preparing DE w.r.t. Cost Index Deptt. will adhere to letter No.CSQ/68/SE/ TAS/CI/ 2013-14/240-E dt. 27.6.13 of CPWD Deptt.

The department may proceed further for placing the case for consideration of Council to accord of AA&ES amounting to Rs.542.97 lakh.

#### **10. Legal implication of the subject/project**

It has no legal issue.

#### **11. Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject.**

Estimate for the year 2012-13 as sanctioned by the Council vide item No.06(N-01) dated 25.06.2012.

#### **12. Comments of the Law Department.**

It has no legal issue.

#### **13. Comments of the Department on the comments of Law Department.**

No comments

**14. Final view of Law Department (wherever necessary)**

It has no legal issue.

**15. Certificate by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.**

It is certified that all CVC guidelines will be followed while processing the case.

**16. Recommendation:**

Recommended for according Administrative Approval and Expenditure Sanction to estimate amounting to Rs.542.97 Lac (Rupees five crore forty two lakh ninety seven thousand only) for the work Maintenance of CPWD Colony Parks during 2013-14. The Deptt. will adhere to CPWD OM No.CSQ/68/SE/TAS/CI/2013-14/240-E dt. 27.6.13 w.r.t. Cost Index at the time of preparing DE.

**17. Resolution:**

Resolved by the Council that Administrative Approval and Expenditure Sanction is accorded to estimate amounting to Rs.542.97 Lac (Rupees five crore forty two lakh ninety seven thousand only) for the work Maintenance of CPWD Colony Parks during 2013-14. It is also resolved that further action may be taken by the department in anticipation of confirmation of the minutes by the Council.

**COUNCIL'S DECISION**

Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to `542.97 Lacs (Rs. Five crore forty two lacs ninety seven thousand only) for the work Maintenance of CPWD Colony Parks during 2013-14.

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

**ITEM NO. 18 (A-13)****1. Name of Subject /Project**

De-silting and Rehabilitation of old sewer line in NDMC area.

SH:- Desilting / cleaning of sewer lines by super sucker machine in NDMC area (Phase-III).

**2. Name of the Department / department concerned**

Civil Engineering Department, Sewerage Maintenance Division

**3. Brief history of the Subject / Project**

Sewerage network of NDMC area is a very vast network (approx. 300 Km) which was mostly constructed pre-independence. No major desilting / cleaning work were carried out before start of the cleaning / desilting in the phase-I by modern technique. The Phase-I & II project has been completed covered 43.5 Km and 68 Km. respectively i.e.- 111.5 Km.

The manual entry in manhole more than 5 feet deep has been banned by the Hon'ble Supreme Court of India. Following the decision of Hon'ble Supreme Court of India. In desilting /cleaning phase-III work has been initiated covering 98 Km where in the following areas are considered in continuation of Phase- I & II.

In phase-III the NDMC area / roads/ lanes of sewer lines of different dia i.e. 150mm dia, 200mm dia, 230mm dia & 250mm dia are incorporated in the estimate.

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

Sewer lines of different dia has been desilted / cleaned in phase-I, 43.5 Km and Phase-II 68 km. Further, preliminary estimate for phase-III amounting to Rs.2,27,11,000/- has been processed for desilting of sewer line between 150mm dia to 250mm dia by super sucker machine through contract within the jurisdiction of NDMC area.

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



P.E. amounting to Rs.2,27,11,000/- checked by planning and concurred by Finance Department.

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

The time schedule is as under:-

- |    |                   |                               |
|----|-------------------|-------------------------------|
| 1. | A/A & E/S         | by September,2013             |
| 2. | DE                | by October,2013               |
| 3. | NIT               | by November,2013              |
| 4. | Call of tender    | by November,2013              |
| 5. | Award of work     | by the end of Feb.,14         |
| 6. | Execution of work | 18 months from award of work. |

**7. Comments of the Finance Department on the subject with diary No. & Date.**

The comments of Finance Department are as under:-

1. It is observed that 300 mm and 450 mm dia sewer line has been excluded in the modified estimate. If it was not required for Desilting / cleaning purpose as to why the same was kept in the previous estimate, may be clarified.
2. Earlier department has submitted PE for Rs.3,54,31,500/- and now the instant estimate has been received for Rs.2,27,11,000/-, department may bring on record the reasons for reduction in the amount of estimate whether the scope of work is same or otherwise. PI. clarify.
3. It is observed that desilting of sewer line are also being carried out through separate estimate and annual technical maintenance of SWD drainage by the department respective roads divisions, as such, department may ensure and certify that no part of this estimate has not been executed in any estimate of T/M of sewer line.
4. Technically viability of the proposed work may be recommended by CE (C-III) in the detailed project report.
5. CE(C-III)/SE(PH) may sign the abstract of estimate.  
(This issues with the approval of Director (Finance).

**Vide Diary No. 893/ Finance R-Civil dt. 04.06.2013**

Further, the comments of Finance Department are as under:-

Expenditure has been proposed under HOA : 52-230-50-06 for the proposed work wherein funds are available amounting to Rs.2,02,00,000 in BE 2013-14 while the proposed estimate has been submitted by the department for Rs.2,27,11,000/-. Department may provide confirmation for allocation of funds under re-appropriation showing matching saving or additional funds as the case may be, from the budget department. (This issues with the approval of FA).

**Vide Diary No. 1214/ Finance R-Civil dt. 19.08.2013**

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

The comments of the department on the comments of the finance department are as under:-

1. The quantity of 300mm dia and 450mm dia sewer line is now excluded in the modified estimate as the desilting of these dia sewer line has already been executed in the ongoing work on the desilting of Phase-II.
2. In view of (1) above, the quantities (scope of work) are reduced. The estimate is further reduced as the same is based on current market rates, which are now lower than before.
3. It is ensured and certified that no part of this estimate has been executed in any other estimate against annual estimate of T/M of sewer line in NDMC area.
4. CE(C-III) has given his recommendation as desired by the Finance Department.
5. Now signed.

