

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

**COUNCIL'S MEETING NO. 08/2013-14 DATED 31.12.2013**  
**POSTPONED FOR 10.01.2014 AT 11-00 A.M.**

**Arrangement of business**

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**ITEM NO. 01 (C- 21)**

Confirmation and signing of the minutes of the Council's Meeting No. 07/2013-14 held on 27.11.2013. (See pages 4-5 )

**COUNCIL'S DECISION**

Minutes confirmed.

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

**MINUTES OF THE COUNCIL'S MEETING NO. 07/2013-14 HELD ON 27.11.2013, AT 4-00 P.M.**  
**IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.**

<b>MEETING NO.</b>	<b>:</b>	<b>07/2013-14</b>
<b>DATE</b>	<b>:</b>	<b>27.11.2013</b>
<b>TIME</b>	<b>:</b>	<b>4-00 P.M.</b>
<b>PLACE</b>	<b>:</b>	<b>PALIKA KENDRA, NEW DELHI.</b>

**PRESENT :**

- |    |                   |   |                                 |
|----|-------------------|---|---------------------------------|
| 1. | Jalaj Shrivastava | - | Presiding Officer / Chairperson |
| 2. | Smt. Tajdar Babar | - | Vice Chairperson                |
| 3. | Sh. Dharampal     | - | Member                          |
| 4. | Ms. Nila Mohanan  | - | Member                          |
| 5. | Sh. Ashok Ahuja   | - | Member                          |
| 6. | Sh. I.A. Siddiqui | - | Member                          |
| 7. | Sh. Suka Ram      | - | Member                          |
| 8. | Sh. Vikas Anand   | - | Secretary                       |

ITEM NO.	SUBJECT	DECISION
01 (C-18)	Confirmation and signing of the minutes of the Council's Meeting No. 06/2013-14 held on 07.10.2013.	Minutes confirmed.

02 (B-08)	Annual Contract for laying of U/G HT Cables, dismantling, dismantling and relaying of HT Cables of all sizes, including supplying & laying of HDPE Pipes and supply & making of H.T. st. th. Joint boxes & indoor end termination in NDMC area.	Deferred.
03 (B-09)	Annual Contract for laying of U/G LT Cables, Dismantling, dismantling and relaying of LT Cables of all sizes, including supplying & laying of HDPE pipes in NDMC area.	Deferred.
04 (C-19)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.200 lacs.	Information noted.
05 (C-20)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.

06 (E-05)	Hiring of 40 Nos. of Tipper Trucks having capacity of 8 cubic meter by volume for removal of garbage & horticulture waste from NDMC area	<p>The Council discussed the agenda at length &amp; resolved to accord administrative approval and expenditure sanction of Rs.3,20,39,280 (Rs. Three Crore Twenty Lacs Thirty Nine Thousand Two Hundred Eighty Only) for hiring of 40 nos. of tipper trucks for 6 months for removal of garbage &amp; horticulture waste from NDMC area from M/s City Life Line Travels Pvt. Ltd. accepting the single tender on the rates concurred by Finance Department, subject to No Objection from the Election Commission, Delhi.</p> <p>It was also directed by the Council that no extension shall be granted after expiry of period of this contract and the Health Department shall ensure that the RFP for garbage management is finalized and published by 10<sup>th</sup> December, 2013.</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>
07 (H-01)	Creation of one post of Chief Engineer (Civil) in the Pay Scale of ` 37400-67000 + G.P. ` 8900/- (6 <sup>th</sup> CPC) and filling the same on deputation basis till eligible candidate from the feeder cadre post of Superintending Engineer (Civil) become available for the post of Chief Engineer (Civil). This requires approval of the Council in terms of Section – 34 of NDMC Act, 1994.	<p>Resolved by the Council that approval is granted to create one post of Chief Engineer (Civil) on temporary basis for a period of 6 months in the Pay Scale of ` 37400-67000 + G.P. ` 8900/- (6<sup>th</sup> CPC). The post so created will be filled on deputation basis by giving extension for a period of one year beyond 30.11.2013 to Sh. Hamvir Singh, DGM, HSIIDC, presently on deputation with NDMC as Chief Engineer (Civil).</p> <p>Further ex-post facto approval is given by the Council to the extension period w.e.f. 01.12.2012 to 31.05.2013 &amp; 01.06.2013 to 30.11.2013.</p>
	OTHER ISSUES	

	Sh. I.A. Siddiqui, Member raised the point regarding some properties in residential areas under the NDMC, which were having commercial activities prior to 1962, be de-sealed under a resolution of the Council.	The Member was informed that the matter is subjudice and pending before the Court and as per the Regulation 34(v) of the Procedure and Conduct of Business, such items are not considered by the Council.
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Sd/-  
**(VIKAS ANAND)**  
**SECRETARY**

Sd/-  
**(JALAJ SHRIVASTAVA)**  
**PRESIDING OFFICER / CHAIRPERSON**



**ITEM NO.02 (A -16)****1. NAME OF THE SUBJECT/PROJECT:**

**Re-development of Kidwai Nagar (East), GPRA Project – Purchase of 10 Nos. Type-II Flats from NBCC- Payment thereof.**

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

Civil Engineering Department (Zone-II)

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

A sub-committee was constituted by Secretary, NDMC wherein it was recommended that Equivalent plot area presently with NDMC with revised FAR may be made available to NDMC in redevelopment plan. In case this is not workable then NDMC may be provided at least one tower consisting of around 80 Type-II flats to be used for its employees. In the meantime, in a meeting held by Joint Secretary (Land & Works), GOI, NBCC officers informed that one tower consists of 90 Type-II flats. Therefore, it was discussed that in MOUD agrees to the request of NDMC to provide one tower to NDMC for its employees then for remaining 10 flats (90-80=10) will have to purchased by NDMC from NBCC. Hence approval in principle was accorded by the Chairman for further pursuing the issue with MOUD for getting one tower consisting of 90 Type-II flats and accordingly after obtaining financial liability from NBC, agenda was prepared. Thereafter agenda was placed before the council and council has approved vide Res. No.07 (A-11) dated 04.09.2013 for A/A & E/S for Rs.8,00,32,000/- for payment to NBCC on account of purchase of 10 Nos. of Type-II flats under Re-development of Kidwai Nagar (East) GPRA project and it was also approved by council that expenditure will be charged to chart of Account 4124005 "Construction of Type-I multistoried Flats at Bapu Dham Housing Complex."

A demand letter dated 09.10.2013 of NBCC was received in which NBCC has modified the payments of saleable area per DU's (Sft) and increased it from 800 to 997 sq.ft. Thereby increasing the cost of 10 Type-II unit to cost for 10 Nos. Dwelling units to Rs.9,97,39,880/- against the earlier demand for Rs.8,00,32,000/-. Also maintenance cost for 10 Nos. Dwelling Units of Type-II (Average saleable area 997 sq. [ft.@Rs.2000/-](#) per sq. ft. one time payment for entire 30 years lease) amounting to Rs.1,99,40,000/- has been demanded over and above the cost of the flats. Total cost of the flats + maintenance charges comes to Rs.11,96,79,880/-. In addition, a sum of Rs.7,00,000/- for each parking space, if required, has been demanded by NBCC. Further, for

remaining 80 flats which are to be given to NDMC in lieu of the existing infrastructure maintenance charges @Rs.2000/- per flat has also been demanded by NBCC for amounting to Rs.15,95,20,000/- .

NDMC will be getting one tower consisting of 90 Type-II flats out of which 10 flats are being purchased and remaining 80 flats are in lieu of increase in FAR of cost of Rs.80 crore approximately free of cost.

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

As per details given above, the present deficiency in Type –II quarters as verified from Municipal Housing is 424 quarters. This will be a boon for NDMC as there is acute shortage of houses in NDMC. By getting one proposed tower of 90 Type II Flats, NDMC will also be able to fulfill upto some extent the deficiencies of Type II flats and enhance the satisfaction level of the NDMC employee. Besides this, equivalent area for commercial and social infrastructures like Schools, Barat Ghars, Markets etc. will also be provided by NBCC as swapping arrangement. **Further, these 80 flats free of cost, costing approximately Rs.80 Crore based on the NBCC rate is being given against the existing infrastructure in lieu of increased FAR.** As regards parking for the above quarters, though these quarters are not authorized for car parking, NBCC has demanded Rs.7,00,000/- for each parking space, if required. For 10 Nos. of quarters the charges of parking space will work out to Rs.70.00 lacs. However, the issue of allotment of parking space for 80 quarters given to NDMC free of cost is being taken up separately. All efforts will be made to get these 80 parking spaces free of cost with the allotted quarters. Further, remaining 10 quarters, it is proposed that the requirement of parking space, if any, will be met from the 80 spaces to be allotted by NBCC for which separate efforts is being made (which also might be including parking space). Regarding maintenance charges demanded by NBCC it is mentioned that apart from these flats other infrastructure like schools, barat ghars, community centre etc. are also being constructed for NDMC in lieu of the existing infrastructure and maintenance of these buildings along with quarters can be handled from the NDMC service centre already existing nearby. As such this point along with parking space will be taken up with NBCC separately.

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

The revised cost of only 10 nos. flats as demanded and worked out from the details sent by NBCC is Rs. 9,97,39,880/-. In initial stage, payment is to be made under the Head of account 4605001 i.e. Advance to others-advance against project and thereafter will be adjusted under appropriate head of account i.e. 6-412-40-0-New Scheme-0-103, "Redevelopment of Kidwai Nagar (East), GPRA Project-Purchase of 10 Nos. Type-II Flats".

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

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

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

Finance Department vide their diary No. 2310/Finance R-Civil dated 19.11.2013 concurred in the proposal with the advise to obtain A/A & E/S as the total amount exceeds 10% of original A/A & E/S.

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

No comments in view of the comments of Finance Department.

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

As commented at Sr. No.7, vide their diary No. 2310/Finance R-Civil dated 19.11.2013

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

Nil

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

Reso. No.07(A-11) dated 04.09.2013

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

Nil

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

Nil

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

Nil

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

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

**16. RECOMMENDATIONS:**

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

(i) That administrative approval and expenditure was sanctioned amounting to Rs.8,00,32,000/- for payment to NBCC on account of purchase of 10 Nos. of Type-II flats under Re-development of Kidwai Nagar (East), GPRA project vide Reso. No. 07(A-11) dated 04.09.2013. Permission was also accorded to pay the exact amount on final area of the flats for 10 quarters after the same is received from NBCC.

Now the NBCC modified the payment of saleable area per DU's (sft) based on increase in area from 800 to 997 sq. ft., thereby increasing the cost of 10 Type-II unit to cost for 10 Nos. Dwelling units to Rs.9,97,39,880/- against the earlier demand of Rs.8,00,32,000/-. The present amount i.e. Rs.,9,97,39,880/- is exceeding 10% of the earlier accorded A/A & E/S by the Council for Rs.8,00,32,000/-. Hence, revised A/A & E/S may be accorded by the competent authority for making payment to NBCC

(ii) The payment initially will be made under the head of account 4605001 i.e. Advance to others-advance against project to the tune of Rs.9,97,39,880/- in anticipation of revised A/A & E/S subject to adjustment under appropriate head of account i.e. 6-412-40-0-New Scheme-0-13, "Redevelopment of Kidwai Nagar (East), GPRA Project- Purchase of 10 Nos. Type-II Flats" from NBCC after getting the RE approved for the year 2013-14.

(iii) For rest of the demands of NBCC i.e. charges for parking space and maintenance charges all out efforts shall be made separately with NBCC as per details mentioned above.

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

#### **17. DRAFT RESOLUTION:**

Resolved by the Council for the following:-

(i) That the NBCC modified the payment of saleable area per DU's (sft) by increasing the area from 800 to 997 sq. ft., thereby increasing the cost of 10 Type-II unit to cost for 10 Nos. Dwelling units to Rs.9,97,39,880/- against the earlier demand of Rs.8,00,32,000/-. The present amount i.e. Rs.,9,97,39,880/- is exceeding 10% of the earlier accorded A/A & E/S by the Council for Rs.8,00,32,000/-. Hence, revised A/A & E/S may be accorded by the competent authority for making payment to NBCC

(ii) The payment initially will be made under the head of account 4605001 i.e. Advance to others-advance against project to the tune of Rs.9,97,39,880/- in anticipation of revised A/A & E/S subject to adjustment under appropriate head of account i.e. 6-412-40-0-New Scheme-0-13, "Redevelopment of Kidwai Nagar (East), GPRA Project- Purchase of 10 Nos. Type-II Flats" from NBCC after getting the RE approved for the year 2013-14.

(iii) For rest of the demands of NBCC i.e. charges for parking space and maintenance charges all out efforts shall be made separately with NBCC as per details mentioned above.

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

#### **COUNCIL DECISION**

Resolved by the Council for the following:-

(i) That the NBCC modified the payment of saleable area per DU's (sft) by increasing the area from 800 to 997 sq. ft., thereby increasing the cost of 10 Type-II unit to cost for 10 Nos. Dwelling units to `9,97,39,880/- (Rs. Nine crore ninety seven lac thirty nine thousand eight hundred eighty only) against the earlier demand of `8,00,32,000/- (Rs. Eight crore thirty two thousand only). The present amount i.e. Rs.,9,97,39,880/- (Rs. Nine crore ninety seven lac thirty nine thousand eight hundred eighty only) is exceeding 10% of the earlier accorded administrative approval and expenditure sanction by the Council for `8,00,32,000/-. Hence, revised A/A & E/S may be accorded by the competent authority for making payment to NBCC

(ii) The payment initially will be made under the head of account 4605001 i.e. Advance to others-advance against project to the tune of `9,97,39,880/- in anticipation of revised A/A & E/S subject to adjustment under appropriate head of account i.e. 6-412-40-0-New Scheme-0-13, "Redevelopment of Kidwai Nagar (East), GPRA Project- Purchase of 10 Nos. Type-II Flats" from NBCC after getting the RE approved for the year 2013-14.

(iii) For rest of the demands of NBCC i.e. charges for parking space and maintenance charges all out efforts shall be made separately with NBCC as per details mentioned above.

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

**ITEM NO. 03 (A-17)****1. Name of the subject/project**

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

SH: Resurfacing of roads in Golf Link & Bharti Nagar Colony.

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

Civil Engineering Department, Road-II Division

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

- a). The main road in Golf Link & Bharti Nagar Colony was last resurfaced in the year 2007 and is due for resurfacing since 2012.
- b). The surface of road deteriorating day by day and it outlived its useful life. RWA pressing very hard for resurfacing the same.
- c). Accordingly preliminary Estimate was prepared by the project team for Rs. 2,17,74,000/- based on DSR 2013 which has been checked by Planning Division and concurred by Finance Department.

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

- (i). Tack Coat.
- (ii). 40mm thick layer of bituminous concrete
- (iii). Filling depression.

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

The financial implications of the proposal works out to Rs. 2,17,74,000/-.

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

The schedule with time line for each stage including internal processing work is as under:

-

One month for Approval of Detailed Estimate

One month for Approval of NIT

Two Months for Award of work

Completion of work has been taken for three months

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

Finance Department vide diary No. 1727/Finance/R-Civil dated 6.9.13 has observed the case at NP-16/N where they have mentioned that: -

1. Regarding point no. 1 department has still not clarified when the last resurfacing was carried out in the proposed roads. Department may clearly bring on record the date of resurfacing of roads mentioning the RHR reference certifying that the proposed roads are same as mentioned in RHR.
2. Department has stated in DPR that funds shall be sought either by re-appropriation of funds or in R.E., as such, department may indicate the matching/ comparable saving from their own allocation while seeking confirmation / assurance from budget section.
3. Recently CPWD has issued OM No. DG/Cost Index/01 dated 27.6.2013, department may review the estimate in the light of said OM.

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

The replies of observations raised by Finance Department as at NP-16/N are being offered as under: -



1. The subject roads were last resurfaced in 2007. Copy of RHR mentioning date of last resurfaced of roads enclosed. It is also certified that the proposed roads are same as mentioned in RHR.
2. Scheme is not included in budget estimate 2013-14. Being a new scheme, the required fund will be sought in R.E. 2013-14 and BE 2014-15.
3. The modified preliminary estimate amtg. to Rs. 2,17,74,000/- has been prepared on the basis of D.S.R 2013 with the provision of tack coat, filling depression, bituminous concrete, premixed etc.

It would be ensured for availability of funds before committing any liability and proposed roads have outlived their prescribed lives.

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

F.D. vide diary No. 2066/Finance/R-Civil dated 04.10.2013 has stated that In view of AIP of the competent authority at page -11/N and clarification brought on record at page-19/N department may process the estimate amounting to Rs. 2,17,74,000/- as checked by Planning for consideration and approval of the competent authority, against the HOA: 21-412-40-02. however, department is advised to ensure (i) availability of funds before committing any liability (ii) proposed roads have outlived their prescribed lives.

**10 Legal Implication of the subject/proposal**

Nil

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

Nil

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

No comments

**13. Comments of Law Department (Wherever necessary).**

Nil

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

Certified that all guidelines of CVC has been followed.

**15. Recommendation**

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

- (a) To Accord of Administrative Approval and Expenditure Sanction for Rs.2,17,74,000/- for the work of "Sub: - S/R of roads in NDMC area. SH: -Resurfacing of roads in Golf Link & Bharti Nagar Colony".
- (b) To initiate further action in anticipation of confirmation of minutes of the Council Meeting.

**16. Draft Resolution**

Resolved by the Council that the proposal to accord of Administrative Approval and Expenditure Sanction for Rs. 2,17,74,000/- for the work of "Sub: - S/R of roads in NDMC area. SH: -Resurfacing of roads in Golf Link & Bharti Nagar Colony" and to initiate further action in anticipation of approval of minutes of Council meeting.

**COUNCIL'S DECISION**

Resolved by the Council to accord Administrative Approval and Expenditure Sanction amounting to `2,17,74,000/- (Rs. Two crore seventeen lac seventy four thousand only) for the work of "Sub: - S/R of roads in NDMC area. SH: -Resurfacing of roads in Golf Link & Bharti Nagar Colony".

The resolution is subjected to the condition that the Department shall ensure that the said roads have outlived their life and only those road portions will be resurfaced which are in need of resurfacing.

The Council also advised that more emphasis/attention should be placed by the Department placed on the interior lanes and high density areas.

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

**ITEM NO. 04 (A-18)****1. Name of the subject/project**

Name of work: - S/R of roads in NDMC area.

Sub Head:- Improvement to existing walkways by providing prefab c.c. slabs red grey combination creating green buffers in cross roads in Lodhi Colony, Jor Bagh Road and connecting road between Mausam Bhawan & Jor Bagh.

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

Civil Engineering Department, Road-II Division

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

The scheme has been prepared keeping in view the dilapidated condition of the colony roads due to in use for long time and frequent digging by the various agencies, lost its riding quality and outlived its useful life.

- 1) Jor Bagh Road is an important road connecting Aurobindo Marg and Max Mueller Marg having a prominent Jor Bagh Colony situated facing it on one side and on other side B.K.Dutt Colony, Karbala, Mausam Bhawan & Khanna Market. The condition of its walkway is in poor condition and seems to have been constructed around 1994. Right now its walkway is located on the road side which needs to be shifted away from Jor Bagh Road, so as to having ensured pedestrian on road side. Also this green buffer prevents time to time damaging/ cutting the footpath from providing utilities like electricity road signages & OFC etc. Therefore by all above reasons the footpath needs renovation.
- 2) The walkways of Cross Roads of Lodi Colony are in dilapidated condition due to being cut frequently by various digging agencies. Also there is no green buffer on these walkways. As per new guidelines of UTTIPAC, green buffer must be left on the footpaths for providing future services like signages – electric & telecom lines/OFC etc. the pedestrian from the running traffic by keeping away from the running traffic side. Case has been discussed with CE(C). It is a demand from RWA, Lodi Colony also to improve the footpath.
- 3) Accordingly Preliminary Estimate amounting to ` 2,09,22,300/- has been prepared based on DSR 2013 + Market rates + 3% contingencies + 1% Cess which has been checked by Planning Division and concurred by Finance Department.

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

- a) P&L RMC M-10.
- b) P&L prefab CC slab
- c) P&L DQ stone flooring.
- d) P&L Kerb Stone M-25.
- e) C/O Bell mouth chamber & gully grating.
- f) P&F R.C.C.Pipe 250mm dia.
- g) P&F R.C.C. Bollard.

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

The financial implications of the proposal works out to ` 2,09,22,300/-.

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

The schedule with time line for each stage including internal processing work is as under:

-

- One month for Approval of Detailed Estimate
- One month for Approval of NIT
- One & Half Month for Award of work
- Completion of work has been taken for six months

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

Finance Department vide diary No. 2127/Finance/R-Civil dated 8.11.13 has raised the observation as given below:-

Earlier Preliminary estimate was submitted by the department for `1,63,88,600/- and concurred the same by FD at page-66/N wherein provision of interlocking pavers was considered which were to be supplied free of cost by the department. Now department has submitted the modified estimate for ` 2,09,22,300/- taking provision of prefab CC slab instead of interlocking pavers stating that all the pavers have been lifted from Safdarjung Airport and no pavers are available for this work.

In view of above, department is advised to process the modified preliminary estimate amounting to ` 2,09,22,300/- duly checked by planning at page-76/N for consideration of the competent authority.

However, department may ensure (i) availability of fund under HOA: 21-412-40-02 (ii) CE (C-I) may sign the abstract of estimate, before submitting the case to the competent authority (iii) ensure that proposed prefab CC slabs are in conformity with surrounding walkways.

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

The revised preliminary estimate is prepared after modify as per site requirement amounting to ` 2,09,22,300/-. It is certified that: -

- (i). Funds will be available during 2014-15. Requirement has already been processed for the same under H.O.A. 21-412-40-02.
- (ii). CE (C-I) has signed the Abstract of Cost of estimate.
- (iii). Proposed prefab CC Slab are in conformity with surrounding walkways.

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

FD vide diary no. 2431/finance/R-Civil dated 2.12.13 has stated that in view of clarification brought on record at Page No. 81/N, FD has no objection to process the same for consideration of the competent authority (this issues with the approval of FA).

**10. Legal Implication of the subject/proposal.**

Nil

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

Nil

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

No comments

**13. Final views of Law Department**

Nil

**14. Certificate by the Department that while processing the case, all guidelines of the CPWD Manual have been followed.**

Certified that all guidelines of CVC has been followed.

**15. Recommendations**

The case is placed before the Council for consideration and

- (a) To Accord of Administrative Approval and Expenditure Sanction for Rs.2,09,22,300/- for the work of "Sub: - S/R of roads in NDMC area. Sub Head:- Improvement to existing walkways by providing prefab c.c. slabs red grey combination creating green buffers in cross roads in Lodhi Colony, Jor Bagh Road and connecting road between Mausam Bhawan & Jor Bagh.
- (b) To initiate further action in anticipation of confirmation of minutes of the Council Meeting.

**16. Draft Resolution**

Resolved by the Council that the proposal to accord of Administrative Approval and Expenditure Sanction for `2,09,22,300/- for the work of "Sub: - S/R of roads in NDMC area. Sub Head:- Improvement to existing walkways by providing prefab c.c. slabs red grey combination creating green buffers in cross roads in Lodhi Colony, Jor Bagh Road and connecting road between Mausam Bhawan & Jor Bagh and to initiate further action in anticipation of approval of minutes of Council meeting.

**COUNCIL'S DECISION**

Resolved by the Council to accord Administrative Approval and Expenditure Sanction amounting to `2,09,22,300/- (Rs. Two crore nine lac twenty two thousand three hundred only) for the work of "Sub: - S/R of roads in NDMC area. Sub Head:- Improvement to existing walkways by providing prefab c.c. slabs red grey combination creating green buffers in cross roads in Lodhi Colony, Jor Bagh Road and connecting road between Mausam Bhawan & Jor Bagh.

The resolution is subjected to the condition that the Department shall ensure that the said walkways have outlived their life and are in need of improvement.

The Council also advised that more emphasis/ attention should be placed by the Department on the interior lanes and high density areas.

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



**ITEM NO. 05 (B-10)**

1. **Name of Subject/Project:** Purchase of 1.1 KV LT XLPE Cable of size: 400 sq.mm/3.5 C duly ISI marked.

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

3. **Brief History of the subject/Project:** A case for the procurement of 24.5 Km of 1.1 KV LT XLPE Cable of size: 400 sq.mm/3.5C duly ISI marked was processed against the sanctioned estimates duly approved by Chairperson/Secretary/CE(E)II as per **ANNEXURE "A" (See pages 22 - 23 )**.

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

Tenders were invited through e-procurement system from the manufacturers for the purchase 24.5 Km of 1.1 KV LT XLPE Cable of size: 400 sq.mm/3.5C duly ISI marked by giving wide publicity to the NIT as per the codal provisions. In first call, tender opened on 25.10.2012, only two offers were received but none of the firms were found eligible as per NIT requirement. Tenders were accordingly re-invited with due approval of competent authority. In second call five firms responded up to due date of opening i.e. on 04.12.2012 and after opening of price bid, the L-I tenderer backed out and therefore the tenders were dropped and EMD submitted by the L-I firm M/s Alpha Communication Ltd was forfeited as per terms & conditions of the NIT. The tenders were re-invited in third call. In response to the Tender Enquiry, offers of the following firms were received on 05.06.2013 due date.

1. M/s. Suraj Cables
2. M/s. Windsor Cables Pvt. Ltd.
3. M/s. Dynamic Cables Pvt Ltd.
4. M/s. Gupta Power Infrastructure Limited
5. M/s. Bright Cables Private Ltd
6. M/s. Havells India Ltd.

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. Suraj Cables
2. M/s. Windsor Cables Pvt. Ltd.

3. M/s. Dynamic Cables Pvt Ltd.
4. M/s. Bright Cables Private Ltd

The following firms were not found eligible:-

1. M/s. Gupta Power Infrastructure Limited (**As per Terms & Conditions of NIT, the firm did not submit the ISI license for the last at least five years**)
2. M/s. Havells India Ltd (**As per Terms & Conditions of NIT, the firm offered negative tolerance for armour size in GTP.**)

With the approval of CE(E)II dt.19.08.13, the price bids of Four eligible firms namely, M/s Suraj Cables, M/s Windsor Cables Pvt. Ltd., M/s Dynamic Cables Pvt. Ltd. & M/s Bright Cables Private Ltd were opened on 26.08.2013. The position of each tendering firm is as under:

Name of the Firm	Rates as per offer of the firm (Rs.)	Estimated cost put to tender (Rs.)	Remarks
1. M/s. Suraj Cables	QR- <u>1,77,38,000.00</u> CR- 2,09,26,937.64 <b>L-I</b>		The total computed cost of L-I firm, M/s. Suraj Cables. is <b>6.75% below</b> than the estimated cost put to tender based on DGS&D rate contract dt.13.07.2012.
2. M/s. Windsor Cables Pvt. Ltd.	QR- <u>1,87,71,900.00</u> CR-2,21,46,712.18	QR- <u>1,89,76,287.33</u> CR- 2,24,41,149.00	
3. M/s. Dynamic Cables Pvt Ltd	QR- <u>1,88,18,450.00</u> CR- 2,17,40,112.52		
4. M/s Bright Cables Private Ltd	QR- <u>1,83,75,000.00</u> CR- 2,17,27,457.50		

As can be seen from the above table, M/s. Suraj Cables has emerged as the lowest eligible tendering firm, with their quoted Ex-works rate Rs.7,24,000.00 per Km + ED @ 12.36% Extra or as applicable + VAT@ 5% Extra, thus making computed cost of Rs.8,54,160.72 per Km and a total computed cost Rs.2,09,26,937.64, say: Rs.2,09,26,938.00 for the purchase of 24.5 Km of 1.1 KV LT XLPE Cable of size 400 sq.mm/3.5C. The firm vide their Letter No.SC/NDMC/BID-10/2013-14 dt.1530.05.2013 placed at CP-485 in the file, has offered their rate with present rate of ED is @ 12.36% Extra and VAT @ 5% Extra and Extra as applicable at the time of dispatch .

