

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI.

COUNCIL'S MEETING NO. 01/2013-14 DATED 23.05.2013 AT 4-00 P.M.

Arrangement of business

ITEM NO.	SUBJECT	PAGE	ANNEXURE
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03 (B-01)	Annual Rate Contract for laying of 33KV, 400/300sq.mm/3C XLPE cables in & outside NDMC area.	29 – 32	33 – 54
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06 (A-03)	S/R of roads in NDMC area. SH: Resurfacing of B.K.Dutt Colony, Aliganj Colony, Lodhi Colony, Jor Bagh Colony Road and other colony service roads in Sub Division-III area. (Part A Resurfacing work)	78 – 81	
07 (A-04)	Requirement of NDMC land on temporary basis to DMRC at Tolstoy Marg near Janpath crossing for the construction of Entry/ Exit of Janpath station for Central Secretariat to Mandi House Corridor.	82 – 85	
08 (C-02)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.200 lacs. (For information of the Council)	86	87 – 103
09 (C-03)	Action Taken Report on the status of ongoing schemes/works approved by the Council. (For information of the Council)	104	105 – 141

10 (A-05)	Name of Subject/Project: BSUP Project for construction of 240 E.W.S. dwelling units for slum at Bakarwala, Delhi under JNNURM Scheme. Sub Head: (A) Civil works 'Construction of 240 E.W.S. du, facility centre and infrastructure work including external development work. (B) Electrical works 'Providing I.E.I., SCC, Meter Boards, Compound Lighting, Fans & Fixtures etc. (C)Providing/Fixing/Testing/Commissioning of Fire Fighting works. (D) Development of Horticulture works.	142 – 146	147 – 158
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ITEM NO. 01 (C-01)

Confirmation and signing of the minutes of the Council's Meeting No. 14/2012-13 held on 10.04.2013. (See pages 3- 7)

COUNCIL'S DECISION

Minutes confirmed, by majority.

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

DRAFT MINUTES OF THE COUNCIL'S MEETING NO. 14/2012-13 HELD ON 10.04.2013, AT 3-30 P.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.

MEETING NO.	:	14/2012-13
DATE	:	10.04.2013
TIME	:	3-30 P.M.
PLACE	:	PALIKA KENDRA, NEW DELHI.

PRESENT :

- | | | | |
|----|-------------------------|---|-------------------|
| 1. | Smt. Sheila Dikshit | - | Presiding Officer |
| 2. | Ms. Archana Arora | - | Chairperson |
| 3. | Smt. Tajdar Babar | - | Vice Chairperson |
| 4. | Sh. Karan Singh Tanwar- | | Member |
| 5. | Sh. Ashok Ahuja | - | Member |
| 6. | Sh. D. Diptivilasa | - | Member |
| 7. | Sh. C.K. Khaitan | - | Member |
| 8. | Sh. Vikas Anand | - | Secretary |

ITEM NO.	SUBJECT	DECISION
01 (C- 39)	Confirmation and signing of the minutes of the Council's Meeting No. 13/2012-13 held on 28.02.2013.	Minutes confirmed and signed.
02 (I-02)	Modern Data Centre at NDMC	Resolved by the Council to award the work to M/s SAI INFOSYSTEM (INDIA) LIMITED against the tendered value of ` 2,90,53,585/- (Tax Extra) for establishing a modern Data Centre for NDMC. 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 (B-21)	Norms for Annual Maintenance of Various Electrical Services/Work (Review).	<p>Resolved by the Council that the existing norms for maintenance of Electrical Services as explained in Annexure 'B' of the agenda are approved for the period upto 31.03.2016, based on which the annual maintenance estimates shall be approved by the competent authority as per delegation of powers.</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>
04 (B-22)	Providing Electronic Parking Guidance & Management System for Palika Parking.	<p>Resolved by the Council to approve revised administrative approval and expenditure sanction amounting to `3,43,16,142/- (including `19,20,000/- on a/c of AMC for four years) for the work of Providing Electronic Parking Guidance & Management System for Palika Parking.</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 (B-23)	Purchase of 11 KV HT XLPE Cable of size: 400 sq.mm/3C duly ISI marked.	<p>Resolved by the Council to accord approval for purchase of 22.5 Km 11KV HT XLPE Cable of size: 400 sq.mm/3 C duly ISI marked from the eligible lowest tendering firm, M/s Hindusthan Vidyut Products Ltd. with their Ex-works rates `9,49,700.00 per km+ ED @ 12.36% or as applicable + CST @ 2% against form 'C'+ Freight & Insurance @ `10,000.00 per Km + Local cartage & Handling @ `1000.00 per Km thus making computed cost to `10,99,424.58 per km length of cable on the terms, conditions and specification of NIT. The total computed cost for the purchase of 22.5 Km 11 KV HT XLPE cable works out to `2,47,37,053/-.</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.
06 (B-24)	Purchase of 11 KV HT XLPE Cable of size: 400 sq.mm/3C duly ISI marked. Qty: 36.5 Km. (Ref : Item No.04 (B-19) dated 28.02.2013)	Resolved by the Council to accord approval to purchase of 36.5 Km 11KV HT XLPE Cable of size: 400 sq.mm/3 C duly ISI marked from the eligible lowest tendering firm, M/s Hindustan Vidyut Products Ltd.. with their Ex-works rates `9,62,700.00 per Km+ ED @ 12.36% extra or as applicable + CST @ 2% against form 'C'+ Freight & Insurance @ ` 10,000.00 Per Km + Local Cartage & Handling @ ` 1,000.00 per Km thus making computed cost to `11,14,323.51 per Km length of cable. The total computed cost for the purchase of 36.5 KM cable works out to `4,06,72,808.00 on the terms, conditions and specifications of the NIT. 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.
07 (L-05)	Operation and maintenance of Five Star Hotel Premises at 1, Man Singh Road after the expiry of the extended licence period on 10 th October, 2012.	After detailed deliberations, the Council, by majority, decided to await for copy of the orders in the pending Court cases and thereafter the matter would be discussed in a Special meeting of the Council.
(U-08)	Security and Traffic Services/ Arrangements at Palika Kendra, NDCC-II and Pragati Bhawan under Group Contract 'A'.	Resolved by the Council that the Group Contract 'A' for Security and Traffic Services/ Arrangements at Palika Kendra, NDCC-II and Pragati Bhawan be awarded to M/s M. S. Vigilant Security, Placement and Detective Services Pvt. Ltd. at their quoted amount of `1,94,65,995.60 per annum for a period of two years which comes to a total of `3,89,31,991.20 as per terms & conditions of NIT. The Council further resolved that since the fresh award of work and then deployment of trained guards as per PSAR Act / Rules will take some time, the term of present Group Contract 'A', which is ending on 31.03.2013 may be extended for a period

		<p>of three months w.e.f. 01.04.2013 or till the date of deployment under the fresh contract, whichever is earlier.</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>
09 (U-09)	Security and Traffic Services/ Arrangements at Palika Bazar, Charak Palika Hospital, Palika Place & other NDMC Premises under Group Contract 'B'.	<p>Resolved by the Council that the Group Contract 'B' for Security and Traffic Services/ Arrangements at Palika Bazar, Charak Palika Hospital, Palika Place & other NDMC Premises be awarded to M/s M. S. Vigilant Security, Placement and Detective Services Pvt. Ltd. at their quoted amount of ` 1,96,05,050.28 per annum for a period of two years which comes to a total of ` 3,92,10,100.56 as per terms & conditions of NIT.</p> <p>The Council further resolved that since the fresh award of work and then deployment of trained guards as per PSAR Act / Rules will take some time, the term of present Group Contract 'B', which is ending on 31.3.2013 may be extended for a period of three months w.e.f. 01.04.2013 or till the date of deployment under the fresh contract; whichever is earlier.</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>
10 (D-05)	Re-appropriation of Funds in Revised Estimates 2012-13	Resolved that the Re-appropriations in Revised Estimates 2012-13 authorized during 4 th Quarter of 2012-13, as detailed in Annexure-I of the agenda, are approved in terms of Section 56 of the NDMC Act, 1994, & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010.
11 (C-40)	Action Taken Report on the status of decisions taken by the Council in every	Information noted.

	quarter.	
12 (C-41)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.100 lacs.	Information noted.
13 (C-42)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.
14 (A-43)	Construction of Foot Over Bridges, Subways and Underpasses in NDMC area.	Information noted by the Council. Further, the Council accorded permission to close the turnkey agreement with M/s DIMTS for the project in question, with net financial implication of `83,41,118/- and resultantly release the aforesaid amount to M/s DIMTS.
15 (W-01)	Development of Multilevel Parking in Khan Market Area.	<p>Resolved by the Council that Land allotment may be accepted only if land is given on similar terms as those for Sarojini Nagar and Baba Kharak Singh Marg Multilevel Parkings, considering the fact that no part of the proposed multilevel parking would be used for commercial activity and therefore to make it a financially viable project, land is required to be accepted by NDMC on aforesaid terms. Further, it was also decided that if land is provided on aforesaid terms, then, till commencement of the construction, this plot will be used as open paid parking either through contractor or on Bhaghidari basis. The Council advised that Hon'ble High Court may be informed accordingly.</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>
16 (A-44)	S/R of roads in NDMC area during 2012-13. Sh:- Resurfacing of lanes by lanes in jurisdiction of R-V Division.	<p>Resolved by the Council to accord administrative approval and expenditure sanction amounting to ` 2,60,74,600/- for the work "Resurfacing of lanes by lanes in jurisdiction of R-V Division".</p> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of</p>

		confirmation of the Minutes by the Council.
17 (T-01)	Housekeeping Services at NDMC Palika Kendra Building.	<p>Resolved by the Council to accord administrative approval and expenditure sanction for ₹2,09,02,395.00 plus Taxes for housekeeping/ cleaning work of Palika Kendra Building for a period of two years. The work will be awarded through open tendering/ e-tendering.</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>
18 (J-04)	Revision of parking charges/tariff in N.D.M.C. (Ref: Item No. 07 (J-03) dated 28.02.2013.	<p>The Council, by majority, resolved to approve the policy amendments proposed and revision of Parking charges / tariff for different types of vehicles in NDMC area, as proposed by the Department.</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>
19 (H-10)	Seeking approval for a proposal to request UPSC to assess the suitability of contractual Doctors working in NDMC for regular appointments.	<p>The Council deliberated the issue at length and resolved to give its in principle approval to send the proposal to the UPSC. It was further resolved that the department, before moving in the matter would consider the method adopted by GNCTD & MCD, subject to availability of vacancies.</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>

ITEM NO. 02 (E-01)**1. Name of the Subject/Project:**

Administrative Approval and Expenditure Sanction of Rs.300 Lacs for procurement of Allopathic Medicines for the year 2013-14.

