

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

**COUNCIL'S MEETING NO. 13/2012-13 DATED 28.02.2013 AT 4-00 P.M.**

**Arrangement of business**

ITEM NO.	SUBJECT	PAGE	ANNEXURE
01 (C-36)	Confirmation and signing of the minutes of the Council's Meeting No. 12/2012-13 held on 31.01.2013.	2	3 – 6
02 (H-08)	Appointment of Sh. Vikas Anand, IAS (AGMU: 2002) as Secretary, New Delhi Municipal Council.	7 – 8	
03 (D-04)	Enhancement of powers of the Chairperson, NDMC to enter into contracts on behalf of the Council – reg.	9 – 11	12 – 23
04 (B-19)	Purchase of 11 KV HT XLPE Cable of size: 400 sq.mm/3C duly ISI marked. <b>(Award of work)</b>	24 – 28	29 – 41
05 (B-20)	Revised estimate for augmentation of 33KV ESS at Kidwai Nagar (West). <b>(Admn. Approval &amp; Expdr. Sanction)</b>	42 – 46	47 – 49
06 (L-04)	Modification/Clarification in Estate Policy approved by the Council vide Reso. No. 9(L-1) dt. 30.9.2004 in respect of charging of security deposit from Govt. Departments	50 – 53	
07 (J-03)	Revision of parking charges/tariff in N.D.M.C. area and decision on Palika Parking.	54 – 65	
08 (O-05)	Placing of Annual Audit Report for the year ended March 2010 in the Council.	66 – 68	Report will be placed on table
09 (C-37)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.100 lacs. (For information of the Council)	69	70 - 79
10 (C-38)	Action Taken Report on the status of ongoing schemes/works approved by the Council. (For information of the Council)	80	81 - 113
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13 (H-09)	Denial of exemption u/s 5 of the Payment of Gratuity Act 1972 by the Central Govt.	162 – 171	172 – 184
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**ITEM NO. 01 (C-36)**

Confirmation and signing of the minutes of the Council's Meeting No. 12/2012-13 held on 31.01.2013. **(See pages 3- 6 )**

**COUNCIL'S DECISION**

Minutes confirmed.

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

**MINUTES OF THE COUNCIL'S ORDINARY MEETING NO. 12/2012-13 HELD ON 31.01.2013, AT 4-00 P.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.**

<b>MEETING NO.</b>	<b>:</b>	<b>12/2012-13</b>
<b>DATE</b>	<b>:</b>	<b>31.01.2013</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. Ms. Archna Arora</b> | - | <b>Presiding Officer</b> |
| 2. Smt. Tajdar Babar       | - | Vice Chairperson         |
| 3. Sh. Ashok Ahuja         | - | Member                   |
| 4. Sh. C.K. Khaitan        | - | Member                   |
| 5. Sh. Dharampal           | - | Member                   |
| 6. Sh. Santosh D. Vaidya   | - | Member                   |
| 7. Sh. D.S. Pandit         | - | Secretary                |

ITEM NO.	SUBJECT	DECISION
01 (C-32)	Confirmation and signing of the minutes of the Council's Meeting No. 10/2012-13 held on 24.12.2012.	Minutes confirmed and signed.
02 (C-33)	Confirmation and signing of the minutes of the Council's Special Budget Meeting No. 11/2012-13 held on 14.01.2013.	Minutes confirmed and signed.
03 (B-16)	Supply, Installation, Testing & Commissioning of 12 Nos. 11 KV	Resolved by the Council to accord approval to award the work of "Supply, Installation, Testing &

	shunt capacitor banks with automatic power factor corrector mechanism at various 66/11 KV & 33/11 KV ESS in NDMC area.	<p>Commissioning of 12 Nos. 11 KV shunt capacitor banks with automatic power factor corrector mechanism at various 66/11 KV &amp; 33/11 KV ESS in NDMC area" to the lowest tendering firm M/s Shreem Electricals Ltd at the total computed cost of `3,93,00,000/- on the terms, conditions and specifications of NIT.</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 (A-38)	Construction of the random stone masonry boundary wall on both the said of Shankar Road from Ganga Ram Hospital to Talkatora Stadium round about.	<p>Resolved by the Council to accord Revised Administrative Approval and Expenditure sanction of ` 3,13,37,800/- for the work of Construction of the random stone masonry boundary wall on both the sides of Shankar Road from Ganga Ram Hospital to Talkatora Stadium round about (Deposit work).</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-39)	Change in CPWD Specification in respect of limit imposed by its water absorption in red/white sandstone work of cladding/jambes/cornice.	<p>The issue was deliberated at length after which the Council resolved to allow 5% water absorption in red/white stone in all works already executed, in which Engineer-in-Chief had agreed to variation upto 6% and works which would be taken up henceforth.</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 (F-01)	Determination of municipal tax, rates,	Resolved by the Council to accord approval to

	cesses and rebates for the year 2013-14 and other related matters.	the proposals as contained in Paras - 09 to 12 (i to vi) of the agenda and to permit implementation of the same in anticipation of confirmation of minutes of the meeting.
07 (H-06)	Grant of pay scales to Nursing Cadre as per recommendation of 6 <sup>th</sup> CPC instead of DTL.	<p>Pending notification of regulations, the Council resolved to modify its Resolution dated 22<sup>nd</sup> of July, 2009 and to give the Nursing staff the CPC Pay Scales and fix their pay in the CPC Scales on 1<sup>st</sup> January, 2013 so that there is no reduction in the pay of these Nurses while switching over from DTL Scale to CPC Scale w.e.f. 1<sup>st</sup> January, 2013. However for all practical purposes the new scales will be available to them from 01.01.2006 as requested for and the cadre will not be allowed to revert back from CPC Scale henceforth.</p> <p>It was further resolved that pending notification of the regulations, the above decision may be made available to all those employees / categories who are in DTL Scale and want to opt for CPC Scales, with the approval of the Chairperson, NDMC.</p>
08 (H-07)	Seeking approval for a proposal to request UPSC to assess the suitability of contractual Doctors working in NDMC for regular appointments.	Deferred with the direction to place the agenda in the next meeting of the Council with details on issues raised by the Members.
09 (O-04)	Report of the Standing Committee on Audit in NDMC.	Information noted. The Council also directed that Action Taken Reports on recommendations of the Standing Committee on Audit in may be put up before the Council along with next report.
10 (C-34)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.100 lacs.	Information noted.
11 (C-35)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.

12 (A-40)	S/R of roads in NDMC area. Sh:- Construction of cement concrete pavement for lanes & colonies of the Sec-II, DIZ area.	<p>Resolved by the Council to accord approval to carry out the subject work out of NDMC funds in view of severe hardships faced by the residents of the area, which is in line with its earlier decision taken on 03 Sep.'09 &amp; supersession of its earlier decision of carrying out these works in anticipation of vesting roads/parks with Council taken on 30 Sep.'09.</p> <p>The Council further resolved to accord approval for acceptance of the lowest offer of M/s. H.R. Builders @ 12.14% below the estimated cost of `9,79,96,784/- against the justification of 16.97% above the estimated cost at the tendered amount of `8,61,00,923/- for the work "Construction of cement concrete pavement for lanes &amp; colonies of the Sec-II, DIZ area".</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>
13 (U-07)	Security and Traffic Services/Arrangements at Navyug School, Community Centre & Water Reservoirs under Group Contract 'J'.	<p>Resolved by the Council to accord approval to award the work for "Security and Traffic Services/Arrangements at Navyug Schools, Community Centre &amp; Water Reservoirs" under Group Contract 'J' to M/s Good Year Security Service (Regd.) at the bid amount of `13729156.68 per annum for a period of two years i.e. at a total cost of `2,74,58,313/36 on the terms &amp; conditions mentioned in the NIT.</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>
14 (B-17)	Revised Estimate for the replacement of 33KV outdoor switchgear with indoor GIS system at S/S Nehru Park.	<p>Resolved by the Council to accord revised Administrative Approval &amp; Expenditure Sanction, to the Revised Estimate amounting to ` 425.95(G) and ` 424.67 Lacs (`381.62Lacs for Electric</p>

		<p>Works and `43.05 Lacs for Civil Works) (N) for Replacement of 33KV outdoor switchgear with indoor GIS system at S/S Nehru Park.</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>
15 (B-18)	Revised estimate for Replacement of 33KV Outdoor Switchgear with Indoor GIS System at S/S Tilak Marg	<p>Resolved by the Council to accord Revised Administrative Approval &amp; Expenditure Sanction to the revised estimate amounting to `361.24 Lacs (G) and `359.63 Lacs (N) (`299.92 for electric work plus `59.71 Lacs for civil work) for Replacement of 33KV outdoor switchgear with indoor GIS system at S/S Tilak Marg.</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 (H-08)****1. Name of the Subject/Project**

Appointment of Sh. Vikas Anand, IAS (AGMU: 2002) as Secretary, New Delhi Municipal Council

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

Personnel Department

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

Under Section-33 (1) of NDMC Act, 1994, the Council shall appoint a suitable person as a Secretary of the Council. As per Section 33 (2), the appointment shall be made with the previous approval of the Administrator (Lt. Governor) of Delhi.

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

As per provisions of Recruitment Rules, the post of Secretary has to be filled up on deputation from the Officers of an IAS Cadre.

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

There are no financial implications. The Officer will draw his salary against the vacant post of Secretary.

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

Not applicable

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

The appointment against a vacant post.

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

Not applicable

**9. Legal implications of the subject/project**

Nil

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

NIL

**11. Final view of Law Department [wherever necessary].**

The appointment is as per provision of Section 33(1) & (2) of the NDMC Act, 1994.

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

Not applicable

**13. Recommendation**

The case is laid before the Council to approve appointment of Sh. Vikas Anand, IAS (AGMU: 2002) as Secretary, NDMC as per provision Section 33(1) & (2) of the NDMC Act, 1994 and payment of salary and allowances to him as per terms and conditions of deputation, with effect from the date of his joining in NDMC.

**COUNCIL'S DECISION**

Resolved by the Council to approve appointment of Sh. Vikas Anand, IAS (AGMU: 2002) as Secretary, NDMC as per provision Section 33(1) & (2) of the NDMC Act, 1994 and payment of salary and allowances to him as per terms and conditions of deputation, with effect from the date of his joining in NDMC.

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

Enhancement of powers of the Chairperson, NDMC to enter into contracts on behalf of the Council – reg.

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

Finance Department.

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

(i) The Council vide its Resolution No. 09(D-6) of ordinary meeting dated 31.12.2008 resolved to recommend the increase of the limit under section 143(c) of NDMC Act 1994 from ` 50 lakh to ` 200 lakh and to consider further increase upto `400 lakh, as and when the need is felt.

(ii) At present, the powers of Chairperson, NDMC conveyed by Ministry of Home Affairs, GOI vide letter NO. F.No. 14011/51/2007 –Delhi II dated 25.5.09 in exercise of powers conferred by Clause (c) of Section 143 of NDMC Act, 1994 in the matter of entering into a contract are upto ` 1Crore.

(iii) The Council vide Item No. 10(D-01) dated 17.6.2009 noted this for information and further resolved that the proposals to seek A/A/&E/S of the Chairman to the expenditure exceeding `50 lakh and upto `1 Crore will be submitted on file in the same format in which agenda is submitted for Council's approval.

(iv) As the Council now is also maintaining the Govt. colony parks, developing the internal roads in all Government colonies which were earlier maintained by CPWD and besides other factors there became substantial increase in volume of works of Civil, Horticulture and Electrical Departments and further also looking into the fact that the

Government of NCT of Delhi vide order no. PA/DSF/Misc./2010-11/DSIV/2505-2515 dated 02.06.2011 has revised the delegated powers for sanction of capital works, In this context a reference was made to Ministry of Home Affairs, Govt. of India on 6<sup>th</sup> September, 2011, requesting the Central Government to increase, u/s 143 (c), for enhancement of powers of Chairperson, NDMC in the matter of entering into contract from `1 crore (approved in 2009) to Rs2 crore, as also resolved by the Council vide Reso. No. 9(D-06) dated 31.12.2008.

(v) The above facts and circumstances including the correspondence made with MOH in this regard were placed before the Council for consideration and further directions in this matter. The Council vide Resolution NO. 07(D-02) dated 30.10.2012 noted the information and further reiterated its decision taken vide Resolution No. 9(D-06) dated 31.12.2008, recommending enhancement of powers of Chairperson, NDMC to enter into contract on behalf of Council upto `400lac as and when the need is felt.

(vi) Accordingly, Ministry of Home Affairs was approached apprising the resolution of Council in terms of section 143 (c) of NDMC Act 1994 vide Letter No. 4215/PA/Dir(GA) dated 17.12.12 to enhance the powers of Chairperson to enter into contract on behalf of the Council in terms of Council's Resolution dated 30.10.12. **(Annexure-I) (See page 12)**

(vii) The Ministry of Home Affairs, GOI vide F.No. 14011/51/2007-Delhi-II dated 30<sup>th</sup> January 2013 has now informed that in supersession of this ministry's letter of even number dated 25<sup>th</sup> May 2009, the Central Government have, in exercise of powers conferred by Clause(c) of section 143 of the New Delhi Municipal Council Act, 1994, decided to enhance the financial powers of the Chairperson, New Delhi Municipal Council in the matter of entering into a contract on behalf of the Council to 2(Two)crore subject to the condition that he/she shall in the exercise of this enhanced power ensure that the relevant codal formalities are strictly adhered to and mechanism of seeking advice of the Financial Unit of the Council is put in Place. **(Annexure -II) (See page 13)**

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

The decision of the Central Government enhancing financial powers of Chairperson, NDMC from `1(one)core to ` 2(two) crore as stated in para above may be noted to the Council for information

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

Nil.

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

Not Applicable.

**7. Comments of the Finance Department on the subject with diary no. & date**

Not required, FD having initiating the proposal.

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

Not required

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

Nil.

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

Resolution No.09 (D-06) dated 31.12.2008. **(Annexure-III) (See pages 14 - 16)**

Resolution No.10 (D-01) dated 17.06.2009. **(Annexure-IV) (See pages 17 - 19)**

Resolution No. 07(D-02) dated 30.12.2012. **(Annexure –V) (See pages 20 - 23)**

**11. Comments of the Law department on the subject/project**

If we refer to Councils Resolution in the present agenda, copies of all the resolution will have to be enclosed.

The enhanced powers are as per provision of Section 143(c) of the Act. Deptts will have to intimate the Council all the contracts above one lakh to 2crore as per 143(d) of the Act

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

The referred Council Resolutions have been enclosed as Annexure –III, IV, and V.

The department will intimate the Council all contracts above one Lakh to 2 Crore as per 143(d) has been taken in recommendation.

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

Not applicable

**14. Recommendation.**

The following may be noted by the Council for information.