Justification statement has been prepared based on DGS&D rate contract Validity from 16.07.13 to 31.08.14, LPR placed on M/s Grandeur (India) Pvt. Ltd & lowest current market rate taken from M/s Gupta Power Infrastructure Ltd., tabulated as under:-

Descri ption of Items	As per offer of L-I firm M/s Suraj Cables	Estimated basic rate based on DGS&D rate contract No. XLPE- LT/ES-4/RC- B1040000/0512/34/044 61/1392/42737 dt. 13.07.12	As per DGS&D rate contract No. XLPE- LT/ES-4/RC- B1040000/1213/34/05 258/1397/48009 placed on M/s Hitesh Industries dt. 08.08.13	As per the LPR placed on M/s Grandeur (India) Pvt. Ltd S.O.No.25/D	As per the lowest current market rate taken

	(Ex works rate) (Rs.)	(Validity from 27.12.11 to 31.12.12) (Ex works rate) CP-52-78 is estimate file (Rs.)	(Validity from 16.07.13 to 31.08.14) (Ex works rate) (Rs.) CP-835-864 in the file	P/EE(S-I)/2012-13 dt.09.03.12 (Ex works rate) (Rs.) CP-865-866 in the file	from M/s Gupta Power Infrastructure Ltd. dt. 02.09.13 (Ex works rate) (Rs.) CP-870-872 in the file
1.1 KV LT XLPE Cable of size :400 sq.mm /3.5 C duly ISI marke d.  QTY: 24.5 KM	7,24,00 0.00 per km	7,74,542.34 Per Km	8,41,346.00 Per Km	7,24,559.58 Per Km	9,96,000. 00 Per Km

**Remarks :**

The Ex-works rate of lowest firm M/s Suraj Cables is

**6.53% below** Estimated basic rate based on DGS&D rate contract No. XLPE-LT/ES-4/RC-B1040000/0512/34/04461/1392/42737 dt. 13.07.12,

**13.95 % below** the current DGS&D rate contract No. XLPE-LT/ES-4/RC B1040000/1213/34/05258/1397/48009 placed on M/s Hitesh Industries 08.08.13,

**0.08 % below** LPR placed on M/s Grandeur (India) Pvt. Ltd S.O.No.25/DP/EE(S-I)/2012-13 dt.12.09.12 and

**27.31% below** the lowest current market rate taken from M/s Gupta Power Infrastructure Ltd. dt.

02.09.13
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Therefore the rate of lowest tendering firm M/s. Suraj Cables is competitive, reasonable and hence justified

The case was examined by the Planning and subsequently concurred by **Finance vide Dy. No. 2404/Finance/R-Elect dt.22.11.2013.**

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

Rs.2,09,26,938.00 (Rupees Two Crore Nine Lakh Twenty Six Thousand Nine Hundred and Thirty Eight only) inclusive of taxes, duties etc.

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

Commencing with **14.5Kms** within Two Months from the date of issue of supply order and completion @ 10Km per month thereafter and **completion in Three months** from the date of issue of supply order.

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

**1.** As per quantity of cable mentioned in detail of estimate at p-2/C in estimate file, it has been observed that 2000 mtrs. of cable is being purchased for repair of Under Ground Cable & G.S Pillar in south of Rajpath. This quantity was being procured under sanction estimate of special repair pertaining to year 2012-13 whereas the current year is 2013-14. Similarly, 4651.50 mtrs. Of cable is being purchased against stock-ceiling which pertains to previous year. Whether the stock ceiling for the current year have been got approved is so, how much quantity of cable has been taken in the current year for repair of Under Ground Cable & G.S Pillar in south of Rajpath and against stock ceiling needs to be brought on record.

**2.** As per justification statement prepared by the department, the quoted rate of L-I firm are found 13.95 % below the DGS&D rate contract. However, it is not clear as to whether

the specification of the cable is comparable with the specification of cable notified in the NIT. The department may clarify.

3. A comparative online statement is not available in the file, the same may be placed on record.
4. The case may also be got checked from AO(Electric) and the check-list of the case at p-881-882/C may also be got signed from him in support of its correctness.

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

1. The quantity of cable 2000 meters is being purchased against the sanctioned estimate placed at page 2/C in the Estimate File, for the work of "Repair of underground cable at GS Pillar in South of Raj Path Area during 2012-13" and the cable is still required and the same has also been confirmed on telephone from the concerned D/S Division. Further, a similar sanctioned estimate for the year 2013-14 has also been received in Electric Store-I, in which cable requirement of 1200 meters has been taken and the same is placed in the file at page CP-884 to 888.

When the NIT was initiated in August 2012 for this purchase, there was a provision of 4651.5 Meters of LT XLPE 400 sq.mm/3.5C Cable, however, during the current year in the proposed stock ceiling for the year 2013-14, there is a provision of 3861 meters cable (50% of the average for the last three years) (copy placed at CP-889 to 890). However, we are in receipt of many small estimates which are to be carried out against deposit works by D/N and D/S divisions for which the balance quantity of 790.5 meters shall be utilized. The sanctioned estimates duly approved by Chairperson/CE(E)II as per **ANNEXURE "B"** (See pages 24 – 25).

2. The specifications of cable on DGS&D Contract Rates are similar to the specifications of the cable being procured through our NIT. As desired by ACE(E)I on pre-page 80/N, a comparison chart of specifications i.e. DGS&D and NDMC has been prepared and placed at CP-893 for reference.
3. Comparative Online statement is already placed in the file at page 829/CP.
4. The case has also been got checked from AO(E-II), including signatures on the check list in support of its correctness.

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

In view of the clarification and certification submitted by the department (at page 80 & 85/N), the Finance Department concur in the proposal of the department to place the

supply order on the L-1 firm M/s Suraj Cables for the supply of 1.1 KV LT XLPE Cable 400 sq.mm/3.5C, Qty 24.50 Kms at their quoted rates of Rs.7,24,000/- per Km + ED @ 12.36% or as applicable + VAT @ 5% thus making the total computed cost of the cable as Rs.8,54,160.72 per Km thereby total computed cost of the supply as Rs.2,09,26,938/- (Two crore nine lakh twenty six thousands nine hundred thirty eight only), as per the terms and conditions of the NIT. The department is hereby advice to charge the proposed expenditure against the approved stock-ceiling for the year 2013-14.

**Clarification of the Department:-** It is submitted that the proposed expenditure will be initially charged against the Budget Head Electric other items under chart of A/C code No.4301030, Function code 07, Field code 220 in the budget book Volume No.1 at page No.184 and finally will be charged to the respective works.

10. **Legal Implication of the Subject/Project:** No legal implications are involved.
11. **Details of previous Council Resolution, existing law of Parliament and Assembly on the Subject:** NIL
12. **Comments of department on comments of the Law Department:** NIL
13. **Final view of the Law Department:** No legal implications are involved.
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 1.1 KV LT XLPE Cable of size: 400 sq.mm/3.5C duly ISI marked from the eligible lowest tendering firm, M/s. Suraj Cables with their Ex-works rate Rs.7,24,000.00 per Km + ED @ 12.36% Extra or as applicable + VAT@ 5% Extra, thus making computed cost of Rs.8,54,160.72 per Km length of cable. The total computed cost for the purchase of 24.5 Km 1.1 KV LT XLPE Cable of size: 400 sq.mm/3.5C worked out to Rs.2,09,26,937.64, say: Rs.2,09,26,938.00 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 for the purchase of 24.5 Km 1.1 KV LT XLPE Cable of size: 400 sq.mm/3.5C duly ISI marked from the eligible lowest tendering firm, M/s. Suraj Cables with their Ex-works rate Rs.7,24,000.00 per Km + ED @ 12.36% Extra or as applicable + VAT@ 5% Extra, thus making computed cost of Rs.8,54,160.72 per Km length of cable. The total computed cost for the purchase of 24.5 Km 1.1 KV LT XLPE Cable of size: 400 sq.mm/3.5C worked out to Rs.2,09,26,937.64, say: Rs.2,09,26,938.00 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

Deferred with the direction that the department would place before the Council the earlier agenda item by which an amount of `254 crores was sanctioned for purchase of cable, along with the present proposal with justification, in the next meeting of the Council.



ANNEXURE 'A'Details of Estimates for the purchase of 1.1 KV LT XLPE Cable of size: 400 sq.mm/3.5C duly ISI marked. (The Original Estimate made)

S. No	Estimate No./ Name of Estimate/Division	User Division	Qty	Sanctioned Amount	A/A & E/S	Technical Sanction	Budget Provision
1.	<b>245/AM/EED/S/111dt. 30.12.11</b> Providing service cable connection and meter board at Shop No.28 Main market Lodhi Colony by strengthening P.No.13-C & 114 from P.No.127C, New Delhi	D/S	1,525 Mtrs	Rs.26,89,078.00	By CE(E-II) dt.10.01.12 placed at CP-5 in the estimate file.	Technical Sanction by CE(E)II dt.10.01.2012	Budget Head-410-80-26 in which a budget of Rs. 1crore
2.	Augmentation of LT network in Golf Link area dt.02.04.2012	D/S	1,745 Mtrs	Rs.28,70,000.00	By Chairperson dt.26.03.12, at CP-11 in the estimate file	Technical Sanction by CE(E)II	Budget Head 81-412-40-206
3.	<b>292/EE(D/S)/12-13 dt.13.03.12</b> Running & Maintenance of U.G.Cables & G.S.Pillars in South of Rajpath during the year 2012-13 (Special Repair)	D/S	2,000 Mtrs	Rs.1,33,30,465.00	By CEE-II dt.29.03.12 at CP-21 in the estimate file	Technical Sanction by CE(E)II vide T.S registered at page No.14 S.No.97 dt.29.03.12	Budget Head E-4-2 (230-59-47/81/206) in which the budget provision of Rs.200 Lacs is kept in the B.E. 2012-2013
4.	<b>C-1892+E-8/2012-13/EEP dt.31.07.2012</b> Establishing Electric	C-IV	14,500	Rs.5,24,75,000.00 [ Rs.1,62,27,500.00	By CEE-II, at CP-35 in the	Technical Sanction by CE(E)II	Expenditure will be charged to

	sub station at the rear of 9-Janpath in lieu of the existing sub-station at 18-Akbar Road under the redevelopment plan of Sunehari Bagh.		Mtrs	0 (Chargeable to NDMC) & Rs.3,62,47,500.00 (Chargeable to Consumer)]	estimate file.	vide T.S.R. page No.07 Sr. No.37	the DERC budget head 81/410/80/26 (FN/MJ/MIN/DH) during year 2012-13
5.	<b>Stock Ceiling (2012-13) 50% of quantity</b>	---	4651.50 Mtrs	Rs.2,23,72,831.00	By Chairperson dt.14.08.12, at CP-48 in the estimate file	Technical Sanction by CE(E-II) dt 14.08.12	Head of A/C: Stock ceiling Budget provision 2012-13: Rs.2,23,72,831.00
			Total Quantity= 24421.50 Mtrs =24500 Mtrs.				
(Approx.)					=24.5 Km		

**ANNEXURE 'B'****Details of Estimates for the purchase of 1.1 KV LT XLPE Cable of size: 400 sq.mm/3.5C duly ISI marked. (The Estimates for the year 2013-14)**

<b>S. No</b>	<b>Estimate No./ Name of Estimate/Division</b>	<b>User Division</b>	<b>Qty</b>	<b>Sanctioned Amount</b>	<b>A/A &amp; E/S</b>	<b>Technical Sanction</b>	<b>Budget Provision</b>
1.	<b>245/AM/EED/S/111dt.30.12.11</b> Providing service cable connection and meter board at Shop No.28 Main market Lodhi Colony by strengthening P.No.13-C & 114 from P.No.127C, New Delhi	D/S	1,525 Mtrs	Rs.26,89,078.00	By CE(E-II) dt.10.01.12 placed at CP-5 in the estimate file.	Technical Sanction by CE(E)II dt.10.01.2012	Budget Head-410-80-26 in which a budget of Rs. 1crore
2.	Augmentation of LT network in Golf Link area dt.02.04.2012	D/S	1,745 Mtrs	Rs.28,70,000.00	By Chairperson dt.26.03.12, at CP-11 in the estimate file	Technical Sanction by CE(E)II	Budget Head 81-412-40-206
3.	Running & Maintenance of U.G.Cables & G.S.Pillars in South of Rajpath during the year 2013-14 (Special Repair)	D/S	1200 Mtrs	Rs.104.22 lacs restricted to Rs.95.07 lacs	By Chairman dt.19.08.2013 at CP-885 in the tender file	Technical Sanction by CE(E)II vide T.S register at page No.2 Sr.No.06 dt.22.08.2013	Budget Head E-4-2, Special repair (230-59-47-81-206) 2013-14
4.	Maintenance and special repair estimate for LT Distribution North Division for the year	D/N	3000 Mtrs.	Rs.1,45,16,328.00 and restricted to Rs.1,18,00,000.00	By Secretary dt.17.09.2013 at CP-894 in the tender	Technical Sanction by CE(E)II	Budget Head E-4-2 (230-59-47-81-206) 2013-14

	2013-14.				file		
5.	<b>C-1892+E-8/2012-13/EEP</b> <b>dt.31.07.2012</b> Establishing Electric sub station at the rear of 9-Janpath in lieu of the existing sub-station at 18-Akbar Road under the redevelopment plan of Sunehari Bagh.	C-IV	14,500 Mtrs	Rs.5,24,75,000.00 [Rs.1,62,27,500.00 (Chargeable to NDMC) & Rs.3,62,47,500.00 (Chargeable to Consumer)]	By CEE-II, at CP-35 in the estimate file.	Technical Sanction by CE(E)II vide T.S.R. page No.07 Sr. No.37	Expenditure will be charged to the DERC budget head 81/410/80/26 (FN/MJ/MIN/DH) during year 2012-13
6.	<b>Stock Ceiling (2013-14) 50% of quantity</b>	---	3861 Mtrs	Rs.2.37 Crore	By Chairperson dt.08.11.2013, at CP-898 in the tender file	Technical Sanction by CE(E-II)	Head of A/C: Stock ceiling
Total Quantity= 25831 Mtrs =25500 Mtrs.(A pprox.) =25.5 Km							

**Annexures ??**























**Annexure end**



**ITEM NO. 06 (B-11)****1. NAME OF THE SUBJECT/PROJECT:**

**Name of Work:** Addition / Alteration of electrical installations in various Municipal Buildings.

**Sub Head:** Supply, Installation, Testing & Commissioning of CCTV Cameras in various Municipal Buildings & Electric Sub-stations in NDMC area).

**2. DEPARTMENT: Electricity Department****3. BRIEF HISTORY OF PROPOSAL:**

On the basis of sanctioned estimate by the Council vide Reso. Item No.05(B-01) dtd. 21.04.2010 amounting to `2.74 crores, for the work of Supply, Installation, Testing & Commissioning of CCTV Cameras in various Municipal Buildings in NDMC area, tenders were invited through e-procurement solutions. In the first call total 3 firms responded but after scrutiny of techno commercial bid, only one firm namely M/s PAN Intellectom Ltd. was found eligible. The case was accordingly processed for award of work but, was rejected by the Council vide Reso. Item No.10(B-36) dtd. 14.01.2011, as there was only one bidder against open tenders in the first call. Further, Chairperson NDMC in a zonal officers meeting held on 23.04.2012 desired to incorporate installation of CCTV cameras in various 66/33/11 KV Substations besides Municipal buildings. Accordingly, the estimate was revised having estimate amounting to `5,11,33,734/- and was got sanctioned from the Council vide Reso. Item No.03 (B-11) dtd. 27.09.12.

Further, tenders were again invited through e-procurement solutions. In the second call, 7 bidders submitted EMD and the techno commercial bid was opened. After scrutiny of the techno commercial bid, the tenders was dropped due to requirement to incorporate 30 days storage capacity in place of 7 days as per the guidelines of MHA.

The following buildings/ ESS were identified for installation of CCTV Cameras:

1. Palika Bhawan Commercial Complex
2. Yashwant Place Commercial Complex
3. Chanakya Bhawan

4. Chanderlok Building
5. Mohan Singh Place
6. Shaheed Bhagat Singh Place
7. Palika Place
8. Lok Nayak Bhawan
9. 66 KV Electric Sub-stations at Vidyut Bhawan, School Lane and State Guest House.
10. 33 KV Sub-stations at Vidyut Bhawan, Race course, AIIMS, Dalhausie Road, Kidwai Nagar, Nehru Park, Baird Lane, Electric Lane, Tilak Marg, Connaught Place, Raisina Road and Netaji Nagar.
11. 11 KV Sub-stations at Aurbindo Marg, Gole Market, Moti Bagh (West), I Block Sarojini Nagar and Bharti Nagar.

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

By giving due publicity as per codal rules, item rate tenders were invited through e-procurement solutions for 3<sup>rd</sup> call. In the 3<sup>rd</sup> call total 8 firms responded who submitted EMD and the time of tender opening fixed on 17.05.2013 at 3 PM. Out of 8 firms 5 firms fulfilled the eligibility criteria and accordingly with the approval of CEE, price bid of the following firms were opened on 13.06.2013.

1. M/s. Avana Integrated Systems Ltd.
2. M/s. Estex Telecom Pvt. Ltd.
3. M/s. Nelco Ltd.
4. M/s. (n) code Solutions, GNFC Ltd.
5. M/s. PAN Intellectcom Ltd.

The status of eligible firms is as under:

<b>S. No</b>	<b>Name of Firm</b>	<b>Computed Cost</b>	<b>5 Years AMC Cost</b>	<b>Capitalized Cost</b>	<b>% above/below the Estimated cost of 4,85,31,761/-</b>	<b>Status</b>
1.	M/s Estex Telecom Pvt. Ltd.	3,83,88,218/-	37,50,000/-	4,21,38,218/-	13.17% below	L-2
2.	M/s Gujrat Narmada Valley Fertilizers Co. Ltd. (n) Code	3,40,03,075/-	1,19,00,895/-	4,59,03,970/-	5.41% below	L-3

	solution					
3.	M/s Nelco Ltd.	5,70,70,359/-	1,13,07,159/-	6,83,77,518/-	40.89% above	L-5
4.	M/s PAN Intellectom Ltd.	3,86,42,387/-	97,50,000/-	4,83,92,387/-	0.29% below	L-4
5.	M/s Avana Integrated Systems LTD.	3,44,76,165/-	32,33,000/-	3,77,09,165/-	22.30% below	L-1

From above, it is revealed that M/s. Avana Integrated Systems Ltd. has quoted lowest amount for Schedule of quantity 'A' and Schedule of quantity 'B' in totality (capitalized cost). Therefore, the firm M/s. Avana Integrated Systems Ltd. emerged as L-I firm which had quoted total capitalized cost of Rs.3,77,09,165/- which is 22.30% below the estimated cost of Rs.4,85,31,761/-.

The total computed cost quoted by L-1 firm is Rs.3,44,76,165/- which is 28.96% below the estimated cost put to tender of Rs.4,85,31,761/- and 16.30% below the justified cost of Rs.4,11,90,460/-. The case has also been examined by Planning Division, AO(Elect.) and subsequently concurred by Finance Department.

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

Cost of the work of SITC of CCTV Cameras in various Municipal Buildings & Electric Sub-stations in NDMC area is **Rs.3,44,76,165/-** (Rupees Three crores forty four lacs seventy six thousand one hundred sixty five only) and Annual Maintenance Contract for 5 years after completion of defect liability period of 3 years is **Rs. 32,33,000/-** (Rupees Thirty Two lacs Thirty Three Thousand only)

#### **6. IMPLEMENTATION SCHEDULE WITH TIMELINES OF EACH STAGE INCLUDING INTERNAL PROCESSING:**

Award of work: One month.

Completion of work: 12 months

Total : 13 months

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

The Deptt at P-98/N proposed to award the above said work to the L-1 tenderer on the basis of computed cost i.e excluding AMC component which is not in accordance with the terms and conditions of the NIT if AMC component excludes, then the L-3 become L-1. As per the Amendment Sheet enclosed in the NIT file the e-valuation of tender shall be done on the basis of rates quoted in schedule of quantity A & B in totality. Hence deptt is hereby advice to visit their proposal for Award of work.

There seems to be no relevancy to increase the amount of Estimated Cost put to tender after the opening after the opening of tender in question which amounts to be cost development action which is not permissible as per the provision of CPWD Manual 2012. Further the deptt has floated the tender after incorporating the Amendment made by TEC at P-77/N vide S. No. 4 which pertains to the AMC portions. Since the tender/quoted/ cost is well within the approved AA&ES, the AMC components which was the part of approved NIT and is within 10% of approved AA&ES, needs only to be approved by the Competent Authority i.e Council, to regularize the action of a TEC. Further the assurance may be recorded by the deptt that following discrepancies may be specially to the point replied /cleared before processing the case to the Component Authority:-

- 1) A certificate of concerned accountant needs to be recorded vide Section no.20.2.2 of CPWD manual on the downloaded copies of the comparative Statements.
- 2) All the documents i.e Technical /Price Bid may be authenticated by putting signatures with their designation, which prove that bid was evaluated inclusive of AMC component.
- 3) The rates quoted by the firm for the comprehensive AMC for 5 years after completion defect liability period of 3 years, are a non-severable part to the bid on the basis of which the L-1 firm is being decided, therefore the AMC has to be an integral part of the agreement to be executed at the time of award. Which needs clarification/ certification by the deptt.
- 4) Since L-1 is being decided on the basis of rates quoted in schedule of quantity a & B in totality as per the terms & conditions of NIT. What safeguard mechanism has been taken in the interest of the NDMC by the deptt to ensure that after the defect liability period of 3 years is over ( X on 97/N) the firm will execute the AMC. As per the reply submitted by the deptt at P-102/N vide para no.12 that the Security deposit so deducted as per the agreement shall be released on after the supplementary agreement for 5 years comprehensive AMC is established. In this scenario the deptt is advised to retain the proportionate amount of Security deposit pertaining to the AMC cost.
- 5) The Deptt reconsider their proposal of award the work excluding AMC components which resulted to become L-3 to L-1. Pl. specify.
- 6) Validity of rates needs to be extended by the L-1 firm.
- 7) The deptt may brought on record the compliance of standing order no.14/2005-06 dated 11.04.2005.

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

The award the above cited subject work has been proposed at the computed cost (i.e. Schedule of Quantity 'A' excluding AMC) quoted by the L-1 tenderer, evaluated on the basis of

lowest capitalized cost (i.e. Schedule of Quantity 'A' and 'B' in totality) which is completely in accordance with the amendments of the NIT.

The estimated cost remains same. However, the AA&ES for the AMC portion (Schedule of Quantity 'B') shall be obtained from the competent authority before award of Annual Maintenance Contract to the L-1 firm.

Further, Point wise reply to the observations of Finance is as under:-

1. The concerned Accountant has accorded certificates as per section 20.2.2 of CPWD manual on the downloaded copies of comparative statements, placed in the price bid file at pages 59/C & 61/C.
2. Needful done.
3. It is certified that the AMC portion of the L-1 firm shall be an integral part of the agreement to be executed at the time of award of work.
4. The AMC contract shall not be awarded now and only the Schedule of quantity 'A' for SITC work at the total computed cost of L-1 firm shall be awarded. But, the rates for comprehensive AMC quoted by the L-1 firm shall be incorporated in the award letter and agreement of SITC work (Schedule of Quantity 'A'). The comprehensive AMC for 5 years shall be awarded separately to the L-1 firm after completion of defect liability period of 3 years on the basis of the rates quoted by L-1 firm in the instant bid submitted. However, as suggested by Finance Department, the proportionate amount of security deposit pertaining to AMC cost shall be retained. By this mechanism it will be ensured that the firm will execute AMC for 5 years after the defect liability period.
5. The award the above cited subject work has been proposed at the computed cost (i.e. Schedule of Quantity 'A' excluding AMC) quoted by the L-1 tenderer, evaluated on the basis of lowest capitalized cost (i.e. Schedule of Quantity 'A' and 'B' in totality) as per the amendments of the NIT.
6. The L-1 firm M/s Avana Integrated system Ltd. has extended its validity of rates upto 13.01.2014, letter of L-1firm placed in the correspondence file no.2 at page 139/C.

7. The standing order no. 14/2005-06 dated 11.04.2005 has been complied with.

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

FD has no objection to the proposal submitted by the deptt to award the work order to L-1 tenderer on the basis of computed cost to the tune of Rs. 3,44,76,165/- for SITC work + for Rs. 32,33,000/- for AMC work (after completion of defect liability period) to M/s Avana Integrated System Ltd. With the assurance from the deptt that ex-post facto approval for AA&ES of AMC portion (Schedule of Quantity 'B') shall be obtained from the Competent Authority (i.e. Chairperson, NDMC) before awarding the work of SITC to the L-1 tenderer (Computed on the basis of schedule of quantity A&B in totality). Further, it is advised that to safeguard the NDMC interest in respect of AMC, following points needs to be incorporated in the main agreement pertaining to the SITC work:

1. The terms and conditions in respect of AMC portion as well as the amount quoted by the firm pertaining to the AMC portion may be incorporated in the main agreement to the main work i.e SITC of CCTV cameras in various Municipal buildings & ESS.
2. Since the firm M/s Avana Integrated System Ltd emerged (L-1) because of inclusive contract of AMC, the following points needs to be incorporated in the main agreement of SITC work.
  - i) Para 1 of page 74 of Nit stipulate guarantee/ warranty of three years. On the contrary security deposit is to be refunded after one years, after satisfactory completion of the work as per clause 7(d) of page 41 of NIT.
  - ii) Finance department is of the view that security deposit be refunded only after guarantee/ warranty period/ defect liability period of three years, as it appears nothing to be in the hand of NDMC to safe-guard its interest during this intermittent period between one to three years as AMC will commence only after three years.
  - iii) As department has stated that AMC starts after three years of defect liability period, it is advisable that besides the performance guarantee for the AMC period it may also be explored that the 5% of security deposit component on account of AMC value can be recovered in advance so as to safe guard the interest of NDMC.
  - iv) Penalty clause in respect of any deficiency, non-compliance of AMC work by the firm may be incorporated in the main agreement including disciplinary action/risk and cost condition, to bind the firm for proper execution of the AMC.

- 3) As submitted by the deptt that as per the terms & conditions of NIT, the L-1 tenderer has emerged by considering lowest capitalized cost (i.e SITC work & AMC in totality). Therefore the L-3 firm can not become L-1. However, process of award of SITC work & AMC shall be implemented simultaneously along with their agreement to avoid any further litigation

**10. FINAL COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE DEPARTMENT:**

(1), (2, (i, ii, iii & iv) ) of the observations of Finance are confirmed.

As observed by the Finance regarding approval for AA&ES of AMC portion, it is to mention that after completion of work & expiry of defect liability period of 3 years the Annual Maintenance Estimate for every year shall be made to upkeep the functioning of CCTV system in which there would be specific provision for comprehensive maintenance of CCTV. However, the case for AA&ES of the AMC for 5 years amounting to ` 32,33,000/- as advised by Finance, is also being put up before council for approval.

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

No legal implication is involved.

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

- 1) Estimate sanctioned by the Council vide Reso. Item No.05(B-01) dtd. 21.04.2010 amounting to `2.74 crores. (**copy enclosed Annexure 'A'**)
- 2) 1<sup>st</sup> call of tenders rejected by the Council vide Reso. Item No.10(B-36) dtd. 14.01.2011(**copy enclosed Annexure 'B'**)
- 3) Revised estimate amounting to ` 5,11,33,734/-sanctioned by the Council vide Resolution item no. 03(B-11) dt 27.09.2012 (**copy enclosed Annexure 'C'**)

**13. COMMENTS OF THE LAW DEPTT:- Nil**

**14. COMMENTS OF THE DEPARTMENT ON THE COMMENTS OF LAW DEPARTMENT:- Nil**

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

No legal implication.

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

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

**17. COMMENTS OF THE SECRETARY NDMC:**

**It is observed that the average cost of installation of CCTV Cameras seems to be on higher side** that too in the indoor locations where the distance to be covered by the cameras is not very high and the laying of the cable also does not involve any restoration charges.

The case was submitted to Chairman for further directions.

**COMMENTS OF CHAIRPERSON NDMC:**

To give cogent reasons of *(Bolded & under line portion of the comments of the Secretary above)* for record. This was orally explained in officers meeting but deptt. may place details on record, now the cameras are cheaper but cabling & installation cost higher.

**CLARIFICATION OF THE DEPARTMENT:**

In view of the observations of the Chairman & Secretary, the case was referred to Chief Security Officer for comments, being member of the sub-committee & user. CSO has clarify as under:

*"The specifications were finalized after long deliberations by the sub-committee. Since; analogue CCTV Cameras have become outdated particularly in view of future planning of NDMC for CMS (Centralized Monitoring System) and hence IP based Digital Cameras were recommended. Further; Fixed and PIZ Cameras were taken as per site survey and actual requirement basis.*

*Moreover; these cameras have in-built video analytics which facilities the monitoring and makes it easy to monitor a large number of cameras simultaneously.*

*As far as cabling is concerned, it will be done from shortest possible route as per feasibility of site and billing will be restricted on actual basis".*

The department agree to the above comments of Chief Security Officer.