2. Name of the Department/Departments concerned:

Health, (Medical Sector)

3. Brief History of the subject/Project:

NDMC provides medical care including issue of medicines to masses free of cost. A sum of Rs.300 lacs has been allocated under Head of A/C 230/80/47 in the budgetary proposal for the year 2013-14 for the procurement of allopathic Medicines. A sum of Rs.299.98 Lac out of the allocated amount of Rs.300 Lacs was spent on the purchase of Allopathic Medicines during the year 2012-13. The medicines are procured from:

- i) the firms at the rates approved under the Rate Contract by placing supply orders every quarter.
- ii) Kendriya Bhandar especially the medicines required by the employees and their dependents which are not in stock in the Central Medical Store.
- iii) the open market by calling quotations, specially the life saving vital drugs required in emergent cases which are neither under the rate contract and nor are available with the firms registered with NDMC.

4. Detailed proposal on the subject/project.

The Council vide its resolution no.04 (E-2) dt. 27.11.2012 **(Annexure-I) (See pages 11-12)** had approved the Rate Contract for the purchase of Allopathic Medicines for a period of one year from the date of execution of agreement. The said rate contract is valid till 17.06.2013. Accordingly, the department is likely to place first quarterly supply orders before the expiry of existing Rate Contract. In addition, the department will have to make local purchase of medicines up to Rs.2 lacs per month from Kendriya Bhandar to discharge its obligations of medical care towards its employees. The consumption of various medicines during the year 2013-14 along with stock position as on 01.04.2013 has been documented in **(Annexure-II) (See pages 13 – 26)**

Logistic Management is the function of Medical Department as per council Resolution No.26 (E-6) DT 19/12/2007 **(Annexure-III) (See pages 27 – 28).**

This is a proposal for Administrative Approval and Expenditure Sanction of the budgeted amount of Rs.300 Lacs for the procurement of Allopathic Medicines during the year 2013-14.

5. Financial implication of the proposed project/subject

Rs.300 Lacs

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

The supply order will be placed every quarters based on the rate of consumption of various drugs during the preceeding quarter. Normally one month time period is granted from the date of placing of the supply orders for making and completing the deliveries.

7. Comments of the Finance Department on the subjects.

Concurred vide endorsement No.629/Finance dated 16.04.2013.

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

Nil

9. Final views of Finance Department.

Already concurred vide no. 629/Finance dated 16.04.2013.

10. Legal implications of the subject

Nil

11. Details of previous Council Resolution, existing law of parliament and Assembly on the subject.

Reso. No. 26 (E-06) dated 19.12.2007

Reso. No. 16 (E-01) dated 26.04.2012

12. Comments of the Law Department on the subject/Project.

Nil

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

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

14. Recommendations.

- a. Administrative Approval and Expenditure Sanction of Preliminary estimate of Rs.300 Lacs (Rupees Three Hundred Lacs only) for purchase of Allopathic Medicines during the year 2013-14.

- b. Approval to place supply orders every quarter based on requirement during the preceeding three months with a provision to place a supplementary order in between if the need so arises, to the firms under the approved rate contract.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval and expenditure sanction to the preliminary estimate amounting to `300 Lacs for purchase of Allopathic Medicines during the year 2013-14.

It was further resolved by the Council to accord approval to place supply orders every quarter, based on requirement during the preceeding three months, with a provision to place a supplementary order in between if the need so arises, to the firms under the approved rate contract.

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 18 PAGES

ANEXURE ENDS

ITEM NO. 03 (B-01)**1. Name of work**

Annual Rate Contract for laying of 33KV, 400/300sq.mm/3C XLPE cables in & outside NDMC area

2. Name of Department

Electricity Department

3. Brief History of the proposal

The following estimate have been sanctioned by the council for laying/replacement of 33KV feeders

1. Replacement of 33 KV feeders from Park Street to (i) s/s Baird Lane - 2nos (ii) s/s Hanuman Road (iii) S/s Nirman Bhawan and s/s Hanuman Road to s/s Electric Lane (Estt. No. 04/EE(M/F)/07-08
2. Replacement of old PILCA cable with 33 KV, 400 Sq mm /3C XLPE from 66 KV ESS Vidyut Bhawan to 66 KV ESS School Lane and from 66 KV ESS School Lane to 33 KV ESS Connaght Place {Estt. No. 105/EE(P-33 KV)}
3. Replacement of old 33 KV, 300 Sq mm /3C PILCA cable with 33 KV, 400 sqmm /3c XLPE from ESS Exhibition Ground to 33 KV ESS Tilak Lane {Estt. No. 110/EE(P-33 KV)/2009-10}
4. Replacement of 2no. 3C x 300 Sqmm PILCA cable from ESS ridge Valley to 33KV ESS Bapu Dham (Ckt.I & II) and 1no. 3Cx 300 Sqmm PILCA cable from ESS Ridge Valley to 33KV ESS Nehru Park by 3Cx 400sqmm XLPE cable. {Estt. No. 119/EE(P-33KV) /2011-12
5. Laying of 33KV, 3Cx 400sqmm XLPE cable from 220/33KV ESS Trauma Centre to 33KV ESS Race Course and from 33KV ESS Trauma Centre to 33 KV ESS State Guest House. {Estt. No. 120/EE(P-33KV) /2011-12
6. Establishing of 33KV ESS at Handloom Complex, Janpath Lane {Estt. No.E-109/EE(P-33KV) /2009-10
7. Providing 33KV feed to the 33KV S/s Church Road from 66KV S/S Dr. B.D.Marg(E-51/EE(P-33KV)/95
8. Estb. 33KV S/S at Aliganj Jorbagh(E-103/EE(P-33KV)2009-10

Total quantity of 51.146KM is envisaged for laying of these estimates. The cable against the above estimates has already been procured by the department & for

laying of the cables in & outside of NDMC area, annual rate contract for laying of cables is needed to execute the work through specialized agencies for competitive rates.

4. Detailed proposal of the subject

Item rate e-tender were invited in two cover system with estimated cost of ` 37620500/- from the reputed contractors for laying of 33KV, 400/300Sq.mm/3C , XLPE cable in & outside NDMC area with the condition that work will be divided in the ratio of 40:30:30 for first three lowest firms on the quoted rate of first lowest firm by giving due publicity to the tender as per the codal provisions. In response to the tender enquiry, offers of the following four firms were received on due date of opening of technical bid i.e. 10.10.2012.

1. M/s B.K. Power Enterprises.
2. M/s Creative Entrepreneurs.
3. M/s Raychem RPG Pvt. Ltd.
4. M/s Vichitra Construction Pvt Ltd.

The documents submitted by above participating firms were examined in the division as well as in Planning and the three firms i.e. M/s B.K. Power Enterprises, M/s Creative Entrepreneurs & M/s Raychem RPG Pvt. Ltd. were found meeting eligibility criteria as per terms, conditions & technical specifications of the NIT. Subsequently with due approval of CEE-II, financial bids of the eligible firms were opened on 31.01.2013 and the position of the firms emerged as under:-

S.No	Name of Firm	Quoted Rates	Remarks
1.	M/s B.K. Power Enterprises.	` 4,21,34,365/-	21.81 % below the justified cost(L-1)
2.	M/s Creative Entrepreneurs	` 4,27,86,630/-	20.60% below the justified cost.(L-2)
3.	M/s Raychem RPG Pvt. Ltd.	` 4,91,50,475/-	8.79% below the justified cost. (L-3)

M/S B.K. Power enterprises, with quoted amount of `4,21,34,365.00, emerged as lowest tenderer which is 11.99% above the estimated cost & 21.81% below the justified cost.

M/s Raychem RPG Pvt. Ltd. is not agreeing to execute work at L1 rates. Hence as per NIT condition, it is proposed to award the work among L1 & L2 firms in the ratio of 55% & 45% respectively at quoted rate of L1 firm.

5. Financial Implications

₹4,21,34,365.00 (Rupees Four Crore twenty one Lacs thirty four Thousand three hundred sixty Five Only).

6. Implementation Schedule

12months.

7. Comments of the Finance Department

Finance vide diary No.721/dt.09/05/2013 has concurred the case.

8. Comments of the Department on comments of Finance Department

Nil.