- (i) The decision of the Central Government for enhancing the financial powers of Chairperson NDMC from ` 1crore to Rs 2(Two) crore, in the matter of entering into a contract on behalf of Council, subject to the condition that he/she shall in the exercise of this enhanced power ensure that the relevant codal formalities are strictly adhered to and mechanism of seeking advice of the Financial Unit of the Council is put in place, as conveyed by The Ministry of Home Affairs, GOI vide F.No. 14011/51/2007-Delhi-II dated 30<sup>th</sup> January 2013.
- (ii) The proposal to seek A/A&E/S of the Chairperson to the expenditure exceeding ` 50Lakh and upto ` 2 Crore will be submitted in the file in the same format in which agenda is submitted for Council's approval, as per the existing practice.
- (iii) The enhanced powers are as per provision of Section 143(c) of the Act. Deptts will have to intimate the Council all the contracts above ` one lakh to ` 2crore as per 143(d) of the Act.

**15. Draft Resolution**

Information noted.

**COUNCIL'S DECISION**

Information noted.





Annexure 12 pages























Annexure ends

**ITEM NO. 04 (B-19)**

1. **Name of Subject/Project:** Purchase of 11 KV HT XLPE Cable of size: 400 sq.mm/3C duly ISI marked.

2. **Name of the Department** : ELECTRICITY DEPARTMENT

3. **Brief History of the subject/Project:** A case for the procurement of 36.5 Km of 11 KV HT XLPE Cable of size :400 sq.mm/3C duly ISI marked was processed against the sanctioned estimates duly approved by Council / Chairperson/CE(E-II) as per ANNEXURE "A" (See pages 29 - 36).

4. **Detailed Proposal of the Subject/Project:** Tenders were invited in three cover system through e-procurement system from the manufacturers for the purchase 36.5 Km of 11 KV HT XLPE Cable of size:400 sq.mm/3C duly ISI marked by giving due publicity to the NIT as per the codal provisions. In response to the Tender Enquiry, offers of the following Five firms were received on due date of opening 23.08.2012 on e-portal system.

1. M/s Krishna Electrical Industries Ltd.
2. M/s Hindusthan Vidyut Products Ltd.
3. M/s Havells India Ltd.
4. M/s KEI Industries Ltd.
5. M/s Finolex Cables Limited

The offers of the above firms were scrutinized and subsequently examined by the planning division, following four firms were found eligible as per NIT requirement.

1. M/s Krishna Electrical Industries Ltd.
2. M/s Hindusthan Vidyut Products Ltd.
3. M/s Havells India Ltd.
4. M/s KEI Industries Ltd.

The following firm was not found eligible:-

1. M/s Finolex Cables Limited (As per Terms & Conditions of NIT ,the firm did not submit the ISI license for the last at least five years)

With the approval of CE(E-II), the price bids of all the eligible firms **except M/s Finolex Cables Limited were opened on 07.12.12** The position of each tendering firm is as under:

Name of the Firm	Rates as per offer of the firm (₹)	Estimated cost put to tender (₹)	Remarks
M/s Krishna Electrical Industries Ltd.	QR- <u>3,52,73,600.00</u> CR- 4,11,48,785.30	CR- <u>3,90,00,250.00</u> CR- 3,90,00,250.00	The rate of L-I firm, M/s. Hindusthan Vidyut Products Ltd. is 4.29% above than the estimated cost put to tender based on sanctioned estimate.
M/s Hindusthan Vidyut Products Ltd.	QR- <u>3,51,38,550.00</u> CR- 4,06,72,808.28 ( L-I)		
M/s Havells India Ltd.	QR- <u>3,63,17,500.00</u> CR- 4,17,98,406.43		
M/s KEI Industries Ltd.	QR- <u>3,71,93,500.00</u> CR- 4,23,94,490.27		

As can be seen from the above table, M/s. Hindusthan Vidyut Products Ltd. has emerged as lowest tendering firm, 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 worked out to `4,06,72,808.00

Justification statement has been prepared based on Current market rate taken from M/s. Polycab Wires Pvt. Ltd & vide P.O.No. JHO00138 dt.03.07.2012 placed on M/s Hindusthan Vidyut Products Ltd. and per lowest rate of the same firm against Tender No.29/EE(S-I) /2011-12 dt.19.03.2012, tabulated as under:-

S. No.	Description	Offer of L-I firm, M/s Hindusthan Vidyut Products Ltd.  (A)	As per the lowest current market rate taken from M/s. Polycab Wires Pvt. Ltd. dt.14.12.2012	As per vide P.O.No. JHO00138 dt.03.07.2012 placed on M/s Hindusthan Vidyut Products Ltd. (A)	As per LPR vide S.O.No.22/DP /EE(S-I)/2011-12 dt.20.09.11 (A)

			(A)		
1.	11KV HT XLPE Cable of size 400 sq.mm/3C duly ISI marked. <b>Qty:- 36.5 Km (Ex-works rate)</b>	<b>9,62,700.00 per Km</b>	<b>11,88,000.00 per Km</b>	<b>10,25,000.00 per Km</b>	<b>9,02,800.00 per Km</b>
	(Extra) ED @ 12.36%	1,18,989.72			
		21,633.79			
	(Extra) CST @ 2% against form 'C'	10,000.00			
	(Extra) Freight & Insurance	1000.00			
	(Extra) Local cartage & Handling	<b>11,14,323.51</b>			
	<b>Computed cost per Km</b>				
	<b>Total Computed cost for 36.5 Km</b>	<b>4,06,72,808.28</b> Say: <b>A4,06,72,808.00</b>			
<p><b>Remarks: the ex-works rate of L-I firm are 18.96% below the current market rates taken from M/s. Polycab Wires Pvt. Ltd. Dt. 14/12/2012 &amp; 6.08% below than vide P.O.No. JHO00138 dt 03/07/2012 Placed on M/s Hindustan Vidyut Products Ltd. and 6.63% above than the LPR vide S.O. No. 22/DP/EE(S-I)/2011-12 dt. 20/09/2011.</b></p>					

Therefore the rate of lowest tendering firm M/s Hindusthan Vidyut Products Ltd. are lowest, competitive, reasonable and hence justified

The case was examined by the Planning and subsequently concurred by **Finance vide Dy. No.96/Finance/R-Elect dt.06.02.2013**

**5. Financial Implications of the proposed subject/Project:**

**₹4,06,72,808.00** (Rupees Four Crore Six Lakh Seventy two Thousand Eight Hundred and Eight only) inclusive of taxes, duties etc.

**6. Implementation Schedule with timeline for each stage including processing:**

The material shall be supplied within Three months from date of issue of supply order.

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

1. As per justification prepared by the deptt., the quoted rates of L-I firm i.e. M/s Hindusthan Vidyut Products Ltd. are higher by 1.37% as compared to similar tender received in Deptt. dt.19.03.2012. It is further stated that the said tender has not been finalized as yet the deptt. needs to bring on record as to why the tender dated 19.03.2012 could not be finalized by the deptt. as yet. Further, since same firm i.e. M/s Hindusthan Vidyut has emerged the lowest in both the tenders and rates quoted in this tender is higher, the deptt. may justify their proposal to award this tender viz-a-viz earlier tender.
2. It has been observed that name of the tow tendering firms are not appearing in online comparative statement placed at page 596/C & 600/C and the same has been written manually. The reasons for the same may be brought on record.
3. The online quotes of the firms and comparative statement placed in the file may be signed in support of correctness the same.

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

1. Due to ambiguity observed in the comparative statement at the time of submission to the case to the council, it was observed that while quoting the rates, the firms have quoted the excise duty rates @ 10.3% or as applicable while the firm M/s Hindusthan Vidyut Products Ltd. have quoted the latest rates of excise duty applicable on 17.03.2012 i.e. @ 12.36%. Although M/s Hindusthan Vidyut Products Ltd. was L-I firm but due to oversight in the computerized comparative statement generated at the opening of price bid, the firm M/s Krishna Electricals Industries was declared L-I firm due to differential rates of ED. Accordingly, while evaluating the proposal, the finance had advised that since the EMD to the L-I firm has already been returned and consent of the other firm M/s



Krishna Electricals Industries have not been obtained that whether they are ready to supply the cable at the pre budget ED rates i.e. 10.3% therefore the case was not yet finalized. The rates quoted in the instant tender by the L-I firm M/s Hindusthan Vidyut Products Ltd. are only 1.37% above their last quoted rates in the similar tender of dt.17.03.2012 i.e. about 9 months old now and as you are aware that prices of various raw material such as aluminium, PVC are on the rise and also due to increase in the price of diesel, the transportation cost have also increased. Therefore the 1.37% higher rates than previous tender are just marginal increase and should be considered as reasonable and justified.

2. It has observed in the past also, that due to some over sight or ignorance, the firm sometimes skip uploading the names of their companies which may be attributed to an inadvertent error on their part because while downloading documents right from the pack-1 (Technical Bid) to pack-3 (Price Bid) & finally the comparative statement, it can be seen that the same participants remain in row. It can illustrated by following example:- 1) In the instant case 1<sup>st</sup> cover/pack when opened at CP-14, active bid list showed the names of all the participants including M/s Krishna Electricals Industries & M/s Havells India Ltd. Again when 3<sup>rd</sup> pack was opened, the active list appearing at CP-599 showed the names of these firms M/s Krishna Electricals Industries & M/s Havells India Ltd. and then when the concerned zip file was downloaded the page opened for same firm but since firm failed to fill up its name in the page it couldn't be found at CP-600. However finally when comparative statement at CP-607 was downloaded, it confirms that there was no change in the list of participants. This is just a clerical mistake and does not influence any bid financially. The firm shall be advised to be careful in future while uploading the bid.

3. Needful done.

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

In view of replies furnished by the department on page 43/N. finance Deptt. concur in the proposal of the deptt. to place the supply order on M/s.Hindusthan Vidyut Products Ltd. for purchase of 11 KV HT XLPE cable of size 400 sq. mm/3C duly ISI marked (36.5) KM at their quoted rate i.e. Rs. 4,06,72,808/- on the terms, condition and specifications of NIT. The quoted Ex-works( excluding taxes) rates of the L-I firm are 6.08% below the LPR dated 3.7.12 and 1.37% higher than LPR dated 19.3.12 and works out as 4.29% above the E.C i.e. Rs. 3,90,00,250/- put to tender. The observation of finance at page 42/N and replies of the deptt. therefore, be incorporated in draft Agenda while placing before the council.

As per delivery clause mentioned in the NIT, the contractor is required to supply material within 03 months from date of issue of supply order. Out of 36.5 KM of cable, 32.33 Km is being

purchased for providing various feeds from Electric Sub- station at Keventer Diary, New Delhi. Considering the fact that laying of 32.33 Km long cable will require a lot of time, the deptt may on one hand start the tender formalities for cable laying work from ESS, Keventer Diary to various location and on the other hand request the L-I firm in the instant case to supply the cable in a phased/ staggered manner to avoid storage of huge quantity for a very long period. By doing so the risk of loss and damage may also be minimized.

**9(a) Reply of Department:**

It is submitted that the store division procure the material against the requirements & the works are executed by the concerned demanding divisions. Accordingly, after placing the supply order the executing divisions will be intimated. On the other hand, the delivery period can not be changed at this stage as it will be presumed that it is a post tender documents. However the firm would be requested to supply the cables in a phased/ staggered manner.

**10. Legal Implication of the Subject/Project:** No legal point is involved.

**11. Details of previous Council Resolution, existing law of Parliament and Assembly on the Subject:** Placed at ANNEXURE "B" (See pages 37 - 41).

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

**13. Final view of the Law Department:** It has no Legal issue

**14. Certification by the Department:**

All Central Vigilance Commission (CVC) guidelines have been followed while processing the case.

**15. Recommendations of the Department:** The case may be placed before the Council for the purchase of 11KV HT XLPE Cable of size: 400 sq.mm/3 C duly ISI marked Qty:36.5Km 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 worked out to `4,06,72,808.00 on the terms ,conditions and specification of NIT. Since the material requirement is of urgent nature, approval may also be accorded to place Supply Order on the firm in anticipation of the confirmation of the minutes of the Council meeting.

**16. Draft Resolution:** Resolved by the Council that the approval is accorded 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 Rs. 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 Rs.`11,14,323.51 per Km length of cable. The total computed cost for the purchase of 36.5 KM cable worked out to:**

**Rs `4,06,72,808.00** on the terms ,conditions and specification of NIT. Approval is also accorded to place Supply Order on the firm in anticipation of the confirmation of the minutes of the Council meeting.

### COUNCIL'S DECISION

Council, after discussing the matter at length, observed that cable of similar specifications was purchased in last tender in September, 2011 @ ` 9,02,800/- per km plus other charges extra which is now being quoted by L-1 @ ` 9,62,700/- per km plus other charges extra. The Council therefore, decided that a Committee consisting of FA, and C.E. (E-II) may examine the possibility of negotiating the rates with L-1 bidder for reduction keeping in view the guidelines and codal provisions in this regard, if any.

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 13 pages



























Annexure ends

**ITEM NO. 05 (B-20)**

1. **Name of Work:** Revised estimate for augmentation of 33KV ESS at Kidwai Nagar (West).

2. **Department:-** ELECTRICITY DEPARTMENT

3. **Brief History of The Proposals :-**

A 10 MVA Power Transformer was installed in 1973 at ESS Kidwai Nagar. The electrical load of area is increasing day by day and unable to meet the load demand even operating at full load capacity. An inspection was carried out to examine the possibility for augmentation of existing Power Transformer capacity at S/S Kidwai Nagar. In the existing system, on 33 kV side there is Bulk Oil Circuit Breaker of rating 800A and having built in CTs 600-300/5/5/1/0.578 and on 11 kV side outdoor CTs of 900/5/5/1/1. The switchgear like CTs, PTs, BOCB etc. is suitable to take care of the load and protection system of 16/20 MVA Power Transformer. Accordingly, for immediate relief an estimate amounting to 148.50 lacs including 3% contingencies has been prepared for the replacement of 33 kV, 10 MVA Power Transformer with 16/20 MVA Power Transformer at ESS Kidwai Nagar with the principal approval of Chairman and issued to concerned division for execution. Meanwhile Advisor (Power) has obtained in principal approval of chairman to go about the proposal for replacement of outdoor 33 kV Switchgear with indoor GIS Switchgear at all the existing substations including Kidwai Nagar wherein it is proposed that one room may be constructed for GIS Panel along with the existing building. Accordingly as per advice of Advisor (Power) an estimate for replacement outdoor 33 kV switchgear with indoor GIS switchgear along with augmentation of Power Transformers has been prepared. 10MVA Transformer which will be dismantled from ESS Nirman Bhawan will be utilized at ESS Kidwai Nagar after up coming of GIS Room at Kidwai Nagar.