Further, the comments of the department on the comments of the finance department are as under:-

The observation of Finance Department may kindly be seen. In this connection, it is submitted that the Budget provision of Rs.2,02,00,000/- under CoA 52-230.50.06 is provided for two separate works. Rs.1,02,00,000/- is allocated for "T/M of sewer lines during 2013-14" and Rs.1,00,00,000/- is allocated for "De-silting / cleaning of sewer lines" for the year 2013-14. Therefore re-appropriation of funds is not required. The additional funds for the above referred work will be sought in BE 2014-15.

#### **9. Final views of Finance Department**

The proposal of the department has been examined / considered it in the light of clarification to the observations & recommendation of CE(C-III). Department may further process the case for consideration of the competent authority i.e. Council for grant of A/A & E/S of Rs.2,27,11,000/-. However, department may ensure availability of funds under HOA : 52-230-50-06 before entering into any liabilities for the above cited work.

**Vide Diary No. 1214/ Finance R-Civil dt. 19.08.13**

**10. Legal implication of the subject / project**

Nil

**11. Details of previous Council Resolutions, existing Law of Parliament & Assembly on the subject**

Not applicable

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

Nil

**13. Final view of Law Department (wherever necessary).**

Not applicable.

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

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

**15. Recommendation**

The case is placed before the Council to accord Administrative Approval & Expenditure Sanction for Rs.2,27,11,000/- (Rupees two crore twenty seven lac eleven thousand only) for the work of De-silting and Rehabilitation of old sewer line in NDMC area. SH:- Desilting / cleaning of sewer line by super sucker machine in NDMC area (Phase-III) and accord approval to take further action in the matter in anticipation of confirmation of the Minutes by the Council.

#### **16. Draft Resolution.**

Resolved by the Council to accord A/A & E/S amounting to Rs.2,27,11,000/- for the work of "De-silting and Rehabilitation of old sewer line in NDMC area. SH:- Desilting / cleaning of sewer lines by super sucker machine in NDMC area (Phase-III)".

It is also resolved that the department may take further action in the matter in anticipation of confirmation of the Minutes of the Council.

#### **COUNCIL'S DECISION**

Resolved by the Council to accord administrative approval and expenditure sanction amounting to `2,27,11,000/- (Rs. Two crore twenty seven lacs eleven thousand only) for the work of "De-silting and Rehabilitation of old sewer line in NDMC area. SH:- Desilting / cleaning of sewer lines by super sucker machine in NDMC area (Phase-III)".

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

**ITEM NO. 19 (A-14)****1. NAME OF THE SUBJECT :**

**Purchase of water tankers/trolleys**

**Sub Head:- Supply of 10 nos. water tankers made of stainless steel tank (9 K.L Capacity) for Water Supply Control Room, Kali Bari Marg, New Delhi.**

**2. NAME OF THE DEPARTMENT :**

Civil Engineering Department (Water Supply Division).

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

Currently NDMC water supply control Room is having 10 nos. water tanker along with M.S. tank of 9 KL capacity. The water tankers is supplying water in entire NDMC area. During short supply from D.J.B, High impurities in row water and intermittent electric failure at Delhi Jal Board Plant, a lot of complaints of no water at water supply control room are received frequently. The 10 Nos. water tankers are not sufficient at water supply control room for attending the complaints in entire NDMC area.

It is being observed that M.S water tankers get rusted with Corrosion layer in water tanks which makes it unhygienic and also the life of tanks get reduced. Considering these facts, the matter was discussed with higher officers and as per the advice of competent authority, the case for purchase of new water tanker along with stainless steel water tanks 9 KL capacity is prepared.

In this matter AE(CR) called for budgetary estimate/Quotation through email from Ashok Leyland/TATA Motors/AMW/EICHER/MAN Trucks India Pvt. Ltd.

M/s Ashok Leyland has send budgetary estimate/Quotation.

The Preliminary Estimate has been prepared amounting to Rs.2,98,50,000.00/-including 3% contingency.

**4. DETAILED PROPOSAL OF THE SUBJECT:-**

Since the existing fleet of tankers are not sufficient to meet out the increasing demand of water (supplied through tankers) in NDMC area and most of the time tankers are hired from open market which is not only costly affair but the condition of tanks (from inside) is also not properly hygienic. Hence to provide best available facility to the residents of NDMC area, it is proposed to purchase 10 nos. new water tanker (Ashok Leyland/TATA Motors/AMW/EICHER/MAN Trucks India Pvt. Ltd.) along with stainless steel water tanks 9 KL capacity with estimated cost of about Rs.2,98,50,000.00.

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

Expenditure shall be charged to COA-51-410-50-11 Scheme No.3 Sub-Scheme "01" purchase of water tanker and fund will be sought in RE-13-14 after A/A & E/S accorded by the competent Authority. Total expenditure shall be to the tune of Rs. 2,98,50,000.00.

**6. IMPLEMENTATION SCHEDULE WITH TIME LIMITS FOR EACH STAGE INCLUDING INTERNAL PROCESSING:-**

Preliminary Estimate	-	September 2013
Detailed Estimate	-	One Month after A/A & E/S
NIT	-	Two Months
Award/acceptance of work	-	within Three Months for NIT
Execution	-	8-10 Weeks (As per manufacturer's guidelines)

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

Vide Diary no.1235 dated.28.06.2013.

1. It is observed that Planning has checked the estimate at page-3/N with the condition that observations/queries of the Planning will be attended while submitting the detailed estimate, showing urgency of work while the department has stated that funds will be sought in RE for execution of works. Keeping in view all these facts it is better that planning may check the estimate without any condition. The department may also certify that estimate has been prepared properly and is not an inflated one.
2. Another estimate of purchasing of water tankers of 5 KL capacity amounting to Rs.1,28,20,000/- has been received in FD vide dy.No.1234. Reasons may be brought on record as to why the separate estimate has been prepared when the estimate are of same nature. Department needs to club both the estimate as one estimate or justify the reasons for separate estimate.
3. Proper justification may be brought on record of purchasing of water tankers. The number of existing water tankers along with total requirement as per supply load be brought on record justifying proposed procurement.