9. Legal Implication on the Subject:

Nil

10. Details of previous Council Resolution

- 1 Resolution no. 5-(B-32) dt 21/11/07 for the work of replacement of 33 KV feeders from Park Street to (i) s/s Baird Lane - 2nos (ii) s/s Hanuman Road (iii) S/s Nirman Bhawan and s/s Hanuman Road to s/s Electric Lane. **Annexure – A (See pages 33 – 34).**
- 2 Resolution no. 08-(B-26) dt 20/11/09 for the work of replacement of old PILCA cable with 33 KV, 400 Sq mm /3C XLPE from 66 KV ESS Vidyut Bhawan to 66 KV ESS School Lane and from 66 KV ESS School Lane to 33 KV ESS Connaght Place. **Annexure – B (See pages 35 – 37)**
- 3 Resolution no. 08-(B-iii) dt 14/05/2010 for the work of replacement of old 33 KV, 300 Sq mm /3C PILCA cable with 33 KV, 400 sqmm /3c XLPE from ESS Exhibition Ground to 33 KV ESS Tilak Lane. **Annexure – C (See pages 38 – 40)**
- 4 Resolution no. 03(B-15) dt 23/12/2011 for the work of replacement of 2no. 3C x 300 Sqmm PILCA cable from ESS ridge Valley to 33KV ESS Bapu Dham (Ckt.I & II) and 1no. 3Cx 300

Sqmm PILCA cable from ESS Ridge Valley to 33KV ESS Nehru Park by 3Cx 400sqmm XLPE cable. **Annexure – D (See pages 41 – 43)**

- 5 Resolution no. 02(B-01) dt 26/04/2012 for the work of laying of 33KV, 3Cx 400sqmm XLPE cable from 220/33KV ESS Trauma Centre to 33KV ESS Race Course and from 33KV ESS Trauma Centre to 33 KV ESS State Guest House. **Annexure – E (See pages 44 – 46)**
- 6 Resolution no. 05(B-22) dt 27/10/2010 for the work of establishing of 33KV ESS at Handloom Complex, Janpath Lane. **Annexure – F (See pages 47 – 49)**
- 7 Resolution no. 3(XVI) dt.27/11/97 fro the work of providing 33KV feed to the 33KV S/s Church Road from 66KV S/S Dr. B.D.Marg, **Annexure – G (See pages 50 – 51)**
- 8 Resolution no. 25(B-14) dt 15.07.09 for the work of estb. 33KV S/S at Aliganj Jorbagh. **Annexure – H (See pages 52 – 54)**

11. Comments of Law Department

No legal issue.

12. Comments of the Department on comments of Law Department

Nil

13. Certification by the Department

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

14. Recommendations of the Department

The case may be placed before the council to award the work of Annual Rate Contract for laying of 33 KV, 400/300 Sq.mm/3 Core, XLPE Cable in & Outside NDMC area to the following two firms, being L-I, L-II, in the ratio of 55% & 45% respectively, computed on the basis of tendered cost of L-I firm amounting to `4,21,34,365.00 (Rupees Four Crore twenty one Lacs thirty four Thousand three hundred sixty Five Only) on the terms & conditions of NIT.

1. M/s B.K. Power Enterprises for `2,31,73,900.80 (Rupees Two Crore Thirty one Lacs Seventy Three Thousand Nine Hundred & paise Eighty only) being 55% of the tendered amount of L-I firm.
2. M/s Creative Entrepreneurs for `1,89,60,464.20 (Rupees One Crore Eighty Nine Lacs Sixty Thousand Four Hundred Sixty Four & paise Twenty only) being 45% of the tendered amount of L-I firm.

Since the work is of urgent nature, approval may be accorded to award the work in anticipation of the confirmation of minutes of Council meeting.

15. Draft Resolution

Resolved by the Council that the approval is accorded to award the work of Annual Rate Contract for laying of 33 KV, 400/300 Sq.mm/3 Core, XLPE Cable in & Outside NDMC area to the following two firms being L-I & L-II, in the ratio of 55% & 45% respectively, computed on the basis of tendered cost of L-I firm amounting to ` 4,21,34,365/-on the terms & conditions of NIT.

1. M/s B.K. Power Enterprises for ` 2,31,73,900.80 (Rupees Two Crore Thirty one Lacs Seventy Three Thousand Nine Hundred & paise Eighty only) being 55% of the tendered amount of L-I firm.
2. M/s Creative Entrepreneurs for `1,89,60,464.20 (Rupees One Crore Eighty Nine Lacs Sixty Thousand Four Hundred Sixty Four & paise Twenty only) being 45% of the tendered amount of L-I firm.

Approval is also accorded to place award letter to the firms in anticipation of the confirmation of minutes of the Council meeting.

COUNCIL'S DECISION

Resolved by the Council to accord approval to award the work of Annual Rate Contract for laying of 33 KV, 400/300 Sq.mm/3 Core, XLPE Cable in & Outside NDMC area, to the following two firms being L-I & L-II, in the ratio of 55% & 45% respectively, computed on the basis of tendered cost of L-I firm amounting to `4,21,34,365/-on the terms & conditions of NIT.

1. M/s B.K. Power Enterprises for work amounting to `2,31,73,900.80 being 55% of the tendered amount at the rates quoted by the L-I firm.
2. M/s Creative Entrepreneurs for work amounting to `1,89,60,464.20 being 45% of the tendered amount at the rates quoted by the L-I firm.

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 22 PAGES

ANNEXURE ENDS

ITEM NO. 04 (A-01)**1. Name of Subject/Project:**

Construction of Old Age Home at Kali Bari Marg.

2. Name of Department:

Civil Engineering Department. Zone-II

3. Brief History of the subject/Project:

NDMC has prepared a proposal for setting up the Old Age Home at Kali Bari Marg for the welfare of the old aged person and senior citizen of the society. This proposal comprises construction of five storied building with Basement having the provision of Dinning Hall, Meditation Hall, Doctor's Room, T.V. Room, 20 Nos. rooms with attached Toilets , 5 Nos. Dormitory with attached Toilets, Kitchen & Pantry, Servant Room , common area, etc.This case was placed before the Council and vide Reso. No. 03(A-28) dated 30.10.2012 resolved to accord administrative approval and expenditure sanction to the preliminary estimate amounting to Rs. 11,84,82,590/- for the construction of Old Age Home at Kali Bari Marg with further direction that funds may be sought under Plan Fund from GNCT of Delhi.

4. Detailed proposal of the Subject/Project:

The proposal for setting up of Old Age Home, has been framed on the basis of drawings issued by the Architect Department. Thereafter, Administrative Approval and Expenditure Sanction for Rs. 11,84,82,590/- has been obtained from the Council vide Resolution No. 03 (A-28) dt. 30.10.2012 with the direction that fund may be sought under Plan Fund from GNCT of Delhi (enclosed as **Annexure-I See pages 58 - 67**).

Complying with the directions of Council, a case was taken up with Dir. (Social Welfare) Govt. of NCT of Delhi for inclusion of the project under social welfare sector and

with planning deptt. of GNCTD as part of consolidated proposal for annual plan 2013-14 for NDMC vide letter No. F-171/HA/497/FIN(B) dt.22-12-2012 (enclosed as **Annexure-II See pages 68 - 71**). This was subsequently taken up with Secretary deptt. of social welfare Govt. of NCT of Delhi vide letter No. F-171/HA/497/FIN(B)/2012-13/510 dt.03-01-2013 (enclosed as **Annexure-III See pages 72**). Further a meeting was also held with Secretary Planning , Govt. of NCT of Delhi on 22.02.2013 for the same. Accordingly Detailed Project Report was forwarded to Secretary (Planning) Govt. of NCT of Delhi vide letter No. 252/Dir. (Project)/2013 dt. 6.3.2013 (enclosed as **Annexure-IV See pages 73 - 74**) as required by them. However, it is to mention that no communication/approval has been received so far. Therefore keeping in view the timely execution of the project and to fulfil its obligation towards welfare of the old aged person and senior citizens of the society, it is proposed that expenditure may be borne by NDMC from its own funds pending release of sought funds(Plan Budget) from GNCT of Delhi. In that case, expenditure shall be charged to Scheme no. 21, [FC-73: AC: 4124001] wherein a Budget Provision of Rs. 3.5 Crores exists in the current Financial Year i.e. 2013-14 at Page-381 of Budget Book. As and when the funds are received from GNCT of Delhi, the same will be adjusted through necessary transfer entry.

5. Financial implication of proposed Subject/Project:

Rs. 11,84,82,590/-

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

Time for completion of the Project is 15 months after award of work.

7. Comments of the Finance Department at the Subject:

The case is under Tender. The case is to be brought in Council Meeting for allowing the work to continue from NDMC Funds, pending receipt of Plan Funds from Govt. Of NCT of Delhi. Finance deptt. agrees.

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

No comments.

9. Final view of Finance Department

Finance Deptt. has concurred the case vide their Diary No.813/Finance/R/Civil dated 15.05.2013

10. Legal implication of the subject/project:

Nil

11. Details of previous Council Resolution/Existing law of Parliament and Assembly on the Subject:

1. Administrative Approval and Expenditure Sanction for Rs. 11,84,82,590/- Resolution No. 03 (A-28) dt. 30.10.2012(enclosed as Annexure-I).

12. Comments of the Law Department on the Subject/Project:

It has no legal implication.

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

No comments in view of above comments.

14. Final view of the Law Department

No legal implication.

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

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

16. Recommendation:

The case is placed before the Council for the consideration and accord of permission for charging the expenditure from NDMC funds, pending release of sought funds from GNCT of Delhi and expenditure shall be charged to Scheme no. 21, [FC-73: AC:4124001]. Permission be also accorded for taking necessary action in anticipation of confirmation of the minutes of the Council.

17. Draft Resolution

Resolved by the Council that the permission for charging the expenditure of the Project **"Construction of Old Age Home at Kali Bari Marg"** from NDMC funds Scheme no. 21, [FC-73: AC:4124001] pending release of sought funds from GNCT of Delhi. Permission is also granted for taking necessary action in anticipation of confirmation of the minutes of the Council.