Accordingly an Estimate for Augmentation of 33KV ESS at Kidwai Nagar (West) amounting to Rs. 398.87(N) lacs vide estimate No.108/EE(P-33KV) 2010-2011 had been approved by council vide resolution no. 04(B-03) dated 19.05.2010 and technically sanctioned by CE(E-II) vide Sl. No. 23 dt15.06.10. The estimate has been issued to C-VI Division on dated 29.06.2010 for execution. There is a provision for construction of double storey building in 10X6 sq.mtrs. Area for which provision of Rs.6.25 Lacs have been taken on the basis of M/s PGCIL rates. Architect Department inspect the site and proposed to construct the building after demolishing the old building for which the

plan was sanctioned by Architect Branch and same was forwarded to Civil Engineering Department for construction of building. Civil Engg Deptt has prepared an estimate on the basis of PAR as per building plan approved by C.A. amounting to as Rs.163.28 lacs against the PE provision of Rs.6.25 lacs which was kept for construction of single room of size 10X6 sq.mtr. earlier. Accordingly, estimate has been revised amounting to Rs.564.45 Lacs (Rs. 401.17Lacs for electrical works+163.28Lacs for civil works) lacs and put up to Finance Department on dated 11.5.2012. Finance Department return the file with some queries about construction cost of building. Accordingly, estimate forwarded to Civil Engineering Department (Planning) for re-examination the case. Civil Planning has examined the case and revised the estimate amounting to Rs.164.314 lacs of Civil Portion only. Accordingly, Planning-33 KV Division again revised the estimate amounting to Rs.556.75 Lacs (Rs. 392.436 Lacs for electrical works+ Rs.164.314Lacs for civil works) including the cost of civil portion and submitted to Finance Department on dated 04.10.2012 for concurrence. Finance Department had concurred the proposal on dated vide reference No. 2408/Finance/R-Elect on dated 26.12.2012 and also advised to the Deptt. to confirm the completion cost of civil structure from M/s PGCIL on behalf of NDMC. The Draft Agenda of Nehru Park and Tilak Marg were placed before council meeting held on 24.12.12 and it was observed that there is a significantly increased in the revised estimate of civil work as compared to the earlier estimate. The council therefore, advised the Deptt. to prepare detailed estimate of the proposal and placed the Agenda before the council again. CE (Civil) has been requested to prepare the detailed estimate. Accordingly, detailed estimate of civil portion has been received amounting to Rs. 14848000/- against the sanctioned preliminary estimate Rs. 6.25 Lacs and proposed PE of Rs. 164.314 Lacs from the civil Deptt. in this regard CE (Civil) has mentioned that there may be some variation during execution also. The amount of Rs. 1.64 Crore considered on the basis of plinth area rate (PAR) should be considered for A/A and E/S the variation between PE and DE is approximately 10% only.

#### **4. Detailed Proposal On The Project:-**

There is a provision for construction of double storey building in 10X6 sq.mtrs. Area for which provision of Rs.6.25 Lacs have been taken on the basis of M/s PGCIL rates. Architect Department inspect the site and proposed to construct the building after demolishing the old building for which the plan was sanctioned by Architect Branch and same was forwarded to Civil Engineering Department for construction of building. Civil Engg Deptt has prepared an estimate on the basis of PAR as per building plan approved by C.A. amounting to as Rs.163.28 lacs against the PE provision of Rs.6.25 lacs which was kept for construction of single room of size 10X6 sq.mtr. earlier.

.Accordingly, estimate has been revised amounting to Rs.564.45 lacs and put up to Finance Department on dated 11.5.2012. Finance Department return the file with some queries about completion cost of building. Accordingly, estimate forwarded to Civil Engineering Department (Planning) for re-examination the case. Civil Planning has examined the case and revised the estimate amounting to Rs.164.314 lacs of Civil Portion only. Accordingly, Planning-33 KV Division again revised the estimate amounting to Rs.556.75 (N) lacs (Rs. 392.436 Lacs for electrical works+ Rs. 164.314Lacs for civil works) including the cost of civil portion.

To keep the system more flexible and reliable following are being proposed in interest of municipal work.

1. 16/20MVA, 33/11KV Pr. Transformer -1No.
2. 10MVA, 33/11KV Pr. Transformer -1 No.
3. 33KV GIS board comprising of 7 panels with its C&R Board at ESS Nehru Park comprising of 1 Board (Incomer-2Nos+Outgoing-2Nos+Bus coupler-1Nos.+Interconnector - 2Nos.)
4. Construction of double storey building to accommodate GIS system.

**5. Financial Implications:-**

Rs. 557.17 Lacs (Gross) and Rs. 556.75 lacs (Net) {(Rs. 392.436 Lacs for electrical works+ Rs.164.314Lacs for civil works)} including 3% contingencies. The expenditure shall be chargeable to the Head of A/c E-3 under the Replacement works for which a budget provision of Rs. 100 lacs has been kept in BE 2012-13 and Rs..1 lac in RE 2012-13 and Rs.397.87 in BE 2012-13.

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

The scheme will be executed within 18 months & shall be executed through call of tender and partially by department.

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

Preparation of preliminary estimates is a technical work done by the Engineering Departments on the basis of the correct quantities and applicable rates. However, as pointed out earlier, the cost of the G+1 floor building on 60sq.mtr. area was estimated as Rs.6.25 lakhs in the PE approved by the Council. However, the dimension of construction increased by the department as 15.3x26.3sq.mtr. (402 sq.mtr.) for the same building and rate of 497 sq. mtr. has been worked out at estimated cost of Rs.1.64 crores. The department has stated that the cost of Rs.6.25 lakhs given in the PE was based on the rates adopted by the PGCIL for construction of similar type of building for Electric Sub-station. The department has further mentioned that the estimate of Rs.1.64 crores is based on the PAR (Plinth Area Rates). With this estimate, the construction cost work out to Rs.33061/- per sq.m. for a building of 497 sq.m. which seems to be very high particularly considering the fact that the ground and first floor building is being constructed only to station the indoor switch gears of the Elect. Sub-station. Although department has mentioned on Page-18/N that the estimate have been got checked from the Planning Division of the CE Department in order to ensure that cost worked out in the estimate is a realistic one, it is still advised that the department should ensure not to overestimate the building cost. They may also confirm from the PGCIL that how much actual cost of construction has been there for similar buildings constructed by the PGCIL that how much actual cost of construction has been there for similar buildings constructed by the PGCIL on behalf of NDMC. With this observation, Finance has no objection to the proposal of the Department for seeking of the Council for Revised A/A & E/S of Rs.556.75 Lacs (Net) (Rupees Five hundred fifty six lakhs and seventy five thousand only) for the Replacement of 33 KV Outdoor switchgear with Indoor GIS Switchgear at ESS Kidwai Nagar.

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

The estimate for Civil works for construction of 33 KV outdoor switchgear at Kidwai Nagar has been re-examined and it is submitted that this estimate is based on the plinth area rates 2007 with a cost index of 61% approved by CPWD. The estimate provision of Rs. 6.25 lacs taken by the PGCIL was based on the quantity submitted in year 2008 i.e. almost five years back.

In the estimate the provision has been taken for extra height of the building i.e. more than 3.35 M and for larger modules i.e. unsupported area over 35 Sq.M., for power wiring, fire alarm system external service connection. Therefore the provisions taken in the estimates are as per the approved norms.

It is mentioned that this is a Preliminary Estimate and tenders will be invited after preparation of the Detailed Estimate based on the drawings and payment for various items will be made as per the actual execution.

It is, therefore, seen that provision of Rs.1,64,31,400/- considered for civil works for proposed construction of Electrical Sub-station at Kidwai Nagar is in order and recommended for approval please.

#### **9. Final view of the Finance deptt.**

The Finance Deptt, has concurred with the estimate vide diary No 2408 /Finance /R-Elect. Dated 26.12.12 with subject to .the department may confirm the completion cost of civil structure from PGCIL. Further FA has mentioned that the case may be dealt with on the same line of ESS Tilak Marg and Nehru Park for which council passed in resolution in its meeting held on 24.12.12 to first prepared the detailed estimate and bring it back to Council.

#### **Clarification of the electric deptt**

As per observations of Finance Department, the completion cost of civil structure has been confirmed from M/s. Sisodia, Sr. Manager of PGCIL and told that our rate is very old and recently not constructed the similar type of double storey building for 33KV Sub-station. In this estimate, the rate of double storey building is taken on PAR 2007 with cost index 61% as approved by CPWD. Hence, the rate taken by Civil Engineering Department for framing the P.E. is reasonable.

Accordingly P.E. referred to CE(Civil) for preparing the detail estimate. Accordingly, detailed estimate of civil portion has been received amounting to Rs. 148.48/- lac against the sanctioned preliminary estimate Rs. 6.25 Lacs and proposed PE 164.314 Lacs from the civil Deptt. CE (Civil) on pre-page 46-47/N mentioned that the estimate for the Civil work on the basis of plinth area rate is Rs. 164.314 lac. The detailed estimate is Rs. 148.48 lacs. There may be some variation during execution also. The amount of Rs. 1.64 Crore considered on the basis of plinth area rate (PAR) should be considered for A/A and E/S The variation between PE and DE is approximately 10% only.

#### **10. Legal implications of the Project: -**

No legal point is involved.

**11. Details of Previous Council Resolution:-**

Estimate amounting to Rs. 398.87 Lacs vide Resolution No. 04(B-03) dated 19.05.2010 (Annexure 'A').

**12. Comments of the Law Deptt. on the Project:-**

This is the case of AA & ES and has no legal issue please.

**13. Comments of the Deptt. on the Law Deptt:-**

Nil

**14. Certificate on CVC Guidelines:-**

Certified that all CVC guidelines on the subject have been followed while processing & implementing the case

**15. Recommendation:-**

Administrative Approval and Estimate Sanctioned amounting to Rs. 399.28 lacs (G) and Rs. 398.87 lacs (N) was accorded by the Council vide Res. No. 04 (B-03) dated 19.05.10 to the estimate augmentation 33KV ESS at Kidwai Nagar West. Estimate cost has been enhanced from Rs. 398.87 lacs (N) to Rs. 556.75 lacs (N) due to increase in the cost of civil portion which is more than 10% of A/A and E/S of the Council.

Deptt. prepared the detailed estimate amounting to Rs.148.48 lac against the earlier provision of Rs.164.314 Lac. As such the revised estimate amounting to Rs. 557.17 Lacs (G) and Rs. 556.75 Lacs (N) (Rs. 392.436 Lacs for electrical works+164.314Lacs for civil works) for Augmentation of 33KV ESS at Kidwai Nagar (West) may be placed before the Council to accord revised Administrative Approval and Expenditure Sanction. Since the work is of urgent nature, approval is also solicited to take further action in anticipation to confirmation of the Minutes of Council Meeting.

**16. Draft Resolution:-**

Resolved by the Council that Administrative Approval & Expenditure Sanction is granted to the revised estimate amounting to Rs. 557.17 Lacs (G ) and Rs. 556.75 Lacs (N) (Rs. 392.436 Lacs for electrical works+164.314Lacs for civil works) for Augmentation of 33KV ESS at Kidwai Nagar (West) Further, approval is accorded to take action in anticipation to confirmation of the Minutes of Council Meeting.

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

Resolved by the Council to accord administrative approval & expenditure sanction to the revised estimate amounting to `557.17 Lacs (G) and `556.75 Lacs (N) (`392.436 Lacs for electrical works+164.314 Lacs for civil works) for Augmentation of 33KV ESS at Kidwai Nagar (West).

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**

**3 pages**



Annexure ends

**ITEM NO. 06 (L-04)****1 Name of the Subject:**

Modification/Clarification in Estate Policy approved by the Council vide Reso. No. 9(L-1) dt. 30.9.2004 in respect of charging of security deposit from Govt. Departments

**2 Name of the Department:**

Estate-I Department

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

- i. Disposal of immovable properties is governed by section-141 of the NDMC Act. This is being regulated as per the guidelines issued by the Council from time to time.
- ii. In Resolution No.9(L-1) dated 30.09.2004, while considering their recovery position of the Estate Department, the Council suggested that the licensee should deposit a bank guarantee of eight months licence fee in addition to the licence fee in advance being paid by the licensee.
- iii. This bank guarantee was being insisted upon on the licences being renewed or issued after the said date.

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

- i. In respect of the Govt. Departments, it has been found that the departments are not in a position to give bank guarantee or security in cash/DD as insisted upon and as such this condition of collection of the eight months licence fee as security is for reconsideration of the Council. In one of the cases, the CAG has observed that since the payment is being made from one Govt. department to another Govt. department, the bank guarantee should not be insisted upon by the NDMC.
- ii. In view of the above, it is for consideration of the Council that NDMC should not insist for a bank guarantee or other security from on the Govt. departments such as Central Government departments or their undertakings; the Delhi Govt. or its undertakings & any autonomous body fully funded by Government. This shall however, not be applicable to Govt. companies or undertakings run as commercial undertakings.

- iii. The licensee/Govt. Deptts. will be required to pay the two months advance LF and wherever they default in the payment of the LF, they will be required to pay interest, at the rate being fixed by the Council from time to time. Chairperson may however, reduce or waive the interest, if the licensee suitably explains delay in payment of licence fee, which will be applicable for Govt. Deptts. only.
- iv. Normally, Govt. departments delay the payment of LF for want of Budget and as such if the LF is deposited for the entire financial year by September, the licensee shall be entitled to rebate of 5 % of the LF being paid and no interest shall be charged from 1<sup>st</sup> April to 30<sup>th</sup> September as aforesaid, and if it is charged, it shall be waived.
- v. Auction of properties take sufficient time and as such in respect of the properties being given on licences to the Govt. departments or its undertakings, the Council may authorize the Chairperson to negotiate Licence Fee on mutually agreed terms and not on the basis of auction rates of the property. It shall be ensured the Licence Fee being claimed is a competitive rent.

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

- i. Though, there is no direct financial implication normally the security deposit received is invested by the Finance Department and therefore, waiver of the condition for deposit of 8 months licence fee as security deposit may result in loss of some interest to the organization. However, in case of delay in depositing of security deposit results in delay in handing over of possession of the area thereby resulting in revenue loss to NDMC.
- ii. Further, in case Government Departments are willing to make annual payments in advance, then it may result in receipt of huge revenue in advance which could further be invested by the Finance Department and may help us to offset aforesaid loss.

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

Immediately in case of approval of Council.

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

- i. Finance has no objection to the proposal to modify the condition of advance deposit of 8 months licence fee as non-applicable to govt. Ministries/Departments. However, the category of autonomous/statutory bodies fully funded by govt. may also be added in para 14(a).
- ii. Proposal to give 10% rebate for advance deposit of annual licence fee seems too high and be kept at 5% level considering the interest rates in the economy, as it will be having huge financial implication.
- iii. Sub-paras may be suitably numbered in the draft agenda.

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

Necessary amendments in agenda have been made and sub-paras have been numbered. Further Estate-I Departments agrees to the suggestion given by Finance Department to keep rebate for advance deposit of annual licence fee at 5%.

**9. Final Comments of the Finance Department (If any):**

Finance Department has concurred the proposal of Department.

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

Not applicable.

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

Not Applicable.

**12. Comments of the Law Deptt on the Subject:**

Such guidelines are permissible under Section 141 of the Act and may be placed before the Council for acceptance.

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

N.A.