Accordingly, the case was submitted to Chairman NDMC for accord of approval to place the Draft Agendum before the Council. Chairman had accorded approval for placing Draft Agendum before the Council by incorporating the above mentioned comments of Secretary, in the agenda.

**18. RECOMMENDATIONS:**

The case may be placed before the Council for the following:

- i) Acceptance and approval to award work for Supply, Installation, Testing & Commissioning of CCTV Cameras in various Municipal Buildings & Electric Sub-stations in NDMC area, to the L-1 firm i.e. M/s Avana Integrated Systems Ltd at their total quoted computed cost of ` 3,44,76,165/-
- ii) Acceptance and approval to award Annual Maintenance Contract for 5 years, to be commenced after completion of 3 years defect liability period, to the L-1 firm i.e. M/s Avana Integrated Systems Ltd at their total quoted amount of ` 32,33,000/-.
- iii) Administrative Approval & Expenditure Sanction of ` 32,33,000/- for Annual Maintenance Contract for 5 years.

Further, permission be also granted for taking further necessary action in anticipation of confirmation of the minutes of Council.

**19 DRAFT RESOLUTION:**

Resolved by the council that the approval is accorded to award the work to the lowest tender of M/s Avana Integrated Systems Ltd at their total quoted cost of ` 3,44,76,165/- (Rupees Three Crores Forty Four Lacs Seventy Six Thousand One Hundred & Sixty Five only) for the work of Supply, Installation, Testing & Commissioning of CCTV Cameras in various Municipal Buildings & Electric Sub-stations in NDMC area & Annual Maintenance Contract at their total quoted amount of ` 32,33,000/- (Rupees Thirty Two Lacs & Thirty Three Thousand only) for 5 years in anticipation of confirmation of the minutes from the council. Further, Administrative Approval & Expenditure Sanction of ` 32,33,000/- (Rupees Thirty Two Lacs & Thirty Three Thousand only) for Annual Maintenance Contract of 5 years is also accorded.

**COUNCIL DECISION**

Resolved by the Council that the approval is accorded to award the work to the lowest tender of M/s Avana Integrated Systems Ltd at their total quoted cost of ` 3,44,76,165/- (Rupees Three

Crores Forty Four Lacs Seventy Six Thousand One Hundred & Sixty Five only) for the work of Supply, Installation, Testing & Commissioning of CCTV Cameras in various Municipal Buildings & Electric Sub-stations in NDMC area & Annual Maintenance Contract at their total quoted amount of `32,33,000/- (Rupees Thirty Two Lacs & Thirty Three Thousand only) for 5 years.

Further it was resolved by the Council to accord Administrative Approval & Expenditure Sanction amounting to `32,33,000/- (Rupees Thirty Two Lacs & Thirty Three Thousand only) for Annual Maintenance Contract of 5 years.

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 14 PAGES**



























**ANNEXURE ENDS**



**ITEM NO. 07 (B-12)**

**1. Name of Work:** - Annual Contract for laying of U/G HT Cables, dismantling, dismantling and relaying of HT Cables of all sizes, including supplying & laying of HDPE Pipes and supply & making of H.T. st. th. Joint boxes & indoor end termination in NDMC area.

**Tender ID No. 2013\_NDMC\_28315\_1**

**Award of work ` 6,98,97,433/-**

**2. Department:** - Electricity Department

**3. Brief History of the Proposal:** - The power supply system in NDMC area is through complex net work of underground cables. HT Cables of various rating and sizes are laid underground in the entire NDMC area by various divisions of electricity department namely M/N, M/S, C-I, C-II, C-III, C-IV, C-VI, M-33KV & M/F which are the primarily user divisions, executing the work of cable laying at different locations and time, as per requirement generated from time to time. The works of cable laying are executed by these divisions only against sanctioned estimates. No cable laying work is undertaken unless the estimate of the work in hand is duly sanctioned by the Competent Authority.

For entering into an annual contract, quantity of cable to be laid is assessed on the basis of quantity received from different divisions to be executed against the sanctioned schemes during the period of contract. This is because of the fact that all estimates against which the cable is required to be laid are not readily available at the time of floating tender.

The annual contract would facilitate these divisions to execute the cable laying work immediately, without going in for individual estimate based tender in each division which otherwise not only entail time, cost but also detrimental to efficiency of the work in the department. The expenditure incurred in these works shall be charged to the respective approved estimates of the executing division.

**4. Detailed proposal of the Subject:** - Sealed percentage rate tenders were invited in two cover system from the contractors/firms registered with N.D.M.C. and having experience & valid contractor license through e-procurement solution for the work of Annual Contract for laying of U/G HT Cables, dismantling, dismantling and relaying of HT Cables of all sizes, including supplying & laying of HDPE Pipes and supply & making of H.T. st. th. Joint boxes & indoor end termination in NDMC area, by giving due publicity to the tender as per the codal provisions at an estimated cost of Rs.5,63,68,898/- put to NIT. To avoid monopoly & dependency on a single firm for work of this magnitude with due approval/NOC of the Finance & clearance from Vigilance, a

clause was provided in the NIT to divide the work among L-1, L-2 & L-3 firms in the ratio of 40%, 30% & 30% at the accepted rates of L-1 firm. It was also envisaged that in case any of the firm does not accept the offer, the corresponding proportionate share would be divided equally with the rest of the firms and EMD of such defaulting firm would be forfeited. However, during pre-bid conference, the participating firms objected to the forfeiture of EMD provision and accordingly, with due approval of competent authority, this provision was modified suitably to ensure healthy participation. In response to the tender enquiry, offers of the following three firms were received on due date of opening i.e.:28/01/2013.

1. M/s B.K. Power Enterprises
2. M/s Creative Entrepreneurs
3. M/s Nav Shakti Traders

The documents submitted by participating firms were examined in the division as well as in Planning Division and it was observed that all the above three firms fulfill the eligibility criteria as per terms, conditions & technical specifications of the NIT.

Subsequently, with due approval of CE (E-II), financial bids of the above three eligible firms were opened on 27-05-2013 and the position of the tendering firm emerged as under:-

S.No.	Name of firms	Quoted Amount (In `)	Remarks
1.	M/s Creative Entrepreneurs	6,98,97,433/-	25.25% below the justified rates (L-1)
2.	M/s B.K. Power Enterprises	7,10,24,811/-	24.05% below the justified rates (L-2)
3.	M/s Nav Shakti Traders	7,44,06,945/-	20.43% below the justified rates (L-3)

In view of above it is proposed to award the work to L-1, L-2 & L-3 firms in the ratio of 40%, 30% & 30% respectively on the basis of tendered cost of L-1 firm amounting to Rs.6,98,97,433/- (Rupees Six Crore Ninety Eight Lacs Ninety Seven Thousand Four Hundred Thirty Three)

**5. Financial Implication:** - Rs. 6,98,97,433/- (Rupees Six Crore Ninety Eight Lacs Ninety Seven Thousand Four Hundred Thirty Three)

**6. Implementation Schedule:** - 12 Months

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

**A) Diary No.1419/Finance Dated 19/07/2013**

1. Department may place on record a copy of Preliminary estimate (PE) for the work. The details of date i.e. days, months and year, when the same was got approved be also brought on record.
2. The detail of last approved rates/annual tender rates on the basis of which the estimate has been framed be also brought on record.
3. Department may bring on record as to whether wide publicity was given to tender as per provision of para 17.1 of CPWD Manual or otherwise. From the cutting of newspaper placed in the file (P-15/C of file No.4) it is noticed that press publicity was given in one English newspaper and Hindi Newspaper of same publishing house. The reason as to why the different group of publishing house was not opted may be brought on record.
4. The relevant provision for security deposit kept in NIT. May be bought on record.
5. The appropriate class/category of contractor from whom tenders where invited be brought on record.
6. As per clause no. 7 notified under eligibility criteria of NIT, NDMC has discretion to appropriate the work amount L-I, L-II & L-III in the ratio of 40%, 30% & 30% at the accepted rates of L-I firm. This discretion need to be elaborated in advance.
7. Condition to appropriate in NIT in the absence of justification does not appear to hold good and clause to compelling reasons to forfeit EMD in such cases of discretion on refusal by L-2, L-3 is against the spirit of the tender process.
8. The detail monitoring system/strategy to complete the work at sanctioned cost and within the stipulated time be indicated. PERT/CPH chart of scheduled work be placed on record.

**B) Diary No.1536/Finance Dated 16/08/2013**

Finance Department is of the following views:

- It is observed that in this case, proper laid out codal procedure of CPWD Manual, has not been followed before inviting Tenders. The Department has, in response to the query raised by Finance at NP-52 (S.NO.1) not brought on record the AA & ES for executing this work.

- In case this work falls under A/R & M/O norms, it would be covered under item 2(a) of Delegation of Financial Powers (DOFP), wherein only the E-in-C/Secretary has full powers of sanction in consultation with associate finance observing all codal formalities. If the work does not fall within the approved norms of the Council, the same would be covered under item 1 of the DOFP, sanction of which would lie within the competency of the Chairperson/Council. Neither has been obtained and therefore this is a call for a tender without a sanction.

- As per Section 2.1 of CPWD Manual, Administrative approval, Expenditure sanction, Technical sanction and allotment of Fund (in that order) should precede any call for Tender. This is also supported by GFR 132 but has not been followed.

- There was no emergency involved to justify short-circuiting a well laid out codal procedure and even if there were, the Department should have initiated the case within a suitable time-frame well in advance.

- It is to be appreciated that after an estimate is prepared by the Department, the same is independently checked for ascertaining the veracity by Planning wing and in this way an approximate cost is arrived at, of a Tender. This cannot be a post-facto exercise. The Approximate cost put to Tender, in this way, has an impact on the Price Bids (higher approximate costs will invite higher bids & vice versa). Comparison of the bids received are then compared with the Sanction Estimate (how much above/lower, as the case may be) as well as the justified latest market cost (which is prepared after the bidding and checked by the Planning Wing). In this case no Sanctioned Estimate cost is available for such comparisons.

- Besides, it is observed that the Tender was opened on January 24, 2013 with a bid validity of 120 days with a minimum validity of 3 months of EMD (1/C & 7/C respectively). File Website Downloaded Copy of NIT). The price bid was opened on 27.05.13 (NP-42) i.e. after original validity period and sent to finance for the first time on 17.07.13. Attention is drawn towards para 20.3.1 (Timely processing of tenders) of the CPWD Manual which has been grossly violated in this case. There is no record on file (all files from 1 to 7) pertaining to the validity of the case, both offer as well as EMD.

In view of the above, the Finance Department is unable to concur with this proposal, which lies within the competency of the Council and it is advised that the Department should follow the laid out codal provisions for calling a Tender and awarding a work.

### **C) Diary No.1714/Finance Dated 01/09/2013**

The replies furnished by the Department to our observations are not satisfactory and we observed as under:

In response to advise of Finance department at P-54/N, the department has again referred the case in Finance with clarification to observations which are neither convincing nor satisfactory on the following grounds:-

1. In SOQ (Scheduled of Quantity) 3,17,932/- mtr. Cable is proposed. However, no detail of sanctioned estimate against which these quantity of cable is being laid are on record. The department in its reply has stated that quantity taken in the NIT is based on the requirement received from the different divisions which are based on the estimate issued by Planning division having A/A & E/S & T/S. If it is the case, the department should have placed on record the sanctioned estimate and details of A/A & E/S & T/S obtained by Planning Division the same has not been placed on record by the department.
2. It is again pointed out that the Price Bid in this case was opened after original validity expired. The consent letter of validity obtained at 149-154/C seems to have been obtained after back-dating as earlier, there was neither any consent letter on the file nor approval for extending the validity was obtained.

In view of above, Finance re-iterates its earlier advise at page 54/N with the advice to follow the laid out codal provision for calling a tender and awarding the work.

**D) Diary No. 1799/Finance dated 24.09.2013**

"The tender case of the Department regarding Annual Contract for Laying of UG HT cables, dismantling, dismantling & relaying of HT cables of all sizes, including supplying & lying of HDPE pipes in NDMC area is examined in Finance Departments in the light of clarification to observation of Finance and recommendation of department.

Keeping in view the facts brought on record that (a) The works of cable laying would be executed only against sanctioned estimated (b) rates quoted by the L-1 firm amounting to Rs.6,98,97,433/- are 25.25% below the justified cost of Rs.9,35,12,891/- as checked by planning division at p-48-49/N (C) the rates are found reasonable , justified and competitive , the departments may process the case further for consideration of competent authority for award of work to L-1, L-2, L-3 firms in the ratio of 40%, 30%, 30% at the accepted rates of the L-1 firm as per condition of approved NIT.

Further, department is advised to finalize the tender within original validity period and in exceptional cases, where the validity of tender is extended , the due approval of competent authority be obtained on file. The Deptt. may record certificates while seeking approval of Competent Authority:-

1. Certification that the justification has been prepared on current prevailing market rates as per codal provision.
2. Certification that rates are competitive, reasonable and within proximity of trend of similar nature of work.
3. Since the rates of lowest firm is too below. The justified rates, the quality of work may be ensured as per stipulation of NIT.  
(This issue with the approval of FA)"

**E) Diary NO 2003/Finance Dated 27/09/2013**

"Departments may process the case further. The observation of Finance and replies may also be incorporated in draft agenda for approval."

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

**A)**

1. The quantity taken in the schedule of quantity of NIT are based on the requirement received from the different divisions which has been assessed by them on the basis of the work to be executed during the period of contract. (Requirement received from Different divisions are enclosed in the circular and correspondence file).
2. The details of last approved rates/annual tender rates on the basis of which the estimate has been framed is enclosed in the detailed estimate file at page 11 to 17/C.
3. Wide publicity was given to the tender as per provision of para 17.1 of CPWD Manual. The request for publication of press notice is sent to Director (PR) NDMC for getting the same published in leading newspaper as per prevailing practice. Department has no control over the group of publishing houses.
4. The relevant provision for security deposit kept in NIT is given on NDMC form no. 6 clause no. 19 as well as clause no. 1A of clauses of contract.

5. The tenders have been invited from the eligible contractors having relevant experiences and valid contractor license, as per the eligibility conditions of NIT.
6. This being an annual rate contract having considerable quantity of works involve, to reduce dependency and monopoly of a single firm, provision has been made in the NIT to distribute the work amount three agencies namely L-1, L-2 & L-3 in the ratio of 40%, 30% & 30% respectively. This provision has been duly pre disclosed in the NIT.
7. The forfeit EMD has since been modified as per the minutes of the pre-bid meeting held in the chamber of CE (E-II) on 17<sup>th</sup> January 2013 at page 15-16/N.
8. After getting the sanction from the Competent authority, the work award letter shall be issued to the firms and in the work award letter, it will be clearly mentioned that the copy of the work order alongwith bills shall be submitted in C-I (Electric) division before passing the bill by the respective divisions. No PERT/CPH chart is applicable in this case being annual contract for laying of cables.

**B)**

1. Being an annual contract for laying of cables, the quantity is taken in the schedule of quantity of the NITY are based on the requirement received from the executing divisions which are duly signed by the concerned executive engineer. These quantities received from the different divisions are assessed on the basis of the no codal procedures of CPWD manual have been overruled.
2. Moreover, the subject cited work do not falls under A/R & M/O norms. As such it is not covered under item 1 & 2(a) of delegation of financial powers.
3. Being an annual cable laying contract and the quantities taken in the NIT are based on the requirement received from the different divisions, which is ultimately derived on the basis of the estimate issued to them from the Planning division having A/A, E/S, T/S and allotment of funds.
4. All the codal procedures have been adopted vide initiating the subject cited case.
5. This is annual cable laying contract, the quantities taken are assessed on the basis of work to be executed by different divisions against the subject cited annual contract.
6. This is being a voluminous tender and keen scrutiny is being done at every stage including AAO (C-I), Sr. Draftsman (C-I), AO(E-I), EE(P), SE(P), ACE(E-I) and concerned SE(E-I) and

ACE(E)-II as well as HOD. In order to send the case in Finance department in a crystal clear manner and free from all the ambiguities.

Further it is to inform that as per NIT the validity of this tender was 120 days which was duly extended by taking the consent letter from the participating firms enclosed in Tender documents file at Page 149-154/C. Also special care was taken for the validity of the EMD which is as under: -

S.No.	Name of Firm/Agency	Amt (in `)	Details of EMD
1.	M/s Creative Entrepreneurs Ltd.	` 11,27,378.00	FDR No. 32771758107 dated 16/01/2013 drawn on State Bank of India, Sector-4, Rohini, New Delhi Sector-14 (Extn) Madhuban Chowk, Rohini, New Delhi-110085.
2.	M/s B.K. Power Enterprises.	` 11,27,378.00	FDR No. 913040003593579 dated 18/01/2013 drawn on Axis Bank Ltd., Ravissance House, Ground Floor & I <sup>st</sup> Floor, 1 Ring Road, Lajpat Nagar-IV, New Delhi-110024
3.	M/s Nav Shakti Trader	` 11,27,378.00	FDR No. 32774430571 dated 17/01/2013 drawn on State Bank of India, Sector-4, Rohini, New Delhi Sector-14 (Extn) Madhuban Chowk, Rohini, New Delhi-110085.

**C)**

(i) The power supply system in NDMC area is through complex net work of underground cables. Cables of various rating and sizes are laid underground in the entire NDMC area and include 33 KV, 11KV & 440 volt cables. Various divisions in electricity department namely D/N, M/N, D/S, M/S, C-I, C-II, C-III, C-IV,C-VI, M-33KV, M/F, R/L, BM-I & BM-II are the primarily user divisions, executing the work of cable laying at different locations and time, as per requirement generated from time to time. The works of cable laying are executed by these divisions only against sanctioned estimates. No cable laying work is undertaken unless the estimate of the work in hand is duly sanctioned by the Competent Authority.

For entering into an annual contract, quantity of cable to be laid, has been accessed on the basis of quantity received from different divisions, as enclosed in the requirement file, enclosed herewith. This is because of the fact that all estimates against which the cable is required to be laid are not readily available at the time of floating tender. The department's reply has therefore clearly mentioned that NIT is based on the requirement received from the executing



division accessed on the basis of works to be executed by different divisions during the period of the contract.

It is affirmed and reassured to finance that all the estimates of work under which cable laying shall be undertaken would have A/A & E/S of the Competent Authority and the annual contract would facilitate these divisions to execute the cable laying work immediately, without going in for individual estimate based tender in each division which otherwise not only would entail time, cost but also detrimental to efficiency of the work in the department. The expenditure incurred in these works shall be charged to the respective approved estimates of the executing division.

(ii) The Original Validity of the offers of the three participating firms was valid till 27.05.13 & financial bid was also opened on the same date. As the validity of the offers of the eligible participating firms i.e. M/s B.K. Power Enterprises, Creative Entrepreneurs and M/s Nav Shakti Traders expiring on 27.05.13, these firms were requested vide letter dated 15-05-2013(CP-149-151) to extend the validity, for three months. In response to this letter, confirmation was received from the firms vide their letters detailed is as under:-

<b>Name of Agency</b>	<b>Letter reference No. &amp; date</b>	<b>Diary No. &amp; Date</b>
M/s B.K. Power Enterprises	BKPE/NDMC/L/20-13/17 Dated 20-05-2013	R-300/EE (E) (C-I) Dated 20.05.2013 (Page no. 152 of tendered document file)
M/s Creative Entrepreneurs	Dated 17-05-2013	R-290/EE (E) C-I Dated 17.05.2013 (Page no. 153 of tendered document file)
M/s Nav Shakti Traders	Dated 17-05-2013	R-292/EE (E) C-I Dated 17.05.2013 (Page no. 154 of tendered document file)

Validity of the offers of all three participating eligible firms was valid as on the date of price bid opening. From the above, it is in-correct to say that price bid was opened after the expiry of initial validity. Further the letters extending validity of the offers as received from the firms, were appropriately diarized in the division without any back dating.

**D)**

1. All out efforts shall be made to finalize the tender within original validity period and where the validity of tender is extended, due approval of competent authority shall be obtained.
2. The justification has been prepared on current prevailing market rates as per codal provision.

3. The rates are competitive, reasonable and within proximity of trend of similar nature of work.
4. The Quality of work executed by the contractors shall be ensured as per specifications of NIT

**9. Legal implication of the Subject: - NIL**

**10. Details of previous Council resolution:-**

- (i) Item No. 06(B-05) of council meeting No. 06/2013-14 held on 07/10/2013.
- (ii) Item No. 02(B-08) of council meeting No. 07/2013-14 held on 27/11/2013.

**11. Comments of Law Department:- " No legal issue is involved in this matter at this stage".**

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

**13. Certification by the Department:**

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

**14. Recommendation: -** The case may be placed before the Council for awarding the work of Annual Contract for laying of U/G HT Cables, dismantling, Dismantling and relaying of HT Cables of all sizes, including supplying & laying of HDPE Pipes and supply & making of H.T. st. th. Joint boxes & indoor end termination in NDMC area to the following three firms (L-1, L-2 & L-3) in the ratio of 40%, 30% & 30% respectively computed on the basis of tendered cost of L-1 firm amounting to **Rs. 6,98,97,433/- (Rupees Six Crore Ninety Eight Lacs Ninety Seven Thousand Four Hundred Thirty Three)** on the terms, conditions & specifications of NIT:

1. M/s Creative Enterprises for **Rs. 2,79,58,973/- (Rupees Two Crore Seventy Nine Lacs Fifty Eight Thousand Nine Hundred Seventy Three)** being 40% of the tendered amount of L-1 firm.
2. M/s B.K. Power Enterprises for **Rs.2,09,69,230/- (Rupees Two Crore Nine Lacs Sixty Nine Thousand Two Hundred Thirty)** being 30% of the tendered amount of L-1 firm.
3. M/s Nav Shakti Traders for **Rs. 2,09,69,230/- (Rupees Two Crore Nine Lacs Sixty Nine Thousand Two Hundred Thirty)** being 30% of the tendered amount of L-1 firm.

Since the work is of urgent nature, approval is solicited to award the work in anticipation of the confirmation of the minutes of council meeting.

**15. Draft resolution:-** Resolved by the council that the approval is accorded to award the work of Annual Contract for laying of U/G HT Cables, dismantling, dismantling and relaying of HT Cables of all sizes, including supplying & laying of HDPE Pipes and supply & making of H.T. st. th. Joint boxes & indoor end termination in NDMC area to the following three firms (L-1, L-2 & L-3), in the ratio of 40%, 30% & 30% computed on the basis of tendered cost of L-1 firm amounting to Rs. 6,98,97,433/- (Rupees Six Crore Ninety Eight Lacs Ninety Seven Thousand Four Hundred Thirty Three) on the terms, condition & specifications of the NIT:

1. M/s Creative Enterprises for Rs. 2,79,58,973/- (Two Crore Seventy Nine Lacs Fifty Eight Thousand Nine Hundred Seventy Three) being 40% of the tendered amount of L-1 firm.
2. M/s B.K. Power Enterprises for Rs. 2,09,69,230/- (Two Crore Nine Lacs Sixty Nine Thousand Two Hundred Thirty) being 30% of the tendered amount of L-1 firm.
3. M/s Nav Shakti Traders for Rs. 2,09,69,230/- (Two Crore Nine Lacs Sixty Nine Thousand Two Hundred Thirty) being 30% of the tendered amount of L-1 firm.

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

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

Deferred with the direction that the department would place before the Council the earlier agenda item by which an amount of `254 crores was sanctioned for purchase of cable, along with the present proposal with justification, in the next meeting of the Council.

**ITEM NO. 08 (B-13)**

**1. Name of Work:** - Annual Contract for laying of U/G LT Cables, Dismantling, dismantling and relaying of LT Cables of all sizes, including supplying & laying of HDPE pipes in NDMC area.

**Tender ID No. 2013\_NDMC\_28323\_1**

**Award of work ` 3,86,16,114/-**

**2. Department:** - Electricity Department

**3. Brief History of the Proposal:** - The power supply system in NDMC area is through complex net work of underground cables. LT Cables of various rating and sizes are laid underground in the entire NDMC area by various divisions of electricity department namely D/N, M/N, D/S, M/S, C-I, C-II, C-III, C-IV, R/L, BM-I & BM-II which are the primarily user divisions, executing the work of cable laying at different locations and time, as per requirement generated from time to time. The works of cable laying are executed by these divisions only against sanctioned estimates. No cable laying work is undertaken unless the estimate of the work in hand is duly sanctioned by the Competent Authority.

For entering into an annual contract, quantity of cable to be laid is assessed on the basis of quantity received from different divisions to be executed against the sanctioned schemes during the period of contract. This is because of the fact that all estimates against which the cable is required to be laid are not readily available at the time of floating tender.

The annual contract would facilitate these divisions to execute the cable laying work immediately, without going in for individual estimate based tender in each division which otherwise not only entail time, cost but also detrimental to efficiency of the work in the department. The expenditure incurred in these works shall be charged to the respective approved estimates of the executing division.

**4. Detailed proposal of the Subject:** - Sealed percentage rate tenders were invited in two covers system from the contractors/firms registered in N.D.M.C. having experience & valid contractor licence through e-procurement solution for the work of "Annual Contract for laying of U/G LT Cables, dismantling, Dismantling and relaying of LT Cables of all sizes, including supplying & laying of HDPE pipes in NDMC area" by giving due publicity to the tender as per the codal provisions at an estimated cost of Rs.3,19,66,982/- Put to NIT. To avoid monopoly & dependency on a single firm for the work of this magnitude with due approval/NOC of the Finance & clearance from Vigilance, a clause was provided in the NIT to divide the work among L-1, L-2 & L-3 firms in the ratio of 40%, 30% & 30% at the accepted rates of L-1 firm. It was also envisaged

that in case any of the firm does not accept the offer, the corresponding proportionate share would be divided equally with the rest of the firms and EMD of such defaulting firm would be forfeited. However, during pre-bid conference, the participating firms objected to the forfeiture of EMD provision and accordingly, with due approval of competent authority, this provision was modified suitably to ensure healthy participation. In response to the tender inquiry, offers of the following four firms were received on due date of opening i.e. 28/01/2013

1. M/s B.K. Power Enterprises
2. M/s Creative Entrepreneurs
3. M/s Nav Shakti Traders
4. M/s Vichitra Construction Pvt. Ltd.

The documents submitted by participating firms were examined in the division as well as in Planning Division and observed that all the above four firms fulfill the eligibility criteria as per the terms, conditions & technical specifications of the NIT.

Subsequently, with due approval of CE (E-II), financial bids of the above four eligible firms were opened on 27-05-2013 and the position of the tendering firm emerged as under:-

S.No.	Name of firms	Quoted Amount (In `)	Remarks
1.	M/s Vichitra Construction Pvt. Ltd.	3,86,16,114/-	30.16% below the justified rates (L-1)
2.	M/s B.K. Power Enterprises	4,12,37,406/-	25.42% below the justified rates (L-2)
3.	M/s Creative Entrepreneurs	4,21,96,416/-	23.69% below the justified rates (L-3)
4.	M/s Nav Shakti Traders	4,44,34,104/-	19.64% below the justified rates (L-4)

In view of above it is proposed to award the work to L-1, L-2 & L-3 firms in the ratio of 40%, 30% & 30% respectively on the basis of tendered cost of L-1 firm amounting to Rs. 3,86,16,114/- (Three Crore Eighty Six lacs Sixteen Thousand One Hundred Fourteen)

**5. Financial Implication:** - Rs.3,86,16,114/- (Three Crore Eighty Six lacs Sixteen Thousand One Hundred Fourteen)

**6. Implementation Schedule:** - 12 Months

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

**A) Diary No.1333/Finance Dated 19/07/2013**

1. Department may place on record a copy of Preliminary estimate (PE) for the work. The details of date i.e. days, months and year, when the same was got approved be also brought on record.
2. The detail of last approved rates/annual tender rates on the basis of which the estimate has been framed be also brought on record.
3. Department may bring on record as to whether wide publicity was given to tender as per provision of para 17.1 of CPWD Manual or otherwise. From the cutting of newspaper placed in the file (P-15/C of file No.4) it is noticed that press publicity was given in one English newspaper and Hindi Newspaper of same publishing house. The reason as to why the different group of publishing house was not opted may be brought on record.
4. The relevant provision for security deposit kept in NIT. May be bought on record.
5. The appropriate class/category of contractor from whom tenders where invited be brought on record.
6. As per clause no. 7 notified under eligibility criteria of NIT, NDMC has discretion to appropriate the work among L-I, L-II & L-III in the ratio of 40%, 30% & 30% at the accepted rates of L-I firm. This description need to be elaborated in advance.
7. Condition to appropriate in NIT in the absence of justification does not appear to hold good and clause to compelling reasons to forfeit EMD in such cases of description on refusal by L-2, L-3 is against the spirit of the tender process.
8. The detail monitoring system/strategy to complete the work and sanctioned cost and within the stipulated time be indicated. PERT/CPH chart of scheduled work be placed on record.