COUNCIL'S DECISION

Resolved by the Council to accord permission for charging the expenditure of the Project "Construction of Old Age Home at Kali Bari Marg" from NDMC funds Scheme no. 21, [FC-73: AC:4124001], pending release of funds sought from GNCT of Delhi.

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.

ANNEXURES 17 PAGES

ANNEXURE ENDS

ITEM NO. 05 (A-02)**1. NAME OF SUBJECT/PROJECT**

Demolition of double storey/triple storey type-I flats at Aliganj.

SH:- Survey Report

2. NAME OF THE DEPARTMENT/DEPARTMENT CONCERNED

Civil Engineering Department (BM-PK)

3. BRIEF HISTORY OF THE SUBJECT/PROJECT

There are 130 Nos. type-I flats (40 Nos in double storey and 90 Nos. in triple storey) at Aliganj. These flats were constructed during 1960 and are about 53 years old. As per CPWD maintenance manual, expected economic life of the building(load bearing structure) under normal occupancy and maintenance conditions is considered to be 55 years. The flats are not in good condition. Extensive repairs and rehabilitation of these flats will not be economical. These flats are structurally weak as reinforcement of roof slab is found highly corroded and visible at many places. The plaster /cover concrete use to come down very often and the chajjas of balcony etc. has sagged/tilted. The cantilever portion of the corridor had deteriorated to that extent that M.S. girder had to be put in place to keep the structure safe. However this was a temporary measure only. No major improvement/renovation work was planned to be carried out for these flats during recent past since these flats were expected to be coming in the scheme of redevelopment of Aliganj area. Now, as per the revised scheme of Aliganj area, the building is not coming under the re-development scheme as intimated by CA, NDMC. Hence, it is proposed that the new flats may be constructed after demolishing the existing building for which the Chief Architect Department has been asked to submit the plans. This will ensure better quality of life to the NDMC employees occupying the reconstructed flats. More no. of flats can be accommodated based on present FAR now. Details are being worked out by Architect Department. This will facilitate accommodation to more no of NDMC employees.

4. DETAILED PROPOSAL ON THE SUBJECT/PROJECT:

The survey report of the existing building has been prepared and got concurred from the planning and finance department for a sum of Rs. 40,27,680/- as cost of scrap/residual value to be written off and Rs. 46,79,095/- as cost of dismantling of these 130 Nos. old flats with reserve price of Rs. (-) 6,51,415/-.

5. FINANCIAL IMPLICATIONS OF THE PROPOSED SUBJECT/PROJECT

Rs. 40,27,680/- is to be written off on account of demolition of the existing building with reserve price of Rs (-) 6,51,415/-.

6. IMPLEMENTATION SCHEDULE WITH TIMELINESS FOR REACH STAGES INCLUDING INTERNAL PROCESSING

To be considered as part of the main project.

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT:

The department proposal for approval of Survey report for 53 year old structure of 130 number of residential quarters at Aliganj is concurred as per following details given by the deptt in the Survey Report :-

(i) Dismantling cost	Rs. 46,79,095.00
(ii) Scrap Value	Rs. 40,27,680.00
(iii) Reserve price	(-)Rs. 6,51,415.00

However, department is further advised to place the detailed proposal before the Competent Authority for approval.

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

No comments in view of concurrence of Finance Deptt.

9. FINAL VIEWS OF FINANCE DEPARTMENT:

Finance Department has concurred in the proposal vide their diary No.839/Finance/R/Civil dated:- 16.05.2013

10. LEGAL IMPLICATION OF THE PROJECT/SUBJECT:

NIL

11. COMMENTS OF THE LAW DEPARTMENT ON THE SUBJECT/PROJECT:

NIL

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

NIL

13. CERTIFICATION BY THE DEPARTMENT THAT ALL CVC GUIDELINES HAD BEEN FOLLOWED, WHILE PROCESSING THE CASE:

NA

14. RECOMMENDATIONS:

The case is placed before the council for the approval of the survey report with a amount of Rs. 40,27,680/- to be written off and with reserve price of Rs. (-) 6,51,415/- on account of demolished material and permission for further action in the matter be accorded in anticipation of the confirmation of the minutes of the council.

15. DRAFT RESOLUTION:

Resolved by the council that the survey report with a written off amount of Rs. 40,27,680/- with reserved price of Rs. (-) 6,51,415/- is accepted and be written off from the books on account of demolition of the existing structure. Further resolved that permission is accorded to take further action in anticipation of the approval of the minutes of the council.

COUNCIL'S DECISION

Resolved by the Council to accept the survey report with a written off amount of `40,27,680/- and reserve price of `(-) 6,51,415/- is accepted and be written off from the books on account of demolition of the existing structure.

It was further resolved that the demolition of these units may be taken up only after providing alternate accommodation to the existing occupants.

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 (A-03)**1. Name of the subject/project**

Sub.: S/R of roads in NDMC area.

SH: Resurfacing of B.K.Dutt Colony, Aliganj Colony, Lodhi Colony, Jor Bagh Colony Road and other colony service roads in Sub Division-III area. (Part A Resurfacing work)

2. Name of the Department/departments concerned

Civil Engineering Department, Road-II Division

3. Brief history of the subject/project

- a) During inspection around Jor Bagh Lane, B.K. Dutt Colony, Aliganj and other colony service roads condition of roads was found to be pathetic and it was desire to take action for resurfacing the road of the area. The CRRI was engaged for providing consultancy.
- b) The condition of road is in a very bad shape and the day by day its condition is deteriorating. Surface is worn out due to raveling.
- c) The CRRI has evaluated the road surface and recommended the bituminous mastic treatment. The same has been taken for estimate. Accordingly preliminary Estimate was prepared by the project team for Rs. 4,43,98,000/- which has been resolved by the Council. The PE was approved by the Council on 25 May'12.

4. Detailed proposal on the subject / project

- (a). The tenders were called through e-tendering system and three tenders were opened on 07.03.2013. The financial bids of all three tenderers were opened on 22.03.2013 & the details are as follows:-

Estimated Cost Rs. 3,87,36,697/-

S. No.	Name	Tendered Amount	Rate Quoted	Remarks
1.	M/s. H.R.Builders	Rs.3,70,82,423/-	@4.27% below	L-I
2.	M/s. Gupta Construction Co.	Rs. 3,86,53,653/-	@0.21% below	L-II
3.	M/s. Satya Parkasha & Bros. Pvt. Ltd.	Rs.4,03,39,009/-	@4.14% above	L-III

- (b). M/s. H.R. Builders is the lowest bidder at 4.27% below the Estimated Cost of Rs.3,87,36,397/- against the justification of 22.72% above the Estimated cost. The tendered amount is Rs. 3,70,82,423/- which is 21.99% below the justified rates.
- (c) The tenders have been scrutinized in planning division & concurred by Finance Department.
- (d) The validity of tender is expiring on **06.06.2013**.

5. Financial implications of the proposed project/subject

The financial implications of the proposal works out to Rs. 3,70,82,423/-.

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

Completion of work has been taken for six months

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

Finance Department vide diary No. 739/Finance/R-Civil dated 9.5.13 has concurred the case for Rs. 3,70,82,423/- at NP-56/N where they have mentioned that " FD has no objection to the proposal as recommended by CE (C-I) for acceptance of the tender of L-1 firm M/s. H.R Builders at the tendered amount of Rs. 3,70,82,423/- which is 4.27% below the EC of Rs. 3,87,36,397/- against the justification of 4,45,37,137/- (i.e. 22.72% above EC) as checked by Planning at N P-53-54/N. however, department needs to ensure & certify that while submitting the case to the competent authority that (i). due publicity has been given to tender as per codal provision. (ii). Quality of the work will be maintained as per specifications of the NIT while execution of the proposed work.

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

The Finance Deptt. has no objection to the proposal. However the comments on the observations of the Finance Deptt. given below:-

- (i) Due publicity has been given to tender by uploading it on the website and publicity through leading news papers i.e. Hindustan Times (All editions) dated 24.02.2013, Dainik Jagran Delhi at 24.02.2013 and Business Standard (All Edition) dated 24.02.2013 (photocopy of press notices enclosed)
- (ii) Quality of work will be maintained/ monitored by departmental staff, Quality Control & Tech Audit wing of NDMC and through Third Party Quality Inspection during execution of work please.

9. Final views of Finance Department.

FD has no objection to the proposal as recommended by CE (C-I) for acceptance of the tender of L-1 firm M/s. H.R Builders at the tendered amount of Rs. 3,70,82,423/- which is 4.27% below the EC of Rs. 3,87,36,397/- against the justification of 4,45,37,137/- (i.e. 22.72% above EC) as checked by Planning at N P-53-54/N.

10. Legal Implication of the subject/proposal

No legal issue.

11. Detail of previous Council Resolution, existing law of Parliament and Assembly on the subject.

Administrative Approval and Expenditure Sanction amounting to Rs. 4,43,98,000/- vide Item NO. 16(A-15) dt. 25.05.2012 was approved by the Council.

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

13. Comments of Law Department (Wherever necessary).

14. Certificate that all Central Commission's guidelines have been followed while processing the case.

Certified that all guidelines of CVC has been followed during tendering.

15. Recommendation

The case is placed before the Council for consideration & accord of approval for following:-

- (a). For acceptance of the lowest tender of M/s. H.R. Builders for an amounting to Rs. 3,70,82,423/- (Rs. Three Crore Seventy Lacs Eighty Two Thousand Four hundred Twenty Three only) which is 4.27% below the estimated cost.
- (b) To initiate further action in anticipation of confirmation of minutes of the Council Meeting.