**14. Final Comments of Law Department, (If any):**

NA

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

N.A.

**15 Recommendations:**

- a) Requirement of deposit of 8 months licence fee as security deposit may not be applicable in case of spaces allotted to the Ministries/ Departments/Subordinate Offices of Govt. of India; Govt. of NCT of Delhi & Autonomous Bodies fully funded by Government except Public Sector Undertakings or Offices/Departments/Undertakings having commercial activities.
- b) All Government licensees may be allowed to deposit advance licence fee for the year in the event of which they may be given a rebate of 5 % on annual payment of licence fee in lieu of 2% rebate on timely payment of licence fee every month. However, for availing 5 % rebate the licensee will have to deposit annual licence fee in one go by 30<sup>th</sup> September of each year and not in installments. Council further authorizes Chairperson to workout licence fee with Government Departments on mutually agreed terms, while doing so it shall be ensured that the licence fee being fixed will be competitive.

**16. Draft Resolution:**

Council resolved to approve the recommendations of the Department as contained in Para 15 of the agenda.

**COUNCIL'S DECISION**

Council after detailed deliberations resolved to defer the agenda.

**ITEM NO. 07 ( J-03)**

- |           |   |  |
|-----------|---|--|
| <b>1</b>  | <b>Name of the Subject/Project</b>              | Revision of parking charges/tariff in N.D.M.C. area and decision on Palika Parking.  |
| <b>2.</b> | <b>Name of the Department</b>                   | Enforcement Department   |
| <b>3.</b> | <b>Brief History of the Subject</b>             | The proposal is for surface parking and underground Palika Parking. There are 54 parking lots in entire N.D.M.C. area out of which 13 parking lots were allotted on Bhagidari Basis to the various institutions/Govt. Offices and associations etc. Remaining 41 parking lots were divided in 5 parking groups, which have been allotted on tender basis for the period ending 31.03.2013. The policy and the rate of parking charges, as proposed in the agenda item, were lastly approved by the Council in the meeting dated 26.07.2004. The rates approved by the Council were slightly modified in the meeting taken by the then Chairperson, N.D.M.C., with the Council Members on 05.08.2004. From that, no parking charges were revised till date. |
| <b>4</b>  | <b>Detailed proposal on the subject/project</b> |  |

**4 (1) Surface parking and Covered Parking at Mayur Bhawan & B.K.S. Marg**

The parking policy for the NDMC area was last considered by the Council in its meeting dated. 26<sup>th</sup> July 2004 as Item No.3 (J-2). The policy and the rate of parking charges, as proposed in the Agenda Item, were approved by the Council as is clear from the Council's Reso. of 26<sup>th</sup> August 2004. The Resolution reads as under :-

***"Resolved by the Council that the proposed Parking Policy as per preamble is approved with the slight modification in the existing terms and conditions that the design of the particular machine for issuance of tickets is withdrawn as the Council feels that design of a particular company can be misinterpreted."***



4 (2). The rates approved by the Council were slightly modified in the meeting taken by the then Chairperson with the Council Members on 05.08.2004. The revised parking rates were as under :-

**Type of vehicle                      Rate of surface parking                      Duration**  
**Group A Parking Lots (including surface parking at Mayur Bhawan & two-tier parking at B.K.S. Marg (ground Floor))**

1. Car	Rs.10/-	For First 2 hours
	Rs.10/-	For every subsequent hour & part thereof
	Rs.1000/-	Per month
2. Scooter	Rs.5/-	For First 2 hours
	Rs.5/-	For every subsequent hour & part thereof
	Rs.400/-	Per month

**N.B. Above graduated parking tariff shall be charged in peak period for Group A parking lots i.e. 10.00 A.M. to 8.00 P.M. and parking tariff for the lean period of Group A parking lots shall be applicable as per parking tariff of Group B Parking lots.**

**Group B Parking Lots**

1. Car	Rs.10/-	For first 4 hours
	Rs.30/-	For 4-8 hrs.
	Rs.50/-	Beyond 8 hours
	Rs.600/-	Per month
2. Scooter	Rs.5/-	For first 4 hours
	Rs.10/-	For 4-8 hours
	Rs.25/-	Beyond 8 hours
	Rs.350/-	Per month

**Group C Parking lots**

1. Car	Rs.10/-	For first 4 hours
	Rs.30/-	Beyond 4 hours
	Rs.500/-	Per month
2. Scooter	Rs.5/-	For first 4 hours
	Rs.10/-	Beyond 4 hours
	Rs.300/-	Per month

**Specified underground two-tier parking lot at B.K. S. Marg :**

1. Car	Rs.10/-	For first 4 hours
	Rs.5/-	For every subsequent hour or part thereof
	Rs.500/-	Per month
2. Scooter	Rs.5/-	Upto first 4 hours
	Rs.15/-	For 4-8 hours
	Rs.25/-	Beyond 8 hours

**(After 10.00 P.M. Rs. 5/- shall be charged for every subsequent hours Rs.300/- per month)**

**(Note : The facility of monthly charges shall be allowed to the shop owners/ office employees only)**

4 (3) There are 54 parking lots in the entire NDMC area, out of which 41 have been given on tender basis and 13 on Bhaghidari basis. The 41 parking lots have been divided into five groups and details of the said five groups and the area allotted for parking and licence fee per month are as under :-

I. **Group - Inner & Outer Circle, Connaught Place, New Delhi.** – Parking Fee Rs.29,66,675/-

S.No.	Name of Parking Lots	Area in Sq. mtrs.
1.	'A' Block Inner Circle 'B' Block Inner Circle 'C' Block Inner Circle 'D' Block Inner Circle 'E' Block Inner Circle 'F' Block Inner Circle	8170
2.	I) D- Block RR No.5 II) D- Block RR No.6	106 404
3.	I) E-Block RR No.6	382
4.	I) G-Block Opp. Madras Hotel II) G-Block in front of Marina Hotel	440 440
5.	H-Block Outer Circle H- Block Chelmsford Road	759 1637
6.	I) K-Block Outer Circle	522
7.	I) L- Block Outer Circle II) L- Block RR No.5 III) L- Block RR No.6 Nirula Hotel	921 630 319
8.	M- Block Outer Circle M-Block RR No.6	2365 388
9.	I) N-Block Opp. Scindia House II) N-Block Opp. Statesman House	624.50 624.50
10.	I) H-Block Entry ARCH II) M-Block Entry ARCH III) N-Block Entry ARCH	840
		<b>19572.42 sq. mtrs.</b>

II. **Group - Surrounding Connaught Place N.D.** – Parking Fee Rs.13,62,500 p.m.

S.No.	Name of Parking Lots	Area in Sq. mtrs.
1.	I) P-Block Opp. Madras Hotel II) Between P.K. Road, Chelmsford Road III) Behind Rivoli Cinema IV) Along Allahabad Bank in front of Malik Sweet House	2362

2.	I) Shanker Market	1172
3.	Two Tier parking at BKS Marg	2243
4.	I) Scindia House in front of Federal Motors II) Scindia House in front of TBD Jewellers	574 504
5.	I) Outside Connaught Hotel II) In front of Bangla Sweet House III) SBS Marg Adj. to Boundary wall of DAV School	254 220 220
6.	Palika Place, R.K. Ashram Marg	2280
7.	Kali Mandir Lane	300
		<b>10129 sq. mtrs.</b>

III. **Group – Parking Lots at South West.** -- Parking Fee Rs.15,16,888/- p.m.

S.No.	Name of Parking Lots	Area in Sq. mtrs.
1.	I) Yashwant Place Shopping Complex II) Between Garage of Park Office Complex Yashwant Place and Satya Marg	2035 1721
2.	Dilli Haat	2247
3.	I) Newly Developed area S. Nagar II) In front of Babu Market III) G-Avenue Boundary Wall IV) Ist Cross Road, Sarojini Nagar	5255
4.	I) D-Avenue, Sarojini Nagar II) Behind Veg. Market, Sarojini Nagar	4200
5.	Palika Bhawan	1285
6.	Malcha Marg Market	2412
7.	Ashoka Hotel	1942
8.	Rail Museum	1608

9.	Niti Marg	3457
		<b>26,162 sq. mtrs.</b>

IV. **Group – Parking Lots surrounding India Gate** -- Parking Fee Rs.19,37,998/- p.m.

1.	Pandara Road	810
2.	Claridges Hotel	1410
3.	I) Behind Hotel, Janpath II) Thapar House	2093
4.	In front of Eastern Court	1623
5.	I) RR K.G. Marg II) RR Zakir Hussain Marg III) RR Tilak Marg IV) RR Children Park	7973
6.	I) Doordarshan & UCO Bank Upto Gate No.6 of Akashvani Bhawan II) Jeevan Vihar to Jeewan Tara Bldg.	2471
7.	I) Around Delhi High Court II) Boundary wall of Patiala House III) Purana Quila Road near NSCI Club	573 317 2599
8.	I) Sangeet Bharti & FICCI Auditorium at Tansen Marg. II) Kamani Auditorium & Prasar Bharati	2583
9.	Between 21-A, Janpath & Boundary Wall of Hotel Le-Meridian	170
		<b>20686 sq. mtrs.</b>

V. **Group – Parking Lots B.K. Road and Janpath Area** – Parking fee Rs.38,53,788/- p.m.

S.No.	Name of Parking Lots	Area in Sq. mtrs.
1.	I) In front of Sona Rupa II) Janpath Guest House III) Indian Coffee House	4345
2.	I) Keeling Lane II) Behind Mohan Dev Bldg. III) Tolstoy House, Single Row	3666
3.	In front of Mercantile Building	623

4.	I) IOB, Janpath II) Jeevan Bharti Bldg. III) Narender Dev in front of DLF Bldg.	3848
5.	I) In front of Gopal Dass Building II) Akash Deep Building III) Akash Deep Building to WTT IV) In front of Kanchenjunga Bldg.	4067
6.	I) Hans Plaza II) Statesman House	741
		<b>17290 sq. mtrs</b>

4 (4) The total area in these 41 parking lots is 93839 for which monthly parking fee is Rs.1,16,37,849/- which gives an average of Rs.124.01 per sq. mtrs. The above 41 parking lots are divided into Category-A, B & C are as under :-

Category-'A'	-	22
Category-'B'	-	09
Category-'C'	-	09
Special	-	<u>01</u>
	-	41

4 (5) There are 13 parking lots on Bhaghidari basis, the total area of this 13 parking lots is 15886 sq. mtrs. and monthly licence fee is Rs.15,52,615/- which gives the average licence fee at Rs.97.73 per sq. mtrs.

4 (6) The details of the parking lots given on Bhaghidari basis is as under :-

S. No.	Name of Parking Lot	Allottee Name	Area in Sq. mtr.	Total
1.	Parking at Chander Gupta Marg, Chanakyapuri	M/s. Sita Travels Ltd.	279	24705
2.	Parking at Chander Gupta Marg, Chanakyapuri	M/s. Shikhar Travels	279	24705
3.	Parking in front of INA Market	INA Market Traders Association	1359	114899
4.	Parking at Bengali Market	Bengali Market Traders Association	358	95660
5.	Parking adjacent to Taj Mansingh	Taj Hotel	167	44040

6.	Parking behind Imperial Hotel, Janpath	The Imperial Hotel	624	74864
7.	Parking near British School, Chanakyapuri	British School, Chanakyapuri	2684	141234
8.	Parking near American Embassy, Chanakyapuri	American Embassy School, Chanakyapuri	1891	233956
9.	Parking in front of Park Hotel[during night hours and other holidays]	Park Hotel	836	41978
10.	Parking in front of 2-A Man Singh Road	The Registrar General & Census Commissioner	586	140741
11.	Parking back of Haryana Guest House, AARDO & Bihar Niwas, Chanakyapuri adjacent Forte Grand Restaurant	M/s. Forte-Grand Restaurant	500	32612
12.	Primus Super Speciality Hospital	Primus Super Speciality Hospital	623	36941
13.	Parking lot at Khan Mkt. And adjoining area	KMTA	5700	546280
			<b>15,888</b>	<b>1552615</b>

**Average Rs. 97.72/Sq. mtrs**

4(7) The licence fee for the entire 54 parking lots is Rs.13190464/- per month for an area of 109725 sq. mtrs. which gives the average rate at Rs.120.21 per sq. mtrs.

4(8) In addition to the above parking lots, there are small underground parking lots at Mayur Bhawan and another at Baba Kharak Singh Marg. The Council has also got established two multi-level parkings, one in Sarojini Nagar Market and other at Baba Kharak Singh Marg. These have been constructed by DLF and the parking capacity of these multi-level parkings is 824 in Sarojini Nagar Market and 1408 at Baba Kharak Singh Marg. The licence fee is Rs.15 lacs per year from Sarojini Nagar Market and Rs.22 lacs per year from Baba Kharak Singh Marg. This is to increase by 5% each year.

4(9) The parking charges were fixed in 2004, since then the number of vehicles have been constantly increasing and EPCA has been insisting for the increase in the rate of parking fee. The Hon'ble High Court of Delhi had set up a task force on the traffic issues in Delhi and the said Committee under the Chief Secretary of Delhi had decided on 18.10.2012 that the rate of parking should be as under :-

- |       |   |   |                            |
|-------|---|---|----------------------------|
| (i)   | <b>Upto 30 minutes</b>  | - | <b>Rs.10/-</b>             |
| (ii)  | <b>Upto 1 hours</b>   | - | <b>Rs.20/-</b>             |
| (iii) | <b>Upto 3 hours</b>   | - | <b>Rs.50/-</b>             |
| (iv)  | <b>Every additional hour or part thereof beyond 3 hours</b>                   | - | <b>Rs.20/-</b>             |
| (v)   | <b>for residents of the area [only one car to be allowed per family/shop]</b> | - | <b>Rs.1500/- per month</b> |

**It was also decided that for the parking during peak hours, the charges would be additional 50% of above charges. In case of the Two Wheelers, the parking charges were proposed to be levied at rates 50% of those proposed for four wheelers with the condition that parking charges would not exceed Rs.50/- for upto 9 hours.**

4 (10) The Delhi Government's rates are uniform for all parking sites, unlike the present category system in the NDMC area. The peak hours and lean hours have also not been defined by the Delhi Govt. and as such it has to be decided as to whether the categorization and peak hours/lean hours have to be maintained, as per earlier criteria fixed by the Council or it has to be done away with. The parking rates as available in the Council for Category-A, B & C in respect of cars and as suggested by the Delhi Government are tabulated hereunder :-

Period	Peak Hours		Non Peak Hours			
	Delhi Govt.	NDMC in Cat. 'A'	Delhi Govt	'A'	'B'	'C'
0-30 min	15	10	10	10	10	10
0-1 hrs	30	10	20	10	10	10
0-2 hrs	75	10	50	10	10	10
0-3 hrs	75	20	50	10	10	10
3-4 hrs	105	30	70	10	10	10
4-5 hrs	135	40	90	30	30	30
5-6 hrs	165	50	110	30	30	30
6-7 hrs	195	60	130	30	30	30
7-8 hrs	225	70	150	30	30	30
8-9 hrs	255	80	170	50	50	30



9-10 hrs	285	90	190	50	50	30
Monthly			1500	1000	600	500

4(11) As compared to the peak hour rates of category A in NDMC area, the proposed peak hour rates are almost three times by the Delhi Govt. and more than two times of the normal hour rates. As compared to category B and C normal rates, the proposed rates are three to four time higher than the NDMC rates. Such a steep increase in rates may not be appropriate. This will only encourage owners to park vehicle at unapproved parkings and unauthorized parkings may increase. The car owners may also shift to DMRC parkings.