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

Vide Diary No.1769 dated.30.08.2013.

1. Since it is a typical type of work and the quotations from all the manufacturers could not be collected/they did not issue the quotations hence the Preliminary Estimate is prepared on the basis of available quotations only. During the preparation of Detailed Estimate it will be tried to get more quotations if possible.
2. Purchase of water tankers and purchase of trolleys are entirely different type of works since tankers are to be procured from manufactures. However, trolleys are fabrication item which none of the manufacturing company fabricated at their own. Hence, both the estimates are considered separately.
3. As already explained total 10 no. water tankers are available with Water Supply Control Room and due to increase in certain demand it is very difficult to cope through tankers. Considering the emergency and in consultation with the then

Chairperson, it is decided to purchase more water tankers which are in the benefits of NDMC consumers.

**9. FINAL VIEWS OF FINANCE DEPARTMENT: -**

Vide Diary No.1769 dated.31.08.2013.

*"The proposal of the department has been examined/considered in the light of clarification to the observations & recommendation of CE(C)-III. Due to the urgency shown by the department may further process the case for consideration of the competent authority for approval of PE amounting to Rs.2,98,50,000/- as proposed & checked by Planning at page-4/N against the COA: 51-410-50-11. However department while preparing DE may ensure that estimate be prepared properly and availability of funds before incurring any liability. At the time of the DE the department will also ensure credit release value of existing tankers."*

Further, it is ensured that DE shall be prepared properly. Regarding credit release value of existing tankers, it is to inform that this estimate is only for purchase of new tankers and the existing MS tankers shall remain with Water Supply Control Room hence the credit release is not required in this case.

**10. LEGAL IMPLICATION OF THE SUBJECT:-**

Nil

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

Nil

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

NA

**13. FINAL VIEW OF LAW DEPARTMENT: -**



NA

**14. CERTIFICATION BY THE DEPARTMENT THAT ALL CVC GUIDELINES HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE:-**

It is certified that all CVC Guidelines have been followed while processing the case.

**15. RECOMMENDATION**

A/A & E/S amounting to Rs. 2,98,50,000.00 (Rupees Two Crore Ninety Eight Lacs Fifty Thousand Only) may kindly be accorded by the Council for purchase of 10 nos water tankers made of stainless steel tank (9 K.L Capacity) for Water Supply Control Room at Kali Bari Marg, New Delhi

**16. DRAFT RESOLUTION**

Council has resolved for A/A & E/S amounting to Rs. 2,98,50,000.00 (Rupees Two Crore Ninety Eight Lacs Fifty Thousand Only) may kindly be accorded by the Council for purchase of 10 nos water tankers made of stainless steel tank (9 K.L Capacity) for Water Supply Control Room at Kali Bari Marg, New Delhi.

**COUNCIL'S DECISION**

Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to `2,98,50,000/- (Rs. Two crore ninety eight lacs fifty thousand only) for purchase of 10 nos water tankers made of stainless steel tank (9 K.L Capacity) for Water Supply Control Room at Kali Bari Marg, New Delhi.

**ITEM NO. 20 (B-03)**

1. **Name of the Subject:** **Estimate for Providing Mechanized Facility Management Services at NDCC Phase-II Block-C**

2. **Name of Department:** Electricity Department

3. **Brief History of the Subject:**

Block-C of NDCC Phase-II building is allotted to VVIP Govt. offices namely Ministry of Home Affairs (M.H.A.), National Investigating Agency (N.I.A.) and Advisor to Prime Minister of India etc. Operation & maintenance of various services including mechanized house keeping work is outsourced to an agency on tendering. The estimate covers the annual cost of maintenance of these services.

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

An estimate amounting to `3,46,58,258/- based on the last approved rate of the subject cited work for annual maintenance contract has been prepared for the following services in Block 'C' of NDCC Phase-II:

- (i) Providing services of 'Mechanized & Automated House Keeping Job' (Including rent for tools & equipment, repair, maintenance & insurance, housekeeping chemicals and consumables & manpower) as per maintenance schedule.
- (ii) Running, maintenance and operation of 'DG Sets' as per the scope of work and maintenance schedule specified.
- (iii) Running maintenance and operation of 'HVAC system' as per the scope of work and maintenance schedule specified.
- (iv) Operation of 'Lifts' as per the scope of work specified.
- (v) Running maintenance and operation of 'Electrical system' as per the scope of work and maintenance schedule specified.

The estimate is consisting of two parts i.e. Part-A comprising the schedule of work, to be done by Facility Management Agency & Part-B consisting of the cost of special repair.

During examination of the case, Finance advised to delete the provision of special repair from this estimate and advised to deal it separately taking into account the approved norms and has concurred the detailed estimate amounting `3,06,77,308/- vide Dy.No.1614/Finance/R-Elect. dated 30/08/13 with the remark that the department may process the case for consideration of competent authority of grant of AA/ES of `3,06,77,308/-.

5. **Financial Implication:** `3,06,77,308/-

6. **Implementation Schedule:** 12 months.

7. **Comments of Finance Department:**

Finance observe as under:

1. Though at P-10/N, Estate department has stated that space from 1<sup>st</sup> floor to 7<sup>th</sup> floor of NDCC Phase-II has been allotted to M/O Home affairs @ of license fee of `232 p.s.ft which includes the maintenance cost, but nothing has been brought on record about realization of license fee. The department is advised to confirm from Estate Department as to whether license fee is regularly being paid, if yes, the total amount of license fee recovered during previous financial year be brought on record.
2. The provision of `38.65 lac kept for Special repair of HVAC Systems, Lifts and Electrical Panels etc needs to be deleted from the estimate as the same cannot be kept in Mechanized Facility Management Services. Moreover, the electrical special repairs in general are whole sale replacement of the wiring/ electrical installations which can be done only after serving of prescribed useful life and keeping in view their working conditions etc. (Provision of chapter 5 of CPWD maintenance manual (copy enclosed) may be referred to.)