15. Draft Resolution

Resolved by the Council that the proposal to accord acceptance of tender in favour of M/s. H.R.Builders for Rs. 3,70,82,423/- (Rs. Three Crore Seventy Lacs Eighty Two Thousand Four Hundred Twenty Three Only) for the work of "S/R of roads in NDMC area. SH: Resurfacing of B.K.Dutt Colony, Aliganj Colony, Lodhi Colony, Jor Bagh Colony Road and other colony service roads in Sub Division-III area (Part A – Resurfacing work)" and to initiate further action in anticipation of approval of minutes of Council meeting.

COUNCIL'S DECISION

Resolved by the Council to accord approval for acceptance of tender in favour of M/s. H.R.Builders for `3,70,82,423/- for the work of "S/R of roads in NDMC area. SH: Resurfacing of B.K.Dutt Colony, Aliganj Colony, Lodhi Colony, Jor Bagh Colony Road and other colony service roads in Sub Division-III area (Part A – Resurfacing 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.

ITEM NO. 07 (A - 04)**1. Name of the subject/project :-**

Requirement of NDMC land on temporary basis to DMRC at Tolstoy Marg near Janpath crossing for the construction of Entry/ Exit of Janpath station for Central Secretariat to Mandi House Corridor.

2. Name of the Department :- Civil Engineering Department.**3. Brief history of the subject/project :-**

DMRC has requested for construction of Entry /Exit of Janpath Station towards Masonic Polyclinic & Imperial Hotel on Tolstoy Marg. DMRC has requested for closure of Tolstoy Marg near Janpath crossing towards Sansad Marg for a period of about six month. For above purpose the land is required by DMRC on temporary basis as per details given below:

Details of Land Required on Temporary Basis

<u>Location</u>	<u>Area</u>	<u>Purpose</u>
Near Masonic Polyclinic & Imperial Hotel	1470 sqm	Entry/Exit of station

4. Detailed proposal on the subject/project :-

DMRC requires the land for construction of Entry /Exit of Janpath Station towards Masonic Polyclinic and Imperial Hotel on Tolstoy Marg. (Drawing showing the area of land required by DMRC is enclosed for reference)

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

There will be no financial implication on NDMC, on account of the transfer of this land to DMRC Ltd. However DMRC will restore the original condition of the roads, footpaths and other utilities as per original specification as per the inventories prepared and accepted jointly by NDMC and DMRC. The restoration will be done at their own cost by DMRC before handing over back land to NDMC.

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

The land will be handed over for a period of six months after the issue of no objection by NDMC. The handing over of 1470 sqm land to DMRC is subject to no objection from other relevant agencies.

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

1. Department may clearly bring on record whether land is being given temporarily or permanently to DMRC. In the draft agenda at para 1 – name of the subject/project & Para 3- Brief History of the subject, department has mentioned both temporary/ permanent whereas in the recommendation under para 15 it is mentioned that land is being handover temporarily. Department may clarify there proposal and submit the corrected proposal in draft agendum.
2. It appears from records while handing over land for construction of Janpath and Mandi House Metro Station, NOC was issued by NDMC vide Council Resolution No. 01(A-15) Dated 7.10.2011 against which charges were to be paid by DMRC as commented by Law department on Para 12 fo the same resolution, but in instant proposal no such charges have been proposed. The department needs to bring on record clarification in this regard.

3. Department has also not brought on record who is the land owning agency to the proposed area/land. If the land belongs NDMC or L &DO, whether proposal has been submitted in terms of comments/advice earlier given in the Para 12 of the Resolution dated 07.10.2011 while handing over land for construction of Janpath & Mandi House Metro Station.
4. As per para 6 of the draft agenda, the land will be handed over for a period of six months, but permission has been granted by office of Additional DCP, Traffic (Central Range), New Delhi (vide letter dated 08.04.2013 placed in the file) upto 10.05.2013 This issue needs to be clarified and addressed by the department.

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

1. DMRC has requested for closure of Tolstoy Marg near Janpath crossing towards Sansad Marg for a period of 6 months. Therefore the land is being given temporarily to DMRC. The necessary correction in the proposal in draft agenda has been made.
2. The land belongs to L&DO and its being used for public purpose or vesting for management by NDMC, Council will give no objection, but, permission shall be given by L&DO the land owning agency & Charges if any shall be collected by them.
3. The land belongs to L & DO and its being used for public purpose or vesting for management by NDMC.
4. The land will be handed over for a period of six months. The permission was granted by office of Additional DCP, Traffic (Central range). New Del upto 10.05.2013. In this regard EE(DMRC) has said telephonically that due to parliament session, the permission was accorded upto 10.05.2013 the required permission will be taken from relevant agencies including DCP (Traffic) after NOC from NDMC.

However the NOC from NDMC is subject to the approval from other agencies i.e. MOUD, L& DO and DCP Traffic.

9. Final views of Finance Department. :-

Permission on the part of NDMC for use of Tolstoy Marg is for a period of 6 months and is subject to approval of other agencies including MOUD, L&DO,DCP(Traffic). Charges for use of the space\land will be collected, if any , by L&DO the land owning agency.

Proposal of Department is agreed subject to the condition that road will be taken over subsequently after restoration of DMRC.

10. Legal implications on the subject/project :-

N.A.

11. Details of previous Council Resolution existing law of Parliament and Assembly on the Subject. :-

Earlier land at Janpath was handed over to DMRC for Phase – III central Secretariat to Mandi House corridor vide council resolution no. 01 (A-15) dated 07.10.11.

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

N.A.

13. Final Views of Law Department. :-

This is a case of temporary transfer of land of DMRC. NDMC has been allowing DMRC to use NDMC land on temporary basis and it has no legal issue.

14. Certification by the department that all Central Vigilance commission (CVC)

guidelines have been followed while processing the case. :-

It is certified that all CVC guide lines have been followed.

15. Recommendations :-

The case is laid down before the Council for accord of approval for issue of NOC to DMRC for handing over of 1470 sqm land on temporary basis so that DMRC can take up the matter of land acquisition with MOUD. DMRC will restore the area after completion of their project at their own cost as per original specification.

16. Draft Council Decision**Resolved by the Council to accord approval to the following :-**

a) To issue NOC to DMRC for handing over of 1470 sqm land on temporary basis at Tolstoy Marg near Janpath Crossing for the construction of entry/exit of Janpath Station for Central Secretariat to Mandi House Corridor. The Council's approval is subject to the following :-

- 1) The approval is subject to grant of permission and no objection by the L&DO for the above.
- 2) DMRC shall not use the walkways/platforms for any other commercial activities, including advertisement, hawkers, vending, kiosks etc. except with prior approval of NDMC.
- 3) DMRC will restore the land temporarily allotted to the original status at the time of handing over, at their own cost after completion of the work and will return it to the NDMC free from encumbrances.

- b)** It is also resolved by the council that the necessary permission for regulation and prohibition on the Tolstoy Marg be accorded and Traffic diversion be regulated as per the permission of Delhi Traffic Police after issuing requisite public notice.

COUNCIL'S DECISION

Resolved by the Council to accord approval to the following :-

a) To issue NOC to DMRC for handing over of 1470 sq.m. land on temporary basis at Tolstoy Marg near Janpath Crossing for the construction of entry/exit of Janpath Station for Central Secretariat to Mandi House Corridor. The Council's approval is subject to the following :-

- 1) The approval is subject to grant of permission and no objection by the L&DO for the above.
- 2) DMRC shall not use the walkways/platforms for any other commercial activities, including advertisement, hawkers, vending, kiosks etc. except with prior approval of NDMC.
- 3) DMRC will restore the land temporarily allotted to the original status at the time of handing over, at their own cost after completion of the work and will return it to the NDMC free from encumbrances.

b) It is also resolved by the Council that the necessary permission for regulation and prohibition on the Tolstoy Marg be accorded and Traffic diversion be regulated as per the permission of Delhi Traffic Police after issuing requisite public notice.

ITEM NO. 08 (C-02)**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.100 lacs under clause 143 (c) shall be reported to the Council. In pursuance of these provisions, a list of contracts entered/executed upto April, 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 87 - 103).**

COUNCIL'S DECISION

Information noted.

Annexure 17 pages

Annexure ends

ITEM NO.09 (C-03)

ACTION TAKEN REPORT ON THE STATUS OF ONGOING SCHEMES/WORKS APPROVED BY THE COUNCIL.

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

The said report on the status of the ongoing schemes/works upto February, 2013, had already been included in the Agenda for the Council Meeting held on 10.04.2013.

A report on the status of execution of the ongoing schemes/works awarded upto April, 2013, is placed before the Council for information. **(See pages 105 - 141)**.

COUNCIL'S DECISION

Information noted.

Annexure 37 pages

Annexure ends

ITEM NO. 10 (A-05)

1. **Name of Subject/Project:** BSUP Project for construction of 240 E.W.S. dwelling units for slum at Bakarwala, Delhi under JNNURM Scheme.

Sub Head: (A) Civil works 'Construction of 240 E.W.S. du, facility centre and infrastructure work including external development work.
 (B) Electrical works 'Providing I.E.I., SCC, Meter Boards, Compound Lighting, Fans & Fixtures etc.
 (C) Providing/Fixing/Testing/Commissioning of Fire Fighting works.
 (D) Development of Horticulture works.