4(12) In the year 2004, a study was got conducted wherein the Enforcement Department of the NDMC had conducted a survey for three consecutive days in the Connaught Place area at various parking places and the data about the duration of parking and the number of vehicles parked was as under :-

Hours	Vehicle	Percentage
Below 2 hours	3192	67%
2 to 5 hours	713	15%
5 to 8 hours	321	07%
Above 8 hours	546	11%
	<b>4772</b>	<b>100%</b>

The above data indicate that 67% of the vehicles are parked for less than two hours.

#### **Our Proposal :-**

4(13) There should be only two categories of parkings, category A and category B. All parking other than Category-'B' should be Category-'A'. Category-'B' parking may be in front of Rail Museum, India Gate, Govt. offices. There should be a single tariff for category A which should be Rs.20/- per hour or part thereof subject to a maximum of Rs.100/- per day. The rate in Category-'B' Rs.10/- per hour or a part thereof subject to a maximum of Rs.50/-. The rates for scooters be 50% of the rates for car and for bus, four times the rates for car. No parking fee for school buses at Category-'B' parkings.

4 (14) A comparative position of the rates for Category 'A' parking of the Delhi Govt., the rates proposed by the NDMC, the existing rates in the NDMC area increased in the percentage of license fee are as under :-

Period	Delhi Govt.	NDMC	Plus(+)/	NDMC	Increase	Percentage
--------	-------------	------	----------	------	----------	------------

	<b>Rates</b>	<b>Proposed rates</b>	<b>Minus(-)</b>	<b>existing rates</b>		
0-30	10	20	(+)10	10	10	100%
0-1	20	20		10	10	100%
0-2	50	40	(-)10	10	30	300%
0-3	50	60	(+)10	20	40	200%
3-4	70	80	(+)10	30	50	166%
4-5	90	100	(+)10	40	60	150%
5-6	110	100	(-)10	50	50	100%
6-7	130	100	(-)30	60	40	66%
7-8	150	100	(-)50	70	30	43%
8-9	170	100	(-)70	80	20	25%
9-10	190	100	(-)90	90	10	10%
	<b>1500</b>	<b>2000</b>	<b>(+)500</b>	<b>1000</b>	<b>1000</b>	<b>100%</b>

As above 67% of parking is upto 2 hours. Hence, these persons would be liable to pay the highest increase upto 300%. The rates for Category 'B' parking shall be half of the rates for Category 'A' parking. Rates for scooters shall be 50% of the corresponding rates for Car.

4(15) The above chart indicates that the 67% of the persons who parked their cars for the period upto two hours will be required to pay increase in parking charges upto 3 times.

4(16) The monthly rates for category 'A' and 'B' Rs.2000/- and category 'B' Rs.1000/-. For scooters Rs.1000/- and Rs.500/- p.m. In respect of owners of the shops who park their vehicles in the parking lot, there shall be monthly rate of Rs.1000/-, for cars & Rs.500/- p.m for scooters.

4(17) The EPCA has been insisting that there should be no free parkings in the NDMC area particularly when there is excessive shortage of parking space. Everyone using the parking spaces in the NDMC area should pay the parking charges without any discrimination or exception. It is reported that there is no such free parking system in MCD or DDA. Drivers of NDMC vehicles to pay parking fee and claim reimbursement.

4(18) If the vehicles is found parked at unapproved parking sites, the charges shall be Rs.1000/- for every such removal. This shall also include parking of vehicles at taxi stands for more than the authorized number of vehicles. On repeated violation and parking of the vehicles on unauthorized places, action U/s-367 of the NDMC Act can be taken as encroachment of public streets or public places.

4(19) It is expected that with the revision in parking fee, NDMC revenues may reach Rs.2 crores per month.

4 (20) Wherever the area of parking gets reduced due to development work the licence fee shall get proportionate reduce for the period the area is withdrawn from parking. Similarly for increase in area for parking.

4(21) The Govt. of India has directed that CCTVs should be installed in all public places. The contractor or in the case of Bhaghidari system, the person taking the contract to run the parking shall install CCTVs at the places identified by Delhi Police with a back up of recording for a period of 30 days. The system should be such that the recording can be linked to the nearest Police Station or as may be advised by the Delhi Police.

4(22) **Proposal regarding underground Palika parking :-**

The NDMC has set up an underground Palika parking which has two basements and a ground floor. Its capacity is reported to be 1044 car parkings. CSO has furnished the following information:-

(i) **Occupancy** :- Present capacity is as under :-

4 Wheeler	-	975
2 Wheeler	-	450

However, vehicles come and go after parking for short periods. This results into a large number of parking transactions i.e. approx. 1600 per day.

(ii) **Parking charges** :-

4 Wheeler - Rs.10/- upto 4 hrs. then Rs.5/- per hr. till exit.

2 Wheeler - Rs.5/- for 1<sup>st</sup> hr. then Rs.15/- for next 4 hr. then Rs.25/- till 10 p.m. then Rs.5/- per hr. till exit.

**Monthly Pass** :- 4 Wheeler - Rs.500/- per month  
2 Wheeler - Rs.300/- per month

**Monthly Pass for Palika Bazaar Shopkeepers:-** 4 Wheeler - Rs.150/- per month  
2 Wheeler - Rs.100/- per month

(iii) **Revenue from Palika Parking :-**

2011-2012	Rs.89,74,555/-
2012-2013 upto December, 2012	Rs.61,82,325/-

(iv) **Details of Manpower and Actual expenditure during the year :-**(a) Security Department :-

Sl. No.	Designation	Total Per month	No. of Person	Actual Expenditure per annum
1.	Sr. Assistant	51,000/-	01	612000.00
2.	Data Entry Operator	17325/-	05	1839688.00
3.	Booth Operator	11554/-	10	1386480.00
4.	Helper	11554/-	01	138648.00
5.	Daily Wager	8814/-	07	740376.00
6.	Security Guards [Out sourced]	11,657	40	55,95,422
			<b>64</b>	<b>1,03,12,614</b>

(b) Fire Department :-

Sl. No.	Name of Post	No. of Person Deployed	Salary[per month]	Total Monthly Expenditure	Total yearly Expenditure
1.	L.F.M.	1 [9 A.M. to 5 P.M.]	32,000.00	32,000.00	3,84,000.00
2.	F.M.	5	[Round the Clock in Three shifts]	28,000.00	1,40,000.00
3.	A.F.G.	4		18,000.00	72,000.00
	<b>Total</b>		<b>78,000.00</b>	<b>2,44,000.00</b>	<b>29,28,000.00</b>

(c) Civil Department :-

Sl. No.	Designation	Total no. of staff working	Annual Expenditure
1	Pump Driver	03 No.	16.20 Lakhs approx.
2	Pump Attendant	01 No.	3.60 Lakhs approx.
3	Beldar	15 No.	50.40 Lakhs approx.
4	Beldar (Muster Roll)	05 No.	4.20 Lakhs approx.

5	Expenditure on day to day maintenance on Motor pumps		4.00 Lakhs
6	Annual consumption of electricity charges for Palika Parking to the Commercial Department		5.50 Lakhs
<b>TOTAL</b>		<b>24 No.</b>	<b>83.90 Lakhs</b>

(d) Electricity Department :-

Sl. No.	Designation	Total no. of staff working	Sanction Post
1	Wireman 1 <sup>st</sup> Grade	01	02
2	Wireman 2 <sup>nd</sup> Grade	04	08
3	Masson	01	01
4	ALM	12	12
5	Casual Labour (unskilled)	04	05
<b>Total Expenditure on Man Power</b>		<b>22 No.</b>	<b>50 Lakhs approx.</b>

(e) Commercial Department :-

Sl. No.	Financial Year	Amount raised for Electricity charges	Amount raised for Water charges	Total
1	2011-12	Rs. 64,08,636.00	Rs. 21,17,714.00	Rs. 8526350.00
2	2012-13	Rs. 81,28,309.00	Rs. 28,07,880.00	Rs. 10936189.00

There are 120 persons for the car parking with a capacity of 1044 cars i.e. one person for each of 8.7 cars.

4(23) The expenditure by Security Department, Fire Department, Civil Department, Electricity Department, Commercial Department aggregate to Rs.3,75,66803/-. This expenditure does not take into account day to day maintenance by Electricity Department or the interest cost of construction of the building or its depreciation. Electricity Department has further informed that in providing Electronic Parking Guidance and Management System for Palika Parking, they have incurred an expenditure of Rs. 3.43 Crores. Cost of providing CCTV would be extra.

4 (24) As can be seen from the data made available by the CSO who is running the underground parking. This is a highly subsidized parking and it is a unit which appears to be employment oriented unit and not revenue earning unit of the NDMC. Providing subsidized parking is not NDMC's mandate and as such a decision has to be taken as to whether tax payers

money should be utilized for highly subsidized the parking in NDMC area. If NDMC can subsidize, the parkings for its underground parking, there may be a case for a similar subsidy in parking by the person parking their vehicles in the multi-level parkings or open space parkings.

#### 4(25) Proposal

In view of above it is proposed that parking rates in Palika Parking should be same as for Category 'A' surface parking and it may be allotted on open tender basis to the private contractors so that all the expenses are borne by the contractor.

4 (26). The other terms and conditions of the parking would be the same as per existing terms and conditions which shall include the guidelines approved by the Council in its Resolution 26.07.2004 as modified in the meeting taken by the Chairperson on 05<sup>th</sup> August, 2004. Some of the guidelines are as under:-

***"I) The set of NIT consisting of terms and conditions which is in vogue for regulation of parking lot may also be approved. Some of the terms and conditions either changed or new terms and conditions have been suggested.***

- i) We may also suggest Bank Guarantee equivalent to four months license fee in respect of covered parking i.e. Mayur Bhawan and Two-tier parking at Baba Kharak Singh Marg as four months license fee in cash is taken from the successful Tenderers as security in respect of surface parking. And this four months license fee is adjusted in the last four months as license fee for these months. In case of covered parking bank Guarantee is suggested to ensure compensation of any damage caused by the contractor, can be recovered from the Bank Guarantee. Therefore, in respect of covered parking, the Bank Guarantee is suggested. In respect of surface parking, the present system of four months license fee in cash may be allowed to continue, as there are very few chances of any damage in the surface parking.***
- ii) The term of parking shall be allowed for two years.***
- iii) The parking contractor shall also install "Point of sale machine" or hand Held Device for issuance of Parking tickets in all the parking lots where hourly parking/graduated parking shall be implemented. (Design enclosed). C.C. T.V. Camera's shall be installed at the parking sites by the contractor.***
- iv) The facility of monthly charges shall be allowed to the shop-owners/ office-employees only.***
- v) The facility of free parking for one vehicle to member of N.D.T.A. has also been withdrawn as decided in the meeting held on 30.01.2004 with Commissioner (Transport) and officer-bearers of the N.D.T.A.***

- vi) *Parking tariff for the basement of the two-tier parking at Baba Kharak Singh Marg shall be at par with that of Underground Palika Parking. Tariff for the ground floor of Two-tier Parking shall be applicable that of Group 'A'.*
- vii) *Modification in Clause No. 42 of the terms and conditions has also been made as Rs.5,000/- shall be imposed as penalty on the parking contractor for the over-charging for the first complaint/violation. For the second complaint/ violation of over-charging for the same parking lot shall be Rs.10,000/- Even if the complaint/violation of over charging keep on coming, then the parking lot shall be cancelled.*
- viii) *Terms and conditions No.41 has been deleted. Since the parking lots are being allotted on 'as is where is' basis, no request on account of area dispute shall be entertained. Clause No. 29 shall continue to be in force.*
- ix) *As regards eligibility criteria for participation in the tender, one condition of seeking the latest certified Income Tax Clearance Certificate is deleted; and the Tenderers shall have to file the certified*

4 (27) The increase in parking rates shall be effective from 1<sup>st</sup> April, 2013. These rates would be due for revision on year to year basis. If found necessary, parking on Bhagidari basis may be encouraged.

4 (28) However, the terms and conditions of the contract can be changed by the department with the prior approval of the Chairperson wherever considered necessary.

#### **5. Financial implication of the proposed project/subject**

This is the revenue earning units and by increasing the tariff, N.D.M.C. will generate the revenue.

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

After increasing the tariff, the NIT shall be approved and tender shall be called with the approval of Competent Authority, N.D.M.C., as early as possible.

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

Finance Department vide their note dated 11.02.2013 on page 38/N has opinioned as *"Finance Department has no objection to the proposal of the Department. The Department may ensure that the issues discussed in the meeting held with Chairperson, N.D.M.C., and recorded on page 35/N and 36/N have been complied with and duly incorporated in the*

*proposal. Further, the Department is also advised to submit the Draft Agendum in the prescribed laid-down format”.*

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

*It is ensured that the issues discussed in the meeting held with Chairperson, N.D.M.C., and recorded on page 35/N and 36/N have been complied with and duly incorporated in the proposal*

**9. Final views of Finance Department**

As per column No. 7

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

This is a case of revision in rate of parking and out sourcing of Palika Parking and has no legal issue.

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

The policy and the rate of parking charges, as proposed in the agenda item, were lastly approved by the Council in the meeting dated 26.08.2004 vide Item No. 3(J-2). The rates approved by the Council were slightly modified in the meeting taken by the then Chairperson, N.D.M.C., with the Council Members on 05.08.2004.

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

No comments

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

N.A.

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



Not applicable

**15. Recommendations**

Proposals contained in Para 4(14) to 4(21) and 4(25) to 4(28) are for approval of the Council. The proposal may be permitted to be implemented in anticipation of confirmation of minutes of the meeting.

**COUNCIL'S DECISION**

Council discussed the issues involved in detail and resolved as below : –

- (i) The proposed amended in terms & conditions for allotment of parking lots, as proposed in para 4 (26) of the agenda is approved.
- (ii) Parking space at Palika Parking (opposite Palika Bazar) would also be allotted through open tenders.
- (iii) On the issue of provision and management of CCTV by the contractor, the Enforcement Department was advised to take up the matter with Delhi Police, seeking their acceptance to the proposed arrangement.
- (iv) It was further approved to extend the term of existing parking contractors by three months, by which time the revised policy is expected to be in place.
- (v) The decision with regard to revision in parking rates was deferred.

**ITEM NO. 08 (O-05)****1. Name of the subject/project**

Placing of Annual Audit Report for the year ended March 2010 in the Council.

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

Office of the Chief Auditor, NDMC.