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

Before submitting reply to the observation of finance department at P-13/N, it is pertinent to mention here that the subject cited estimate is a "maintenance estimate" of NDCC Phase-II Building, Block-C. It is our primary duty to provide the services to its buildings. It is immaterial to

see that whether other department i.e. Estate is or not getting regular revenue from this building which has been rented out to MHA and other govt. departments. Even if regular revenue is not being received from MHA the services (like house keeping works, maintenance & operation of all services) provided at NDCC Phase-II building can not be stopped. However a note was sent to Dir. Estate-I placed on the file vide No.D/299/EE(E)C-V dated 05/08/13 but information still not received and cannot be wait for that.

It may be noted that subject cited estimate was initiated on 05/04/13 but even after passing of four months the estimate is still under process with finance department to concur in the estimate. After concurrence of this estimate, which is still to be done, the subject cited estimate is to be placed before council for administrative approval & expenditure sanctioned. The council meeting is held once in a month between 20<sup>th</sup> to 25<sup>th</sup> of each of the month. If this estimate is not concurred timely in August 2013 then most probably the estimate will be put up in the next council meeting to be held in September 2013. In that case approx. one month will be left out in the present contract which is going to be expired in 31<sup>st</sup> October 2013. The department is pressing hard for getting it finalized before expiry of existing contract. Since all the services as detailed in the estimate has been out sourced, the department will bound to recommend the extension of existing contract till award of new contract which would not be a healthy practice because the services has to be provided uninterrupted at NDCC Ph-II. However, the parawise replies are as under:-

1. As replied above
2. A provision of special repair of `38.65 lacs have taken in the estimate, in case it is required for smooth running/functioning of system. The prescribed life of the equipments is as under:-
 

(i)	Sub-station equipments (HT/LT panel)	-20 years
(ii)	Lifts	-20 years
(iii)	Central AC Plant	-15 years
(iv)	DG Sets	-15 years

The above equipments/machinery was delivered/installed between 2001 to 2003 and hence useful prescribed life started in the year 2002 however, the completion of the building was recorded in 2010. The useful prescribed life has already been expired approx. 11 years. The provision of special repairs has been taken to keep all the services functioning which are necessary to avoid any incident and by doing special repair as and when required it increases the life of these equipments/machinery.

The provision of Chapter-V CPWD maintenance manual which has been referred by finance department is general guideline when the things are running smoothly and there are small technical fault. There will be no need for replacement of machinery after expiry of useful life if the department repaired these equipments periodically as and when required by taking small component of special repair in the estimate amounting to `38.65 lacs.

In view of position and circumstances explained above and being owner of the premises it is our duty to keep all the services in satisfactorily running condition at NDCC Phase-II building. Finance Department is once again requested to concur in the estimate of `3,46,58,258/- on priority basis so that approval of council is sought in time and fresh tenders are invited and finalized timely.

**9. Final views of the Finance Department:**

Maintenance cost of the building to be recovered from the licensee was fixed @ `30 per sq.ft or actual whichever is higher as per the decision taken in a meeting held on 25.01.2008 (P-26/C). It is therefore needs to be ensured that maintenance cost is recovered from the licensee. The Department may take up this issue separately with the Estate Department.

So far as the instant estimate is concerned, we re-iterated that the provision of Special Repair cannot be kept in Mechanized Facility Management Services and the same need to be deleted. The Special Repair should be carried out against separate estimate taking into account the approved norms in this regard. The case otherwise is examined/considered in the light of clarification to the observation and recommendation of department at P-14-15/N and the estimate cost amounting to `3,06,77,308/- (after deletion of cost of special repair) has been considered for providing Mechanized Facility Management Services at NDCC Phase-II Building Block-C.

Department may process the case for consideration of competent authority of grant of AA/ES of `3,06,77,308/-.

**10. Legal Implication of the subject: NIL**

**11. Details of previous Council Resolution, Existing Law of Parliament and Assembly on the subject: NIL**

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

13. **Final view of Law Department (wherever necessary) – Nil**

14. **Certificate that all CVC guidelines have been followed, while processing the case:**

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

15. **Recommendation:**

Detailed estimate for the work of Providing Mechanized Facility Management Services at NDCC Phase-II Block-C amounting to `3,06,77,308/- be placed before the Council for according administrative approval and expenditure sanction.

16. **Draft Resolution:**

Resolved by the Council to accord administrative approval and expenditure sanction to the detailed estimate, amounting to `3,06,77,308/- for the work of Providing Mechanized Facility Management Services at NDCC Phase-II, Block-C. Approval is also accorded to invite tenders in anticipation of the confirmation of minutes of the Council meeting.

### **COUNCIL'S DECISION**

Resolved by the Council to accord administrative approval and expenditure sanction to the detailed estimate, amounting to `3,06,77,308/- (Rs. Three crore six lacs seventy seven thousand three hundred eight only) for the work of Providing Mechanized Facility Management Services at NDCC Phase-II, Block-C.

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



**ITEM NO. 21 (S-09)**

1. **Subject:**        **Adoption of Integrity Pact in tendering matter in NDMC.**
2.     **Name of the Department:**     **Vigilance Department**
3.     **Brief History of the Subject:**

Transparency International a Non-Governmental Organization has alongwith the Central Vigilance Commission and the D/o Personnel and Training, Govt. of India promoted a vigilance measure, called the Integrity Pact.