2. **Name of Department:** Civil Engineering Department (Zone-II)

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

A piece of land measuring 2 Acres (approx.) has been allotted at Bakkarwala for relocation of JJ Clusters from NDMC area by DDA. The Competent authority has appointed the Consultant M/s Adlakha Associates Pvt. Ltd. for preparation of DPR & coordinating the sanction of the same from Ministry of HUPA , Govt. of India under the JNNURM scheme and the same was sanctioned by Ministry of HUPA, Govt. of India under the JNNURM scheme vide office memorandum No. N -11026/1/2011 BSUP /JNNURM-Vol.- XIV dated 10.01.2012 for total cost of Rs. 21.89 Crores with the sharing pattern as under:-

➤ Central Govt. Shares	=	Rs.	786.55 Lacs
➤ State Govt. Shares	=	Rs.	139.00 Lacs
➤ Beneficiary Shares	=	Rs.	144.00 Lacs
➤ NDMC (ULB) Shares	=	Rs.	<u>1119.19 Lacs</u>
Total	=	Rs.	<u>2188.74 Lacs</u>

The case was placed before the Council and vide Reso. No. Item No. 10 (A-23) dt. 09.02.2012 and accorded administrative approval and expenditure sanction to the preliminary estimate amounting to Rs. 21.89 Crores (Rs. twenty one crores eighty nine lacs only) for work of BSUP Project for construction of 240 five storied dwelling units at Bakarwala by NDMC under JNNURM scheme.

4. Detailed proposal of the Subject/Project:

The item rate tenders were invited through e-procurement system and given wide publicity in press as per NDMC policy. A pre-bid meeting was scheduled on 22.03.2013 wherein no query or any firm has turned up. On opening of the tender on schedule date i.e. on 05.04.2013 the following two Bidders submitted their tenders in tender box and e-tendering system.

1. M/s. Rama Construction Co.
2. M/s. Aadhar Stumbh Township Pvt. Ltd.

The technical bid was opened on 05.04.2013 and comparative statement was prepared. Both the bidders were meeting the technical parameters. The details were placed before the Technical Evaluation Committee for further examination. Consequent to examination by Technical Evaluation Committee on the recommendations of the Technical Evaluation Committee both the bidders were found to be meeting the requisite parameters as laid down in the NIT and technically qualified for opening of financial bid which was approved by the Competent Authority on 22.04.2013. Thereafter Financial bids were opened on 23.4.2013 of both the firms. The comparative statement of quoted rates is given as per detail given below.

S.No.	Name of firm	Amount	% below or above of Estimated Cost
1.	M/s. Rama Construction Co.	19,67,80,053.03	3.79% Below
2.	M/s.Aadhar Stumbh Township Pvt. Ltd.	17,41,32,104.08	14.86% Below

From the above comparison it is evident that M/s Aadhar Stumbh Township Pvt. Ltd. has quoted the lowest rates of Rs.17,41,32,104.08 i.e.14.86% below the estimated cost of Rs.20,45,29,402/-. The justification of composite work including civil, electrical, fire-fighting and horticulture works which works out to 1.06 % above the estimated cost of Rs.20,45,29,402/- which is 15.76% below the justified cost duly checked by the Planning Division and recommended for acceptance. Consequent to observation of Finance and revision in the Electrical justification the overall justification of composite work including civil, electrical, fire-fighting and horticulture works which works out to 0.72% above the estimated cost of Rs.20,45,29,402/- which is 15.47% below the justified cost. The case was submitted to Finance Department for their concurrence.

Finance has concurred the proposal for acceptance of the tender vide their diary No. 868/fin/dt.18.05.2013.

5. Financial implication of proposed Subject/Project:

The cost of the tendered amount is Rs.17,41,32,104.08.

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

Time for completion of the Project is 15 months after award of work.

7. Comments of the Finance Department at the Subject:

1. This is a composite tender and justification includes items of all parts of the work taken in the NIT. Though the tendered rates of L-1 are within justified amount, however the department may ensure and certify that the justification has been prepared strictly as stipulated in CPWD Works Manual and also having regard to CPWD OM dated 08.06.2009 and updated time to time.
2. As the quoted rates have been worked out 15.76 % below the justified rates, department may ensure and certify that the quoted rates of L-1 firm are workable and enclosed proximity of rates of similar nature of works.
3. Column no. 5 to 9 of the checklist may be filled up completely.
4. LAR of similar nature of works may be brought on record and also at Column no. 5(viii) of checklist
5. Copy of newspapers cuttings have not been found placed on record. Department may ensure and that due publicity has been given to the tender as per the NDMC advertisement policy along with placing on record copy of the newspapers cuttings of the same.
6. Department may also justify cost index, if any, has been taken in NIT. The department may also compare the tendered rates vis-a-vis estimated cost without cost index/ without escalation on market rates /LAR, if any for record purpose.
7. Statutory provision for labour cess may be indicated.

8. The position with regard to quality control may be brought on record.

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

1. It has been ensured and certified that the justification for work has been prepared strictly as stipulated in CPWD Works Manual. Revised justification consequent to observation of Finance as given by Electrical Deptt. on market rate has now been considered. After consideration of revised justification received from Electrical Department, the justification rates of complete work has been worked out to Rs.20,59,93,712/- which is 0.72% above the estimated cost of Rs.20,45,29,402/- and the tendered cost is 15.47% below the justified cost against already checked 15.76% below the justified cost due to reduction in justified cost of the Electrical component on the basis of observation of the Finance Department.
2. It is also ensured and certified that quoted rates of L-1 Firm are workable and in close proximity of rates of similar nature of works.
3. Needful done.
4. LAR of similar nature of works is about 10 to 12% below the estimated cost in CPWD; copies of the same are enclosed herewith.
5. It is certified that due publicity has been given to the tender as per the NDMC advertisement policy and copies of the newspapers cuttings are added herewith.
6. Cost Index has been incorporated in NIT as per CPWD OM No.DG/MAN/243 dated 20.12.11, further Cost Index@14% has been adopted in the Detailed Estimate as per CPWD Circular No.68/ SE /TAS /Building Cost Index/ Oct/ 2012 / 394-E dated 19.12.2012. Subsequently, the NDMC has also implemented the Cost Index @14% above the DSR 2012 vide office order No.D/01/EE (P-II) dated 04.01.2013. As desired by Finance a copy of the Detailed Estimate note was also collected from CPWD which also indicates enhancement of 14.09% as cost index. Accordingly tender was invited on the basis of all these provisions. The deletion of cost index from estimated cost has no significant role in terms of difference between justified and quoted rates which will remain the same in both the conditions.
7. Statutory provision for labour cess @ 1% has been added in justification as provision of CPWD Manual and will be recovered from the bills of the agency.

8. Third Party Inspection and Monitoring Agency (TPIMA) has already been appointed by the GNCT of Delhi.

9. Final view of Finance Department

Finance Department among other observations sought clarification about loading of 14% cost index on estimated cost (based on DSR 2012) as no specific orders have been issued in this regard by CPWD regarding cost index on DSR 2012. The department has not submitted any such specific order, however, in their reply it was stated that cost index of 14% above DSR 2012 has been implemented vide officer order No. D/01/DD (P-II) dated 4.1.2013. It is gathered that this order was issued by the department on its own & appears to be based on interpolated/extrapolated rate of cost index on DSR 2007. To support their estimate at DSR 2012 plus 14% CI, the department provided a certified copy of report of detailed estimate of CPWD in respects of work "Providing foundation for sculpture and misc. works at ICADR, New Delhi", which indicates loading of cost index @14.09% on DSR 2012. A copy of schedule of quantities of UFWS Division of CPWD in respect of work "Improvement of unfiltered Water Supply network at Shanti Van Samadhi" has also been submitted by the department indicating 14.09% cost index.

Tenders and estimates were approved with cost index of 8% and 14% on DSR 2012 from time to time based on the orders being issued by Engineering Department of NDMC. Some of works such works are listed hereunder for example:

1. Riding quality imp programme (Phase-IV)(Micro surfacing) PE for Rs.11,58,57,400/-" in February 2013,
2. PE in respect of Resurfacing of Lane in jurisdiction in R-V division for Rs.2,60,74,600/-" PE for Rs. 1,65,89,396/- in March 2013 for Providing mastic surface on road surface Khan market area.

Keeping in view the fact that NDMC is already considering the project on DSR 2012 plus cost index as per order dated 4.1.2013, this proposal/tender for the work BSUP project for construction of 240 EWS dwelling units for slum at Bakarwala under JNNURM Scheme may be considered by Council being 14.86% below the estimated cost and 15.47% below the justified cost as justified by department.

10. Legal implication of the subject/project:

Nil

11. Details of previous Council Resolution/Existing law of Parliament and Assembly on the Subject:

1. **Item No. 10(A-94) dt. 31.12.2008: (Annexure-1) (See pages 147 – 151)**
Resolved by the Council and it was decided that the estimate part of the DPR be rechecked.
2. **Item No. 10 (A-23) dt. 09.02.2012: (Annexure-2) (See pages 152 – 158)**
 - i) Resolved by the Council that A/A & E/S is accorded to the preliminary estimate amounting to Rs. 21.89 Crores (Rs. Twenty one crores eighty nine lacs only) for work of BSUP Project for construction of 240 five storied dwelling units at Bakarwala by NDMC under JNNURM scheme.
 - ii) Resolved by the Council that a suitable consultant, who has the experience of JNNURM projects, be appointed through open tendering process.

12. Comments of the Law Department on the Subject/Project:

This is a case of approval of Council for award of work and has no legal issue.