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

The Annual Audit Report for the year ended 31 March 2010 has been prepared in terms of Section 59 (17) of the New Delhi Municipal Act, 1994 for presentation before the Council.

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

The office of the Chief Auditor was created in September 1996 vide Council Resolution No.3 (V) dated 19.8.1996. The office has so far presented twelve Annual Audit Reports before the Council as detailed below:

<b>S.No.</b>	<b>Report for the year end</b>	<b>Date of Presentation</b>
1	March 1997	10 February 1999
2	March 1998 &1999	23 March 2001
3	March 2000	8 August 2002
4	March 2001	31 October 2003
5	March 2002	2 July 2004
6	March 2003	27 April 2005
7	March 2004	15 December 2005
8	March 2005	15 November 2006
9	March 2006	22 August 2007
10	March 2007	20 August 2008
11	March 2008(Reviews)	18 February 2009
12	March 2008	24 February 2010
13	March 2009	20 April 2011

Present proposal is for presentation of fourteenth Annual Audit Report for the year ended March 2010. **The report will be tabled in the Council meeting.**

The Annual Audit Report basically highlights the following:

1. Financial status of NDMC.
2. Deficiencies in accounting system and budgetary control.
3. Audit comments on financial transactions of NDMC.
4. Performance review on working of Education Department.

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

Nil

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

Not applicable

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

Not applicable as the Draft Agenda Item relates to presentation of Annual Audit Report, which is a statutory audit function envisaged in NDMC Act, 1994.

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

Not applicable.

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

Nil

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

The details of previous Council Resolutions regarding presentation of Annual Audit Reports are as under:

- (i) Item No.1 dated 10.2.1999
- (ii) Item No.3 (xii) dated 23.3.2001
- (iii) Item No.3 (xxx) dated 8.8.2002
- (iv) Item No.11 (0-4) dated 31.10.2003
- (v) Item No.11 (0-2) dated 2.7.2004
- (vi) Item No.13 (0-1) dated 27.4.2005
- (vii) Item No.05 (0-6) dated 15.12.2005
- (viii) Item No. 08 (0-1) dated 15.11.2006
- (ix) Item No. 09 (0-3) dated 22.08.2007
- (x) Item No. 09(0-4) dated 20.08.2008
- (xi) Item No. 07(0-8) dated 18.02.2009
- (xii) Item No. 14(0-05) dated 24.02.2010
- (xiii) Item No. 16 (O-01) dated 20.04.2011

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

Not applicable, since the Draft Agenda Item is for presentation of Annual Audit Report on the accounts of the Council as part of statutory audit function envisaged in NDMC Act, 1994.

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

Not applicable.

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

Not applicable

**14. Recommendation**

The Annual Audit Report on the accounts of the Council for the year ended March 2010 may be presented to the Council.

**15. Draft Resolution**

“Information noted. The Council further decided that the reply (Action Taken Note) to the paras of the Annual Audit Report should be furnished by all the concerned Departments to the Chief Auditor within six weeks so that the Chief Auditor may place them before the Standing Committee on Audit in NDMC along with her recommendations”.

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

Information noted. The Council further decided that the reply (Action Taken Note) to the paras of the Annual Audit Report should be furnished by all the concerned Departments to the Chief Auditor within six weeks so that the Chief Auditor may place them before the Standing Committee on Audit alongwith her recommendations.

**ITEM NO. 09 (C-37)****CONTRACTS/SCHEMES INVOLVING AN EXPENDITURE OF RS. 1 LAC BUT NOT EXCEEDING RS. 100 LACS.**

Section 143 (d) of NDMC Act, 1994 provides that every contract involving an expenditure of Rs.1 lac but not exceeding Rs.100 lacs under clause 143 (c) shall be reported to the Council. In pursuance of these provisions, a list of contracts entered/executed upto January, 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 70 - 79 ).**

**COUNCIL'S DECISION**

Information noted.

Annexures

10 pages



















Annexure ends



**ITEM NO. 10 (C-38)****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 December, 2012, had already been included in the Agenda for the Council Meeting held on 31.01.2013.

A report on the status of execution of the ongoing schemes/works awarded upto January, 2013, is placed before the Council for information. **(See pages 81 - 113).**

**COUNCIL'S DECISION**

Information noted.

Annexure 81 – 113

33 pages







































































Annexure ends

**ITEM NO. 11 (A-41)****1. Name of the Subject / Project :-**

Name of work: - 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 :-**

3.1 41 roads are proposed to be resurfaced under RIP (Phase-IV). CRRRI has carried out functional evaluation of these 41 roads and given recommendation with the type of treatment to be carried out.

3.2 Primarily three type of treatment have been recommended under the option depending upon the condition of these roads.

3.3 Single layer of Micro Surfacing (Type-III)

3.4 Two layer of Micro Surfacing (Type-III).

3.5 40mm Dense Bituminous Concrete.

3.6 40mm SMA

3.3 (a) Micro Surfacing (Type –III) (Single Layer).

(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.

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

- (i) Africa Avenue.

- (ii) Aurbindo Marg (Safderjung Flyover to Yusuf Sarai)
- (iii) Kasturba Gandhi Marg.
- (iv) Pt. Uma Shankar Dixit Marg.
- (v) Shanti Path(Kautaliya Marg R/A to Satya Marg).

**(c) 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).

**(d) Roads not required any treatment :-**

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

3.4 The summary of resurfacing of roads with priority option is as follows :-

(i)	Single layer of Micro Surfacing (Type-III)	:	29 Nos.
(ii)	40mm Dense Bituminous Concrete	:	05 Nos.
(iii)	Deferred for one year	:	06 Nos.
(iv)	Not required any treatment	:	01 No.
		Total	41 Nos

3.5 The competent authority has appointed CRRRI as consulting agency for evaluation of the work. On the basis of the CRRRI aforesaid recommendations received on dated :

15.11.2012, the estimate has been prepared for resurfacing with one or two layers of micro surfacing Type –III as on the following listed roads :-

**Two Layer of Micro Surfacing**

1. Africa Avenue.
2. Kasturba Gandhi Marg
3. Shanti Path (Kautaliya Marg roundabout to Satya Marg)

**One Layer of Micro Surfacing**

1. Arch Bishop Makarios Marg (Golf course Road).
2. Babar Road.
3. Bangla Sahib Lane.
4. Bhai Veer Singh Marg.
5. Dr S Radha Krishnan Marg.
6. Dr. Zakir Hussain Marg.
  - (a) Subramanium Bharti Marg to Oberoi Flyover
  - (b) C. Hexagon to Subramanium Bharti Marg.
7. Gurudwara Rakab Ganj Road.
8. Hailey Road.
9. Hanuman Road.
10. Hukmi Bai Marg.
11. Jantar Mantar Road.
12. Jor Bagh Road.
13. Madhulimay Marg.
14. Madhav Rao Scindia Marg (Feroze Shah Road to K G Marg).
15. Maulana Azad Road.
16. Pandara Road.
17. R.K. Ashram Marg.
18. Raisina Road.

19. Red Cross Road.
20. Safdar Hashmi Marg.
21. Safdarjung Road.
22. Sansad Marg.
23. Shershah Road.
24. South End Road (Rajesh Pilot Marg).
25. Tansen Marg.
26. Tilak Marg.
27. Tolstoy Marg.
28. Udyan Marg.
29. Vinay Marg.

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

The brief details of the project are as follows:-

- (a) 50 mm thick Dense Bituminous Macadam (DBM) for filling depressions.
- (b) Micro surfacing conforming to Type-III grading.
- (c) Road marking with Retro-reflective thermoplastic paint applied mechanically.

Accordingly Preliminary Estimate has been prepared for above roads amounting to `11,58,57,400/-. The Preliminary Estimate has been checked by the planning division and concurred by the finance department.

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

Financial implications of the proposed subject / project work out to `11,58,57,400/-

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

- ❖ Accord of A/A & E/S Feb. 2013
- ❖ Preparation of Detailed Estimate/ NIT Mar. 2013

❖ Call of tender	Apr. 2013
❖ Award of work	June. 2013
❖ Execution of work	July. 2013 to Apr.2014

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

1. In the CRR I recommendation, on the 5 roads namely (i) Africa Avenue (ii) Aurbindo Marg ( Safderjung Flyover to Yusuf Sarai) (iii) K. G. Marg (iv) Pt. Uma Shankar Dixit Marg and (v) Shanti Path ( Kautaliya Marg R/A to Satya Marg), on option either two layer of micro surfacing (Type-III) or 40mm dense bituminous concrete (BC) has been given. In this proposal, two layers of micro surfacing has been taken for 3 roads and in a separate proposal 40mm dense BC has been taken for remaining 2 roads. The reasons on the basis of which this has been proposed may be brought on record. It may also be brought on record, as to what is the economical option either two layers of micro surfacing or 40 mm dense BC.

2. It appears from record that CRR I was engaged to evaluation 41 roads while department has processed the estimate for 32 roads for micro surfacing and two roads were separately taken under separate estimate through hot mix technology (i.e. laying of 40mm bituminous concrete). Estimate of 34 roads have been processed against the total 41 nos roads. Department may bring on record as to why estimate has not been prepared for all the roads bringing on record the names of such roads.

3. It reveals from RHR that some roads were resurfaced in 2008 or thereafter, as such, department may bring on record the year of last resurfacing of each of these roads and certify that all roads proposed for resurfacing in the proposal have outlived prescribed life and is not covered in any defect liability period and also not included in the earlier RIP's Plan or in any other estimate.

4. Complete information has not been furnished in the Detail Project Report. Brief history of the case alongwith the names of the roads where resurfacing has proposed needs to be brought on DPR. HOA also not been mentioned, the same may be clearly brought on DPR.

5. Department may ensure and certify that estimate is prepared based on the recommendation of the CRR I and in case of any variation, same may be brought on record with justification.



6. As per DPR, Estimate has been recommended for `13,37,98,300/- prepared based on DSR-2012 + 8% cost index whereas estimate processed for approval has been received for `11,58,57,400/- worked out on 14% cost index. The reasons for the same may be brought on record.

7. Detailed head code is mentioned as 00 against the HOA : 21-412-40-00. The same may corrected as per respective description of item i.e. Roads & Bridge.

8. CE(C)-I may sign the abstract of estimate.

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

1 : Out of the five roads given in the CRR I recommendation with option of treatment, two roads has been proposed to be treated with 40mm dense BC. After inspection and observed site requirements, it is felt necessary to provide 40mm dense BC over two roads namely Aurbindo Marg (Safderjung Flyover to Yusuf Sarai) and Pt Uma Shankar Dixit Marg by keeping in view the intensity of the traffic movement over these roads and site requirement as well as surface distress. Further, it is to brought on record that two layer of micro surfacing is slightly economical out of the two options given by the CRR I but the durability of 40mm dense BC is more which is required as per site conditions. The comparison of two treatments is as under :-

(i) 40mm BC : `443/- per Sqm.

(ii) Two layer of Micro surfacing: `392/- per Sqm.

with filling depression as required.

2 : Out of the 41 roads evaluated by CRR I, 6 roads has been deferred for one year and 1 road requires no treatment since it was already treated with mastic and closed for vehicular movement, as such the estimate has been processed for 34 roads out of 41 roads and estimate for 32 roads for providing Micro surfacing treatment.

3 : The roads to be resurfaced under RIP (Phase-IV) taken in the preliminary estimate were lastly resurfaced under RIP (Phase-I) work with date of start as 28.08.2006 and date of completion as 22.05.2008. The roads resurfaced in the last under (Phase-I) were C-Hexagon and Mahadev Road which were completed on 11.04.2008, and rest of the roads were resurfaced in RIP (Phase-I) were completed by mid of January 2008. The defect liability period of the work was one year in RIP (Phase-I) as per terms and condition of the agreement. further it is clarified that resurfacing of all proposed roads either outlived or going to outlived its performance life span at the time of execution of the proposed work on these roads under the estimate after award of the work which will take approx. six months time. The details of the roads with date of resurfacing in (Phase-I) is already enclosed at CP-108 / 109.

4 : The complete information including brief history of the case is annexed as a Annexure with the DPR at CP 112 to 116 alongwith the list of roads to be undertaken against the proposed estimate. In regard to the HOA, it is to put on record that there was neither any provision exists at the time of processing of the estimate nor HOA was available in the budget book. Now in the budget book for 2013-14 budget has been kept for RIP(Phase-IV) as `20.00 Lacs under budget head 21-412-40-52-2. The same has been incorporated in the DPR.

5 : This is to certified that the estimate has been framed based on the CRRI recommendations only.

6 : At the time of the processing of the DPR and estimate the prevailing cost index issued by the competent authority was 8% on the DSR 2012 which was subsequently enhanced to 14% while estimate was in the process of scrutiny and was accordingly adopted. Moreover, the difference in the cost worked out by the planning from the estimated cost prepared by the division is due to the clerical mistake which was corrected while checking.

7 : The necessary corrections has been made in the detail head mentioned in.

8 : CE(C)-I has now signed the abstract of the estimate.

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

In view of clarification brought on record, the competent authority, FD has no objection to the Preliminary Estimate to `11,58,57,400/- (Rupees Eleven Crore Fifty Eight Lacs Fifty Seven Thousand Four Hundred Only) duly checked by planning against the proposed HOA : 21-412-40-0-52-2. However, availability of funds may be ensured by the department before incurring any liability. It is observed that some roads taken in the estimate have still not completed their prescribed life, as such, department is advised that resurfacing on those roads may be taken up after prescribed life is over.

**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.**

Nil

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

No comments

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

No comments

**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 would be followed.

**15. Recommendations.**

The case is placed before the council for consideration for Accord of A/A & E/S to the Preliminary Estimate amounting to `11,58,57,400/- for the work "Strengthening and resurfacing of roads in NDMC area. SH :- Riding Quality Improvement Programme Phase – IV (Micro surfacing).

**COUNCIL'S DECISION**

Resolved by the Council to accord administrative approval and expenditure sanction to the Preliminary Estimate amounting to `11,58,57,400/- for the work "Strengthening and resurfacing of roads in NDMC area. SH :- Riding Quality Improvement Programme Phase – IV (Micro surfacing).

It was also decided that members may forward list of roads, if any, which they feel needs improvement, to C.E. (C-I), who would have the same examined.

**ITEM NO. 12 (A-42)****1. Name of the Subject/ Project**

Sub:- Redevelopment of Connaught Place – Extension of Agreement & Deferment of two nos. New Subways.

**2. Name of the Department**

Civil Engineering Department, C.P. Project Team.

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

- a. A proposal of re-development of Connaught Place, as per the detailed Project Report for `671 crores was approved by the Council on 21.11.2007. M/s Engineers India Limited was appointed as Turnkey Consultant and the scope of the work for the Turnkey execution for Redevelopment of Connaught Place and its precincts design, engineering, construction and commissioning of works for re-development of the Connaught Place was approved by Council vide agenda item No. 28(A-18) dated 28.04.2008 (the copy is annexed at **Annexure 'A' See pages 126 - 131**).