**B) Diary No.1537/Finance Dated 08/08/2013**

"Finance Department is of the following views"

- It is observed that in this case, proper laid out codal procedure of CPWD Manual, has not been followed before inviting Tenders. The Department has, in response to the query raised by Finance at NP-45 (S.NO. 1) not brought on record the AA & ES for executing this work.

- In case this work falls under A/R & M/O norms, it would be covered under item 2(a) of Delegation of Financial Powers (DOFP), wherein only the E-in-C/Secretary has full powers of sanction in consultation with associate finance observing all codal formalities. If the work does not fall within the approved norms of the Council, the same would be covered under item 1 of the DOFP, sanction of which would lie within the competency of the Chairperson/Council. Neither has been obtained and therefore this is a call for a tender without a sanction.

- As per Section 2 .1 of CPWD Manual, Administrative approval, Expenditure sanction, Technical sanction and allotment of Fund (in that order) should precede any call for Tender. This is also supported by GFR 132 but has not been followed.

- There was no emergency involved to justify short-circuiting a well laid out codal procedure and even if there were, the Department should have initiated the case within a suitable time-frame well in advance.

- It is to be appreciated that after an estimate is prepared by the Department, the same is independently checked for ascertaining the veracity by Planning wing and in this way an approximate cost is arrived at, of a Tender. This cannot be a post-facto exercise. The Approximate cost put to Tender, in this way, has an impact on the

Price Bid (higher approximate costs will invite higher bids & vice versa). Comparison of the bids received are then compared with the Sanction Estimate (how much above/lower, as the case may be) as well as the justified latest market cost (which is prepared after the bidding and checked by the Planning Wing). In this case no Sanction Estimate cost is available for such comparisons.

- Besides, it is observed that the Tender was opened on January 24, 2013 with a bid validity of 120 days with a minimum validity of 3 months of EMD (1/C & 7/C respectively). File Website Downloaded Copy of NIT). The price bid was opened on 27.05.13 (NP-38) i.e. after original validity period and sent to finance for the first time on 17.07.13. Attention is drawn towards para 20.3.1 (Timely processing of tenders) of the CPWD Manual which has been grossly violated in this case. There is no record on file pertaining to the validity of the case, both offer as well as EMD.

In view of the above, the Finance Department is unable to concur with this proposal, which lies within the competency of the Council and it is advised that the Department should follow the laid out codal provisions for calling a Tender and awarding a work.

**C) Diary No.1691/Finance Dated 01/09/2013**

The replies furnished by the Department to our observations are not satisfactory and we observed as under:

In response to advise of Finance department at P-47/N, the department has again referred the case in Finance with clarification to observations which are neither convincing nor satisfactory on the following grounds:-

1. In SOQ (Scheduled of Quantity) 1,10,662/- mtr. Cable is proposed. However, no detail of sanctioned estimate against which these quantity of cables is being laid are on record. The department in its reply has stated that quantity taken in the NIT is based on the requirement received from the different divisions which are based on the estimate issued by Planning division having A/A & E/S & T/S. If it is the case, the department should have placed on record the sanctioned estimate and details of A/A & E/S & T/S obtained by Planning Division. The same has not been placed on record by the department.

2. It is again pointed out that the Price Bid in this case was opened after original validity expired. The consent letter of validity obtained at 199-206/C seems to have been obtained after back-dating as earlier, there was neither any consent letter on the file nor approval for extending the validity was obtained after back dating as earlier, there was neither any consent letter on the file nor approval for extending the validity was obtained.

In view of above, Finance re-iterates its earlier advice at page 47/N with the advice to follow the laid out coda provision for calling a tender and warding the work.

**D) Diary No.1800/Finance Dated 24/09/2013**

"The tender case of the Department regarding Annual Contract for Laying of UG LT cables, dismantling, dismantling & relaying of LT cables of all sizes, including supplying & lying of HDPE pipes in NDMC area is examined in Finance Departments in the light of clarification to observation of Finance and recommendation of department.

Keeping in view the facts brought on record that (a) The works of cable laying would be executed only against sanctioned estimated (b) rates quoted by the L-1 firm amounting to Rs.3,86,16,114/- are 30.16% below the justified cost of Rs.5,52,95,856/- as checked by planning division at p-42/N (C) the rates are found reasonable , justified and competitive , the departments may process the case further for consideration of competent authority for award of work to L-1, L-2, L-3 firms in the ratio of 40%, 30%, 30% at the accepted rates of the L-1 firm as per condition of approved NIT.

Further, departments is advised to finalize the tender within original validity period and in exceptional cases, where the validity of tender is extended , the due approval of competent



authority be obtained on file. The Deptt. may record certificates while seeking approval of Competent Authority:-

1. Certification that the justification has been prepared on current prevailing market rates as per codal provision.
2. Certification that rates are competitive, reasonable and within proximity of trend of similar nature of work.
3. Since the rates of lowest of similar nature is too below. The justified rates, the quality of work may be ensured as per stipulation of NIT.  
(This issue with the approval of FA)"

**E) Diary NO 2004/ Finance dated 27/09/2013**

"Departments may process the case further. The observation of Finance and replies may also be incorporated in draft agenda for approval".

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

**A)** Parawise replies to the observation raised by Finance Department at P-45/N are as under:-

1. The quantity taken in the schedule of quantity of NIT are based on the requirement received from the different divisions which has been assessed by them on the basis of the work to be executed during the period of contract. (Requirement received from Different divisions are enclosed in the circular and correspondence file).
2. The details of last approved rates/annual tender rates on the basis of which the estimate has been framed is enclosed in the detailed estimate file at page 11 to 17/C.
3. Wide publicity was given to the tender as per provision of para 17.1 of CPWD Manual. The request for publication of press notice is sent to Director (PR) NDMC for getting the same published in leading newspaper as per prevailing practice. Department has no control over the group of publishing houses.
4. The relevant provision for security deposit kept in NIT is given on NDMC form no. 6 clause no. 19 as well as clause no. 1A of clauses of contract.
5. The tenders have been invited from the eligible contractors having relevant experiences and valid contactor license, as per the eligibility conditions of NIT.

6. This being an annual rate contract having considerable quantity of works involve, to reduce dependency and monopoly of a single firm, provision has been made in the NIT to distribute the work among three agencies namely L-1, L-2 & L-3 in the ratio of 40%, 30% & 30% respectively. This provision has been duly pre disclosed in the NIT.

7. The forfeit EMD has since been modified as per the minutes of the prebid meeting held in the chamber of CE (E-II) on 17<sup>th</sup> January 2013 at page 13-14/N.

8. After getting the sanction from the Competent authority, the work award letter shall be issued to the firms and in the work award letter, it will be clearly mentioned that the copy of the work order alongwith bills shall be submitted in C-I (Electric) division before passing the bill by the respective divisions. No PERT /CPH chart is applicable in this case being annual contract for laying of cables.

**B) Parawise replies to the observation raised by Finance Department at P-47/N are as under:-**

1. Being an annual contract for laying of cables, the quantity is taken in the schedule of quantity of the NIT are based on the requirement received from the executing divisions which are duly signed by the concerned executive engineer. These quantities received from the different divisions are assessed on the basis of the works to be executed by different divisions during the period of contract. As such no codal procedures of CPWD manual have been overruled.
2. Moreover, the subject cited work do not falls under A/R & M/O norms. As such it is not covered under item 1 & 2(a) of delegation of financial powers.
3. Being an annual cable laying contract and the quantities taken in the NIT are based on the requirement received from the different divisions, which is ultimately derived on the basis of the estimate issued to them from the Planning division having A/A, E/S, T/S and allotment of funds.
4. All the codal procedures have been adopted vide initiating the subject cited case.
5. This is annual cable laying contract, the quantities taken are assessed on the basis of work to be executed by different divisions against the subject cited annual contract.
6. This is being a voluminous tender and keen scrutiny is being done at every stage including AAO (C-I), Sr. Draftsman (C-I), AO(E-I), EE(P), SE(P), ACE(E-I) and concerned SE(E-I) and

ACE(E)-II as well as HOD. In order to send the case in Finance department in a crystal clear manner and free from all the ambiguities as far as possible.

Further it is to inform that as per NIT the validity of this tender was 120 days which was duly extended by taking the consent letter from the participating firms enclosed in Tender documents file at Page 199-206/C. Also special care was taken for the validity of the EMD which is as under: -

S.No.	Name of Firm/Agency	Amt (in `)	Details of EMD
1.	M/s Vichitra Construction Pvt. Ltd.	` 6,39,340.00/-	FDR No. 239877 dated 23/01/2013 drawn on Canara Bank, New Delhi Vikas Puri Branch 2455.
2.	M/s B.K. Power Enterprises.	` 6,39,340.00/-	FDR No. 913040003589376 dated 18/01/2013 drawn on Axis Bank Ltd., Ravissance House, Ground Floor & I <sup>st</sup> Floor, 1 Ring Road, Lajpat Nagar-IV, New Delhi-110024
3.	M/s Creative Entrepreneurs	` 6,39,340.00/-	FDR No. 32771790322 dated 16/01/2013 drawn on State Bank of India, Sector-4, Rohini, New Delhi Sector-14 (Extn) Madhuban Chowk, Rohini, New Delhi-110085.

In view of the replies given above, the case may please be sent to Finance department for an early concurrence please.

**C) Parawise reply is as under:-**

(i) The power supply system in NDMC area is through complex net work of underground cables. Cables of various rating and sizes are laid underground in the entire NDMC area and include 33 KV, 11KV & 440 volt cables. Various divisions in electricity department namely D/N, M/N, D/S, M/S, C-I, C-II, C-III, C-IV,C-VI, M-33KV, M/F, R/L, BM-I & BM-II are the primarily user divisions, executing the work of cable laying at different locations and time, as per requirement generated from time to time. The works of cable laying are executed by these divisions only against sanctioned estimates. No cable laying work is undertaken unless the estimate of the work in hand is duly sanctioned by the Competent Authority.

For entering into an annual contract, quantity of cable to be laid, has been accessed on the basis of quantity received from different divisions, as enclosed in the requirement file, enclosed herewith. This is because of the fact that all estimates against which the cable is required to be laid are not readily available at the time of floating tender. The department's reply

has therefore clearly mentioned that NIT is based on the requirement received from the executing division accessed on the basis of works to be executed by different divisions during the period of the contract.

It is affirmed and reassured to finance that all the estimates of work under which cable laying shall be undertaken would have A/A & E/S of the Competent Authority and the annual contract would facilitate these divisions to execute the cable laying work immediately, without going in for individual estimate based tender in each division which otherwise not only would entail time, cost but also detrimental to efficiency of the work in the department. The expenditure incurred in these works shall be charged to the respective approved estimates of the executing division.

(ii) The Original Validity of the offers of the four participating firms was valid till 27.05.13 & financial bid was also opened on the same date. As the validity of the offers of the eligible participating firms i.e. M/s Vichitra Construction Pvt. Ltd. M/s B.K. Power Enterprises, Creative Entrepreneurs and M/s Nav Shakti Traders was expiring on 27.05.13, these firms were requested vide letter dated 15-05-2013 (CP-199-202) to extend the validity, for three months. In response to this letter, confirmation was received from the firms vide their letters detailed is as under:-

<b>Name of Agency</b>	<b>Letter reference No. &amp; date</b>	<b>Diary No. &amp; Date</b>
M/s Vichitra Construction Pvt. Ltd.	Dated 16.05.2013	R-286/EE (E) (C-I) Dated 17.05.2013 (Page No. 203 of tendered document file)
M/s B.K. Power Enterprises	bkpe/ndmc/1/20-13/16 Dated 20.05.2013	R-301/EE (E) C-I Dated 20.05.2013 (Page No. 204 of tendered document file)
M/s Creative Entrepreneurs	Dated 17.05.2013	R-291/EE (E) C-I Dated 17.05.2013 (Page No. 205 of tendered document file)
M/s Nav Shakti Traders	Dated 17.05.2013	R-293/EE (E) C-I Dated 17.05.2013 (Page No. 206 of tendered document file)

Validity of the offers of all four participating eligible firms was valid as on the date of price bid opening. From the above, it is in-correct to say that price bid was opened after the expiry of initial validity. Further the letters extending validity of the offers as received from the firms, were appropriately diarized in the division without any back dating.

In view of above clarifications, the file may again be sent to finance for concurrence please

**D)**

1. All out efforts shall be made to finalize the tender within original validity period and where the validity of tender is extended, due approval of competent authority shall be obtained.
2. The justification has been prepared on current prevailing market rates as per codal provision.
3. The rates are competitive, reasonable and within proximity of trend of similar nature of work.
4. The Quality of work executed by the contractors shall be ensured as per specifications of NIT

**9. Legal implication of the Subject: - NIL**

**10. Details of previous Council resolution:-**

- (i) Item No. 07(B-06) of council meeting No. 06/2013-14 held on 07/10/2013.
- (ii) Item No. 03(B-09) of council meeting No. 07/2013-14 held on 27/11/2013.

**11. Comments of Law Department:- " No legal issue is involved in this matter at this stage".**

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

**13. Certification by the Department:**

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

**14. Recommendation: -** The case may be placed before the Council for awarding the work of Annual Contract for laying of U/G LT Cables, dismantling, dismantling and relaying of LT Cables of all sizes, including supplying & laying of HDPE pipes in NDMC area. to the following three firms (L-1, L-2 & L-3) in the ratio of 40%, 30% & 30% respectively computed on the basis of tendered cost of L-1 firm amounting to **Rs.3,86,16,114/- (Three Crore Eighty Six lacs Sixteen Thousand One Hundred Fourteen)** on the terms, conditions & specifications of NIT:

1. M/s Vichitra Construction (P) Ltd. for **Rs.1,54,46,446/- (Rupees One Crore Fifty Four Lacs Forty Six Thousand Four Hundred Forty Six)** being 40% of the tendered value.

2. M/s B.K. Power Enterprises for **Rs.1,15,84,834/- (Rupees One Crore Fifteen Lacs Eighty Four Thousand Eight Hundred Thirty Four)** being 30% of the tendered value.
3. M/s Creative Enterprises for **Rs. 1,15,84,834/- (Rupees One Crore Fifteen Lacs Eighty Four Thousand Eight Hundred Thirty Four)** being 30% of the tendered value.

Since the work is of urgent nature, approval is solicited to award the work in anticipation of the confirmation of the minutes of council meeting.

**15. Draft resolution:-** Resolved by the council that approval is accorded to award the work of Annual Contract for laying of U/G LT Cables, dismantling, dismantling and relaying of LT Cables of all sizes, including supplying & laying of HDPE pipes in NDMC area to the following three firms (L-1, L-2 & L-3), in the ratio of 40%, 30% & 30% respectively on the basis of tendered cost of L-1 firm amounting to Rs. 3,86,16,114/- (Three Crore Eighty Six lacs Sixteen Thousand One Hundred Fourteen) on the terms, condition & specifications of the NIT:

1. M/s Vichitra Construction (P) Ltd. for Rs. 1,54,46,446 (One Crore Fifty Four Lacs Forty Six Thousand Four Hundred forty six) being 40% of the tendered value.
2. M/s B.K. Power Enterprises for Rs. 1,15,84,834 (One Crore Fifteen Lacs Eighty Four Thousand Eight Hundred Thirty four) being 30% of the tendered value.
3. M/s Creative Enterprises for Rs. 1,15,84,834 (One Crore Fifteen Lacs Eighty Four Thousand Eight Hundred Thirty four) being 30% of the tendered value.

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

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

Deferred with the direction that the department would place before the Council the earlier agenda item by which an amount of `254 crores was sanctioned for purchase of cable, along with the present proposal with justification, in the next meeting of the Council.

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

Naming/Renaming of roads in NDMC area.

**2. Name of the Department.**

General Administration Department.

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

Requests have been received from Dy. Secretary, S.N.A., Department of Urban Development, Govt. of NCT of Delhi regarding naming of road in NDMC area, the details of which are as under:-

1. Naming of an important road in New Delhi after the name of Late Sh. R. Venkataraman, Former President of India.
2. Proposal received from Maharaja Surajmal Foundation through Hon'ble Chief Minister regarding naming of any road in the name of Former Chief Minister of Haryana Ch. Bansi Lal.
3. Naming of a prominent road after the name of Late Sh. Vasant Sathe in Delhi.

Further, two more requests have also been received, which are as under:-

4. One request vide D.O. No. 602/PA/VC/13 dated 30.09.2013 received from Vice Chairperson, NDMC addressed to the Chairperson, NDMC enclosing therewith a D.O. letter from Dr. Yoganand Shastri, Speaker, Delhi Vidhan Sabha regarding

renaming of Chelmsford Road to Anant Prasad Sharma (A.P. Sharma Marg), who was freedom fighter and President of National Federation of Indian Railways Mens and National Mazdoor Sangh.

5. Another proposal from Smt. Maneka Gandhi, MP (Lok Sabha) regarding naming of a small lane near 14, Ashoka Road, New Delhi.

In this connection, it is stated that earlier the department had already sent replies with respect to the above three requests at serial no. 1, 2 & 3 that no suitable unnamed road is available in NDMC area to consider the request. However, three requests have been received again. Further, the naming of an important road of New Delhi area or Government building in the name of Late President Sh. R. Venkataraman has already been deferred by the State Names Authority in its 56<sup>th</sup> meeting held on 28<sup>th</sup> May, 2013. It is further added that the request for naming of a road after Sh. R. Venkataraman, former President of India, has been received from Mrs. Lakshmi Venkataraman Venkatesan, the daughter of Late Sh. R. Venkataraman and another request for road naming after Sh. Vasant Sathe has been received from his son Sh. Subhash Sathe.

As per request no. 5 the naming of small lane near 14, Ashoka Road with 07 Houses after the name of flower or tree has been proposed. After examining the case in consultation with Adviser (R&L) on Page-13 / N bottom in the concerned file, the case was referred to Chief Engineer(Civil-I), whether there is any name signage at the entrance / exists of Ashoka Lane. In response to this, the Chief Engineer(Civil-I) has mentioned in their note at Page-15/N that the said lane having signage boards at exists as well as entrance with the name of Jantar Mantar Road. The matter has been discussed by the concerned J.E. incharge of Service centre with Smt. Maneka Gandhi, MP (Lok Sabha) and she desired that the



name of the said road starting from Raisina Road to roundabout of Ashoka Road may be named as Ashoka Lane or in the name of any flower / green lane.

#### 4. Detailed Proposal on the Subject.

The Rule position regarding naming/renaming of streets, installation of statues, memorials etc. in Delhi/New Delhi is as follows:

- i) Section 231(i) (a) of the NDMC Act, 1994 deals with naming and numbering of streets. The section provides as follows:

“The Chairman may with the sanction of the Council determine the name/number by which any street or public place vested in the Council shall be known.”

- ii) Renaming of Streets is to be governed by the guidelines issued by the Ministry of Home Affairs vide their letter No.13022/34/74/Delhi dated 27.09.1975 (**Annexure 'B' See page 81**). The guidelines stipulate that the names of existing streets/roads should not be changed. Only new streets/roads and such old streets/ roads as are in existence without specific names may be named after eminent personalities.

- iii) State Names Authority, Govt. of NCT of Delhi, has also issued guidelines for naming/numbering of roads, street etc (**Annexure 'C' See pages 82 - 91**). The guidelines, circulated by the Deptt. of Urban Development, Govt. of NCT of Delhi, vide Circular No.12/40/2003/SNA/UD/4006-34 dated 18.06.2004, are as under:

#### **Naming of Roads/ Streets etc.**

- (a) Request for naming a park, street, road, colony etc. should come from a group of persons such as Association, Manch, Sangh, Group etc. and not from any single person. The entity should normally be registered under the Societies Registration Act. RWAs under Bhagidari Cell can also send proposals.
- (b) After preliminary scrutiny, the proposals will be sent to the concerned Deputy Commissioners of the Revenue districts as well as the Land Owning Agencies, who will give their views within 30 days. Thereafter proposals will be scrutinized by a sub-committee of SNA chaired by Principal Secretary (Urban Development).
- (c) Only proposals recommended by the sub-committee will be placed before the State Names Authority. Every proposal should be accompanied by a brief write up about the accomplishments of the individual whose name is proposed.
- (d) If any road, park, street, building etc. has already been named after a particular dignitary, then a fresh proposal for naming any other place after the same dignitary will normally not be entertained.
- (e) The service rendered by the nominee to the nation and particularly to Delhi will be the major guiding principle for taking a decision.
- (f) A road, street, park etc. should be named as far as possible, in the area where the particular dignitary resided.
- (g) Names of living persons will not be entertained. While considering names of foreigners (of international standing) the views of Ministry of External Affairs should be obtained.

#### **Renaming of Roads/ Streets etc.**

- (a) The names of existing streets, roads etc. will normally not be changed. Only new streets, roads etc. will be considered for being named after eminent personalities.

- (b) Names, which are a part of history, will not be altered.
  - (c) All proposals for re-naming will be referred to Ministry of Home Affairs, Govt. of India in accordance with instructions in letter-dated 27.09.1975.
- (iv)** The Council has adopted the following criteria for naming/ renaming of the roads/streets vide Resolution No. VIII (C-31) dated 13.10.2006 **(Annexure 'D' See pages 92 - 96):-**
- (a) Naming and numbering of public streets have to be with the sanction of the Council as per Section 231 (i) (a) of the NDMC Act. The representation for naming should be from a group of persons such as an Association, Manch etc. Any proposal for naming has to be put-up for sanction or rejection of the Council. The name has to be for an unnamed road/street. Subsequently the decision taken by the Council is to be communicated to the State Names Authority (SNA), GNCT of Delhi for their approval. The cases of rejection by the Council may be communicated directly to the concerned organization.
  - (b) The guidelines of the Ministry of Home Affairs, Govt. of India, vide letter No.13022/34/74/Delhi dt.27.09.1975 are to be strictly adhered to with respect to renaming of streets. Any renaming can be considered by the Council only when there are directives from the Govt. of India. The Department shall communicate to the applicants directly as per guidelines of the Govt. of India. Renaming can only be an exception. Recommendations can be given by the Council regarding renaming. Any contrary decision of the Govt. of India shall be brought to the notice of the Council.
  - (c) With regard to installation of statues, the guidelines of the Govt. of India are to be adhered to strictly and all proposals are to be forwarded to the State Names Authority and Govt. of India for requisite permissions.

- (d) Byelaws for naming of streets shall be framed taking into consideration the guidelines of the State Names Authority and Govt. of India. With regard to action taken in the past, the matter shall be referred to Ministry of Home Affairs for approval.
- (e) Any other Guidelines as decided by the Council. The Council may consider the proposal/request regarding naming/renaming of roads in the light of the above guidelines.

**5. Financial Implications.**

There are no financial implications.

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

Not applicable.

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

There are no financial implications.

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

No comments.

**9. Final views of Finance Department**

Not applicable.

**10. Legal implications of the subject.**

No legal implications are involved in the matter.

**11. Comments of Law Department.**

No legal issue is involved.

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

NIL

**13. Details of previous council Resolutions, existing law of Parliament and Assembly on the subject:**

- (i) Resolution No.16 (C-25) dated 28.10.2009.
- (ii) Resolution No.11 (C-6) dated 16.05.2007.
- (iii) Resolution No.VIII (C-31) dated 13.10.2006.
- (iv) Resolution No.3 (iv) dated 01.11.2002.
- (v) Resolution No.3 (vi) dated 26.02.2002.
- (vi) Details of policy on the subject given in para-4.

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

Not applicable.

**15. Recommendations**

The requests are not covered by the guidelines on the subject and as such it may be difficult for the Council to accept the request in the matter.

**16. Draft Resolution.**

Resolved by the Council that the request for naming/re-naming of roads/street received by NDMC from individuals/organizations are rejected.

**COUNCIL'S DECISION**

Resolved by the Council that the requests for naming/re-naming of roads/street received by NDMC are rejected.

**ANNEXURE 16 PAGES**

































ANNEXURE EDNS

**ITEM NO. 10 (E-06)****01. Name of the subject/project:**

Approval of R.R.'s. of various post sanction by the Council Vide Resolution. No. 20 (E-07)

Dated: 24.02.2010 for Dental Clinic, Dharam Marg, Chanakya Puri, New Delhi.

**02. Name of Department & other Concerned Departments.**

Medical Department

**03. Brief History:** - The council vide its resolution no. 13 (E-6), dt: 18.12.2009 had approved the department proposal of opening of a Dental Clinic at Dharam Marg along with creation of various categories of posts required for its smooth functioning. Accordingly various post were sanction vide resolution. No. 20 (E-07) dated: 24.10.2010 in accordance with the Dental Council of India. Presently some of the staff sanctioned for Dental Clinic w.e.f. 09.07.2011 are working and remaining posts are to be filled, as R.R.'s of few posts are not approved by the Council.

**04. Detailed proposal of the Subject:**

- a. The following posts are given below is approved by the Council Resolution No. 20 (-07), dt: 24.02.2010.

S. No.	Name of Post	No. of Post
1	Specialists (Dentist)	03
	Oral Surgery	
	Prosthodontics	
	Orthodontics	
2	Medical Officers (Dentist)	02
3	Senior Residents	07

4	Junior Residents	04
5	Assistant (Dental Chair)	08
6	Nursing Orderly	12
7	Staff Nurse Gr. 'A'	03
8	Pharmacist	02
9	Radiographer	02
10	H.A.	01
11	Senior Clerk	01
12	Clerical Assistant	04
13	Dental Hygienists	03
14	Dental Mechanics	02
15	Dental Assistant (DORA)	05

- b. The R.R.'s. of posts at Sr. No. 2, 3, 4, 6, 7, 8, 9, 10, 11, & 12 are already existing in NDMC. The R.R.'s. of posts at Sr. No. 1, 5, 13 & 14 are on the pattern of Ministry of Health & Family Welfare, Govt. of India. The R.R. of post at Sr. No. 15 is on the pattern of AIIMS/JIPMER/PGIMER.

The R.R.'s of post at Sr. No. 1, 5, 13, 14 & 15 submitted to the council for approval. **(See pages 100 – 112)**

**05. Financial implication of the proposed subject:** The Council already resolved vide Council

Resolution No. 13 (E-6), dt: 18.12.2009 to accord A/A & E/S for the following:-

- (a) Of Rs. 112.5 Lacs for the procurement of machines & equipments, disposables and consumables and other civil/electric works required for setting up of the proposed unit.
- (b) Of Rs.102 Lacs for the payment of the staff salary during the first years and also during subsequent years on the rates applicable at that time.



(c) Recurring expenditure of R.16 Lacs per year for the maintenance of equipments, procurement of medicines, consumables & disposables etc. at the prevailing market trends.

**06. Implication Schedule:** - Dental Clinic at Dharam Marg Chanakya Puri is functioning w.e.f. 09.07.2011.

**07. Comments of Finance:**

Nil.

**08. Comments of the Department on the comments of The Finance:**

Nil.

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

Nil.

**10. Details of the previous Councils resolution: -**

- Resolution No. 3 (V) dated 17.05.2001.
- Resolution No. 04(A-14) September 2006.
- Resolution No. 13 (E-6) date: 18.12.2009.
- Resolution No. 20 (E-07) dated 24.02.2010.

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

Nil.

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

13. **CVC Guidelines:** - All CVC guidelines have been followed.

14. **Recommendations:** -

**COUNCIL'S DECISION**

Item withdrawn.

**ANNEXURES**

























**Annexure ends**

**ITEM NO.11 (D-04)****1. Name of the Subject/Project**

**Revised Schedule for presentation of Revised Budget Estimates 2013-14 and Budget Estimates 2014-15**

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

**Finance (Budget) Department**

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

Regulations 4 and 5 of the NDMC (Budget Estimates) Regulations, 2010, [the Budget Regulations] stipulate that Budget Estimates for the ensuing year and Revised Budget Estimates for the current year shall be laid by the Chairperson before the Council on or before the 15<sup>th</sup> day of January each year.