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

No comments in view of Comments of the Law Department

14. Final view of the Law Department

No comments

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

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

16. Recommendation:

The case is placed before the Council for acceptance and award of Work to the lowest tenderer i.e. M/s. Aadhar Stumbh Township Pvt. Ltd with the tendered amount of

Rs.17,41,32,104.08 which is 14.86% below the estimated cost of Rs.20,45,29,402/- against the justified cost of 0.72% above the estimated cost and 15.47% below the justified cost. Permission be also 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. Aadhar Stumbh Township Pvt. Ltd and to award the work to M/s. Aadhar Stumbh Township Pvt. Ltd with the tendered amount of Rs.17,41,32,104.08 which is 14.86% below the estimated cost of Rs.20,45,29,402/- which is 15.47% below the justified cost. 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 to accord approval for acceptance of the lowest tender of M/s. Aadhar Stumbh Township Pvt. Ltd and to award the work to M/s. Aadhar Stumbh Township Pvt. Ltd with the tendered amount of `17,41,32,104.08 which is 14.86% below the estimated cost of `20,45,29,402/- and is 15.47% below the justified cost.

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 147 – 158

Annexure ends

ITEM NO. 11 (S-01)**1. Subject:**

Issuance of Show Cause Notice to Shri Jag Jiwan Kumar Sood, the then A.E.(C), (Retired under deemed suspension) on conviction by the Court.

2. Name of the Department:

Vigilance Department

3. Brief History of the subject:

Director (Estate), NDMC got NIT published on 30.05.2002 (**Annexure-I**) (**See page 164**) for licensing the various vacant premises for running licensable/non-licensable purpose in the local newspapers, out of which "Ground/Lower Ground Floor of Akbar Bhawan, Chanakyapuri measuring 9657 sq.ft." was one of the premises appearing at Serial No. 15 of the aforesaid advertisement.

In response, only one offer was received, quoted by Shri Dev Raj, R/o 2-1/13, Hauz Khas, New Delhi @ Rs.36.99 per sq. ft. per month. The allotment sub-committee under the Chairmanship of Shri Arun Baroka, Secretary, NDMC deliberated upon the offer on 21.06.2002 and recommended the offer received from Shri Dev Raj which was approved by Shri Subhash Sharma, the then Chairman, NDMC on 25.06.2002. Director (Estate) issued a letter of acceptance No.SAA/Estate/3291/P-2002 to Shri Dev Raj on 03.07.2002 (**Annexure-II**) (**See page 165**) asking him to form a partnership/private limited company within ten days. Shri Dev Raj formed a company in the name of M/s Gesture Hotel and Foods Pvt. Ltd. and got it registered with the Assistant Registrar, Govt. of NCT, Delhi on 12.07.2002. Besides himself, Shri Rajesh Kumar, Shri Ashok Kumar and Shri Kamal Kumar [all three sons of Shri Dharamvir Khattar] were appointed as Directors of the said company and accordingly informed Director (Estate) vide their letter dated nil along with all necessary documents. Therefore, the space measuring 9657 Sq. Ft. was allotted in favour of M/s Gesture Hotel and Foods Pvt. Ltd. vide letter No.SAA/Estate/3403 to 3407 dated 22.07.2002 (**Annexure-III**) (**See page 166**), issued by Shri Deepak Virmani the then Dy. Director (Estate) addressing to Director, M/s Gesture Hotel and Foods Pvt. Ltd., with the direction to contact Executive Engineer (Civil) CBM, NDMC for taking over the possession of the said premises.

As all the original documents are in the custody of Hon'ble Trial Court, therefore, aforesaid facts have been taken up from the photocopy of the "Sanction Letter" issued by Disciplinary Authority/Chairperson, NDMC on 25.01.05 and sent to CBI vide letter No.146/Vig./Imp./SO(G)/2005 dated 27.01.05, by Director (Vigilance), NDMC [Annexure-IV] (See pages 167 - 171).

4. Details of the case:

The physical possession of the said premises was handed over to Shri Dev Raj, one of the Directors of M/s Gesture Hotel and Foods Pvt. Ltd. on 23.07.2002 **[Annexure-V] (See page 172)** by Shri Jagjiwan Kumar Sood, AE (Civil) alongwith Shri Vijay Kumar, JE (Civil), NDMC without taking into consideration the directions as contained in the letter dated 22.7.2002 issued by Dy. Director (Estate). The aforesaid Occupation Report was forwarded by Shri Jagjiwan Kumar Sood, Assistant Engineer (Civil), NDMC, to Executive Engineer (Civil), CBM, Palika Parking, Connaught Place and thereafter, to Estate Deptt., NDMC, Palika Kendra, New Delhi.

CBI/ACB registered a case in this matter vide FIR No. DAI-2003-A-0042/CBI/ACB/New Delhi **[Annexure-VI] (See pages 172 - 181)** and during the course of investigation, the space under the occupation of M/s Gesture Hotel and Foods Pvt. Ltd. was got measured on 30.09.2003 **[Annexure-VII] (See pages 182 - 184)** and it was found that said Hotel was having possession of the covered area of 14504.91 sq. ft. and open space measuring 15536.69 sq. ft. on the ground/lower ground floor against the allotment of 9657 sq. ft. resulting into pecuniary loss of Rs.1,88,290.19/- per month which compounds to Rs.22,59,482.28/- per year to NDMC.

Thereafter, Chairman, NDMC accorded sanction to prosecute S/Shri Jagjiwan Kumar Sood, the then AE(C) and Vijay Kumar, JE(C) under Section 19(1)(c) of Prevention of Corruption Act, 1988 vide Sanction Order dated 25.01.2005 and sent to CBI vide letter No.146/Vig./Imp./SO(G)/2005 dated 27.01.05, by Director (Vigilance), NDMC **[Annexure-IV] (See pages 167 - 171)**. CBI filed the Charge Sheet in the court of law which was registered as a Criminal Case No.60/06. Shri Jagjiwan Kumar Sood, A.E.(C) and Shri Vijay Kumar, J.E.(C) had been placed under suspension vide order dated 20.06.05 **(Annexure-VIII and Annexure-IX) (See pages 185 - 186)**. They were reinstated vide order dated 01.11.06 **(Annexure-X & Annexure-XI) (See pages 187 - 188)**. Shri O.P. Saini, Special Judge CBI delivered the judgement on 15.09.09 running into 45 pages **(Annexure-XII) (See pages 189 - 232)** and in para 63 at page-35 and 36 of the judgment, held as under:

"63.prosecution has been successful in proving beyond reasonable doubt that accused Jagjeevan Kumar Sood and Vijay Kumar entered into criminal conspiracy with accused Dev Raj to handover to M/s Gesture Hotel and Food (P) Ltd., space measuring 14504.91 Sq. ft. instead of leased space measuring 9657 Sq. ft., and thereby caused pecuniary loss to the Govt. by way of allowing use of excess space and this was done by them, by misusing their official position, as such public servants, and thereby caused pecuniary loss to the state exchequer to the tune of Rs. 22,59,482/-, for a period of one year, at the rate of Rs. 1,88,290.19 per month. I am also satisfied that prosecution has been successful in proving beyond reasonable doubt that by doing the aforesaid acts, accused Jagjeevan Kumar Sood and Vijay Kumar, both public servants have, committed criminal misconduct as their act caused aforesaid pecuniary loss to the state exchequer

and corresponding pecuniary gain to accused Devraj, Direction of M/s Gesture Hotel and Food (P) Ltd."

Further, Ld. Judge, vide order dated 15.09.09 (Refer Para-12 & 13 of Annexure-XII) **also awarded punishment of rigorous imprisonment for three years alongwith a fine of Rs. Ten Thousands (Rs.10,000) each, in default of which, both have to undergo rigorous imprisonment for three more months under section 120-B Indian Penal Code read with Section 13 (2) read with Section 13 (1) (d) of the Prevention of Corruption Act, to S/Shri Jagjiwan Kumar Sood, A.E.(C), BM and Vijay Kumar, J.E.(C).**

In view of aforesaid facts apparent on the face of record, it is sufficiently proved that Shri Jagjiwan Kumar Sood while performing the duties of A.E. (C), CBM did not act bonafidely and entered into conspiracy alongwith Shri Vijay Kumar, JE(C) to provide undue benefit to M/s Gesture Hotel & Foods Pvt. Ltd. through its Director Shri Dev Raj and causing corresponding loss to NDMC.

It is also to mention that Hon'ble High Court has suspended the sentence of both officials vide order dated 12.10.09 **(Annexure-XIII) (See pages 233 - 239)**.

Thereafter, Shri Jagjiwan Kumar Sood and Vijay Kumar were placed under suspension (deemed suspension) w.e.f 15.09.09 vide order No. 288/PB/Vig/Imp/TO(C-II)/09 dated 03.12.09 **(Annexure-XIV and Annexure-XV) (See pages 240 - 241)**.

Disciplinary Authority/Chairman, NDMC approved the proposal on 09.07.10 to initiate Major Penalty proceedings against both convicted officials and to conduct an Inquiry Under Rule-14, CCS (CCA) Rules, 1965 **(Annexure-XVI) (See pages 242)**. It is pertinent to mention that Shri Jagjiwan Kumar had retired from Municipal Services on 30.04.10 **(Annexure-XVII) (See page 243)** whereas, Shri Vijay Kumar, J.E.(C) is in service and under suspension (deemed) w.e.f. 15.09.09 i.e. date of conviction. However, the chargesheets could not be issued in absence of documents.