The Council, has approved the proposal only for `61522 lacs and did not approve Package No.8 of `5575 lacs. The administrative approval was therefore limited to `61522 lacs submitted by M/s EIL. The Council in meeting dated 25.06.2012 vide item No. 13(A-18) resolved as under:-

**Resolved by the Council to approve the following :-**

- (a) The items of `13215 lac as per details in para 4(b) above to drop, for which the work has not been awarded by EIL.
- (b) The reduce scope of work by deleting the four new proposed subways at Yusufzai Market, Estate Entry Road, Chelmsford Road, P-block SBS Marg, and few new mouths proposed at existing subways and the proposed underground water storage tank of 27 lacs litre capacity at Shivaji Stadium.

- (c) The installations of VCB HT & LT panels and RMU - LT main compatible with NDMC system as suggested by Elect. Deptt. and having financial implication of ₹7.7 crore which is within permissible variation.
- (d) The efforts to make further reduced the expenditure and incur additional expenditure, if any on items which were not originally included in the existing contracts and
- (e) The revised administrative estimate for the amount of ₹477.02 crore for the work executed through EIL and to extend the agreement with EIL upto 31<sup>st</sup> Dec.2012.

b) The EIL had reviewed these packages and re-grouped the packages for carrying out the works. The same is placed at **Annexure-'B'** See page 132.

The following items are not being pursued immediately and have been either dropped or deferred.

(i)	DMRC Vomitories	-	560 lacs
(ii)	Horticulture	-	224 lacs
(iii)	CCTV/PA System in Underground parking's -		672 lacs
(iv)	Under-ground parking -		11199 lacs
(iv)	Retro fittings	-	<u>560 lacs</u>
			<u>₹ 13215 lacs</u>

- c) Against the re-grouped items of ₹477.02 Lac which were taken up for execution, the EIL has awarded the contracts for ₹43899 Lac excluding PMC charges of EIL. In certain items there is a savings while in others there are increases from the revised packages estimated by EIL. The sub-head package awarded value and increased or decreased in their estimated as DPR are given in **Annexure-'C'** See pages 133 - 134.
- d) The amendment to Consultancy Agreement and further way forwarded was resolved by Council as per item No. 13(A-18) dated 25.06.2012 as below. The copy of agenda item No. 13(A-18) dated 25.06.2012 is annexed at **Annexure-'D'** See pages 135 - 141.

- e) It is further placed on record that so far NDMC has made payments of `32500 lacs while the EIL has informed that they have made expenditure of `29600lacs till 7<sup>th</sup> January' 2013.
- f) The progress of works are regularly monitored at various levels i.e. Secretary (Petroleum & Natural Gas) Govt. of India, Ministry of P&NG, Chief Secretary, GNCT Delhi, Chairperson, NDMC etc., VI<sup>th</sup> Review Meeting was held under Chairmanship of Chief Secretary, GNCT Delhi on 26.11.2012 followed by site inspections by Chief Secretary alongwith Principal Secretary, Urban Development, Secretary, Urban Development, Govt. of India and Chairperson, NDMC on 01.12.2012 and followed by visit of Chief Secretary on 12.01.2013.

#### 4. Proposal:-

- a) In the VI<sup>th</sup> Monitoring Committee Meeting held on 28.11.2012, the issue was also discussed regarding the balance work of two new subways at G-block & H-block. NDTA had strongly opposed for the construction of these two new subways and further citing the UTTIPEC Guidelines duly approved by the Hon'ble L.G. for constructing the subway (Underpass) for pedestrian crossing. It was discussed with UTTIPEC (Unified Traffic & Transportation Infrastructure Planning & Engineering Centre) and it has been intimated that in 31<sup>st</sup> UTTIPEC Governing Body Meeting held on 10.06.11 under the chairmanship of Hon'ble Lt. Governor of Delhi, the guidelines/checklist in regards the pedestrian crossing was approved in the subject title "**FOB need criteria and design guidelines**" F.2(02)2010/UTTIPEC. The aforesaid minutes of meeting of UTTIPEC of Governing Body was issued vide No.F.1(2)2011/UTTIPEC/31<sup>st</sup>/D-189 dated 6.7.11 and copy is annexed at **Annexure 'E'** See pages 142 - 161.

In regards the pedestrian crossing, the three options such as FOB, Underpass (Subway) and at grade crossing were discussed and the following guidelines was approved after the detailed discussion in various working groups of UTTIPEC under the Jt. Commissioner of Police (Traffic), PWD, DIMTS etc.

The FOB needs criteria and design guidelines along with mentioned directions.

- i) FOBs are to be the exception, not the rule. They are to be provided only under circumstances where no at-grade crossings are feasible.
- ii) Underpass not to be provided at all, unless under extreme circumstance where no other solution (including FOBs) are feasible.
- iii) At-grade crossings (raised table-tops or zebra crossings) with pedestrian/pelican signals and adequate signage and traffic calming measures are to be used on all Urban Roads within city limits. Pedestrian Signals (approx.20 Sec.) should be synchronized along with the nearest full-traffic

signals along all roads including arterials and sub arterials, for smooth movement of traffic along with safe pedestrian/NMV crossing.

- b) The construction of four new subways in the Outer Circle of Connaught Place were to be taken up in three phases and four other new subways were already been deferred by Resolution No.13(A-18) dated 25.06.11. The present status of four new subways are as under:-

S.N o	Location of Subways	Status of Construction of Stage			Remarks
		Phase-I	Phase-II	Phase-III	
1.	G-Block, Panchkuian Road	Completed	Not started	Not started	Work taken up before
2.	H-Block Railway Colony	Completed	Not started	Not started	CWG and not started till date.
3.	N-Block ECE House	Completed	Completed	Not started	In progress
4.	M-Block Gopaldas Bhawan	Completed	Work is in progress	Not started	In progress

- c) In pursuance the direction given in the VIth Monitoring Committee to defer two subways at G-Block, Pachkuian Road & H-Block Railway Colony, M/s EIL (Turnkey Consultant) informed vide letter No.EIL/1038/NK/1086 dated 24.12.2012, the status of expenditure incurred on these two subways as under:-

Sr. No.	Location of Subways	Cost incurred till date as informed by EIL
1.	G-Block, Panchkuian Road	1,49,69,145/-
2.	H-Block Railway Colony	1,71,82,732/-

- d) As the cost incurred so far on the construction of G & H block subways are Rs.1.49crore and Rs.1.71 crore respectively, which is only for the 1/3<sup>rd</sup> portion of the subways. Therefore, approximately 2/3<sup>rd</sup> expenditure is still required to be incurred for the entire completion of the subway and the further expenditure on O&M regularly can be saved if we do not undertake remaining construction.
- e) In the aforementioned circumstance, the further construction of these two subways are not to be taken up and the space already constructed can be developed/finished for a profitable use after some changes if approved.



- f) The construction of feeder corridor have to be made at 26 locations across the Outer Circle. After long discussion and deliberation by the EIL with Delhi Traffic Police, the precast section of RCC pipe, ducts, hume pipe or any other suitable precast section be used as an alternate feeder corridor instead of open cut feeder corridor for crossing the Outer Circle at so many places.

Accordingly, EIL has laid sufficient quantity of RCC pipes as per site suitability and the requirement at 22 locations. EIL further suggested RCC hume pipe at remaining four locations i.e. SBS Marg, RR4, RR6 (ESS Connaught Place) and RR7 (Barakhamba Road Crossing) vide No.EIL/1038/NK/NDMC/947 dated 18.08.2012. The user department (i.e. Electrical Deptt. NDMC) has not agreed with the alternate section (RCC Hume). After detailed discussions with Electrical Deptt. by EIL an alternate section of MS Box Duct of size 2500 x 2200 mm and 2000 x 2100 mm were found technically feasible and suitable as per their requirement for crossing the outer circle road having sufficient space for maintenance.

M/s EIL informed vide letter No. EIL/1038/NK/1044 dated 20.11.2012 that `3.70crore will be the cost for making steel box service duct across the outer circle at four locations for completion & connectivity to service corridor, for the required services. Further, EIL had certified that expenditure will not exceed from `477.02crore approved by Council. The revised time for completion of the project as informed by EIL is 30.06.2013.

Although there is a delay in completion of the work by EIL, and the target date of completion have been revised by the EIL. There may be legal issues of the contractors with EIL. Now the project is on very advanced stage and some of the important work like Façade, Civil Work of service corridor, surface development is nearing to the completion. The laying of services in the service corridor and making the last connectivity upto the consumer connection is to be done by the EIL.

Therefore, it is proposed to extend the period of contract with EIL as 'Trunkey Consultant' upto 30.06.2013.

##### **5. Financial Implication of the proposed project/ subject**

As informed by EIL the amount incurred in construction of phase-I of the two subways, which are proposed to be closed at this stage is `3,21,51,877/- and these space shall be

converted into profitable use after some changes if permitted. Additional expenditure of `3.7crore on steel box duct shall be met out within the revised estimate of `477.02crore.

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

The balance works to be completed by 30<sup>th</sup> June, 2013 as informed by the EIL.

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

1. The proper reasons/justifications for not construction of two subways at G&H Block was sought.
2. The clarification was asked to inform Council about the steel duct box at four location across the Outer Circle.

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

The reasons / justification as sought was given in the revised submission to Finance Deptt. for consideration and concurrence. The above proposal was approved for placing before Council.

**9. Legal implications of the subject/ project**

There is no legal issue.

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

Resolution No. 12 (A-52) of dated 21.11.2007

Resolution No. 28 (A-18) of dated 28.04.2008

Resolution No. 13 (A-18) of dated 25.06.2012

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

No comments.

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

N/A

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

CVC guidelines adhered.

#### 14. Recommendations

a) It is submitted for information to Council that `3.70crore will be the cost for making steel box service duct across the outer circle at four location for completion & connectivity to service corridor for services. Further EIL has certified that expenditure will not exceed from `477.02crore as approved by Council in way forward vide resolution No.13(A-18) dated 25.06.2012.

b) The proposal is placed before the Council for approval of following:-

(i) To extend time line for completion of the project upto 30.06.2013.

(ii) Not to undertake further construction of two new subways at G-block & H-block out of four new subways taken in hand for construction as given below:-

Sr. No.	Location of Subways	Status of Construction of Stage			Cost Incurred till date	Proposal/ Recommendations
		Phase-I	Phase-II	Phase-III		
1.	G-Block, Panchkuian Road	Completed	Not Started	Not Started	1,49,69,145/-	To utilize the portion already completed for a profitable user.
2.	H-Block Railway Colony	Completed	Not Started	Not Started	1,71,82,732/-	

#### COUNCIL'S DECISION

The Council resolved, by majority to :-

- (i) Extend time line for completion of the project upto 30.06.2013.
- (ii) Not to undertake construction of two new subways at G-block & H-block out of four new subways taken in hand, as per details given in para 14 of the agenda.
- (iii) Information for Construction of Steel Box Service Ducts at four places across the Outer Circle for completion and connectivity to service corridor was noted by the Council, with the rider that it should be ensured that total expenditure will not exceed Rs.477.02 crores as approved by the Council vide Resolution No. 13/A-18 dt. 25.06.12.

ANNEXURES

126 – 161













































































Annexure ends

**ITEM NO.13 (H-09)****1. NAME OF THE SUBJECT**

Denial of exemption u/s 5 of the Payment of Gratuity Act 1972 by the Central Govt.

**2. NAME OF THE DEPARTMENT**

PERSONNEL DEPARTMENT

**3. BRIEF HISTORY OF THE SUBJECT**

3.1 Prior to 1957, there were Municipal Committees, notified area Committees, District Board, Delhi State Electricity Board, Delhi Transport Undertaking and the Delhi Joint water and Sewerage Board. The local bodies were governed by the Punjab Municipal Act 1911. Among them was also New Delhi Municipal Committee which was earlier known as Riasina Municipal Committee. At the time of creation of the Municipal Corporation of Delhi through the Delhi Municipal Corporation Act 1957, certain portions from the New Delhi Municipal Committee were transferred to the Delhi Municipal Corporation. The said Municipal Corporation of Delhi was established under DMC Act, 1957 and the functions of the following bodies and the local bodies were taken over by the Delhi Municipal Corporation.

- (i) The Municipal Committee, Delhi**
- (ii) The Notified Area Committee, Civil Station**
- (iii) The Notified Area Committee, Red Fort**
- (iv) The Municipal Committee, Delhi-Shahdara**
- (v) The Municipal Committee, West Delhi**
- (vi) The Municipal Committee, South Delhi**
- (vii) The Notified Area Committee, Mehrauli**
- (viii) The Notified Area Committee, Najafgarh**



- (ix) The Notified Area Committee, Narela
- (x) The District Board, Delhi.
- (xi) The Delhi State Electricity Board
- (xii) The Delhi Joint Water and Sewage Board

3.2 In the MCD, there are Category-'A', Category-'B', Category-'C' posts and were categorized u/s 90(8) of DMC Act, 1957 as under :-

*"In this section and in section-92 –*

- (i) *"category 'A' post" means any post, which, having regard to its scale of pay or emoluments, would, if such post had been in the Central Government, be classified as a Group 'A' post under the Central Government, in accordance with the orders issued by that Government from time to time ;*
- (ii) *"category 'B' post" means any post which, having regard to its scale of pay or emoluments, would, if such post had been in the Central Government, be classified as a Group 'B' post under the Central Government in accordance with the orders issued by that Government from time to time ;*
- (iii) *"category 'C' post" means any post, other than a category 'A' or category 'B' post."*

3.3 The Delhi Municipal Corporation framed certain regulations and bye-laws and one of the regulations was Gratuity Regulation of 1959. As category 'A', 'B' and 'C' posts had the same scale of pay as Group A, B, and C posts of Central Govt., MCD adopted Central Civil Services (Pension) Rules, 1972. The New Delhi Municipal Committee followed the Delhi Municipal Corporation Regulations, as far as the payment of pension and gratuities were concerned and the said rules were adopted by the Committee in the year 1973.

3.4 In the year 1972, the Payment of Gratuities Act, 1972 was enacted. This was for the payment of gratuity to employees engaged in factories, mines, oil fields, plantations, ports, railway companies and other establishments and for matters connected therewith or incidental thereto. In the year 1982 through, a notification u/s 1 (3)(c) of the Gratuity Act, 1972, local bodies, in which 10 or more persons are employed or were employee on any day of the preceding 12 months were included, as the class of establishments to which the Gratuity Act, 1972 shall apply w.e.f. the date of publication of the notification in the official gazette i.e. 8<sup>th</sup> January 1982.

3.5 New Delhi Municipal Council, has replaced New Delhi Municipal Committee, through an Act of 1994 and as such is at par with MCD established under DMC Act 1957.

3.6 The employees of MCD claimed payment of gratuity under the 1972 Act which was denied by MCD. However, this was decided by Courts against MCD. Thereafter, MCD sought an exemption u/s 5 of the Gratuities Act. The said exemption was granted by the Labour Ministry of the Central Govt. vide notification dt. 22.07.2005 (Copy enclosed as **Annexure-I See pages 172 - 174**).