The Pact essentially envisages an agreement between the prospective vendors/bidders and the buyer committing the persons/officials of both the parties, not to exercise any corrupt influence on any aspect of the contract. Only those vendors/bidders who have entered into such an Integrity Pact with the buyer would be competent to participate in the bidding. In other words, entering into this Pact would be a preliminary qualification. The Integrity Pact in respect of a particular contract would be effective from the stage of invitation of bids till the complete execution of the contract.

The Integrity Pact envisages a panel of Independent External Monitors (IEMs) approved for the organization. The IEM is to review independently and objectively, whether and to what extent parties have complied with their obligations under the Pact. He has right of access to all project documentation. The Monitor may examine any complaint received by him and submit a report to the Chief Executive of the Organization, at the earliest. He may also submit a report directly to the CVO and the Commission, in case of suspicion of serious irregularities attracting the provisions of the PC Act. However, even though a contract may be covered by an Integrity



Pact, the Central Vigilance commission may, at its discretion, have any complaint received by it relating to such a contract, investigated. This is a step towards proactive preventive vigilance and best standards/practices to be followed by prestigious bodies such as PUSs.

4. **Details of the Case:-**

With a view to ensure transparency, equity and competitiveness in public procurement Central Vigilance Commission vide its instructions dated 04.12.2007 has given a concept of Integrity Pact that essentially envisages in agreement between the prospective vendors/bidders and the buyer committing the persons/officials of both the parties not to exercise any corrupt influence on any aspect of the contract entering into this Pact would be a preliminary qualification. The Integrity Pact in respect of a particular contract would be effective from the stage of invitation of bids till the complete execution of contract.

Proposal is for adoption of Integrity Pact and appointment of Independent External Monitors (IEMs) in case of contracts entered into by NDMC.

A model Integrity Pact that has been implemented by Steel Authority of India Ltd. (SAIL) and has been circulated alongwith instructions of CVC may also be adopted in NDMC in case of contract having threshold value more than Rs. one crore.

6. **Financial Implication:**

There will be certainly financial implications that will be decided on case-to-case basis depending upon the amount of contract.

7. **Implementation schedule:**

Implementation schedule as soon as it is approved by New Delhi Municipal Council. It will be implemented by all the departments in case of contracts having the threshold value of Rs. 50 lakhs or more.

8. **Comments of the Finance:**

N.A.

9. **Legal Implication:**

N.A.

10. **Details of previous Council Resolution:**

N.A.

11. **Comments of the Department on the Comments of the Law Department:** N.A.12. **Final view of the Law Department:**

N.A.

13. **CVC Advice:**

No advice as such. But as per instructions issued it has been enjoined on all organizations to make sincere and sustained efforts to imbibe the spirit and principles of the Integrity Pact and carry it to its effective implementation.

14. **Recommendation:**

It is proposed to pass the resolution as under:-

Adoption of Integrity Pact and Independent External Monitors (IEMs) in case of contracts Entered into by NDMC having a threshold value more than Rs. Fifty Lakhs or more.

**COUNCIL'S DECISION**

Resolved by the Council to accord approval for adoption of Integrity Pact and Independent External Monitors (IEMs) in cases of contracts Entered into by NDMC having a threshold value of more than Rupees Fifty Lakhs or more.

**ITEM NO. 22 (A-15)****1. Name of the Subject / Project :-**

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

SH: - Riding Quality Improvement Programme (Phase-IV) Micro surfacing.

**2. Name of the Department :-**

Civil Engineering Department, EE(RIP)

**3. Brief History of the Subject / Project :-**

(a) CRRRI was appointed as consultant for evaluation of RIP Phase IV. 41 roads were identified for resurfacing under Riding Quality Improvement Programme (Phase – IV). CRRRI had carried out structural and functional evaluation of these 41 roads under RIP (Phase – IV) and given recommendations for the type of treatment to be carried out on these roads.

(b) Out of these 41 roads, 2 roads were recommended for Hot Mix Treatment and 29 roads for Cold Mix Treatment single layer of Micro Surfacing Type – III + three roads with two layers of Micro Surfacing Type – III. 6 roads were deferred for one year and one road not required any treatment.

(c) Following roads were recommended for Cold Mix Technology:-

**Two layer of Micro surfacing (Type-III)** or {40mm Dense bituminous concrete (BC)}.

- (i) Africa Avenue.
- (ii) Kasturba Gandhi Marg.
- (iii) Shanti Path(Kautaliya Marg R/A to Satya Marg).
- (iv)

**Single Layer of Micro Surfacing (Type –III)**

- (i) Arch Bishop Makarious Marg (Golf course Road).
- (ii) Babar Road.
- (iii) Bangla Sahib Road.
- (iv) Bhai Veer Singh Marg.
- (v) Dr. S. Radha Krishnan Marg.
- (vi) Dr. Zakir Hussain Marg.

- (a) Subramaniam Bharti Marg to Oberoi Flyover
- (b) C. Hexagon to Subramaniam Bharti Marg.
- (vii) GRG Road.
- (viii) Hailey Road.
- (ix) Hanuman Road.
- (x) Hukmi Bai Marg.
- (xi) Jantar Mantar Road.
- (xii) Jor Bagh Road.
- (xiii) Madhulimay Marg.
- (xiv) Madhav Rao Scindia Marg (Feroze Shah Road to K G Marg).
- (xv) Maulana Azad Road.
- (xvi) Pandara Road.
- (xvii) R.K. Ashram Marg.
- (xviii) Raisina Road.
- (xix) Red Cross Road.
- (xx) Safdar Hashmi Marg.
- (xxi) Safdarjung Road.
- (xxii) Sansad Marg.
- (xxiii) Shershah Road.
- (xxiv) South End Road (Rajesh Pilot Marg).
- (xxv) Tansen Marg.
- (xxvi) Tilak Marg.
- (xxvii) Tolstoy Marg.
- (xxviii) Udyan Marg.
- (xxix) Vinay Marg.