Meanwhile, it was noticed that some of the convicted officials had been issued Show Cause Notice for dismissal under Rule 19 (i) of CCS (CCA) Rules 1965 and further read with Section 39 (2) of NDMC Act, therefore, to remove discrimination or separate treatment and to maintain uniformity in the action of NDMC being taken against the convicted delinquent officers, the case was processed vide note dated 11.01.13 and further 15.01.13 **(Annexure-XVIII) (See pages 244 - 248)** to revoke the approval dated 09.07.10 (Refer Annexure-XVI) granted by Chairman, NDMC to initiate Major Penalty Proceedings against both convicted officials and to issue Show Cause Notices for dismissal under the Rules as aforesaid, and to treat suspension periods "Not spent on duty". However, in case of Shri Jagjiwan Kumar Sood, A.E.(C) (Retired while under deemed suspension) to issue notice under Rule 9 of CCS(CCA) Pension Rules also for withdrawing pension and forfeiting the gratuity and other benefits also. The Standing Counsel, High Court has also accorded her consent vide note dated 13.03.13 **(Annexure-XIX) (See page 249)**. Chairman, NDMC has also approved the proposal on 04.04.13 **(Annexure-XX) (See page 250)**. Accordingly, the Show Cause Notice for dismissal, has been issued vide No.003/SH/Vig./

Imp./F.No.14/ TO(C-III)/2013 dated 08.04.13 (**Annexure-XXI**) (**See pages 251 - 254**) to Shri Vijay Kumar, J.E.(C) presently under (deemed) suspension. Whereas, Show Cause Notice for withdrawing complete pension and forfeiting the gratuity and other benefits including treatment of suspension period (w.e.f 20.06.05 to 01.11.06 and w.e.f. 15.09.09 to 30.04.10 i.e. date of superannuation) as "Not spent on duty" (**Annexure-XXII**) (**See pages 255 - 258**), to be issued to Shri Jagjiwan Kumar Sood the then A.E.(C), Retired while under (deemed) suspension, under signature of Director (Vigilance) for and on behalf of Council, is placed before Council for approval.

5. Order of Chairperson/Disciplinary Authority

Chairperson/Disciplinary Authority has approved the following proposal (**Refer Annexure-XX**) (**See pages 250**):

- a) To revoke the approval dated 09.07.10 granted by Chairman, NDMC at Page-133/N to initiate Major Penalty proceedings against these two officers; AND
- b) To issue Show Cause Notice for dismissal to Shri Vijay Kumar, J.E.(C) (Under deemed suspension) to hold skeleton Inquiry under Rule 19(i) of CCS (CCA) Rules, 1965 read with Section 39(2) of NDMC Act including treatment of suspension period [w.e.f. 20.06.05 to 01.11.06 and w.e.f. 15.09.2009 till the date of passing of Final Order] as "Not spent on duty"; AND
- c) To place the case of Shri Jag Jiwan Kumar Sood, the then A.E.(C) (Under deemed suspension) now retired for issuing Show Cause Notice under Rule-9 of CCS (Pension) Rules read with Rule 19(i) of CCS (CCA) Rules, 1965 and further read with Section 39(2) of NDMC Act for withdrawing complete pension and forfeiting the gratuity and other benefits including treatment of suspension period [w.e.f 20.06.05 to 01.11.06 and w.e.f 15.09.09 to 30.04.10 i.e. date of superannuation] as "Not spent on duty".
- d) The draft of Show Cause Notices (placed in Separate file cover 'A').
- e) To issue the Show Cause Notice to Shri Vijay Kumar J.E.(C) (Under deemed suspension).

6. Financial implication:

Nil

7. Implementation schedule:

Show Cause Notice to Shri Jagjiwan Kumar Sood, A.E.(C), Retired, while under (deemed) suspension, shall be issued immediately after the sanction/approval of the Council.

8. Comments of the Finance:

N.A.

9. Comments of the Department on Comments of Finance Department.

NIL

10. Final views of Finance Department.

NIL

11. Legal implication:

Standing Counsel, High Court has given her consent vide note dated 13.03.13 (**Refer Annexure-XIX) (See page 249)** which has been vetted by Law Department.

12. Comments of the Law Department.

Law Department has vetted the advice of Standing Counsel, High Court (**Refer Annexure-XIX) (See page 249)**).

13. Rule Position about quantum of withdrawal of pension:-

Under Rule 9 of CCS (Pension) Rule.

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

- (1) The Council reserves 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

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 1.1.2006) per mensem.

It means that:-

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

14. Comments of the Department and competency of the Council:

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 Reso.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.

15. CVC Advice

Not required, as Shri Jagjiwan Kumar Sood is Class-II Officer.

16. Recommendation:

It is recommended that **Show Cause Notice under Rule-9 of CCS (Pension) Rules read with Rule 19(i) of CCS (CCA) Rules, 1965 and further read with Section 39(2) of NDMC Act for withdrawing complete pension and forfeiting the gratuity and other benefits including treatment of suspension period [w.e.f 20.06.05 to 01.11.06 and w.e.f 15.09.09 to 30.04.10 i.e. date of superannuation] as "Not spent on duty" as detailed in Para-5 hereinabove, be issued to Shri Jagjiwan Kumar Sood, the then A.E.(C), retired while under (deemed) suspension under signature of Director (Vigilance).**

COUNCIL'S DECISION

Resolved by the Council that Show Cause Notice under Rule-9 of CCS (Pension) Rules read with Rule 19(i) of CCS (CCA) Rules, 1965 and further read with Section 39(2) of NDMC Act for withdrawing complete pension and forfeiting the gratuity and other benefits including treatment of suspension period [w.e.f 20.06.05 to 01.11.06 and w.e.f 15.09.09 to 30.04.10 i.e. date of superannuation] as "Not spent on duty" as detailed in Para-5 of the agenda, be issued to Shri Jagjiwan Kumar Sood, the then A.E.(C), (retired) while under (deemed) suspension under signature of Director (Vigilance).

Annexures

Annexure ends

ITEM NO. 12 (M-01)

1. **Name of the subject/ project:** - Amendment in dissolution clause of Memorandum of Association of Navyug School Educational Society.
2. **Name of the Department:** - Navyug School Educational Society.
3. **Brief history of the subject/project:-** New Delhi Municipal Council (earlier known as New Delhi Municipal Committee) vide resolution no. 31 dated 14-05-1992 took a decision to establish an educational Society for Navyug Schools to facilitate smooth functioning and obviate multiplicity of administrative control. The Society was accordingly established and registered with Registrar of Societies on 28-12-1992.
4. **Detailed proposal of the subject/ project:-** The employees of the Navyug School Educational Society are governed by the provisions of F.R/S.R, G.F.Rs, leaves rules, GPF rules, pension rules etc. Monthly subscription of the General Provident Fund is deducted from the salaries of the employees and invested in banks to earn interest on it. The banks make payment on maturity after deducting income tax at source (TDS) whereas employees are paid interest at the rates notified by the Govt. of India from time to time. The deduction of income tax by the banks has created a gap between the total amount of GPF subscription of the employees and GPF balance available with the Society.

An application along with necessary documents for registration of Navyug School Educational Society under section 12(A) of the Income Tax was filed with Income Tax Department. The Income Tax Department is emphasizing for passing of the following dissolution clause:-

"That in the event of dissolution of the society, the entire assets/liabilities of the society shall be distributed /transferred to any other charitable organization /association having similar aims and objects, after obtaining previous approval of Commissioner of Income tax.

That all other aims and objects of the original MOA shall remain the same."

Clause 26 of the Memorandum of Association of NSES which is regarding dissolution and adjustment of affairs reads as under:-

If the Society need to be dissolve, it shall be dissolved as per the provision laid down under section 13 & 14 of the Society Registration Act, 1860 as applicable to the Union Territory of Delhi.

Section 14 of the Society Registration Act, 1860 states as under:-

"Upon a dissolution no member to receive profit :-If upon the dissolution of any society registered under this Act there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the said society or any of them, but shall be given to some other society, to be determined by the votes of not less than three-fifths of the members present personally or by proxy at the time of the dissolution, or in default thereof, by such court as aforesaid."

In this way, Navyug School Educational Society has made a commitment in clause 26 of the Memorandum of Association that on dissolution property shall be given to some other society.

5. Financial implication of the proposed subject/project: - At present approx. Rs.10.00 lakhs annually are being deducted at source as Income Tax by the Bank from the maturity proceed of investment of GPF. This will not be deducted once the income tax exemption is obtained.

6. Implementation through with timeline for each stage including processing: -

Not applicable.

7. Comments of Finance Department on the subject/project:-

F.A. has agreed to the proposal.

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

No comments.

9. Legal implication of the subject/project:-

10. Details of previous council resolution, existing Law of Parliament /Assembly on the subject: - Resolution no. 31 dated 14-05-1992.

11. Recommendation of the Department: - The spirit of both, (a) section 14 of Society Registrations Act 1860, and (b) amendment dissolution clause being stressed by Income Tax Department for transferring of property to some other society/ charitable organization/ association is more or less same. The proposed amendment clause of income tax department is specific for transfer of assets and liabilities to the other charitable organization/ association having similar aims and objects. The case may be placed before the Council for according approval for making following amendments in clause 26 of the Memorandum of Association as is being stressed by the Income Tax Department for registering Navyug School Educational Society with them:-

“That in the event of dissolution of the society, the entire assets/liabilities of the society shall be distributed /transferred to any other charitable organization /association having similar aims and objects, after obtaining previous approval of Commissioner of Income tax as per provisions of Income Tax applicable to Society.

That all other aims and objects of the original MOA shall remain the same.”

12. Draft Resolution:- Resolved by the Council that amendments in clause 26 of the Memorandum of Association as recommended by the department at the stance of the Income Tax Department is approved. Council further resolved that Income Tax Department may be informed in anticipation of confirmation of the minutes of the meeting.

COUNCIL'S DECISION

Resolved by the Council that amendments in clause 26 of the Memorandum of Association as recommended by the department at the stance of the Income Tax Department is approved.

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

(SHEILA DIKSHIT)
PRESIDING OFFICER