Regulation 5 ibid further stipulates adoption of the Revised Budget Estimates by the Council, as far as possible, by the 31<sup>st</sup> day of January of the year.

Regulation 7 (1) of the Budget Regulations stipulates that

“if dates for presentation of the Revised Budget Estimates or the Budget Estimates and adoption of Revised Budget Estimates, as stipulated in regulations 4 and 5 above, cannot be adhered to, the Chairperson shall inform the Council of the reasons due to which the said dates cannot be adhered to and the Council may approve revised schedule for such presentation subject to the requirements of sub-section (1) of Section 55 and other duties and obligations under the Act. The Council may adopt the Budget Estimates for the ensuing year and the Revised Estimates for the current year, as they stand submitted to it or subject to such alteration as it may consider necessary or expedient, on or before the 31<sup>st</sup> day of March of every year.”



#### 4. Detailed proposal on the Subject/Project

The process of finalization of the NDMC Annual Budget 2014-15 is still going on which could not be completed due to the just concluded elections to the Delhi Legislative Assembly where the officers and staff of the Council were deputed for election duties. It is not possible to complete the whole process by the 1<sup>st</sup> week of January, 2014 so as to present the Budget 2014-15 within the stipulated date of presentation i.e. on or before 15<sup>th</sup> of January, 2014.

Accordingly, the revised schedule for presentation to and adoption by the Council of the Revised Estimates 2013-14 and Budget Estimates 2014-15 is placed before the Council for approval as under:

S.No.	Particulars	Stipulated date as per 'the Regulations'	Proposed revised date
1	2	3	4
(a)	Presentation of Revised Estimates 2013-14	On or before 15.01.2014	14.02.2014
(b)	Presentation of Budget Estimates 2014-15	On or before 15.01.2014	14.02.2014
(c)	Adoption of Revised Estimates 2013-14 by the Council.	On or before 31 <sup>st</sup> January, 2014	On or before 31 <sup>st</sup> of March, 2014
(d)	Adoption of Budget Estimates 2014-15 by the Council.	On or before 31 <sup>st</sup> March, 2014	On or before 31 <sup>st</sup> March, 2014

#### 5. Financial implication of the proposed Project/Subject

N.A.

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

As per revised schedule given in Para (4) above after approval of the Council.

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

Not applicable

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

Not applicable

**9. Final views of Finance Department**

Not applicable as the proposal itself is of Finance Department

**10. Legal Implication of the Subject/Project**

Not Applicable

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

Regulation 7 (1) of the NDMC (Budget Estimates) Regulations, 2010, empowers the Council to approve the revised schedule for presentation and adoption of the Budget Estimates for the ensuing year and the Revised Budget Estimates for the current year subject to the requirements of sub-section (1) of Section 55 and other duties and obligations under the NDMC Act, 1994.

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

Not applicable

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

Not applicable

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

Not applicable

**15. Recommendation**

It is recommended to approve revised schedule for presentation and adoption of the Revised Budget Estimates 2013-14 and Budget Estimates 2014-15 as proposed in para (4) above.

**16. Draft Resolution**

Resolved by the Council that the revised schedule for presentation and adoption of the Revised Budget Estimates 2013-14 and Budget Estimates 2014-15 as proposed in para (4) above is approved.

**COUNCIL'S DECISION**

Resolved by the Council that the revised schedule for presentation and adoption of the Revised Budget Estimates 2013-14 and Budget Estimates 2014-15 as proposed in para (4) above is approved.

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

**ITEM NO. 12 (K-03)**1. कार्य का नाम

वृद्ध, विधवा एवं विकलांग (सामाजिक आर्थिक सहायता) पेंशन योजना के अन्तर्गत विधवा एवं विकलांग लाभार्थियों को दिल्ली सरकार के अध्यादेश के अनुसार वृद्धि करने के संबंध में।

2. विभाग का नाम

कल्याण विभाग

3. विषय का संक्षिप्त विवरण

नई दिल्ली नगरपालिका परिषद् क्षेत्र में निवास करने वाले विकलांग एवं विधवा महिलाओं को सामाजिक आर्थिक सहायता योजना के अन्तर्गत दिल्ली सरकार के अध्यादेश के परिप्रेक्ष्य में पेंशनधारियों को 1000/-रु प्रतिमाह में 500/-रु प्रतिमाह वृद्धि करके कुल 1500/-रु प्रतिमाह का भुगतान ।

4. **fo" k; dk foLr`r fooj.k**

न0दि0न0पालिका परिषद् द्वारा सामाजिक आर्थिक सहायता योजना के अन्तर्गत पालिका क्षेत्र में निवास करने वाले वृद्धों, विकलांगों तथा आर्थिक रूप से असहाय, विधवाओं को आर्थिक सहायता के रूप में प्रतिमाह पेंशन दी जाती है । इस योजना का शुभारम्भ पालिका में वर्ष 1966 में किया गया, जिसे दिल्ली सरकार के अध्यादेशों के आधार पर 'वृद्धावस्था सहायता योजना' के अन्तर्गत लागू किया गया । जिसका मुख्य उद्देश्य पालिका क्षेत्र में निवास कर रहे उपरोक्त वर्णित समाज के कमजोर वर्ग के लोगों का जीवन स्तर सुधारना व उन्हें आर्थिक सहायता देकर सशक्त एवं स्वावलम्बी बनाना है । इस योजना के अन्तर्गत पालिका परिषद् क्षेत्र के विधायक व परिषद् के सदस्यों द्वारा इन वर्गों के नामों की संस्तुति की जाती है । जिनकी जाँच के बाद स्वीकृति ली जाती है । तदुपरांत इन नामों को पेंशनभोगियों की सूची में ले लिया जाता है ।

उपरोक्त के परिप्रेक्ष्य में निम्न बातें उल्लेखनीय हैं :-

1. पालिका क्षेत्र में जब यह योजना वर्ष 1966 में लागू की गई तो उस समय इस योजना से लाभान्वित होने वालों को 30/-रु माहवार पेंशन के रूप में दिया जाता था । विभिन्न चरणों में माहवार पेंशन वृद्धि होते-होते 100/-रु प्रतिमाह तक वर्ष 1985 में निर्धारित हुई ।
2. पालिका परिषद् के प्रस्ताव सं0 01 दिनांक 20.6.1994 के द्वारा पेंशन की राशि 100/-रु से बढ़ाकर 200/-रु प्रतिमाह वृद्धि कर दी गई व यह वृद्धि दिनांक 1.4.1994 से लागू मानी गई ।
3. पालिका प्रस्ताव सं0 3(II)के-3 दिनांक 23.4.2003 से यह पेंशन राशि 200/-रु प्रतिमाह से बढ़ाकर 300/-रु प्रतिमाह कर दी गई जो दिनांक 1.2.2002 से देय मानी गई । इसी प्रस्ताव में वृद्धावस्था की आयु 55 वर्ष से बढ़ाकर 60 वर्ष कर दी गई ।
4. पुनः पालिका प्रस्ताव सं0 8(के-II) दिनांक 26.8.2005 के द्वारा पेंशन की राशि में 50/-रु की वृद्धि के साथ 350/-रु कर दी गई, साथ ही इसी पालिका प्रस्ताव के अनुसार निर्णय लिया गया कि इस सामाजिक, आर्थिक सहायता योजना के लाभान्वितों को न0दि0न0पालिका परिषद् क्षेत्र में विभिन्न डाकघरों के माध्यम से पेंशन का भुगतान किया जायेगा । तदानुसार पेंशन राशि का परिषद् क्षेत्र स्थित चिन्हित डाकघरों के माध्यम से भुगतान पेंशनधारियों को किया जा रहा है ।

5. दिल्ली सरकार द्वारा राजपत्र सं० एफ-54(4)94 डी.एस.डब्ल्यू./पी.एल.जी. राजपत्र सं० एफ-54(4)94 डी.एस.डब्ल्यू./पी.एल.जी./6945-6955 दिनांक 5.7.2007 द्वारा वृद्धावस्था सहायता नियमावली वर्ष 1975 में संशोधन कर पेंशन राशि 350/-रु प्रतिमाह से 400/-रु प्रतिमाह प्रभावी 1.4.2006 से व 400/-रु में 200/-रु प्रतिमाह की वृद्धि के साथ प्रतिमाह 600/-रु प्रतिमाह कर दी गई है यह पेंशन की वृद्धि 1.4.2007 से प्रभावी की गई थी । तदनुसार बकाया राशि (एरियर) का पेंशनधारियों को डाकघर के माध्यम से भुतान कर दिया गया ।
6. न०दि०न०पालिका परिषद् क्षेत्र में निवास करने वाले वृद्धों, विधवाओं व विकलांगों को दिल्ली सरकार के राजपत्र सं० एफ०ए०एस०/डी०एस०डब्ल्यू०/2007-08/11335 दिनांक 6.5.2008 वृद्धावस्था सहायता नियमावली 1975 में संशोधन कर दिया गया है जिसके आधार पर पेंशन राशि 600/-रु से बढ़ाकर 1000/-रु प्रतिमाह/प्रति पेंशनधारी की दर से अप्रैल, 2008 से देय पेंशन राशि की स्वीकृति परिषद् प्रस्ताव सं० 24(के-1) दिनांक 20.8.2008 से अनुमोदित कर दी गई थी एवं तदनुसार 1000/-रु प्रतिमाह/प्रति पेंशनधारी यही राशि 28 डाकघरों से प्रदान की गई ।
7. पालिका प्रस्ताव सं० 7/के-02 दिनांक 9.2.12 के द्वारा पेंशन राशि दिल्ली सरकार के अध्यादेश के परिपेक्ष में 70 वर्ष या इससे अधिक आयु वर्ग के वृद्ध पेंशनधारियों को रु 1500/- प्रतिमाह अक्टूबर, 2011 से भुगतान किया गया ।

5.वर्तमान में सामाजिक, आर्थिक सहायता योजना के अंतर्गत विभिन्न वर्गों के पेंशन भोगियों का विवरण निम्न प्रकार से है :-

1	o` ) iq:"k	•	201
2	o` ) efgyk isa'ku	•	284
3	fo/kok isa'ku	•	636
4	fodykax isa'ku	•	96
5	ekufld :lk ls fof{kflr isa'ku	•	07
6	us=ghu isa'ku	•	22
7	ewd&cf/kj isa'ku	•	04
	<b>orZeku esa dqy isa'ku</b>	•	<b>1250</b>
	<b>ekeys</b>		

6.पालिका परिषद् क्षेत्र में लागू इस सामाजिक आर्थिक सहायता योजना की आगामी निम्न कार्यवाही पर विचार एवं प्रस्ताव ।

दिल्ली सरकार द्वारा राजपत्र सं० एफ 41(22)/डी.एस.डब्ल्यू.-डब्ल्यूसीडी/एफएएस/एससीएच/अमेंड/09-10/23017/027 दिनांक 1.11.2012 विधवा सहायता नियमावली 2010 में संशोधन कर दिया गया है जिसके अनुसार विधवा महिलाओं को दी जाने वाली पेंशन राशि 1000/-रु में 500/-रु प्रतिमाह वृद्धि कर 1500/-रु प्रतिमाह कर दी गई है ।

दिल्ली सरकार द्वारा राजपत्र सं० एफ3(1)/एफएएस/यूएपीडब्ल्यूडी/डीएसडब्ल्यू/06-07/979-990 दिनांक 6.8.2012 के अनुसार शारीरिक विकलांग पेंशन की नियमावली 2009 में संशोधन किया गया है जिसके अनुसार आर्थिक सहायता दी जाने वाली राशि 1000/-रु से 1500/-रु कर दी गई है । तदनुसार देय राशि पालिका परिषद् द्वारा वर्तमान पालिका संकल्प से की जाये ।

7.प्रस्तावित विषय में वित्तीय अभिप्रेत

इस योजना के लिए वर्तमान वित्तीय वर्ष में 1,50,00,000/- रु0 का बजट शीर्ष डी 4.6.4 व नया बजट शीर्ष 250-2004 (वृद्ध एवं निराश्रित महिलाओं के कल्याणार्थ) में प्रावधान है। पेंशन दर में वृद्धि होने पर वर्तमान वित्तीय शीर्ष में उपलब्ध राशि द्वारा भुगतान किया जा सकता है। वर्तमान में जारी योजना में प्रस्तावित वृद्धि से कुल रु.50 लाख प्रतिवर्ष अतिरिक्त वित्तीय भार बढ़ने की संभावना है।

8.आंतरिक प्रक्रिया सहित प्रत्येक स्तर हेतु समयोचितता के साथर कार्यान्वयन अनुसूची :  
पालिका परिषद् की बैठक में पारित होने की तिथि से कार्यान्वयन ।

9.विषय पर वित्त विभाग की टिप्पणी :  
वित्त विभाग द्वारा सहमति प्रदान कर दी गई है ।

10.वित्त विभाग की टिप्पणी पर विभाग की टिप्पणी  
यथा प्रस्तावित

11.विषय पर कानूनी अभिप्रेत :

नई दिल्ली नगरपालिका परिषद् के अधिनियम 1994 के अध्याय 3 के कृत्य 1 के उपनियम(ठ) जिसमें निम्नलिखित का निर्माण और अनुरक्षण अर्थात् 12(थ) 'निराश्रितों और निःशक्त व्यक्तियों की सहायता के लिए व्यवस्था के अन्तर्गत इस योजना का प्रावधान है जिस पर विधि विभाग द्वारा सहमति प्रदान कर दी गई है । यह योजना दिल्ली सरकार की वृद्धावस्था सहायता योजना पर आधारित है ।

12.विषय पर संसद तथा विधान सभा के विद्यमान कानून तथा परिषद् के पूर्व प्रस्ताव :

- प्रस्ताव सं0 65 दिनांक 19.4.1966
- प्रस्ताव सं0 33 दिनांक 26.11.1985
- प्रस्ताव सं0 01 दिनांक 19.8.1994
- प्रस्ताव सं0 03(II)के-3 दिनांक 23.4.2003
- प्रस्ताव सं0 08 ( के-3) दिनांक 26.8.2005
- प्रस्ताव सं0 21 ( के-4) दिनांक 17.10.2007
- प्रस्ताव सं0 24 ( के-1) दिनांक 20.8.2008
- प्रस्ताव सं0 07 ( के-7) दिनांक 9.2.12

13.विषय में विधि विभाग की टिप्पणी :

विधि विभाग द्वारा सहमति प्रदान कर दी गई है ।

14.विधि विभाग की टिप्पणी पर विभाग की टिप्पणी:  
यथा प्रस्तावित

15.विभाग द्वारा यह प्रमाणित किया जाये कि इस मसौदे को प्रस्तुत करते समय केन्द्रीय सतर्कता आयोग द्वारा जारी सभी दिशा-निर्देशों का पालन किया गया है।

#### परिषद् का निर्णय

Resolved by the Council to approve the proposal of the department, as detailed in para 4 of the preamble.

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

**ITEM NO. 13 (C-22)****CONTRACTS/SCHEMES INVOLVING AN EXPENDITURE OF RS. 1 LAC BUT NOT EXCEEDING RS. 200 LACS.**

Section 143 (d) of NDMC Act, 1994 provides that every contract involving an expenditure of Rs.1 lac but not exceeding Rs.200 lacs under clause 143 (c) shall be reported to the Council. In pursuance of these provisions, a list of contracts entered/executed upto November, 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 121-136).**

**COUNCIL'S DECISION**

Information noted. The Chairman offered that these information may also be uploaded in the official website of NDMC to enable the RWAs to stay informed about the progress of the works in their area.



**Annexure 16 pages**





























**Annexure end**





**ITEM NO. 14 (C-23)**

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

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

The said report on the status of the ongoing schemes/works upto October, 2013, had already been included in the Agenda for the Council Meeting held on 27.11.2013.

A report on the status of execution of the ongoing schemes/works awarded upto November, 2013, is placed before the Council for information. **(See pages 138-173).**

**COUNCIL'S DECISION**

Information noted. The Chairman offered that these information may also be uploaded in the official website of NDMC to enable the RWAs to stay informed about the progress of the works in their area.

**Annexure 36 pages**













































































**Annexure End**

**ITEM NO. 15 (D-05)****1. Name of the Subject/Project**

Re-appropriation of Funds in Budget Estimates 2013-14

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

Finance (Budget) Department

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

Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010, approved by the Council vide Resolution No. 07 (D-03) dated 27.10.2010 prescribes for re-appropriation of budget allocation as under:

“If at any time during the year, it becomes necessary to increase or reduce Budget Estimates of the current year under one function to another function or from one major head to another major head within the same function, or from one minor head to another minor head within the same major head, and the expenditure for the same cannot wait adoption of Revised Estimates by the Council on the recommendations of the Financial Advisor, the Chairperson, in anticipation of the approval of the Council, may authorize such alteration and place before the Council within one month from the end of the quarter, a report of such alteration and give effect to any order that may be passed by the Council in relation thereto.....”

Further, Section 56 of the NDMC Act,1994, prescribes that the Council may from time to time , during the year, transfer the amount or portion of the amount of the budget grant under any head to any other head.

Sub-section (2) of Section 56 further stipulates that every increase in a budget grant and every additional budget grant made in any year under sub-section (1) shall be deemed to be included in the budget estimates finally adopted for that year.

**4. Detailed proposal on the Subject/Project**

In pursuance of directions as contained in Section 56 of the NDMC Act,1994 & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010, a report of the re-appropriations in Budget Estimates 2013-14 authorized during 3<sup>rd</sup> Quarter of 2013-14 as per details enclosed as Annexure-I is placed before the Council for information and approval.

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

No financial implication is involved as it involves only reappropriation within the total Budget. The total amount of reappropriation is as under :

(` in thousand)

	Plan	Non-Plan
Capital Section	Nil	27762
Revenue Section	Nil	10959
<b>Total</b>	<b>Nil</b>	<b>38721</b>

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

Not applicable as Finance Department is not implementing department.

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

Not applicable as the proposal itself is of Finance Department

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

Not applicable as the proposal itself is of Finance Department

**9. Final views of Finance Department**

Not applicable as the proposal itself is of Finance Department

**10. Legal Implication of the Subject/Project**

Nil.

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

- Council vide its Reso. No. 14 (D-03) dated 07.10.2013 approved re-appropriation of funds authorized up to 30.09.2013.
- Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010, notified in Delhi Gazette on 23.11.2010, prescribes for re-appropriation of budget allocation.

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

Not applicable as it does not involve any legal aspect.

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

Not applicable as it does not involve any legal aspect.

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

Not applicable being reappropriation of existing Budget Provision.

**15. Recommendation**

Re-appropriation in Budget Estimates 2013-14 authorized during 3<sup>rd</sup> Quarter of 2013-14 as detailed in **Annexure-I (See pages 177-179)** be approved by the Council in terms of Section 56 of the NDMC Act,1994, & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010.



**16. Draft Resolution**

Resolved that the Re-appropriations in Budget Estimates 2013-14 authorized during 3<sup>rd</sup> Quarter of 2013-14 as detailed in **Annexure-I (See pages 177-179)** are approved in terms of Section 56 of the NDMC Act,1994, & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010.

**COUNCIL'S DECISION**

Resolved that the Re-appropriations in Budget Estimates 2013-14 authorized during 3<sup>rd</sup> Quarter of 2013-14 as detailed in Annexure-I are approved in terms of Section 56 of the NDMC Act,1994, & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010.

**ANNEXURE-I****Re-appropriation of funds in Budget Estimates 2013-14 during 3<sup>rd</sup> Quarter vide RAO No. 7 to 10****Statement-IX— Detailed Statement of Expenditure**

( In Thousands)

	CoA	Field Code/ Deptt.	Particulars	B.E. 2013-14	B.E. 2013-14 Till last Re-Appro.	B.E. 2013-14 after current Re- Appro.	Amount Re- appro.	Remarks/ Reasons for Re-Appro.	RAO No./Sanction order No. & Date
From	21.230.50.00	105 Civil R-II Division	Repair & Maintenance- infrastructure assets	24835	24835	24676	-159	Funds required for refund of security deposit to MTNL received in prior period.	<b>RAO-9</b> Budget/ SA-I / Fin(B)/ D-400 Dated 11.11.2013
To	21.280.60.05	105 Civil R-II Division	Prior Period item-Refund of other revenue- Other Receipts	Nil	Nil	159	159		

From	91.230.59.22	331 House Tax Deptt.	Major Software High Tech. Computer Peripherals	1500	1500	1300	-200	Shortage of funds For making payment to Consultants	<b>RAO-9</b> Budget/ SA-I / Fin(B)/ D-400 Dated 11.11.2013
To	91.220.52.02	331 House Tax Deptt.	Consultancy Charges	300	300	500	200		

From	82.220.52.03	318 Edu. Deptt.	Other Professional Expenses	10000	10000	7000	-3000	For making payments of various inevitable administrative expenditure	<b>RAO-9</b> Budget/ SA-I / Fin(B)/ D-400 Dated 11.11.2013
To	82.220.80.02	318 Edu. Deptt.	Other Administrative Expanses	11000	11000	14000	3000		

From	03.210.20.09	313 ABAS	LTC	5000	5000	2500	-2500	For making payment of LTC	<b>RAO-9</b> Budget/ SA-I / Fin(B)/ D-400 Dated 11.11.2013
To	02.210.20.09	311 Secy. Accounts Branch	LTC	2500	2500	5000	2500		

	CoA	Field Code/ Deptt.	Particulars	B.E. 2013-14	B.E. 2013-14 Till last	B.E. 2013-14 after	Amount Re- appro.	Remarks/ Reasons for Re-Appro.	RAO No./Sanction order No. &
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					Re-Appro.	current Re-Appro.			Date
From	56.230.51.00	201 Elect. BM-I	Repair & Maintenance- Civic Amenities (Stadium)	12064	12064	9564	-2500	Requirement of funds for payment of RMR/ Contract & Daily Wages Employees	<b>RAO-10</b> Budget/ SA-I / Fin(B)/ D-461 Dated 19.12.2013
To	02.230.52.00	202 Elect. BM-II	Annual Repair & Maintenance	10000	10000	12500	2500		

From	21.230.50.00	125 RIP Division	Repair & Maintenance Infrastructure Assets	6269	6269	4009	-2260	Requirement of funds for making payments.	<b>RAO-10</b> Budget/ SA-I / Fin(B)/ D-461 Dated 19.12.2013
From	21.230.53.16	125 RIP Division	JCB	750	750	410	-340		
To	21.230.50.00	104 (Civil R-I Div.)	Repair & Maintenance infrastructure assets	20274	20274	22874	2600		

<b>TOTAL</b>				<b>104492</b>	<b>104492</b>				
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Statement-X— Details of Capital Expenditure/Capital works in progress

(` In Thousands)

	CoA	Scheme No. /Sub Scheme No.	Field Code/ Deptt.	Particulars	B.E. 2013-14	B.E. 2013-14 Till last Re-Appro.	B.E. 2013-14 after current Re-Appro.	Amount Re-appro.	Remarks/ Reasons for Re-Appro.	RAO No./Sanction order No. & Date
From	02.412.20.08	15	313 ABAS	MLA Fund- Delhi Cantt. Constituency	2000	2000	Nil	-2000		<b>RAO-7</b> Budget/ SA-I / Fin(B)/ D-351 Dated 03.10.2013
To	02.412.20.08	15	106 Civil R-III Div.	MLA Fund- Delhi Cantt. Constituency	637	637	2637	2000		
From	06.412.40.00	67	102 CBM-II Div.	Improvement to Palika Gram Housing Complex Sarojini Nagar	14000	14000	13300	-700		<b>RAO-7</b> Budget/ SA-I / Fin(B)/ D-351 Dated 03.10.2013

To	02.410.40.30	2/2	120 Civil QCTA Div.	Upgradation of Equipments of Material Testing Lab at Vidyut Bhawan	500	500	1200	700		
	<b>CoA</b>	<b>Scheme No. /Sub Scheme No.</b>	<b>Field Code/ Deptt.</b>	<b>Particulars</b>	<b>B.E. 2013-14</b>	<b>B.E. 2013-14 Till last Re- Appro.</b>	<b>B.E. 2013-14 after current Re-Appro.</b>	<b>Amount Re-appro.</b>	<b>Remarks/ Reasons for Re-Appro.</b>	<b>RAO No./Sanction order No. &amp; Date</b>
From	81.412.40.00	23/14	210 Elect. 11KV Plg.	Providing Addl. Transformer 1000 KVA at Sapru House	4000	4000	2738	-1262		<b>RAO-7 Budget/ SA-I / Fin(B)/ D-351 Dated 03.10.2013</b>
To	81.412.40.00	23/14	212 Elect. C-II Divn.	Providing Addl. Transformer 1000 KVA at Sapru House	Nil	Nil	1262	1262		

From	02.412.40.00	29	313 ABAS	Old Completed Work	40000	40000	35400	-4600	Funds required for making the payments to the Contractor.	<b>RAO-8 Budget/ SA-I / Fin(B)/ D-366 Dated 15.10.2013</b>
To	02.412.20.08	15	214 C-IV Elect.	MLA LAD Fund Scheme Delhi Cantt. Constituency	Nil	Nil	4600	4600		

From	56.412.40.00	21/01	101 CBM-I div.	Improvement to Talkatora Stadium	120000	120000	113000	-7000	Non- utilisation of RE-2012-13. For Making Payment to Contractor now.	<b>RAO-9 Budget/ SA-I / Fin(B)/ D-400 Dated 11.11.2013</b>
To	56.412.40.00	21/01	205 Elect. M/N Div.	Improvement to Talkatora Stadium	3000	3000	10000	7000		

From	55.412.40.00	25	123 Civil Special Project	Improvement Upgradation of Barat Ghar	15000	15000	9800	-5200	Funds require for payment to agency.	<b>RAO-10 Budget/ SA-I / Fin(B)/ D-461 Dated 19.12.2013</b>
To	06.412.40.00	64/2	123 Civil Special Project	Construction of Type-V Flats at Golf Link Sadan, Golf Link	3500	3500	5500	2000		
To	06.412.40.00	101	123 Civil Special Project	Upgradation of duplex flats at yashwant place office-cum residential complex Chanakya Puri	4800	4800	8000	3200		

From	02.412.40.00	29	313 ABAS	Old Completed Works	40000	35400	28400	-7000	Funds require for making payment.	<b>RAO-10 Budget/ SA-I / Fin(B)/ D-461 Dated 19.12.2013</b>
To	02.412.20.08	15	106 Civil Road-III	MLA LAD Fund Scheme. Delhi Cantt. Constituency	2637	2637	9637	7000		

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<b>TOTAL</b>	<b>245474</b>	<b>245474</b>			
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Re-appropriation of funds in Budget Estimates 2013-14 during 3<sup>rd</sup> Quarter vide RAO No. 7 to 10

**ITEM NO. 16 (T-04)****1. Name of the Subject/Project.**

Naming/Renaming of road in NDMC area.

**2. Name of the Department.**

General Administration Department.

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

A request was made to the Hon'ble Chief Minister, Delhi by Ch. Shiv Lal to name a road/stretch in the name of Ch. Dilsukh Marg. In the letter it was mentioned that Ch. Dilsukh Ji was a notable social activist and a freedom fighter among whole Delhi dehaat. He was a true legend and a savior of humanity. It was also mentioned that he was linked with many other freedom fighters from Haryana and Meerut. He drew his inspiration from late Sh. Bhagwat Dayal Sharma and was one of his close ally. He brought farmers and villagers together and motivated them to fight for independence, he lived in exile for 4-5 years in village Katheda near Dadri (Uttar Pradesh). The matter was forwarded by the Chief Minister Office to NDMC for appropriate and necessary action. Thereafter, comments were sought from Roads Division, NDMC. It has been informed by S.E. (Roads), Civil Engineering Department, that no unnamed road/street is available in NDMC area which can be named as "Ch. Dilsukh Marg". The Roads Division further informed that a lane between Govt. colonies known as "A" Avenue, Sarojini Nagar, may be renamed as "Ch. Dilsukh Marg" if the same is approved by the State Names Authority. The Roads Division has also provided a site plan of the said lane (**Annexure 'A' See page 185**). The

length of the lane is 350 M. and its width is 5 M. Previously, "B" Avenue & "T" Avenue, Sarojini Nagar have been renamed as "Shri Vinayak Mandir Marg" and "Rajmata Vijayaraje Scindia Marg" by NDMC vide Council Resolution No.3 (iv) dt.01.11.2002 and Resolution No.3(vi) dt.26.02.2002, respectively.