**Roads deferred** and to be provided treatment after one year.

**i. Micro Surfacing (Type-III) (Single Layer)**

- (i) Mahadev Road.
- (ii) Mother Teresa Crescent.
- (iii) Old R K Ashram Marg
- (iv) Teen Murti Marg.
- (v) Tees January Marg.

**ii. 40mm SMA**

- (i) C Hexagon (Except Ashoka road to Akbar Road).

**Roads recommended for Hot Mix Technology**

**i. 40mm Dense Bituminous Concrete (BC) or Two layers of Micro Surfacing (Type-III)**

- (i) Aurbindo Marg  
(ii) Pt. Uma Shankar Dixit Marg

**Roads not required any treatment :-**

- (iii) Brassy Avenue. (The road is provided with mastic treatment and closed due to security reasons.)

**(d)** Accordingly Preliminary Estimate for ` 11,58,57,400/- was approved by Council vide resolution No. 011 (A-41) dated 28.02.2013.

**(e)** The tenders for Riding Quality Improvement Programme (Phase-IV) Micro surfacing Estimated Cost ` 10,75,46,145/- were opened on 12<sup>th</sup> Aug 2013 through e – tendering system and two following tenders were received with two bid system i.e. Technical Bid and Financial Bid as follows:

1. M/s Lomash Slurrytech Pvt.Ltd.
2. M/s Inckah Infrastructure Technologies Pvt. Ltd.

**(f)** The technical evaluation of technical bids received through e – tendering system were evaluated on 22.08.2013 by technical subcommittee.

- i. The technical bid of M/s Lomash Slurrytech Pvt. Ltd. does not qualify the eligibility criteria in regard to bank solvency and disqualified from opening of the financial bid.
  - ii. The technical bid of M/s INCKAH were found to be in order as per the eligibility as per NIT conditions, but the agency becomes the lone bidder who qualifies in technical bid.
- (g)** There was a adequate response to the call of tenders as Two agencies submitted their Technical Bid and Financial bid and Three more agencies had represented about the NIT conditions.
- (h)** Further, it is brought to the notice of technical sub committee that two agencies namely M/s Yala Construction Pvt. Ltd. & M/s. N.M. Infra Solution had given representation against one of the NIT condition of eligibility regarding age ( 5 years) of the machines In this regard, it is submitted as under:-
- (i) Both the agencies represented against eligibility criteria of age of the machines. But none of the agency has not furnished any details regarding their capability/eligibility for fulfilling the other conditions of the NIT for putting on records that only due to condition of age of machines, the agency becomes ineligible to participate in the work. The agency in their representation have emphasized that conditions regarding age have not been put by the agencies like PWD, NHAI etc.
  - (ii) The condition of age bar has been put in the present NIT as per the previously stipulated in similar work of RIP Phase-II (2008-09) & RIP Phase-III (2010-11).
  - (iii) The condition of age bar in Phase-II had also been defended in the High Court of Delhi in regard to the limitation of work front in NDMC area, high quality requirement of NDMC roads and other factors and Hon'ble Court had upheld the NIT condition.
  - (iv) There are examples that such type of conditions regarding age has been put by other organizations also (Jodhpur Development Authority)
  - (v) The NDMC is very sensitive area having lot of restrictions of work and at this place the machines having the required performance/ standards are required to avoid

inconvenience to the users as well as minimize break downs and to obtain high quality workman ship at site.

- (vi) From the documented press notice of the other agencies PWD etc., it has been noticed that the condition of NIT are framed based upon the condition of site and requirement of the area, as in two NIT's of similar works of the same division of PWD, terms & conditions differs in the time period, other conditions as well as estimated cost with respect to completion time.

All the above facts were brought on records before opening the technical bid with the anticipation that there will be healthy competition.

- (i). In the above circumstance, after due consideration, technical evaluation sub committee is of the view that the financial bid of the bidder M/s INCKAH Infrastructure Technologies Pvt. Ltd. may be opened.

Accordingly, The financial bid of M/s INCKAH Infrastructure Technologies Pvt. Ltd. was downloaded through e – tendering system on 29.08.2013, the details of which are as follows:-

S.No	Name	Estimated Cost	Tendered Amount	Rates Quoted	Remarks
1	<b>M/s Inckah Infrastructure Technologies Pvt. Ltd.</b>	10,75,46,145/-	100713044.80 Say – 100713045/-	6.35% below the estimated cost	

- (j) M/s INCKAH Infrastructure Technologies Pvt. Ltd. becomes single bidder @ 6.35% below the estimated cost of ` 10, 75,46,145/- against the justification of @ 4.84% above the estimated cost with the tendered amount of ` 10,07,13,045/-
- (k) The rates quoted by the lowest bidder after scrutiny by Planning have been found to be reasonable and recommended for acceptance by the Council.
- (l) The validity of tender is upto 9<sup>th</sup> November 2013.



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

- (a) Tack Coat @ 0.25 Kg per Sq.M
- (b) 50 mm thick Dense Bituminous Macadam (DBM) as leveling course for camber/ profile correction.
- (c) Micro surfacing (Type – III Grade) comprising fine aggregate / graded stone chips/ cement/ chemical additive /PMB emulsion.
- (c) Road marking with Retro-reflective thermoplastic.

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

Financial implications of the proposed subject / project work out to ` 10,07,13,045/-.