3.7 Some of the provisions of the Gratuity Act 1972 are as under :-

***“Section 2(a)- “Appropriate Government” means –***

***(i) in relation to an establishment –***

***(a) belonging to, or under the control of, the Central Government,***

***(b) having branches in more than one State,***

***(c) of a factory belonging to, or under the control of the Central Government,***

***(d) of a major port, mine, oilfield or railway company, the Central Government,***

(ii) *in any other case, the State Government.*

(e) *“employee” means any person (other than an apprentice)*

*who is employed for wages, whether the terms of such employment are express or implied, is any kind of work, manual or otherwise, in or in connection with the work of a factory, mine, oil field, plantation, port, railway company, shop or other establishment to which this Act applies, but does not include any such person who holds a post under the Central Government or a State Government and is governed by any other Act or by any Rules providing for the payment of gratuity.*

**Section 5- Power to exempt.—**

(1) *The appropriate Government may, by notification, and subject to such conditions as may be specified in the notification, exempt any establishment, factory, mine, oilfield, plantation, port, railway company or shop to which this Act applies from the operation of the provisions of this Act if, in the opinion of the appropriate Government, the employees in such establishment factory, mine, oilfield, plantation, port, railway company or shop are in receipt of gratuity or pensionary benefits not less favourable than the benefits conferred under this Act.*

(2) *The appropriate Government may, by notification and subject to such conditions as may be specified in the notification, exempt any employee or class of employees employed in any establishment, factory, mine, oilfield, plantation, port, railway company or shop to which this Act applies from the operation of the provisions of this Act, if, in the opinion of the appropriate Government, such employee or class of*

*employees are in receipt of gratuity or pensionary benefits not less favourable than the benefits conferred under this Act.*

- (3) *A notification issued under sub-section (1) or sub-section (2) may be issued retrospectively a date not earlier than the date of commencement of this Act, but no such notification shall be issued so as to prejudicially, affect the interests of any person.*

**Section 14 - Act to override other enactments, etc.—**

*The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument or contract having effect by virtue of any enactment other than this Act.”*

3.8 The Delhi Water Supply and Sewerage Disposal Undertaking was a part of the Municipal Corporation of Delhi and after the 1993 amendment, it was decided to have a separate Board, now known as Delhi Jal Board. The Delhi Jal Board (DJB) was established through an Act of 1998 known as Delhi Water Board Act, 1998. The DJB as aforesaid was earlier a part of the MCD and separate Board was created through the Act of 1998 effective from 02<sup>nd</sup> April 1998. DJB also applied for exemption u/s 5 of the Gratuities Act, 1972. This exemption was granted by the Lt. Governor of Delhi through a notification dt. 12<sup>th</sup> June 2003. (Copy enclosed as **Annexure-II See pages 175 - 176**)

3.9 On 03<sup>rd</sup> April 1997, the Gratuities Act was extended to Educational Institutions. The teachers of the educational institutions claimed benefit of the Gratuities Act, 1972, but the Supreme Court held that they are not covered within the definition of term 'employee' as defined

under the Gratuities Act, 1972 and are not entitled to the benefit of 1972 Gratuities Act. The Govt., thereafter, proposed an amendment in the definition of 'employee' through an Act of 2009 and the definition of 'employee' was amended to make it wider enough and in the statement of objects of the Bill, it was specifically mentioned that this is as a consequence of the Supreme Court decision holding that the teachers are not covered in the definition of term 'employee' under the Gratuities Act of 1972. After the amendment in the definition of term 'employee' in 2009 and looking to the case being pursued in the Court by the employees of MCD, in NDMC also, claims were made for the difference of the gratuity payable under the Gratuities Act 1972 and the CCS (Pension) Rules of 1972. The NDMC claimed before the appropriate authority that they are already governed by the CCS (Pension) Rules of 1972 which are more beneficial to the employees as they get in addition to the Gratuity, pension also. However, the authorities insisted that an exemption u/s 5 of the Gratuities Act is necessary. Unless the exemption is granted by the appropriate government, the NDMC is bound to pay the difference to its retired employees as the Payment of Gratuities Act, 1972, is a special legislation and has overriding effect over other statutes.

3.10 The NDMC accordingly applied to the Central Govt. for exemption u/s 5 of the payment of Gratuities Act 1972. However, the NDMC's application was rejected by the concerned Ministry vide their letter dt. 13<sup>th</sup> Sept. 2011. Copy of the NDMC's application to the Govt. of India and copy of the rejection letter are at **Annexure-III and Annexure-IV See pages 177 - 182.**

3.11 The NDMC has been established under the NDMC Act 1994 and statement and objects of the establishment of the said Council is annexed in the Bill of 1994. A copy of the statement of objects and reasons is at Annexure-V. As can be seen from the said statement of objects and reasons, the NDMC Act 1994 is a special legislation which has been structured for NDMC area. The principal features of the proposed Bill governing NDMC were contained in the statement of objects and reasons of this Act, which is a special legislation and has been enacted after notifying

exemptions and exceptions under Article 243 ZB of the Constitution. The statement of object and reasons also provides the important objectives of the Bill which are at **Annexure-V See pages 183 - 184.**

3.12 One of the reasons for the introduction of this legislation was to bring uniformity, as far as possible between the provisions in the DMC Act and NDMC Act. Thus the object of the Bill was also to bring uniformity, as far as possible in the functioning of the two local bodies, though not in the constitution of the two local bodies.

3.13 It is, therefore, surprising that the Delhi Jal Board which was a part of the MCD has been granted exemption u/s 5 by the Lt. Governor of Delhi and Delhi Municipal Corporation has been granted exemption u/s 5 by the Central Govt. However, in the case of NDMC, whose functions are not only similar but also more important than those of the Delhi Jal Board and Delhi Municipal Corporation, has been denied the exemption.

3.14 Functions of NDMC are more important, as Delhi Municipal Corporation does not have the distribution of electricity and water with them but NDMC, through a special legislation, has been given not only the powers of the normal municipal functions but also distribution of electricity and distribution of water in the NDMC area which is a seat of the Central Govt. The denial of exemption u/s 5 to NDMC is discriminatory under Article 14 of the Constitution.

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

4.1 The NDMC has more than 8000 retired employees who had earlier worked in the New Delhi Municipal Committee or now working in the New Delhi Municipal Council who had attained the age of superannuation. There are another about 12,000 employees who are working at

present in the NDMC. If exemption is not granted, all these above 20,000 and additional intake of about 600 to 1000 employees per year would be governed by the Gratuities Act, 1972.

4.2 Large number of petitions are being filed before the competent authority claiming arrears of the difference between the Gratuities payment under the 1972 Act and those payable under the CCS (Pension) Rules. As per the Gratuity Act, 1972, they are also entitled to 10% interest on the amount so found payable from the date of the retirement. Large number of petitions are being filed by persons who attained the age of superannuation on or after January 1982 or their legal heirs. NDMC is finding it difficult to locate their personal files to verify their claims, made by the retired employees or their legal heirs. Each of these employees are claiming an estimated amount ranging from Rs.1.0 lacs to Rs.1.50 lac with interest from the date of retirement. If exemption is not granted, it is expected that in respect of persons who had attained the age of superannuation, additional liability would be about Rs.200 crores. There would also be perpetual liability for the persons who are now working in the NDMC.

4.3 As regards the teachers, as per section 11(r) of the NDMC Act 1994, the establishment, maintenance of, and aid to, schools for primary educations subject to such grants as may be determined by the Central Govt. from time to time, is obligatory function of NDMC and for such teachers, if gratuity is required to be paid, the Council will have to approach the Central Govt. for disbursement of gratuity payable to them. This is as per financial memorandum attached to the 2009 Bill where it has been provided that in respect of teachers of schools who are being given grants from the Govt. of India, Central Govt. would be liable to pay amount of the gratuity.

4.4 As per the definition term 'employee' in payment of Gratuity Act, 1972, employees of the Central Government and State Government are not covered for payment of Gratuity under 1972 Act. The New Delhi Municipal Council, has been established under the special enactment NDMC Act, 1994. Under this Act, there are four categories of posts Category-'A', Category-'B', Category-

'C' and Category-'D'. The posts of the Category-'A','B','C' & 'D' have been specified in section-34(4) of the NDMC Act, 1994 as under :-

*Section-34(4): In this section and in section-36 –*

- (i) *"category-'A' post" means any post, which having regard to its scale of pay or emoluments, would, if such post had been in the Central Government, be classified as a Group-'A' post under the Central Government in accordance with the orders issued by that Government from time to time ;*
- (ii) *"category 'B' post" means any post which having regard to its scale of pay or emoluments, would, if such post had been in the Central Government, be classified as a Group 'B' post under the Central Government in accordance with the orders issued by that Government from time to time ;*
- (iii) *"category 'C' posts" means any post, which having regard to its scale of pay or emoluments would, if such post had been in the Central Government, be classified as a Group 'C' post under the Central Government, in accordance with the orders issued by that Government from time to time ;*
- (iv) *"category 'D' posts" means any post, other than a category 'A' or category 'B' or category 'C' post.*

4.5 In the MCD, there are Category-'A', Category-'B', Category-'C' posts and they had categorized U/s-90(8) of DMC Act, 1957 as under :-

*In this section and in section-92 –*

- (i) *"category 'A' post" means any post, which, having regard to its scale of pay or emoluments, would, if such post had been in the Central Government, be classified as a*



Group 'A' post under the Central Government, in accordance with the orders issued by that Government from time to time ;

- (ii) "category 'B' post" means any post which, having regard to its scale of pay or emoluments, would, if such post had been in the Central Government, be classified as a Group 'B' post under the Central Government in accordance with the orders issued by that Government from time to time ;
- (iii) "category 'C' post" means any post, other than a category 'A' or category 'B' posts.

4.6 Classification of posts in Central Govt. as per notification dt. dated 09<sup>th</sup> April 2009 as adopted by Council are as under :-

SI.No.	Description of Posts	Classification of posts
1. (a)	A Central Civil post in Cabinet Secretary's scale (Ks. 90000- fixed), Apex Scale (Ks. 80000-fixed) and Higher Administrative Grade plus scale (Ks. 75500-80000); and	-
(b)	A Central Civil post carrying the following grade pays Ks. 12000, Rs. 10000, Ks. 8900 and Ks. 8700 in the scale of pay of Ks. 37400-67000 in Pay Band-4, and Rs, 7600, Rs. 6600 and Rs. 5400 in the scale of pay of Rs. 15600-39100 in Pay Band-3	Group A
2.	A Central Civil post carrying the following grade pays Ks. 5400, Rs. 4800, Rs. 4600 and Ks. 4200 in the scale of pay of Rs. 9300-34800 in Pay Band-2.	Group B
3.	A Central Civil post carrying the following grade pays :— Rs. 2800, Rs. 2400, Ks. 2000, Ks. 1900 and Rs. 1800 in the scale of pay of Rs. 5200-20200 in Pay Band-I.	Group C
4.	A Central Civil post carrying the fo1owing grade pays :— Rs. 1300, Ks. 1400, Ks. 1600, Rs. 1650 in the scale of pay of Ks. 4440-7440 in iS Scale	Group D (till the posts are upgraded)

4.7 Thus, Category-'A', Category-'B', Category-'C' and Category-'D' posts in NDMC and Category-'A', 'B' & 'C' posts in MCD have the same scale of pay and draw the same emoluments as the Central Government employees but for the purposes of payment gratuity, they are not been given the same treatment.

4.8 The exemption has to be given from retrospective effect. If exemption is given from a prospective effect, employees who have attained the age of superannuation from 1982 would be entitled to payment of the difference in gratuity. There are several decisions from the Court that such claims for more than three years are barred of limitations but the appropriate authority under Gratuity Act, 1972 are not accepting this plea and have informed our Advocates that whosoever will claim the benefit, they will be giving the benefit from 1982 itself with 10% interest. Their stand is either bring exemption U/s-5 or pay the gratuity alongwith interest.

4.9 The Council is paying pension and gratuity to its employees, as per Central Civil Services (Pension) Rules 1972. the gratuity is calculated at 15 days for each completed year of service. The month is of 30 days. In Gratuity Act 1972 the month is treated as of 26 days. The Gratuity in Pension Rules 1972 and Gratuity Act 1972 are as under:-

- (i) In Pension Rules Rs.2.5 lacs was payable from 1.4.95, Rs. 3.50 lacs from 1.1.96 and Rs.10 lacs from 1.1.2006
- (ii) In Gratuity Act, 1972, it was Rs. 1.0 lacs upto 23.9.97, Rs.3.50 lacs from 24.9.97 and Rs.10.0 lacs from 10.5.2010.

4.10 Payments in Pension Rules of 1972 are thus more beneficial to NDMC employees. However, if gratuity has to be paid as per Gratuity Act 1972, there would be several cases, where excess payment has been made as per Pension Rules of 1972 as amended from time to time and

this excess payment may have to be recovered with interest. Gratuity Act, 1972 cannot be interpreted to give difference, if any, with interest, but not to recover excess paid, if any.

4.11 Municipal Council of New Delhi has been maintaining a balanced budget. For payment of past arrears, from 1982 onwards of estimated amount of over Rs.200 cr., either grants from the government would be necessary or additional taxation would be required to meet the liability which has suddenly arisen under the 1972 Act from 1982 after a gap of about 40 years.

5. **FINANCIAL IMPLICATIONS OF THE PROPOSAL**

If exemption is not granted, it is expected that in respect of persons who attained the age of superannuation, additional liability would be about Rs.200 crores.

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

N.A.

7. **COMMENTS OF THE FINANCE DEPTT. ON THE SUBJECT**

Finance Deptt. agrees to the proposal to seek Council's direction in this matter as it involves huge financial implications.

8. **COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE DEPTT. FINANCE DEPTT.**

The matter is being placed before the Council

9. **LEGAL IMPLICATIONS OF THE SUBJECT**

N.A.

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

N.A.

11. **COMMENTS OF THE LAW DEPTT.**

This is to place before the Council, rejection of application of Council for exemption u/s 5 of the Payment of Gratuity Act, 1972 and seek further direction. If exemption is not granted, it will have huge financial liability.

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

The matter is being placed before the Council.

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

N.A.

14. **RECOMMENDATION**

The matter is brought to the notice of the Council for such directions as may be considered necessary. It is proposed to again approach the Central Govt. for exemption and if exemption is again denied to approach the High Court for discrimination in denying exemption to NDMC while giving the same to MCD and DJB.

15. **DRAFT RESOLUTION**

**COUNCIL'S DECISION**

Council discussed the issue at length and resolved that a Sub-committee be constituted by the Chairperson, NDMC to examine the issue and give its recommendations with one month.

**(VIKAS ANAND)**  
**SECRETARY**

**(SHEILA DIKSHIT)**  
**PRESIDING OFFICER**

Annexure

172 – 184



























Annexure ends

ANNEXURES