**The proposal was placed before the Council during its meeting on 07.10.2013 vide item No.11(T-02) and the same was deferred.**

#### **4. Detailed Proposal on the Subject.**

The Rule position regarding naming/renaming of streets, installation of statues, memorials etc. in Delhi/New Delhi is as follows:

- i) Section 231(i) (a) of the NDMC Act, 1994 deals with naming and numbering of streets. The section provides as follows:

"The Chairman may with the sanction of the Council determine the name/number by which any street or public place vested in the Council shall be known."

- ii) Renaming of Streets is to be governed by the guidelines issued by the Ministry of Home Affairs vide their letter No.13022/34/74/Delhi dated 27.09.1975 (**Annexure 'B' See pages 186-190**). The guidelines stipulate that the names of existing streets/roads should not be changed. Only new streets/roads and such old

streets/ roads as are in existence without specific names may be named after eminent personalities.

- iii) State Names Authority, Govt. of NCT of Delhi, has also issued guidelines for naming/numbering of roads, street etc (**Annexure 'C' See pages 191-207**). The guidelines, circulated by the Deptt. of Urban Development, Govt. of NCT of Delhi, vide Circular No.12/40/2003/SNA/UD/4006-34 dated 18.06.2004, are as under:

**Naming of Roads/ Streets etc.**

- (a) Request for naming a park, street, road, colony etc. should come from a group of persons such as Association, Manch, Sangh, Group etc. and not from any single person. The entity should normally be registered under the Societies Registration Act. RWAs under Bhagidari Cell can also send proposals.
- (b) After preliminary scrutiny, the proposals will be sent to the concerned Deputy Commissioners of the Revenue districts as well as the Land Owning Agencies, who will give their views within 30 days. Thereafter proposals will be scrutinized by a sub committee of SNA chaired by Principal Secretary (Urban Development).
- (c) Only proposals recommended by the sub committee will be placed before the State Names Authority. Every proposal should be accompanied by a brief write up about the accomplishments of the individual whose name is proposed.
- (d) If any road, park, street, building etc. has already been named after a particular dignitary, then a fresh proposal for naming any other place after the same dignitary will normally not be entertained.
- (e) The service rendered by the nominee to the nation and particularly to Delhi will be the major guiding principle for taking a decision.
- (f) A road, street, park etc. should be named as far as possible, in the area where the particular dignitary resided.



- (g) Names of living persons will not be entertained. While considering names of foreigners (of international standing) the views of Ministry of External Affairs should be obtained.

**Renaming of Roads/ Streets etc.**

- (a) The names of existing streets, roads etc. will normally not be changed. Only new streets, roads etc. will be considered for being named after eminent personalities.
- (b) Names, which are a part of history, will not be altered.
- (c) All proposals for re-naming will be referred to Ministry of Home Affairs, Govt. of India in accordance with instructions in letter-dated 27.09.1975.

- (iv) The Council has adopted the following criteria for naming/ renaming of the roads/streets vide Resolution No. VIII (C-31) dated 13.10.2006 (**Annexure 'D'**

**See pages 208-215) :-**

- (a) Naming and numbering of public streets have to be with the sanction of the Council as per Section 231 (i) (a) of the NDMC Act. The representation for naming should be from a group of persons such as an Association, Manch etc. Any proposal for naming has to be put-up for sanction or rejection of the Council. The name has to be for an unnamed road/street. Subsequently the decision taken by the Council is to be communicated to the State Names Authority (SNA), GNCT of Delhi for their approval. The cases of rejection by the Council may be communicated directly to the concerned organization.
- (b) The guidelines of the Ministry of Home Affairs, Govt. of India, vide letter No.13022/34/74/Delhi dt.27.09.1975 are to be strictly adhered to with respect to renaming of streets. Any renaming can be considered by the Council only when

there are directives from the Govt. of India. The Department shall communicate to the applicants directly as per guidelines of the Govt. of India. Renaming can only be an exception. Recommendations can be given by the Council regarding renaming. Any contrary decision of the Govt. of India shall be brought to the notice of the Council.

- (c) With regard to installation of statues, the guidelines of the Govt. of India are to be adhered to strictly and all proposals are to be forwarded to the State Names Authority and Govt. of India for requisite permissions.
- (d) Byelaws for naming of streets shall be framed taking into consideration the guidelines of the State Names Authority and Govt. of India. With regard to action taken in the past, the matter shall be referred to Ministry of Home Affairs for approval.
- (e) Any other Guidelines as decided by the Council. The Council may consider the proposal/request regarding naming/renaming of roads in the light of the above guidelines.

**5. Financial Implications.**

There are no financial implications.

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

Not applicable.

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

Renaming of roads in NDMC area is purely an administrative / policy matter. The department is requested to process the case further for according approval of

Competent Authority strictly as per rules & guidelines of NDMC, keeping in view the instructions issued by Govt. of India in this regard.

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

No comments

**9. Final views of Finance Department**

Not applicable.

**10. Legal implications of the subject.**

No legal implications are involved in the matter.

**11. Comments of Law Department.**

No legal issue is involved.

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

Nil

**13. Details of previous council Resolutions, existing law of Parliament and Assembly on the subject:**

- (i) Resolution No.16 (C-25) dated 28.10.2009.
- (ii) Resolution No.11 (C-6) dated 16.05.2007.
- (iii) Resolution No.VIII (C-31) dated 13.10.2006.
- (iv) Resolution No.3 (iv) dated 01.11.2002.

- (v) Resolution No.3 (vi) dated 26.02.2002.
- (vi) Details of policy on the subject given in para-4.

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

Not applicable.

**15. Recommendations**

Council may decide regarding re-naming of the road/street, "A" Avenue, Sarojini Nagar, as 'Ch. Dilsukh Marg'.

**16. Draft Resolution.**

That the lane known at 'A' Avenue from Brig. Hoshiar Singh Marg to 3<sup>rd</sup> Cross Road, Sarojini Nagar be renamed as Ch. Dilsukh Marg.

**COUNCIL'S DECISION**

Resolved by the Council that the lane known as 'A' Avenue from Brig. Hoshiar Singh Marg to 3<sup>rd</sup> Cross Road, Sarojini Nagar may be recommended for renaming as Ch. Dilsukh Marg.

**ANNEXURE 31 PAGES**



































































ANNEXURE ENDS

**ITEM NO. 17 (W-01)****1. Name of the Subject:**

Development of Multi Level Parking at Khan Market Area.

**2. Name of the Department:**

Projects Department

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

Khan Market is the transferred market from the L&DO and NDMC is managing the lease hold rights in the said market. Whatever revenue is received from the ground rent or the conversion charges is deposited in an account maintained by NDMC and statement for the same has to be sent to the L&DO.

High Court case (LPA 565/2011) - Khan Market Trader Association v/s Union of India and others – on dated 08-02-2013 Hon'ble Justice S. K. Kaul and Ms. Justice Indermeet Kaur directed the L&DO to process the allotment of land for MLP at Khan Mkt. before 05-03-2013. In compliance of judgment L&DO vide letter no. L&DO/LV-16(246)/72 Dated: 04-03-2013 offered the allotment of land to NDMC on certain terms & conditions. NDMC has requested vide letter no. 388/Dir(Proj)/2013 dated 23-04-2013 and 04-07-2013 for charging non-commercial rates for allotment of said land, followed by D.O. letter no. 636/PS/Ch'man/Pr./2013 to secretary UD (Govt. of India) by Hon'ble Chairman, NDMC on 30-07-2013, which was summarily rejected by L&DO and requesting for payment of land immediately failing which allotment will be cancelled.

**4. Detail Proposal on the subject/project**

Approval of terms & conditions of allotment of land by L&DO vide letter no. L&DO/LV-16(246)/72 dated 04-03-2013

- (i) The N.D.M.C. will pay cost of land @ Rs. 28.980/- per Sq. Mtr. (provisional) and 2.5% thereof as annual ground rent. This land rate is valid upto 3 March 2000. The NDMC will be liable to pay the enhanced cost of land and ground rent when the land rates are revised w.e.f. 01.04.2000.
- (ii) The allotment is subject to approval of the lay out plan by CA, CPWD/ Local body.
- (iii) The N.D.M.C. will use the land only for the purpose for which it has been allotted and not for any other purposes.
- (iv) The date of allotment of the site will be the date of this letter and all payment in respect of this allotment will become due for payment from this date.
- (v) The N.D.M.C. shall be required to construct the building in conformity with the architectural surroundings of the area within a period of 2 years from the date of handing over possession of the land.
- (vi) The trees, if any, standing on the plot shall remain as Govt. property and shall not be removed or otherwise disposed of without obtaining prior permission of this office.
- (vii) The N.D.M.C. shall execute the lease agreement and lease deed at their own cost.
- (viii) The N.D.M.C. shall be required to get the plan approved from the local body/ DUAC/L&DO before the commencement of the construction work on the land. The design of the Car Parking should conform to the architectural surrounding of the area.
- (ix) The N.D.M.C. would seek the approval of local bodies/DUAC from environmental and aesthetic point of view before executing construction of the building.
- (x) The land in question falls under the jurisdiction of the N.D.M.C.
- (xi) The N.D.M.C. shall be required to pay Ground rent in advance whether the same shall have been demanded or not, and in case of failure to make the payment of Ground rent on due date will render NDMC liable to pay interest @ 10% per annum or at such rates as Govt. may fix from time to time for the period the payment of ground rent is delayed from the date it fell due.
- (xii) Removal of squatters/structures, if any, will be responsibility of the N.D.M.C.

- (xiii) For this plot of land allotted for Multilevel Car Parking, no FAR would be available to N.D.M.C. and the upper part of the plot would be used -for land scuffing and maintained as green.
- (xiv) The Allotment of land measuring 4972.5 Sq. Mtr. including the portion of land occupied by Empire Coal Company will be subject to the outcome of the Court case.
- If the above terms and conditions are acceptable to the N.D.M.C, the acceptance thereof may please be communicated in writing, with a cheque for a sum of Rs. 14.77,05,656/- (Rupees fourteen crore seventy seven lakh five thousand six hundred fifty six only).

The details of the dues are as under:

1.	Premium	Rs. 14,41,03,050/-
2.	Ground rent for one year @ 2.5% PA	Rs. 36.02,576/-
3.	Cost of preparation of agreement for lease	Rs. 30/-
<b>Total:</b>		<b>Rs. 14,77,05,656/-</b>

- The cheque should be crossed 'Not Negotiable' and drawn in favour of the Land and Development Officer, Nirman Bhawan, New Delhi, If no reply is received within 45 days from the date of issue of this letter, it will be assumed that you are not interested in the allotment and the allotment will be treated to have been cancelled at your risk.
- For all future correspondences, the file No. given at the top left side of this letter may be mentioned.

The possession of the site will be handed over to you after completion of above formalities and after registration of agreement for lease.

**5) Financial implications of the proposed subject:**

• Premium for allotment of land to NDMC by L&DO	Rs. 14,41,03,050/-
• Ground rent for one year @ 2.5% PA	Rs. 36.02,576/-
• Cost of preparation of agreement for lease	Rs. 30/-
<b>Current Financial implications Total:</b>	<b>Rs. 14,77,05,656/-</b>

- Cost of construction to be worked out after project report is prepared by concerned department.

**6) Implementation schedule with timelines for each stage including internal proceeding:**

N.A. at this stage. The agenda is before the council for procurement of land on payment of demanded cost on commercial rates and the terms & conditions envisaged in the allotment letter sent by L&DO. The main condition of allotment is that no FAR would be available to NDMC and the other part of the plot would be used for land scuffing and maintain as green.

**7) Comments of the Finance Deptt. on the Subject:**

Finance department has proposed to place the matter before the council

**8) Comments of the Deptt. on Comments of Finance Deptt.:**

Refer to reply at point no. 7

**9) Legal implications of the Subject:**

Nil

**10) Detail of previous Council Resolutions, existing law of Parliament and Assembly on the subject:**

The matter was place before the council on the 10-04-2013 vide resolution item no. 15 (w-01). The recommendation of the council was land allotment may be accepted, if land is given on similar terms as those for Sarojini Nagar and Baba Kharag Singh Marg considering the face that no part use as commercial activities is being allowed to make it a financially viable project. Till commencement of construction, this plot will be used as open paid parking either through contractor or on Bhaghidari basis. Hon'ble High Court shall be informed accordingly.

**11) Comments of the Law Deptt. on the subject:**

Law Department no legal issue involved.

**12) Comments of the Deptt. on the comments of Law Deptt:**

Not Required.

**13) Recommendation**

The above is placed before the Council for to decide the payment to L&DO on account of allotment of land for MLP at Khan Market.

**COUNCIL'S DECISION**

Resolved by the Council that the payment be made to L&DO on account of allotment of land for MLP at Khan Market as per the quoted price.



**ITEM NO. 18 (A-19)****1. NAME OF THE SUBJECT**

Name of work:-Stg. of water supply system in NDMC area.

Sub Head:-Improvement and Revamping the Existing Water Supply System Including Water Audit, Consumers Survey, GIS Mapping, Measures to Reduce NRW /UFW, Achievement of Service level Benchmark and Upgrading the System for Continuous Water Supply to the command area of NDMC.

**2. NAME OF THE DEPARTMENT**

Civil Engineering, Public Health circle, Water Supply Division.

**3. BRIEF HISTORY OF THE SUBJECT**

NDMC, covering an area of 42.74 Km<sup>2</sup>, is governed by a Council with a Chairperson appointed by the Central Government.

NDMC is directly responsible for maintenance of complete water supply and sewerage services in areas under the jurisdiction of NDMC which is 3% of the total geographical area of Delhi.

As per the last census, the present population of the project area is around 2,32,255 and the water supply demand for NDMC area is 127.71 MLD (Considering 40% losses). However, the present requirement of water supply to the NDMC area is 133.75 MLD out of which Delhi Jal Board is supplying about 123.75 MLD and about 10 MLD is being supplemented through the deep tube wells within NDMC area. Due to technical and commercial losses, water supply to NDMC area is limited to 4-6 hours in most part of the city. NDMC now intends to improve technical efficiency and improvement in services for stakeholders within the NDMC area and meet the project objective. The following steps are required to be taken care of:-

- Reduction in Non-Revenue Water (NRW) and Un-accounted for water (UFW)
- Improvement in level of service to residents and establishment within the NDMC area.
- Upgrading the infrastructure for continuous (24&7) water supply.
- Improved management of water supply infrastructure and capacity building of existing system through appropriate model.

In this regard, NDMC assigned the consultancy services to the Joint Venture of DRA Consultants Pvt. Ltd. Nagpur, Shah Technical Consultants, Mumbai & MIYA Manila Water Project Inc. Philippines, vide NDMC's LOI NO. EE(WS)/D/795/2011 dated 11/05/2011 and the contract agreement of the above assignment has already been executed and signed by all the parties on 02/06/2011. The total work is to be carried out in three phases as following.

- a) Phase I: Consultancy services for preparation and approval of Detailed Project Report as per JnNURM Toolkit.
- b) Phase II: Preparation of Bid Document and Evaluation Criteria for implementation of Project.
- c) Phase III: Project Management Consultancy for construction / rehabilitation & monitoring during O & M for specified period.

Under Phase –I, the firm has submitted the DPR to carry out the improvement of the existing water supply including water Audit, consumer survey, GIS Mapping to Reduce NRW/UFW, Achievement of SLB and upgrading the system for continuous (24&7) Water Supply to the command area of New Delhi Municipal Council (NDMC) and the following details are submitted in the DPR by the agency for further consideration.

1. The project area has been divided into three administrative zones.
  - (i) NDMC Zone-I Gole Market.
  - (ii) NDMC Zone –II JorBagh.
  - (iii) NDMC Zone-III Vinay Marg.

The existing water sources for project area are of the following facilities from Delhi Jal Board.

- (a) Jhandewalan UGR.
- (b) Talkatora
- (c) Hasanpur UGR, which is being supplied water from Chandrawal WTP
- (d) Palam UGR which is being supplied water from Haidarpur WTP
- (e) Hans Bhavan direct tapping on pumping main leading from Wazirabad WTP.
- (f) Nizamudin direct tapping on main from Sonia Vihar WTP.

Water is being supplied to NDMC area from above sources at 13 locations through 19 tapping points. Apart from this underground water is fetched from 48 working tube wells within NDMC area. Water distribution is managed through 28 Booster Pumping Stations.

Further, the consultant has submitted the deficiencies observed for maintaining the water supply in NDMC area which are described below:-

- (1) DJB Water Supply to NDMC is around 120-125 MLD. However, NDMC does not have facilities for continuous monitoring of flow as flow meter readings are submitted after one month and most of meters, which are being maintained by DJB, are not working.
- (2) Absence of monitoring of inlet flow from various sources, results into improper control of distribution system for NDMC.
- (3) Talkatora, Hasanpur reservoirs are supplying water exclusively to NDMC areas along with Palam (partial supply) and Jhandewalan Reservoir. However, NDMC does not have operations control over these reservoirs to manage the water supply within the areas.
- (4) There are too many booster pumping stations (BPS) in existing water supply system. There are 28 Nos. of BPS in NDMC area apart from 64 Nos. of tube wells to serve only 42.73 sq. km. area. It results in to blocking of 110038 sq. meters area due to BPS installations with higher energy cost, O&M cost and establishment size.
- (5) Old Distribution Network: Many areas of NDMC area served with network more than 30 years old which needs replacement in a phased manner.
- (6) Water Supply of JJ Cluster: The water supply to un-authorized JJ Cluster is a challenge for NDMC. The appropriate policy is required to address this issue.
- (7) Un-metered Consumption: substantial number of connections are unmetered in NDMC area which need to converted into the registered connection.

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

##### **A. Proposal option for remodeling (for year 2027) of water supply system.**

The agency has further submitted for following points for consideration for improvement of uninterrupted water supply linked with the water demand by analyzing the feasibility for remodeling of the system (for year 2027) with the following points are to be considered for remodeling of the system.

- i. Full utilization of existing Main UGR (Talkatora & Hasanpur) within the control of NDMC.

- ii. No additional water supply required to meet the prospective demand if losses in system are reduced from existing 40% to 15%.
- iii. Utilization of individual storage at BPS retained in system for mass balance of inflow and out flow during peak and nonpeak hour supply.
- iv. 11 Nos. of BPS are proposed to be dispensed with which will save cost of O & M as well as making free, occupied land of BPS for other purpose.
- v. New centralized pumping stations are proposed at Talkatora and Hasanpur.

**B. Proposed options for remodeling for year 2042 are as follows.**

Option-1: No change in Model suggested for 2027, expect replacement of pumping machinery for requirement of 2042 demand based on energy audit of each pumping station before year 2027.

Option 2: Following BPS to be bypassed with centralized pumping as stated below.

- a) Centralized pumping @ Palam to bypass Sardar Patel, Moti Bagh & Netaji Nagar BPS.
- b) Second centralized Pumping Station @ Hasanpur UGR to byepass Vinay Marg BPS & Sarojini Nagar BP.
- c) Replacement of Pumps at Jhandewalan, feeding three D/s BPS (Mandir Marg, Harijan Basti & Shivaji Stadium BPS, with parameters of 2042 to bypass these three BPSs.

The Consultant has further proposed Web Based Centralized Monitoring System with Instrumentation & SCADA along with Web GIS Customized Applications with Water Billing Solutions, planning and feasibility for improving the existing situation and up-gradation the system for uninterrupted water supply in the area.

For implementing the above proposal, an Estimated cost of Rs.153.10 Crores is prepared and submitted by the Consultant, which is checked in Planning and Finance Department and now being put up before the Council for acceptance (A/A & E/S). After that the preparation of Detailed Estimate and other allied activities can be started by the Consultant. ***This scheme has already been scrutinised in JNNURM and expected to be placed for final consideration in its April'14 meeting.***

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

Rs. 153.10 Crores (Some part of it is expected to be sanctioned through JNnURM, as per rules)

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

P.E- Jan. 2014

D.E.(Tech.Sanction)– 90 days after A/A& E/S.

NIT & Award –90 days after Tech. Sanction

Execution of work –3 Years

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

Finance Deptt has observed , vide diary no. 2643/Finance- R- Civil, dated 30.12.2013 that the proposal of the department is to place the Detail Project Report submitted by consultant and estimate before the Council w.r.t. implantation of 24x7 un-interrupted water supply in NDMC area. Detail Project Report is a technical issues/matter, and FD has no objection for placing the same before Council for consideration.

As far as estimate is concerned, Planning at P-84/N has stated "since the estimate is prepared on the basis of DPR being voluminous which cannot be checked as already reported by EE(W/S)". In this context it is pointed out that in terms of provisions of Para 3, Section 2 of CPWD Manual Vol.-I, estimates plans needs to be checked & scrutinized by Planning, copy enclosed. Therefore PE may be processed separately which requires to be checked from Planning in compliance of provisions of Manual as referred to before placing the same to the Council. As far as budget provisions is concerned, the department may seek approval of the council for keeping requisite funds in BE 2014-15 for the proposed scheme in anticipation of approval of preliminary estimate.

Further Finance Department checked the DPR/Estimate and observed at NP/ 90-91 as under:

Council vide resolution No. 10 (W-01) dated 20.04.2011 has accorded AA&ES amounting to Rs. 2.55 crore and acceptance of lowest quoted rates of M/s. DRA Consultants Pvt. Ltd. JV with Shan Technical Consultants Pvt. Ltd. & Miya for consultancy services for improvement and revamping the existing water supply system including water audit, consumer survey, GIS mapping measures to reduce NRW/UFW, achievement of service level benchmark and upgrading system for

continuous (24x7) water supply to command area of NDMC. The consultant has now submitted Detailed Project Report amounting to Rs. 192.52 crore which has been checked by the department for Rs. 153.10 crore.

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

As per the observations of Finance Department on 86/N, the DPR as a whole is recommended to be accepted by the Council. However, in contradiction to the above, it is mentioned that the Preliminary Estimate should be prepared separately to get checked by the Planning Division for AA & ES.

As per the observations of Finance Department vide NP- 90 & NP-91. The para wise reply was as under:-

1. The said DPR has already been accepted in JNNURM. However, the Final confirmations shall be given in its April -2014 Meeting.
2. Since this is not a PPP Model Hence all the suggested five different options of the consultant are not applicable at this stage.
3. The DPR/Estimate is prepared by presuming that about 30% of water lines shall outlived their lives and accordingly the RR Chargers are calculated on the basis of current rates of roads divisions. It is to ensure that only the assets which have outlived their prescribed life or otherwise mandatory to replace for successful commissioning of the project shall be considered. Rest of the materials shall be surveyed off by adopting proper procedure.
4. Road restoration works to the extent of quantum considered in DPR/Estimate .is necessary as per the current calculation proposal of the consultant..

Considering the above replies, since the said DPR/estimate has already been concurred in by Finance Department, the same may please be allowed to be placed before the Council in its January 2014 Meeting.

Further, it is recommended to get the DPR (as preliminary estimate) accepted by the Council for AA & ES amounting to Rs.153.10 Crores so that the Detailed Estimate can be prepared by the Consultant for further necessary action.

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

The proposal of the department is to place Detailed Project Report with estimated cost amounting to Rs. 153.10 Crore duly checked by Planning for approval of Council, bringing on record that detailed measurements taken in the estimate are correct and final as per requirement at site.

The department may process their proposal for consideration of Council, however, following information may also be brought on record:

1. Perusal of P-63/N reveals three sets of DPR were submitted n to JNNURM. Status of the same alongwith JNNURM funding.
2. As to what PPP model will be adopted, as six such models were suggested by consultant, as mentioned at P-51/N.
3. It has been seen that estimate also covers replacement of various existing assets and road restoration works involving huge amounts. The department may bring on record whether the replaceable assets have outlived their prescribed life and if not justification for their replacement. The replaceable assets also needs to be surveyed off with due justification. Road restoration work to the extent of quantum taken in DPR/estimate is necessary for proposed scheme.

**10. LEGAL IMPLICATION OF THE SUBJECT**

No law point involved

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

Item No. 10 (W-01) dated 28.04.2011.

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

N / A

**13. FINAL VIEW OF LAW DEPARTMENT**

N / A

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

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

**15. RECOMMENDATION**

Recommended for acceptance of DPR and A/A & E/S of Preliminary Estimate amounting to Rs. 153.10 Crores

**16. DRAFT RESOLUTION**

DPR for uninterrupted water supply in NDMC along with the preliminary Estimate amounting to Rs. 153.10 Crores is accepted by the Council.

**COUNCIL'S DECISION**

DPR for uninterrupted water supply in NDMC along with the preliminary Estimate amounting to `153.10 Crores is accepted by the Council.



**ITEM NO. 19 (E-07)****01. Name of the subject/project**

Sanction of Additional Staff for Palika Maternity Hospital, Lodhi Colony, New Delhi

**02. Name of Department & other Concerned Departments.**

Medical Department

- 03. Brief History:** - Palika Maternity Hospital was initially opened with bed strength of 30 beds on 19<sup>th</sup> November, 1985, is ready after renovation to start indoor & outdoor patients facilities. In the beginning hospital was commissioned with the objective of providing basic maternity services to the NDMC employees as well as population living in nearby area.

The facilities provided were deficient as patients were booked for delivery with 5 months of pregnancy, follow up and care after/upto delivery. However, due to inadequacy of staff and space off & on patients were not taken up after 5 months of pregnancy due to unforeseen complications, as well as these patients were referred to other hospitals in the interest of the patient care. To achieve the objective of round the clock Maternity & Child Welfare Services, and increase in the number of patients the department proposed to increase the strength of beds from 30 to 65 on the analogy of 64 bedded Maternity & Child Welfare Hospital at Nasirpur under Govt. of NCT of Delhi. Therefore, the staff strength of the hospital is to be strengthened.

- 04. Detailed proposal of the Subject:** On opening of the hospital the Medical Deptt. has proposed to appoint the following staff in addition to existing staff (\*as per the budget

book 2005-06). Detail of which showing No. of post, consolidated salary, and monthly expenditure as under:-

S. No	Name of Post	Pay Scale	Sanctioned posts in PMH *	No. of Additional Posts Required	Consolidated pay (each person)	Monthly expenditure
1	MS (PMH)	Rs.15600-39100 + G.P. 7600/-	Nil	01	Rs. 69,832/-	Rs. 69,832/-
2	DMS/Addl. MS	Rs.15600-39100 + G.P. 6600/-	Nil	01	Rs. 60,007/-	Rs. 60,007/-
3	CMO (Admin.)	Rs.15600-39100 + G.P. 6600/-	Nil	01	Rs. 60,007/-	Rs. 60,007/-
4	Specialist	Rs.15600-39100 + G.P. 6600/-	07 (Anest – 2 Gynae – 2 Pedia – 2 Radio-1)	04 (Anest-1) (Gynea-1) (Pedia-1) (Patho-1)	Rs. 60,007/-	Rs. 2,40,028/-
5	Medical Officer	Rs.15600-39100 + G.P. 5400/-	14	Nil	Nil	Nil
6	Senior Resident	Rs.15600-39100 + G.P. 6600/-	03	18	Rs. 60,007/-	Rs. 10,80,126/-
7	Junior Resident	Rs.15600-39100 + G.P. 5400/-	02	19	Rs. 50,654/-	Rs. 9,62,426/-
8	Asstt. Matron	Rs. 10900-34800 + GP 4200/- (DTL)	Nil	01	Rs. 33,334/-	Rs. 33,334/-
9	Nursing Sister	Rs. 10900-34800 + GP 4000/- (DTL)	02	04	Rs. 31,012/-	Rs. 1,24,048/-
10	Staff Nurse	Rs. 10900-34800 + GP 4000/- (DTL)	16	30	Rs. 31,012/-	Rs. 9,30,360/-
11	Lab. Technician	Rs. 5200-20200 + GP Rs. 2800/-	04	01	Rs. 22,291/-	Rs. 22,291/-
12	Lab Asstt.	Rs. 5200-20200 + GP Rs. 1900/-	Nil	04	Rs. 14,328/-	Rs. 57,312/-
13	Lab. Attendant	Rs. 5200-20200 + GP Rs. 1800/-	01	03	Rs. 13,072/-	Rs. 39,216/-

14	O.T. Technician	Rs. 5200-20200 + GP Rs. 2800/-	02	02	Rs. 22,291/-	Rs. 44,582/-
15	O.T. Asstt.	Rs. 5200-20200 + GP Rs. 1900/-	01	04	Rs. 14,328/-	Rs. 57,312/-
16	Radiographer	Rs. 9300-34800 + GP Rs. 4200/-	02	Nil	Nil	Nil
17	Pharmacist	Rs. 5200-20200 + GP Rs. 2800/-	02	03	Rs. 22,291/-	Rs. 66,873/-
18	CSSD Technician	Rs. 5200-20200 + GP Rs. 2800/-	Nil	01	Rs. 22,291/-	Rs. 22,291/-
19	CSSD Attendant	Rs. 5200-20200 + GP Rs. 1800/-	Nil	02	Rs. 13,072/-	Rs. 26,144/-
20	Dietician	Rs. 9300-34800 + GP Rs. 4200/-	Nil	02	Rs. 25,972/-	Rs. 51,944/-
21	BMW Asstt.	Rs. 5200-20200 + GP Rs. 1900/-	Nil	01	Rs. 14,328/-	Rs. 14,328/-
22	Section Officer	Rs. 10900-34800+ GP Rs. 4200/- (DTL)	Nil	01	RS. 33,334/-	Rs. 33,334/-
23	Head Asstt.	Rs. 10900-34800 + GP Rs. 4000/- (DTL)	01	Nil	Nil	Nil
24	Statistical Asstt.	Rs. 9300-34800 + GP Rs. 4200/-	Nil	02	Rs. 25,972/-	Rs. 51,944/-
25	Stenographer	Rs. 5200-20200 + GP Rs. 2400/-	01	02	Rs. 19,797/-	Rs. 39,594/-
26	Sr. Assistant	Rs. 8500-26300+ GP Rs. 3100/- (DTL)	02	01	Rs. 25,215/-	Rs. 25,215/-
27	LDC/Clerical Asstt.	Rs. 5200-20200 + GP Rs. 1900/-	02	03	Rs. 14,328/-	Rs. 42,984/-
28	Jr. Accounts Officer	Rs. 9300-34800 + GP Rs. 4200/-	Nil	01	Rs. 25,972/-	Rs. 25,972/-

29	Peon	Rs. 6000-20200 + GP Rs. 2000 (DTL)	02	02	Rs. 15,652/-	Rs. 31,304/-
30	Medical Record Officer	Rs. 9300-34800 + GP. Rs. 4200/-	Nil	01	Rs. 25,972/-	Rs. 25,972/-
31	Driver	Rs. 5200-20200 + GP Rs. 1900/-	04	02	Rs. 14,328/-	Rs. 28,656/-
32	Cook	Rs. 5200-20200 + GP Rs. 2000/-	02	Nil	Nil	Nil
33	Kitchen Attendant	Rs. 5200-20200 + GP Rs. 1800/-	02	Nil	Nil	Nil
34	ECG Technician	Rs. 5200-20200 + GP Rs. 2400/-	Nil	02	Rs. 19,797/-	Rs. 39,594/-
35	Dark Room Asstt.	Rs. 5200-20200 + GP Rs. 2800/-	02	Nil	Nil	Nil
36	Electric Technician	Rs. 9300-34800 + GP Rs. 4200/-	01	Nil	Nil	Nil
<b>Total</b>				<b>119</b>		<b>Total Rs. 46,07,030/-</b>

**05. Financial implication of the proposed subject:** For Manpower salary - Rs.46,07,030/- (Rs.

Forty Six Lac Seven Thousand Thirty Only) P.M.