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

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

**7. Comments of finance department on the subject.**

The tender was received in FD on 30.8.2013, Friday, in evening. We communicate as under;

1. The council vide Resolution No. 11(A-41) dated 28.2.2013 has accorded AA&ES amounting to ` 11,58,57,400/- for the work. NIT amounting to ` 10,75,46,145/-, specialized work vide checklist point 3(vii), was approved by CE(C-I). Two bids have been stated received, i.e. M/s. Lomash Slurrytech Pvt Ltd and M/s. INCKAH Infrastructure Technologies Pvt Ltd. Technical Evaluation Sub-committee has evaluated the technical bids, P-29/N to 31/N, where TEC found that M/s. Lomash who submitted bank solvency for an amount of ` 350Lakh against ` 4.30 crore as stipulated in NIT did not qualify as per eligibility requirement of NIT, thus the tender of lone firm remaining in fray was recommended and opened. The quoted rates of the lone firm, remained in fray, amounts to ` 10,07,13,045/- i.e. 6.35% below the estimated cost put to tender.
2. The case was submitted by the department to Planning, working out justification as 4.52% above EC, stating that the justification of work has been prepared based on

lowest prevailing market rate as per CPWD Manual and rates are reasonable and justified as compared to justified rates and recommended for acceptance, at P-37/N. Planning at P-38/N checked the justification as 4.84% above the estimated cost against the quoted rates of 6.35% below the EC. Deptt may place on record the impact on E/C and its comparisons wrt CPWD OM No.DG/Cost Index/01 dt 27.6.2013, which has recently come in the notice. The tender rates have been worked out as 10.68% below the justified cost by Planning and thus recommended for approval of competent authority.

3. In the minutes of Technical Evaluation sub-committee, it has been noticed that two or three firms have represented against one of the NIT condition being restrictive which was regarding age bar of machines (Please refer to point 3 and 4 at page 29-30/N of the Departmental file). Had the department reviewed the condition, there might have been better competition and would not have resulted in poor response as only two firms submitted their bid and only one has been found as eligible by TEC.
4. It is the first call and after receiving two bids, only one bid was found eligible in technical evaluation and remained in fray for opening of financial bid. In view of this the department could have refrained from opening of financial bid of single eligible bidder and not proceeded further for opening of financial bid for the sake of more competitive rates. Normally single bid should not be opened on first occasion/call for obtaining competitive rates and department could have reviewed for re-inviting tenders being poor response as per Section 17.7 of CPWD Works Manual. The single bid must only be accepted subject to recording detailed justification in support of acceptance with the approval of competent authority. Single eligible bids have been given special status as per Section 20.4.5 i.e. upto certain limit/with the approval of next higher authority and also in the delegation of powers in NDMC.
5. This is the first call in which financial bid of single responsive tenderer has been opened. Financial offer of the lone bidder amounts to ` 10,07,13,045/-, which is 6.35% below the estimated cost of `10,75,46,145/- against the justified cost worked out as ` 11,27,51,378/- as checked by Planning. The tendered cost has been worked out as 10.68% below the justified cost. Being the first call in which two bids were received, out of which one bidder disqualified in technical evaluation and lone qualified bidder remained in fray, for the sake of competitive rates, the department could have explored possibility of 2<sup>nd</sup> call before opening of the financial bid of the lone responsive bidder. The reasons as to why the normal course of action for recall has not been resorted when there remained poor response to the NIT, need to be placed

on record by the department. If the department is satisfied that resorting to 2<sup>nd</sup> call at this stage of case is not going to benefit NDMC financially, the matter may be placed before the competent authority for consideration and decision in the matter.

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

The parawise replies to the comments of Finance Deptt are as under:-

1. Matter of Record
2. In regard to CPWD OM No. DG/Cost Index/ 01 dated 27.06.2013 regarding cost index with respect to plinth area rate 01.10.2012. It is stated that there is no impact on the estimated cost as well as justification of the rate for the subject work due to this OM.
3. Out of the three representations, one agency M/s KMC Group has only inquired regarding NDMC registration, whether it is compulsory or not for participating in the tender. The firm was duly informed in material time that it is not necessary to register with NDMC for submission of the tender bid.

Two other agencies namely M/s Yala Construction Pvt. Ltd. and M/s N.M. Infra Solution had represented against one of the NIT condition in regard to age bar of machine (5 years). And it is not known whether both the agency are fulfilling or not the rest of the eligibility criteria as per NIT condition.

Whereas this condition of age bar has been put as per the previous stipulated condition in similar work of RIP Phase – II (2008-09) and RIP Phase – III (2010-11) and both the work were successfully completed in NDMC.

Whereas this condition was also defended in High Court of Delhi with regard to the limitation of work front in NDMC area, high quality requirement on NDMC roads and other number of constraints to work in NDMC area. At that time Hon'ble Court up held the NIT condition.

Whereas, such conditions has also been put by Jodhpur Development Authority. The other terms and conditions in NIT are put by Delhi PWD in their tender as per their site and area requirements.

In view of the above, the technical committee felt no need to review NIT conditions. It is an specialized work, only limited firms (two or three) who participate generally in the past. In this case two firms had responded with technical bids and financial bids and M/s Lomash Slurrytech Pvt. Ltd. was disqualified in technical bid in Bank solvency and not due to restrictive condition.

4. As per CPWD Works Manual 20.4.5, there is no bar to open single tender and specific delegation powers are assigned for further action in the case of acceptance of single tender. The provision under section 17.7 of CPWD Works Manual, allows the tender to next lower class in case of poor response. But the present tender work is of specialized nature.

There is no reason to recall the tender for second bid or more only for the competitive rates, whereas financially highly uncertainty in the market, crude oils / petroleum products increasing on daily basis and high inflations are existed in the market and the competitive rate is already received in comparison to the justification of rate duly checked by Planning Division. The rates are highly up surging towards upward directions disproportionately to the normal inflations and there are chances to get heavily increasing trend in such volatile financial market scenario, if the tenders are re-invited.

There are wide publicity in newspaper as per NDMC policy and on government website, as reflected above (three firms had represented and two other firms had submitted their technical bids and financial bids). And e-tendering has been followed.

5. It is a first call of tender and single firm was found eligible to open financial bids, the tender amount is worked out to ` 10,07,13,045/- which is 6.35% below the estimated cost and against the justified cost, it comes to 10.68% below. Earlier in December 2012 for similar item, the single tender was received, even as per NIT condition, only one machine was required. The bitumen rates has been increased 16.12% from December 2012 to August 2013 and the more details of market trend are as below:-

a. Rate of Bitumen (Bulk) from Ist December 2012 to 30<sup>th</sup> August 2013.