**06. Comments of Finance:** Sanctioning/engaging of staff is purely an administrative matter.

There are certain norms available/prescribed by Govt. for appointment/engagement of staff. If as per opinion of Personnel Department, the requirement is as per analogy of Delhi Government guidelines, the case may be further processed for according approval from the competent authority.

**07. Comments of the Department on the comments of The Finance:**

Nil.

08. Legal implication of the subject:

09. Comments of the Law Department:

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

11. CVC Guidelines: All CVC guidelines are being followed.

12. Recommendations: - From the detail given at col. No. 4 all additional staff to be sanctioned. It is worth to mention that the R.R. of few posts are not available those posts should be filled once the R.R. of same are approved by the Council and accordingly for the same separate case will be submitted to the Council. The posts those R.R's. stand approved by the Council will be filled immediately.

S. No	Name of Post	Pay Scale	No. of additional posts require
1	MS (PMH)	Rs.15600-39100 + G.P. 7600/-	01
2	DMS/Addl. MS	Rs.15600-39100 + G.P. 6600/-	01
3	CMO Admin.	Rs.15600-39100 + G.P. 6600/-	01
4	Specialist	Rs.15600-39100 + G.P. 6600/-	04 (Anest-1) (Gynea-1) (Pedia-1) (Patho-1)
5	Senior Resident	Rs.15600-39100 + G.P. 6600/-	18
6	Junior Resident	Rs.15600-39100 + G.P. 5400/-	19
7	Asstt. Matron	Rs.10900-34800 + GP 4200/- (DTL)	01
8	Nursing Sister	Rs. 10900-34800 + GP 4000/- (DTL)	04
9	Staff Nurse	Rs. 10900-34800 + GP 4000/- (DTL)	30
10	Lab. Technician	Rs. 5200-20200 + GP Rs. 2800/-	01
11	Lab Asstt.	Rs. 5200-20200 + GP Rs. 1900/-	04
12	Lab. Attendant	Rs. 5200-20200 + GP Rs. 1800/-	03

13	O.T. Technician	Rs. 5200-20200 + GP Rs. 2800/-	02
14	O.T. Asstt.	Rs. 5200-20200 + GP Rs. 1900/-	04
15	Pharmacist	Rs. 5200-20200 + GP Rs. 2800/-	03
16	CSSD Technician	Rs. 5200-20200 + GP Rs. 2800/-	01
17	CSSD Attendant	Rs. 5200-20200 + GP Rs. 1800/-	02
18	Dietician	Rs. 9300-34800 + GP Rs. 4200/-	02
19	BMW Asstt.	Rs. 5200-20200 + GP Rs. 1900/-	01
20	Section Officer	Rs. 10900-34800+ GP Rs. 4200/- (DTL)	01
21	Statistical Asstt.	Rs. 9300-34800 + GP Rs. 4200/-	02
22	Stenographer	Rs. 5200-20200 + GP Rs. 2400/-	02
23	Senior Assistant	Rs. 8500-26300+ GP Rs. 3100/- (DTL)	01
24	LDC/Clerical Asstt.	Rs. 5200-20200 + GP Rs. 1900/-	03
25	Junior Accounts Officer	Rs. 9300-34800 + GP Rs. 4200/-	01
26	Peon	Rs. 6000-20200 + GP Rs. 2000 (DTL)	02
27	Medical Record Officer	Rs. 9300-34800 + GP. Rs. 4200/-	01
28	Driver	Rs. 5200-20200 + GP Rs. 1900/-	02
29	ECG Technician	Rs. 5200-20200 + GP Rs. 2400/-	02
<b>Total</b>			<b>119</b>

### COUNCIL'S DECISION

The Council was informed that the agenda is placed for wider appreciation of the proposal but Council is requested for approval of only Group 'A' posts as for the remaining posts the Chairman is competent. Also it was informed that wherever DTL scales are proposed same will be converted to CPC scales.

Resolved by the Council that as per detail given at para 4 of the preamble all Group 'A' additional staff is sanctioned and for those posts whose R.R's. stand approved by the Council will be filled immediately.



**ITEM NO. 20 (H-02)****1. NAME OF THE SUBJECT:**

Policy for appointment/regularization of TMR/RMR/Contractual etc..

**2. NAME OF THE DEPARTMENT:**

Personnel Department (**Secretary's Establishment**)

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

Council has framed policy for regularization of RMR Employees from time to time which are explained as under:-

Council vide Resolution No. 3 (iv) dated 14.02.1997 resolved that:

- a) All RMR employees who have put in more than 6 years service on 31.12.1996 should be regularized as a one time measure.
- b) In order to accommodate all those workers, required number of Group D posts in respective cadres be created.
- c) The regularization be done irrespective of existing vacancies in various departments and the existing vacancies abolished and posts created in the respective departments to accommodate/regularize persons who were working as TMR or RMR on 31.12.1990 and had completed 6 years from 31.12.1990.
- d) All RMR workers, even those working against Group 'C' posts, be regularized only against Group 'D' posts.

TMR workers, who were appointed before 31.12.1990 and have worked regularly without any break and completed 6 years service be regularized after due verification.

Service as TMR plus RMR without break was six years on 31.12.1996. Thus, all TMR/RMR workers engaged prior to 01.01.1991 were regularized.

The Council vide **Resolution No. 8 dated 18.03.1999** resolved that:



- (a) The policy formulated vide Resolution dated 4.02.1997 be followed subject to the modification that in the first instance the regularization be carried out against existing vacancies. The cut off date as approved at the time of last regularization was 31.12.1996. The next cut off date could be 31.12.1997 followed by 31.12.1998 and so on.
- (b) Subsequent regularization be carried out against the vacancies arising out of retirement, resignation, death etc. in the respective category against RMR workers would be eligible for regularization.
- (c) The respective user departments may carry out work study justifying creation of additional posts, if so required, in the department and after proper sanction thereof, regularization of RMR workers in the respective departments may be considered.
- (d) The beneficiary must fulfill the educational qualifications as prescribed in the Recruitment Rules for the category of posts against which he is considered for regularization.
- (e) Keeping in view the existing workforce and future regularization of RMR workers, there should now be a complete ban on regularization of TMR into RMR.
- (f) For all future recruitments a proper system as in the case of regular appointments may be followed giving benefit to SC/ST category of RMR workers.
- (g) For short time deployments on special occasions, muster roll shall be drawn as per works requirements/norms and charged on the work itself. This would be a one time exercise for which no card should be issued and their services dispensed with at the completion of the work special requirement.

The Council vide **Resolution No. 11 (H-16) dated 19.12.2007** resolved that:

- (a) The cut-off date for counting 500 days for TMR workers be taken as 31.12.2001 for considering them as RMR and then after 6 years of service and regularization of gap period, service be regularized w.e.f. 01.01.2008.

The Council vide **Resolution No. 22 (H-04) dated 15/22/07.2007** noted the recommendations of the Department in para 4 of the agenda and directed that the process

for filling up the vacancies as per para 4 (iii) be expedited. The para 4 of the agenda is as under:-

4 (i) The Council's Resolution dated 18.03.1999 has been recently examined by the Central Administrative Tribunal, Principal Bench in the case of Shri Ajay Kumar Pandey Vs. New Delhi Municipal Council (Case No. 427/09). The Tribunal vide its order dated 30.04.2009 has upheld the Council Resol. Dated 18.03.1999 that there would be no TMRs after 18.03.1999. The point at issue was as to who are the persons entitled to the benefit of being considered as RMR and there after regularization after 06 years as RMR subject to RRs, age criteria and availability of vacancies. The Tribunal has held that whosoever had been engaged as TMR upto 18.03.1999 should be considered for RMR on completion of 500 days as TMR and then regularized on completion of 06 years of continuous service subject to other conditions. The relevant portion from this judgement reads that all such persons who had come to the rolls before 18.03.1999, the supervening prohibition date, may be considered for giving the status of RMR and then regularization. The Tribunal's decision and its implementation would mean that the cut off date for ban is 18.03.1999 and whosoever had joined the NDMC as TMR before the said date, a prohibition date, whether he was a card holder or not, is entitled to RMR status on completion of 500 days and on completion of 06 years service as RMR, he would be eligible for regularization subject to fulfillment of other prescribed conditions.

4 (ii) The interpretation by the Tribunal is the most rotational interpretation and benefit of the said decision shall be given to all those who had joined the NDMC as TMR upto 18.03.1999, the date of prohibition.

Accordingly, a seniority list of those who were taken as TMR prior to coming into force of the ban from 18.03.1999, and who were working without any break upto 31.12.2006 will be drawn up and persons on the basis of seniority from this list will be first adjusted/regularized against the vacancies, if any, as on 31.12.2006 from 02.01.2007 and remaining persons against the vacancies as on 31.12.2007. The said regularization against the vacancies that may be worked out as on 31.12.2008. This has to be .

- i) The workers to be given RMR Status should be either MR Card Holder or Non-Card Holder.
- ii) The workers must have worked 500 days and above upto 31.12.2001 to become eligible for RMR status.
- iii) He should be working in NDMC in 2008 and overall there should not be a total gap of two years to ascertain his continuity.
- iv) The days or service put in by a muster roll employee should be verified by the divisional Accountant/Accounts Officer including HODs. The work and conduct Report of the workers should be satisfactory.
- v) If any clarification is required to implement the above proposal clarification given by the appointing authority i.e. Secretary NDMC shall final.

4 (iii) After adjustment of all those who were taken as TMR prior to 18.03.1999 and working without any break upto 31.12.2006, the vacancies, if any, have to be filled in by the Establishment Branches as per the Council's Resolution and directions of the Supreme Court i.e. by following normal established procedure of giving regular appointment or at least adhoc appointment of short term contractual appointment till regular appointment made as per the recruitment rules for the post. This, however, cannot be out of TMRs/RMR/daily wages. The said vacant posts will be filled as per recruitment rules of the respective posts after inviting applications and requesting Employment Exchange to sponsor candidates, and selection be made out of these candidates. The persons with requisite qualification, age, etc. who had earlier worked with the NDMC may also be considered along with other candidates.

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

The issue of regularization/appointment of TMR/RMR/contractual etc. has been raised time and again and discussed at various forums and after deliberating on the same the following is proposed:

**A. RELAXATIONS FOR EXISTING RMR TO REGULAR**

1. **Present Practice of regularizing the RMR to Regular employees:** The RMR employees need to work for 6 years before becoming regular employees.
2. **Recommendations for the consideration of the Council:** The RMR employee who has completed total of 2000 days (including TMR & RMR days) since he started working as daily wager/muster roll employee in NDMC, will be regularized subject to minimum duration of 2 years working as RMR.
3. **Benefit:** A RMR employee, if he has been engaged as daily wager for long period before becoming RMR (which is a norm in most of the cases), can be regularized within 2 years of becoming RMR instead of waiting for 6 years. This will also benefit the contractual employees who work for number of years on full time basis generally very limited break.

**B. PROCEDURE FOR APPOINTMENT OF SKs:**

1. **Present Practice of regularizing the TMR to Regular employees:** Judgement of Supreme Court in case of Uma Devi rules that appointments have to be made as per constitutional provisions and as per regular recruitment rules. Supreme Court in this Judgement considered regularization of contractual employees and muster roll employees considered as back door entry. In view of the Judgement of Hon. SC in the case of Umadevi, at present no person is entitled for regularization in NDMC.
2. **Recommendations for consideration of the Council:**
  - No fresh engagement on TMR till further orders except on the current compassionate basis (untimely death occurred not more than 3 years ago). The list of such compassionate cases shall be compiled by the welfare department in consultation with the personnel department as

per the guidelines of the DoPT and get approved from the Chairperson). The aim is to clear the existing list of TMRs instead of going for new engagement.

- All the persons who have worked as or working as TMR employees or contractual employees in NDMC as SKs/Sewermen may apply for appointment as Regular SKs.
- The TMR workers of above category who have completed more than 500 days or 5 years or contractual employees of any category who has completed more than 700 days of 5 years will be given full Weightage and less than that will be weighed on pro-rata basis.
- As on 01<sup>st</sup> January 2014 the minimum qualification for SKs will be 8<sup>th</sup> standard. However qualification may be raised to 10<sup>th</sup> standard within next 5 years for subsequent selections in coming years and the RRs will be changed accordingly. Weightage for 10<sup>th</sup> pass is 100% and those above or below 90%.
- The applicant will be given relaxation in the upper age limit which shall be calculated on the basis no. of days (Converted into years) they have put in as TMR/daily wager/contractual. For the reserved categories this shall be over and above the relaxation of age granted by the Central Govt.
- The pay scale of helper as per the CPC shall be given and no DTL scale shall be claimed or given to any employee. Further promotions or MACP shall also be governed by the CPC. They shall execute an agreement for the same.
- 20% of the posts shall be reserved for the eligible candidates under compassionate appointment.
- The candidate must be eligible as per RR as on the first day of first TMR or contractual he has worked in the past (however the upper age limit as on first day of first TMR will be considered up to 30 years). In case the candidate is not fulfilling the criteria of eligibility as on the date of first TMR then his/her candidature shall be rejected straight away without any notice and intimation shall be given on the notice board of NDMC. However, in case of rejection by the criteria of age, the NDMC can consider them for contractual appointment against the vacant posts.

- Reservation policy of the Govt. of India for various categories shall be applicable
- Selection procedure for the SKs:

S. No.	Parameter	Weightage
1.	Days completed as RMR/Contractual in NDMC	35
2.	No. of years completed in NDMC	10
3.	Educational Qualification	20
4.	Professional Experience/Training	20
5.	Interview	15

- On the basis of the first four criteria the candidates will be shortlisted and 4 times of the vacancies shall be called for interview.
- The final list shall be prepared on the basis of the aggregate of all the 5 criteria.
- Appointment shall be subjected to availability of the vacant posts. Initially the appointment shall be on RMR for 5 years. On completion of the 5 years the employee will be automatically upgraded to Regular SK (in the pay scale of helper in CPC) with one year of probation subject to the police verification and other formalities. In case of long absences the period of RMR will increase and up-gradation to regular status will be delayed proportionately.

**C. PROCEDURE FOR APPOINTMENT OF GR. D (OTHER THAN SKs)-**

1. **Present Practice of regularizing the TMR to Regular employees:** Judgement of Supreme Court in case of Uma Devi rules that appointments have to be made as per constitutional provisions and as per regular recruitment rules. Supreme Court in this Judgement considered regularization of contractual employees and muster roll employees considered as back door entry.

In view of the Judgement of Hon. SC in the case of Umadevi, at present no person is entitled for regularization in NDMC.

**2. Recommendations for the consideration of the Council:**

- No fresh person shall be engaged on TMR till further orders except on the current compassionate basis (untimely death occurred not more than 3 years ago. The list of such compassionate cases shall be compiled by the welfare department in consultation with the personnel department as per the guidelines of the DoPT and get approved from the Chairperson). The aim is to clear the existing list of TMRs instead of going for new engagement.
- All the persons who have worked or working as TMR employees or contractual employees at any level (working as daily wagers, contractual helpers along with other similarly placed employees of different category like Clerks, Data Entry Operators, Masons, Drivers etc.) in NDMC may apply for appointment as regular Group-D employee.
- The TMR workers of above category who have completed more than 500 days or 5 years or contractual employees of any category who has completed more than 700 days of 5 years will be given full Weightage and less than that will be weighed on pro-rata basis.
- As on 01<sup>st</sup> January 2014 the desirable qualification for Gr. D employee (other than SKs) will be 10<sup>th</sup> standard. The Weightage for standard 10<sup>th</sup> pass is 100% and those above that is 90%. RR shall be amended suitably to make eligibility criteria 8<sup>th</sup> Standard on 1<sup>st</sup> January, 2014 and that will be raised in subsequent 5 years to 10<sup>th</sup> Standard.
- The applicant will be given relaxation in the upper age limit which shall be calculated on the basis no. of days (Converted into years) they have put in as TMR/daily wager/contractual. For the reserved categories this shall be over and above the relaxation of age granted by the Central Govt.
- Upon appointment the designation and pay scale of helper as per the CPC shall be given and no DTL scale shall be applicable on these employees. Further promotions or MACP scale shall be only in the CPC scale. They shall execute an agreement for the same.

- 10% of the posts shall be reserved for the eligible candidates under compassionate appointment.
- The candidate must be eligible as per RR as on the first day of first TMR or contractual he has worked in the past (however the upper age limit as on first day of first TMR will be considered up to 30 years). In case the candidate is not fulfilling the criteria of eligibility as on the date of first TMR then his/her candidature shall be rejected straight away without any notice and intimation shall be given on the notice board of NDMC. However, in case of rejection by the criteria of age, the NDMC can consider them for contractual appointment against the vacant posts.
- Reservation policy of the Govt. of India for various categories shall be applicable
- Selection procedure for the Gr. D employees (other than SKs):

<b>S. No.</b>	<b>Parameter</b>	<b>Weightage</b>
1.	Days completed as RMR/Contractual in NDMC	35
2.	No. of years completed in NDMC	10
3.	Educational Qualification	20
4.	Professional Experience/Training	20
5.	Interview	15

- On the basis of the first four criteria the candidates will be shortlisted and 4 times of the vacancies shall be called for interview.
- The final list shall be prepared on the basis of the aggregate of all the 5 criteria.
- Appointment shall be subjected to availability of the vacant posts. Initially the appointment shall be as RMR for 5 years. On completion of the 5 years the employee will be automatically upgraded to Regular helper (in the pay scale of helper in CPC) with one year of probation subject to the police verification and other formalities. Further promotions or MACP shall be in the CPC Scale. In case of long absences the period of RMR will increase and up-gradation to regular status will be delayed proportionately.



**5. FINANCIAL IMPLICATIONS OF THE PROPOSAL:**

As it shall be vacancy based, there shall no additional financial implication.

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

After the approval, process will be started to fill up the posts by appointment/regularization of TMR/RMR/Contractual etc. being time bound matter.

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

The comments of the Finance Department will be invited in due course.

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

The replies of the comments of the Finance Department will be furnished as & when received.

**9. LEGAL IMPLICATIONS OF THE SUBJECT:**

Section-42 of New Delhi Municipal Council Act, 1994 mandates that the direct recruitment of Group-B and Group-C post may be made by the Government through such agencies as may be prescribed for it. The Government is defined in the Act as "Government of National Capital Territory of Delhi". Thus, the recruitment to Group-B and C post can only be made through DSSSB, an agency of Government.

On the subject, the case of Uma Devi as decided by Supreme Court is also worth-mentioning.

Para-38 of the judgment of Uma Devi case is re-produced hereunder:-

***“38. When a person enters a temporary employment or gets engagement as a contractual or casual worker and the engagement is not based on a proper selection as recognized by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection and in concerned cases, in consultation with the Public Service Commission.***

***Therefore, the theory of legitimate expectation cannot be successfully advanced by temporary, contractual or casual employees. It cannot also be held that the State has held out any promise while engaging these persons either to continue them where they are or to make them permanent. The State cannot constitutionally make such a promise. It is also obvious that the theory cannot be invoked to seek a positive relief of being made permanent in the post.”***

This para relates to the persons of temporary employment or contractual employment or casual employment. If their engagement is not based on a proper selection, as recognized by the relevant rules and procedure, the Court held that such a person cannot invoke the theory of legitimate expectation or being confirmed in the post when the appointment to the post could be made only by following a proper procedure for selection and in concerned cases in consultation with the Public Service Commission. The Court further held that the theory of legitimate expectation cannot be successfully advanced by such temporary, contractual or casual employees. The State cannot constitutionally make such a promise.

Para-44 of the Judgment reads as under:-

*“44. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. NARAYANAPPA (Supra), R.N. NANJUNDAPPA (Supra) and B.N. NAGARAJAN (Supra) and referred to in paragraph 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of courts or of tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not subjudice, need not be reopened based on this judgment, but there should be no further by-passing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme.”*

The para covers irregular appointments and not illegal appointments. In case of the persons duly qualified and working in duly sanctioned vacant posts and have continued to work for ten years or more but without the intervention of orders of courts, the question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in case of S.V. NARAYANAPPA, R.N. NANJUDAPPA and B.N. NAGARAJAN. Court directed that in such cases the government should take steps to regularize

as a one time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. The Court further clarified that regularization, if any already made, but not subjudice, need not be reopened based on this judgment, but there should be no further by-passing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme.

In other words, those irregular appointed persons who were duly qualified and working against vacant posts could be accommodated as a one time measure but the constitutional provisions shall not be by-passed any further. This means after the 10<sup>th</sup> April, 2006, the appointments have to be strictly as per the constitutional provisions and as per the regular recruitment rules. This para does not protect the illegal appointment, who were not appointed against vacant or were not qualified for the post.

The Council regularized more than 1000 daily wagers who were working as RMR upto 31.12.2002 from 01.01.2007 following the said decision of the Court. But after 10.04.2006, it appears that by-passing of the decision of the court is not permissible.

It may further be pointed out that where the power of recruitment is with the Chairperson or Secretary this provision could be implemented i.e. in the case of Group D employees but not in the case of A, B or C category of employees where the power of recruitment is with the DSSSB or the UPSC.

So far the judicial pronouncements are that recruitment has to be as per the recruitment rules and the ad hoc employees, the daily wagers or contractual employees have no claim for regularization, unless they have been recruited in accordance with the recruitment regulations and as per the provisions of different statutes. In the case of NDMC, the power to have direct recruitment to Group B and Group C is through the DSSSB. Delhi High Court in the case of Ashad Singh & Ors., has held that the provision of Section 42 have come into force on 27<sup>th</sup>

November, 1997 and as such, thereafter any recruitment to group B or Group C posts has to be through DSSSB. In case of Uma Devi and Border Road Organisation, the Hon'ble Supreme Court held the same, as referred to above. In the case of Uma Devi, they have made distinction between irregular appointment and illegal appointment. It was suggested that if a person has been recruited against a regular vacancy and is otherwise eligible for appointment and as per the recruitment rules, his appointment may be regularized within six months of the coming into force of the Uma Devi's decision. However, the illegal appointment were not protected by Uma Devi's decision.

In view of above statutory position & judicial pronouncements, it is derived that no regularization can be made of daily wagers who have been irregularly deployed as muster roll in NDMC. It can only be done in the spirit of Uma Devi Judgment means thereby a fair play is to be seen by way of providing equal opportunity to equally placed applicants.

In view of these judicial pronouncements a selection procedure is to be derived to have fair play in appointment from RMR, TMR, Contractual etc. only to Group D posts, so no legal implications.

#### **10. COMMENTS OF THE LAW DEPARTMENT:**

As per **Annexure-I (See pages 245-250).**

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

Administrative matter.

**12. RECOMMENDATION:**

**1. RELAXATIONS FOR EXISTING RMR TO REGULAR**

**Recommendations for the consideration of the Council:** The RMR employee who has completed total of 2000 days (including TMR & RMR days) since he started working as daily wager/muster roll employee in NDMC, will be regularized subject to minimum duration of 2 years working as RMR.

**2. PROCEDURE FOR APPOINTMENT OF SKs:**

**Recommendations for consideration of the Council:**

- No fresh engagement on TMR till further orders except on the current compassionate basis (untimely death occurred not more than 3 years ago). The list of such compassionate cases shall be compiled by the welfare department in consultation with the personnel department as per the guidelines of the DoPT and get approved from the Chairperson). The aim is to clear the existing list of TMRs instead of going for new engagement.
- All the persons who have worked as or working as TMR employees or contractual employees in NDMC as SKs/Sewermen may apply for appointment as Regular SKs.
- The TMR workers of above category who have completed more than 500 days or 5 years or contractual employees of any category who has completed more than 700 days of 5 years will be given full Weightage and less than that will be weighed on pro-rata basis.

- As on 01<sup>st</sup> January 2014 the minimum qualification for SKs will be 8<sup>th</sup> standard. However qualification may be raised to 10<sup>th</sup> standard within next 5 years for subsequent selections in coming years and the RRs will be changed accordingly. Weightage for 10<sup>th</sup> pass is 100% and those above or below 90%.
- The applicant will be given relaxation in the upper age limit which shall be calculated on the basis no. of days (Converted into years) they have put in as TMR/daily wager/contractual. For the reserved categories this shall be over and above the relaxation of age granted by the Central Govt.
- The pay scale of helper as per the CPC shall be given and no DTL scale shall be claimed or given to any employee. Further promotions or MACP shall also be governed by the CPC. They shall execute an agreement for the same.
- 20% of the posts shall be reserved for the eligible candidates under compassionate appointment.
- The candidate must be eligible as per RR as on the first day of first TMR he has worked in the past (however the upper age limit as on first day of first TMR will be considered up to 30 years). In case the candidate is not fulfilling the criteria of eligibility as on the date of first TMR then his/her candidature shall be rejected straight away without any notice and intimation shall be given on the notice board of NDMC. However, in case of rejection by the criteria of age, the NDMC can consider them for contractual appointment against the vacant posts.
- Reservation policy of the Govt. of India for various categories shall be applicable
- Selection procedure for the SKs:

<b>S. No.</b>	<b>Parameter</b>	<b>Weightage</b>
1.	Days completed as RMR/Contractual in NDMC	35
2.	No. of years completed in NDMC	10
3.	Educational Qualification	20
4.	Professional Experience/Training	20
5.	Interview	15

- On the basis of the first four criteria the candidates will be shortlisted and 4 times of the vacancies shall be called for interview.
- The final list shall be prepared on the basis of the aggregate of all the 5 criteria.
- Appointment shall be subjected to availability of the vacant posts. Initially the appointment shall be on RMR for 5 years. On completion of the 5 years the employee will be automatically upgraded to Regular SK (in the pay scale of helper in CPC) with one year of probation subject to the police verification and other formalities. In case of long absences the period of RMR will increase and up-gradation to regular status will be delayed proportionately.