Bitumen (Bulk) from Mathura Ref.	Ist December 2012	Ist August 2013	16 <sup>th</sup> August 2013
Basic Rate (VG 10)	34560	39400	40130
including Excise + Vat (14.42 + 5.25)	41620	47448	48327
Increase in rate since Dec. 2012		14%	16.12%

b. Cost Index issued by Economic Advisor to Govt. of India.

Commodity Item	December 2012	July 2013	% increase
Bitumen	328.6	380.70	15.86
Diesel	192.3	212	10.24

c. Labour rate as circulated by NDMC Welfare Deptt.

Description	December 2012	July 2013	% increase
Beldar (Unskilled)	279.00	297.00	6.45

d. Rate of similar works in previous tenders for micro surfacing item.

	Tender on 03.12.2012 Single Tender	Tender on 12.08.2013, Single Tender
Microsurfacing rate per sqm	141.30	153.00

Percentage increase in Micro Surfacing Rate is 8.28% above from Dec.12 against the increase in Bitumen Prices is of about 16.12%.

In the above circumstance there is no reasonability to go for second or more calls, when competitive rates are already been received besides the single tender and there is highly increasing trend in the market. In the financial interest of Council, the quoted rates of single tender is reasonable and is comparable with the justification of rates.

In view of the above replies to the Finance Deptt. comments and the Finance Deptt. has observed to place the tender before the competent authority for consideration and decision in the matter. Planning has already been recommended for acceptance single tender in comparison with the justification of rates.

## 9. Final views of Finance Department:

Views of Finance Deptt. in this case has already been endorsed at NP - 40 - 41/N.

**10. Legal implications of the subject / project**

No legal issues are involved in this project.

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

Administrative approval and expenditure sanction for ` 11,58,57,400/- has been accorded by Council vide Resolution No. 011 (A-41) dated 28.02.2013.

**12. Comments of the Deptt. On the comments of Law Department.**

N/A

**13. Final view of Law Department (wherever necessary) .**

N/A

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

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

**15. Recommendations.**

The case is placed before the council for consideration and

- (a) Accord of approval to award the work to single bidder i.e. M/s INCKAH Infrastructure Technologies Pvt. Ltd. which is 6.35% below the estimated cost of `

10,75,46,145/- against the justification of 4.84% above the estimated cost with the tendered amount of ` 10,07,13,045/- for the work of "Strengthening and Resurfacing of Roads in NDMC area, SH: Riding Quality Improvement Programme Phase – IV Microsurfacing.

- (b) To initiate further action in anticipation of confirmation of Minutes of the Council Meeting.

#### **16. Draft Resolution:-**

To be decided by the Council.

#### **COUNCIL'S DECISION**

With the permission of the Chair, the Chief Engineer (C-I) briefed the Council about the project and the facts related thereon and also clarified some of the typographical and other errors. The brief is enclosed as **Annexure "I"**.

After detailed deliberations, it is resolved by the Council to accord approval to award the work to the single bidder i.e. M/s INCKAH Infrastructure Technologies Pvt. Ltd. which is 6.35% below the estimated cost of ` 10,75,46,145/- (Rs. Ten crore seventy five lacs forty six thousand one hundred forty five only) against the justification of 4.84% above the estimated cost with the tendered amount of ` 10,07,13,045/- (Rs. Ten crore seven lacs thirteen thousand forty five only) for the work of "Strengthening and Resurfacing of Roads in NDMC area, SH: Riding Quality Improvement Programme Phase – IV Microsurfacing.

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

**(VIKAS ANAND)**  
**SECRETARY**

**(JALAJ SHRIVASTAVA)**  
**CHAIRPERSON / PRESIDING OFFICER**



**Brief by CE(C-I) on Agenda No. 22 (A-15) of Council Meeting dated 4<sup>th</sup> Sep., 2013**

The CE(C-I) informed that the bid of only single eligible bidder i.e. M/s Inckah Infrastructure Technologies Pvt. Ltd. was opened. The note given by F.A. on this agenda vide No. 935/PS/FA/D/2013 dated 03.09.2013 was also explained to the Council. The issue of acceptance of single tender, rejection, recall was deliberated and it was explained to the Council that as per CPWD Manual, the acceptance of single tender is allowed, however, the power to accept the single tender are lower as compared to acceptance of normal tender. But in this case, the power is with the Council, in case of normal tender as well as single tender. The reasons are to be recorded in guarding against the contractor holding out unjustifiably higher rates. In this case, the rate quoted by the lowest agency is 10.68% below the justified rates. Hence the rates are reasonable.

The tender condition of two machines of less than five years of age was also discussed and it was brought to the notice of the Council that it is as per past practice in NDMC area considering the sensitivity and importance of the area and any breakdown of machinery on NDMC roads are not considered desirable. Moreover the working hours are also restrictive. In fact, the matter was also defended in the WP(C) No. 6784/2008 before the Hon'ble High Court in a similar matter.

Further, it was also brought to the notice of the Council that, of the two firms' viz. M/s Inckah and M/s Lomash Slurrytech Pvt. Ltd., the latter was disqualified as not fulfilling the criteria of Bank Solvency in technical bid. Furthermore, M/s Lomash Slurrytech Pvt. Ltd., which was otherwise disqualified due to submission of insufficient bank solvency, is having two machines of Micro surfacing and one machine is registered with the Transport Deptt., UP in January 2008 and second machine registered with Gurgaon, Haryana in July, 2009. It was deemed/ considered that

machines are within the span of five years as required in the NIT, since no cutoff date was mentioned in NIT yet it can be considered on that count either way.

**Sd/-**  
**Er. ANANT KUMAR**  
**C.E(C-I)**