### **3. PROCEDURE FOR APPOINTMENT OF GR. D (OTHER THAN SKs):**

#### **Recommendations for the consideration of the Council:**

- No fresh person shall be engaged on TMR till further orders except on the current compassionate basis (untimely death occurred not more than 3 years ago. The list of such compassionate cases shall be compiled by the welfare department in consultation with the personnel department as per the guidelines of the DoPT and get approved from the Chairperson). The aim is to clear the existing list of TMRs instead of going for new engagement.
- All the persons who have worked or working as TMR employees or contractual employees at any level (working as daily wagers, contractual helpers along with other similarly placed employees of different category like Clerks, Data Entry Operators, Masons, Drivers etc.) may apply for appointment as regular Group-D employee.
- The TMR workers of above category who have completed more than 500 days or 5 years or contractual employees of any category who has completed more than 700 days of 5 years will be given full Weightage and less than that will be weighed on pro-rata basis.
- As on 01<sup>st</sup> January 2014 the desirable qualification for Gr. D employee (other than SKs) will be 10<sup>th</sup> standard. The Weightage for standard 10<sup>th</sup> pass is 100% and those above that is 90%. RR shall be



amended suitably to make eligibility criteria 8<sup>th</sup> Standard on 1<sup>st</sup> January, 2014 and that will be raised in subsequent 5 years to 10<sup>th</sup> Standard.

- The applicant will be given relaxation in the upper age limit which shall be calculated on the basis no. of days (Converted into years) they have put in as TMR/daily wager/contractual. For the reserved categories this shall be over and above the relaxation of age granted by the Central Govt.
- Upon appointment the designation and pay scale of helper as per the CPC shall be given and no DTL scale shall be applicable on these employees. Further promotions or MACP scale shall be only in the CPC scale. They shall execute an agreement for the same.
- 10% of the posts shall be reserved for the eligible candidates under compassionate appointment.
- The candidate must be eligible as per RR as on the first day of first TMR he has worked in the past (however the upper age limit as on first day of first TMR will be considered up to 30 years). In case the candidate is not fulfilling the criteria of eligibility as on the date of first TMR then his/her candidature shall be rejected straight away without any notice and intimation shall be given on the notice board of NDMC. However, in case of rejection by the criteria of age, the NDMC can consider them for contractual appointment against the vacant posts.
- Reservation policy of the Govt. of India for various categories shall be applicable
- Selection procedure for the Gr. D employees (other than SKs):

<b>S. No.</b>	<b>Parameter</b>	<b>Weightage</b>
1.	Days completed as RMR/Contractual in NDMC	35
2.	No. of years completed in NDMC	10
3.	Educational Qualification	20
4.	Professional Experience/Training	20
5.	Interview	15

- On the basis of the first four criteria the candidates will be shortlisted and 4 times of the vacancies shall be called for interview.

- The final list shall be prepared on the basis of the aggregate of all the 5 criteria.
- Appointment shall be subjected to availability of the vacant posts. Initially the appointment shall be as RMR for 5 years. On completion of the 5 years the employee will be automatically upgraded to Regular helper (in the pay scale of helper in CPC) with one year of probation subject to the police verification and other formalities. Further promotions or MACP shall be in the CPC Scale. In case of long absences the period of RMR will increase and up-gradation to regular status will be delayed proportionately.

**DRAFT RESOLUTION:**

**COUNCIL'S DECISION**

**Decision dated 10.01.2014.**

Without going into the agenda item at length, it was expressed by the Members that several points in the agenda item needed modification and detailed examination. It was further emphasized that the Members would strongly reiterate the policy decision on this issue as taken in year 2011.

**Decision dated 29.01.2014.**

The minutes of the above meeting were confirmed in the next ordinary meeting of the Council, held on 29.01.2014 at 10-00 A.M. subject to condition that the decision of the Council against Item No. 20 (H-02) be read as under :-

"The Council has resolved that the proposal regarding policy for appointment/regularization of TMR / RMR / contractual workers etc. is approved in principle with the following amendments: -

1. RMR workers at present working in NDMC shall be regularized as Group 'D' in 6<sup>th</sup> CPC scale w.e.f. 01.04.2014 subject to availability of vacancies.
2. None of the employees RMR or TMR/contractual will be rendered ineligible on the basis of qualification and age as per RRs. This is a one-time relaxation only and not to be quoted as precedent. However, this relaxation will not be available to any other applicant or to employees of other organizations applying for the post of Group 'D' and they have to fulfil all the eligibility criteria as per the RR.
3. In case of educational qualification being 'Literate' as defined by the Govt the weightage will be 15 marks. In case of more educated employees, the qualification shall be measured

as weightage given for selection procedure i.e. 5<sup>th</sup>class: 16 marks, 8<sup>th</sup> class: 18 marks, and 10<sup>th</sup> class and above: 20 marks.

4. Professional experience and training is defined as experience in the same profession in Autonomous Body, Local Body, Public Sector Undertaking etc. under any government Central or State or diploma for certificate in their respective profession.
5. The vacancies will be filled in a calibrated manner on the basis of vacancies available."

**Decision dated 06.02.2014.**

At the time of confirmation of minutes dated 29.02.2014, The Council directed that :

Minutes confirmed by the Council subject to the condition that in the decision of the Council taken against Item No. 01 (C-24) dated 06.02.2014, the following Para may be added:

6. "To grant RMR status to TMRs, who have completed 500 days as on 31.01.2014."

The department's proposal is to cover the following category of persons working in the NDMC—

- (i) Regularization of RMR workers ;
- (ii) Grant of RMR status to persons engaged on Muster Roll ;
- (iii) Regularization of contractual employees ;

2. In respect of the first category of person, it appears from the records that 626 persons were granted RMR status by orders dated 21.10.2011 and 01.01.2012. These are in the following departments :-

(i)	Civil Engg. Deptt.	-	298
(ii)	Electric Deptt.	-	211
(iii)	Security Deptt.	-	43
(iv)	Fire Deptt.	-	02
(v)	Education Deptt.	-	29
(vi)	Health Deptt.	-	48
(v)	Horticulture Deptt.	-	01
(vi)	Secretary Esstt.	-	<u>04</u>
		-	626

3. The RMR status was given to persons who had completed 500 days on 10.06.2006 and their orders for grant of RMR were issued on 21.10.2011 and 01.01.2012 i.e. after a gap of almost six years. Now, they have to work another six years to get the regular appointment. The delay was in the Establishment Department and not by the persons who were eligible for regularization.

4. In the proposal, the department has suggested that the existing criteria of grant of regular appointment to RMR workers be amended and in its place, it is recommended that the RMR employee who has completed total of 2000 days including TMR and RMR days since he is started working as daily wager muster roll employees in NDMC will be regularized subject to minimum duration of two years working as RMR.

5. A similar problem had arisen in the year 2006, the persons who had completed 500 days as on 31.12.1998 were granted RMR status from 2002 while those completing 500 days on 31.12.2000 were granted RMR status in 2004. This department suggested that whosoever had completed 500 days on 31.12.1998 and 31.12.2000 may be regularized from 31.12.2006 / 02.01.2007 as the six years period should be counted from 01.01.2001 and not from the date on which their orders for RMR were issued. The period of six years should be counted from the date on which they were eligible for RMR status and not from the date of their orders as RMR. This was accepted by the then Chairperson and all those who had completed 500 days before December, 2000 were regularized from 02.01.2007. This doesn't require any approval of the Council and it is an administrative decision. When the file was put up to the Law Department for these 626 persons, the Law Department had suggested that they may be regularized from 01.01.2013 and it is an administrative issue and not legal issue. It is again suggested that these 626 persons who had completed 500 days on 10.04.2006 may be regularized from 01.01.2013, if not from 10.04.2012 i.e. six years from the date of their eligibility i.e 10.04.2006. If this suggestion is implemented or accepted, the issue of first lot of 626 RMR workers will get settled.

6. The above views that we may not wait for six years also finds support from Para-4(ii) of the Council's Resolution of July, 2009, where the limit of six years was not applied and of those who had completed 500 days upto 2001 were given RMR status from 02.01.2007 against the vacant posts.

7. However, it may be brought on record that the employees of the Electricity Department and also other departments who have been given S.S. Scale have a minimum scale of Rs.6000-20200 with Grade pay of Rs.2000/-. As per the NDMC Act, the NDMC has to have scale of pay of the Central Government. This scale of Grade pay of Rs.2000/- is the third Grade Pay of Category-'C' in CPC scale and as such it appears that these posts will come under Category-'C' and not Category-'D' and appointing Authority for direct recruitment to Category-'C' is the DSSSB.

8. It is therefore suggested that their appointments on regular basis be made in a new scale in CPC with a designation of helper and their designation may be Helper Civil Deptt., Helper Electric Department, Helper Health Department etc. In the alternative their designation may be Jr. Beldar, Jr. ALM, Jr. Safai Karamchari etc. and as in the case of the Peons those who have passed 10<sup>th</sup> standard may be given the scale of Rs.5200-20200 with Grade Pay of Rs.1800/-. This is as per the Government of India guidelines. This will make the recruitment legal and in accordance with the Central Government guidelines. Those who are not 10<sup>th</sup> pass may be trained for the work and thereafter given Grade Pay of Rs.1800/- without disturbing their seniority. This is again as per the Govt. of India guidelines.

### **Second Category**

9. In respect of those on muster roll, daily wagers and contract employees who have not been declared RMR so far, action has to be initiated separately.

10. After the Council's decision of 1999, there is no concept of TMR. A TMR was the person who had completed 179 days in a calendar year and was a card holder. After the 1999 Resolution, there is no concept of TMR. It is either a daily wager or muster roll employees or contract employees. Hence, the term 'TMR' has to be deleted.

11. The Health Department for safai Karamcharis have a different method of taking daily wagers than the other department. Fire Department had also taken up the recruitment of persons in the Fire Department and Security Department which was entirely different from the recruitment in the general wing. In the Agenda, no such distinction has been noted.

I. **Recruitment in Health Department** :-

12. It appears that after the Supreme Court decision in the case of Uma Devi and Others, the then Chairperson formulated a policy of engaging daily wagers instead of TMR or RMR in the Health Department. The persons to be engaged in the Health Department were daily wagers and their names were requisitioned from the Employment Exchange. Out of the names received from the Employment Exchange, a Committee was to select the daily wagers for the Health Department. Out of the daily wagers now a regularization has to be made. Since the names have been collected from the Employment Exchange and they have been selected to work as daily wagers, the guidelines given by the Supreme Court have been substantially followed that these persons do not have back door entry and are being recruited through participation by all who are eligible for being appointed as safai karamcharies in the NDMC.

13. The Council's Resolution of 18.03.1999 had provided that for all future recruitments a proper system as in the case of regular appointments may be followed giving benefit to SC/ST Category of RMR workers. For short term deployment on a special occasion, muster roll shall be drawn as per works requirements and charged to the work itself. This should be a one time exercise for which no card should be issued and the services dispensed with at the completion of the work of special requirements. In other words, the muster roll was authorized only for special occasion and not as a matter of routine.

14. Further, in Council's Resolution of 21<sup>st</sup> July, 2009, guidelines were provided for future regularization keeping in view the Supreme Court decision in Uma Devi's case. The relevant paragraph reads as under :-

*"Para-4(iii) :- After the adjustment of those who were taken as TMR workers to 28.03.1999 and working without any break upto 31.12.2006, the vacancies, if any have to be filled in by the Establishment Branch as per the Council's Resolution and directions of the Supreme Court i.e. by following normal established procedure of giving regular appointment or at the best adhoc appointment or short term contractual appointment till regular appointment made as per Recruitment Rules for the post. This, however, cannot be out of TMR, RMR or daily wagers. The said vacant posts will be inviting in as per RR's of the respective posts after inviting applications and requesting Employment Exchange to sponsor candidates and selection be made out of these candidates. The persons that requisite qualifications, age etc. who had earlier worked in the NDMC may also be considered alongwith other candidates."*

15. The above guidelines are strictly in accordance with the Supreme Court decision.

16. Keeping in view the above guidelines of the Council, regular recruitment can be made depending upon the number of vacancies without waiting for the six years waiting period as suggested in earlier Council Resolutions. In respect of the safai karamcharies as such, if there are vacancies, these can be filled in from the persons who have been selected out of the names sponsored by the Employment Exchange as daily wagers without putting the condition of six years as in earlier Resolutions of the Council.

17. The Agenda has provided the method of recruitment of these persons and the said criteria can be adopted while proceedings with the regular recruitment. Those who could not succeed will have an option to continue as daily wagers.

18. In the Agenda, a 20% reservation in the vacancies has been suggested for appointment on compassionate grounds. It is suggested that the Govt. of India guidelines be followed and



reservation may continue at 3% of the vacancies. However, to accommodate candidates on compassionate grounds, the 35 marks allotted for service in NDMC may be allotted to the persons who are considered on compassionate grounds, as these persons have not earlier worked in the NDMC and will not get any marks under this Clause. Hence, if these 35 marks are given to the persons in the selection process, the deserving persons shall automatically get selected for regular employment in normal course.

19 The candidates to be selected should be in the scale of Grade pay of Rs.1300/- which is a Group-'D' scale of pay and not in the Grade Pay of Rs.2000/- under S.S. Scale. Their designation will be Jr. Safai Karamchari or Helper Health Department. After their recruitment on a regular basis in the Grade pay of Rs.1300/-, all those who have qualifications or 10<sup>th</sup> pass can be placed in the Grade Pay of PB-2 with Grade Pay of Rs.1800/-.

## II. Regularization of Muster Roll of persons other than the Safai Karamcharies.

20. We can follow the guidelines given by the Council in their Resolution of July, 2009 and vacant posts can be filled in on a regular basis by inviting applications through a circular in the NDMC in which all the daily wagers, contract employees or muster roll employees can apply and their applications be scrutinized as suggested by the Establishment. The persons applying for regular appointment in the Grade pay of Rs.1300/- shall be designated as Helper or Jr. Beldar, Jr. ALM etc. as suggested above. This will avoid going to the DSSSB to fill in Category-'C' post particularly those of the SS Scale. Those who have passed 10<sup>th</sup>, qualifications will be a straightway placed in the Grade Pay of Rs.1800/- after their recruitment and the Grade Pay of Rs.1300/- as per guidelines of the Govt. of India. To a great extent, this will solve the problem of recruitment of the daily wagers, muster roll and contract employees. There has to be one condition that on the date of entry in the NDMC, they should be within the age limit prescribed in the RR's. Relaxation of age shall be available to Scheduled Castes and Scheduled Tribes as per the Govt. of India guidelines.

III. **Now, comes the main problem of contract employees who are working against the post in Category-'C':-**

21. In 1997, the Council had decided to appoint daily wager, muster roll or contract employees who were working against Category-'C' posts. Initially, they agreed to be appointed in Category-'D' posts but thereafter challenged the appointment in the Delhi High Court and the Delhi High Court held that all those who were in the roll of NDMC prior to Establishment of the DSSSB should be given Category-'C' posts but after the Establishment of DSSSB, Council is not competent to recruit them against Category-'C' posts. It may be that initially all those persons apply for regularisation in Category-'D' posts but subsequently they will challenge the decision in the Delhi High Court and Council will have to decide how to justify such an action in the Court of Law.

22. To solve the problem of these contractual employees working against Category-'C' posts, there are two options :-

- (i) give them a regular scale of the posts in which they are working including all the financial benefits available for a regular employee as has been agreed to by the Council in the case of Doctors engaged on contract basis. If this is done, all the contract employees will have a financial benefits and would be at par with the regular employees. However, they would not be entitled to time bound promotion or promotion to the higher cadres. This is one option which will give them an immediate relief ;

It may be pointed out that as per decision taken by the Establishment Division, no contractual employees was to continue for more than three years. Thus, all those who have been allowed to continue in the NDMC after three years should be entitled to

regular scale as aforesaid, and for first three years they should be given pay as per the contract and not as per the regular scale of pay.

- (ii) After they have been given a regular scale of pay, the NDMC can approach the DSSSB to consider their eligibility after relaxation in the age and give them some benefits of working in the NDMC. The Delhi High Court has suggested in the case of S.K. Choudhary that for such employees who have been working for over ten years, the criteria for holding examination etc. should be different from those who are to be freshly recruited. The Council may pass a Resolution and request the DSSSB to follow the Delhi High Court decision in respect of all those who have put in more than ten years on contract basis in the NDMC;

23. Here is yet another possible solution to regularize these contractual employees. It has to be in three stages –

- (i) let them apply and be selected in the Grade Pay of Rs.1300/- to Rs.1650/- as the case may be in Group-'D' ;
- (ii) after their appointments in Group-'D' subject to they are being within age limit on the date of entry in the NDMC, they may be placed in the scale of PB-2 with Grade pay of Rs.1800/-. This will solve the problem of the contractual drivers and Cl. Asstt. etc. whose regular pay is PB-2 and Grade Pay of Rs.1800/- ;
- (iii) in the third stage would be the persons whose scale of pay is more than PB-2 and Grade Pay of Rs.1800/- though in Category-'C'. In their case, there should be a minor adjustment in the RR's providing that while filling up these posts, the persons already working in the NDMC having requisite qualifications and working in Category-'C' posts shall be given the appointment in the cadre and if sufficient number of candidates are not available only than there would be a direct recruitment for the said posts. If qualified

persons are already available in the NDMC they shall get preference over the fresh persons to be recruited as direct recruits.

24. This option of three stages appears to be a long term solution so that all those who are working on contract basis, if they are found to be eligible by the Committee to be set up for the purpose, their services will get regularized and this arrangement shall be available only to those who are on contract basis as on 31.12.2013 and there shall be no contractual appointment thereafter.

25. The change of Recruitment Rules is within the power of the Council and no approval of UPSC is required.

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**ITEM NO. 21 (K-04)****1. Name of the Project / Subject:**

Liberalized Medical Health Scheme.

**2. Name of Department:**

Welfare Department

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

The Competent Authority NDMC, approved Liberalized Medical Health Scheme for working employees/pensioners and their dependents on CGHS rules & rates with private hospitals. In the first stage NDMC, empanelled Max Group of Hospitals & Batra Hospital & thereafter from time to time NDMC empanelled more hospitals in Delhi & NCR. This proposal was approved by the Council vide Reso. No. 04(K-1) dated 31/05/2007, whereby the CGHS rates +5% was allowed to the Max Group of Hospitals for the treatments/test ect. mentioned in the CGHS list and a rebate of 35% over the Hospital treatment rates. But subsequently vide Reso. No. 27 (K-6) dated 19/12/2007, this rebate was removed for Max Group of Hospitals. Various hospitals were empanelled from time to time till 2012. In 2013 the it was observed that Medical reimbursement has gone very high & it was decided that this condition of 5% extra rates to Max Hospital be waived off for which Max Group of Hospitals but they did not agree. NDMC adopted CGHS pattern & invited Hospitals which were empanelled with CGHS on CGHS Terms & Conditions. The Hospitals which agreed, were/are empanelled. However one Non CGHS Hospitals was also empanelled because of its vicinity with NDMC boundaries as it agreed on CGHS terms & condition. Till date 06 Super Specialty Hospitals, 22 NABH accredited Hospitals, 28 Non NABH accredited Hospitals, 36 Eye Care Centers & 15 Diagnostic Centers & Labs have been empanelled.

**4. The Salient features are of the Scheme are as under:**

- Hospitals are paid CGHS rates in three categories Super Specialty, NABH & NON NABH.
  - The treatments which are not in the CGHS list reimbursement is made.
  - Since NDMC started its own dental centers, no dental Hospital was empanelled.
- (A) Referral system was introduced w.e.f 01/06/2013 in which the Hospitals are to entertain cases referred by any Govt. Doctor, but subsequently this condition was removed for Pensioners their dependents in case of NABH/Non NABH Hospitals.
- (B) The referral is valid for 6 months.
- (C) In case of emergency no hospital shall refuse admission or demand any advance payment from the beneficiary or his family member and shall provide credit facilities to the patient on production of a valid NDMC medical card. The refusal to provide the treatment to bonafide beneficiaries in emergency cases without valid ground would attract disqualification for continuation of empanelment.
- (D) Any treatment which has been started prior to 30/05/2013, will continue till 31/12/2013, without need for any referral.
- (E) Any reference to any test in empanelled Lab/Diagnostic Centre by any Empanelled hospital will not require further referral.
- (F) The present contributions of the employees as per CGHS as under:

S.No.	Grade pay drawn by the officer	Contribution (Rupees per month)
1	Upto Rs. 1,650/- per month	50/-
2	Rs. 1,800/-, Rs. 1,900/-, Rs. 2000/-, Rs. 2,400/- and Rs. 2800/- per month	125/-
3	Rs. 4,200/- per month	225/-
4	Rs. 4,600/-, Rs. 4,800/-, Rs. 5,400/- and Rs. 6,600/- per month	325/-
5	Rs. 7,600/- and above per month	500/-

(G) Entitlement of wards in empanelled Hospitals as per CGHS as under:

S.No.	Ward entitlement	Pay drawn in pay band
1	General Ward	Upto Rs. 13,950/-
2	Semi-private ward	Rs. 13,960/- to Rs. 19,530/-
3	Private ward	Rs. 19,540/- and above

But there was lot of resentment among working employee who have been representing through unions. Therefore a committee was constituted by the Competent Authority to examine the issues related to Medical Health Scheme and Referral system of NDMC and an office order dated 27/09/2013 was issued by the Director (P) vide which Sh. I.A. Siddiqui was appointed as the Chairman of the committee with Director (Finance/Accounts), Director (Welfare) as Members & Jt. Director (Welfare) as Member Secretary.

**The committee submitted its recommendation which are as under :**

- i. The condition of referral in respect of Non-NABH/NABH empanelled hospitals be removed.
- ii. Referral system in respect of Super-specialty Hospital is recommended.
- iii. In case the Non-NABH/NABH empanelled Hospital feels that the condition of the patient is such that it can not be effectively managed by them, then they should be authorized to refer the patient to Super-specialty Hospital with specific recommendations for better management of the case.
- iv. If any tests are prescribed in OPD by a doctor of empanelled hospital costing up to Rs. 500/- the same can be done without taking any permission but if the cost exceed Rs. 500/- the same would require referral from a Govt. Doctor.
- v. Since Dental Centre has been established by the NDMC there is no requirement of empanelment of dental hospitals, however the beneficiaries be made reimbursement

at CGHS Non NABH/NABH rates for any treatment which is not for beatification /cosmetic purpose. The treatments can also be obtained from the empanelled hospital on payment basis at CGHS, Non NABH/NABH rates.

- vi. The removal of referral system of officers with GP 7600/- and above cannot be accepted because this will amount to discrimination with other categories of employees.
- vii. The doctors making referrals are specifically required to mention on the referral slip to which category hospital the patient is referred i.e. Non NABH/NABH/Superspecialty.
- viii. Services rendered by empanelled hospitals are required to be monitored by way of obtaining feed back from the employees who have availed the facilities from these hospitals.
- ix. Frequent yoga classes be organized on Saturday & Sunday for NDMC employees/their dependents.
- x. Separate modalities be worked out for providing medical health facilities to the employees working on TMR/RMR/Contract basis and for the employees working with NSES, SKS, etc.

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

Approx Rs. 36 Lacs annually (Only OPD consultation facility of Rs. 58/- for 60,000/- beneficiaries) and approx Rs. 3 corers for tests upto Rs. 500/- by each beneficiaries.

- 6. Implementation schedule with timelines for each stage including internal Processing Finance Department has agreed to the proposal that for NABH/Non NABH Hospitals conditions of referral should be removed and if tests prescribed more then Rs. 250/- the same would required referral. No IPD treatment (except emergency) be allowed without referral.



**7. Comments of the Finance Department on the subject with diary No. and dated.**

Finance Department has concurred the proposal vide diary No. 1897/Finance/R-Welfare dated 20/09/2013.

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

The recommendation of committee are that referral should be required for tests costing more than Rs. 500/- inserted of Rs. 250/- in case of OPD prescription.

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

No legal implication

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

Resolution No. 04 (K-1) dated 31<sup>st</sup> May 2007 & Resolution No. 27 (K-6) dated 19<sup>th</sup> December 2007.

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

No legal issue involved.

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

N.A

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

No violation of CVC guidelines

**14. Recommendation**

- i. The condition of referral in respect of Non-NABH/NABH empanelled hospitals be removed.
- ii. Referral system in respect of Super-specialty Hospital is recommended.
- iii. In case the Non-NABH/NABH empanelled Hospital feels that the condition of the patient is such that it cannot be effectively managed by them, then they should be authorized to refer the patient to Super-specialty Hospital with specific recommendations for better management of the case.
- iv. If any tests are prescribed in OPD by a doctor of empanelled hospital costing up to Rs.500/- the same can be done without taking any permission but if the cost exceed Rs. 500/- the same would require referral from a Govt. Doctor.
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- vi. The removal of referral system of officers with GP 7600/- and above cannot be accepted because this will amount to discrimination with other categories of employees.
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- ix. Frequent yoga classes be organized on Saturday & Sunday for NDMC employees/their dependents.
- x. Separate modalities be worked out for providing medical health facilities to the employees working on TMR/RMR/Contract basis and for the employees working with NSES, SKS, etc.

**COUNCIL'S DECISION**

The members expressed strong displeasure about table agendas being placed, as it gives little time for examination and discussions. It was explained that due to the events in the last few months, quite a few pending items had to be accommodated and that it would be our attempt in future to place them as regular agenda.

The members desired to defer all the Table Agenda items so placed, to be taken up in the next meeting. However, on the express request of the Joint Secretary, MoUD, item No. 24(V-01) on the layout Plan of the East Kidwai Nagar was taken up and approved, being a Govt. of India proposal.

Furthermore, as another exception, not being a policy matter it was resolved by the Council to accord approval to item No. 26(H-03) by giving one time exemption to 10 Nos. of Fireman promoted to the post of Leading Firemen, who failed to procure the HMT license, as per the pre-condition laid down in the RRs.

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

**ITEM NO. 22 (G-05)****1. Name of the Subject/Project:**

Free Water Supply upto 20 KL per month to Domestic Consumers in NDMC area.

**2. Name of Department**

Commercial Department

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

Delhi Jal Board has passed a resolution dated 30.12.13 (copy enclosed as Annexure 'A') that domestic consumers using upto 20 kilolitre per month would be exempted from payment of water bill. However, consumption beyond 20 KL per month would be billed as per existing tariff for full water consumption. Accordingly, it is proposed that domestic consumers in NDMC area using upto 20 Kilolitre per month consumption would also be exempted from payment of water bill. However, consumption beyond 20 KL per month would be billed as per existing tariff for full water consumption.

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

As per data available for the current financial year, around 10,600 consumers have been billed upto 20 kilolitre per month. This figure does not include the bulk connections, i.e. households located in multi-storeyed apartment societies, numbering approx. 500 in NDMC area because the data of the individual households catered to by the bulk connections is not presently available. However, once the data becomes available, the households found to be eligible for free water supply would also be considered, if allowed by Delhi Jal Board.

The following are submitted for consideration of the Council

- (a) Domestic consumers using upto 20 Kilolitre per month may be exempted from payment of water bill. The water bills on zero payment basis for such consumers will be generated and sent to the consumers for record basis.
- (b) As per available record, NDMC is supplying 369.53 million litres of water in one quarter to approx. 10,600 households, having maximum consumption upto 20 KL per

month. The cost of purchase of 370 million litre of water from DJB, at the present rate, works out to Rs.56.83 lac, excluding cess but including sewerage maintenance charge, which the Delhi Jal Board may not charge from NDMC. This figure is a broad estimate and the actual may vary from one billing cycle to the other. It is also possible that more consumers may apply for multiple connections to avail this benefit. Further, the individual households catered to by bulk connections may also be included in this scheme in future, subject to the policy of Delhi Jal Board with reference to bulk connections. Therefore, it is proposed to place the demand upon Delhi Jal Board for supplying the minimum quarterly of 370 million litres of water to NDMC per quantity without charge.

- (c) Domestic consumers using water beyond 20 Kilolitre per month may be billed as per existing tariff for full water consumption under the slab system.
- (d) Group 'D' employees of NDMC residing in Municipal accommodation would also be eligible for the benefit of this scheme.
- (e) In case of un-metered water connections, the consumers shall approach the Water Supply Division of NDMC for installation of water meter and NDMC shall install the water meter within 15 days of receipt of the application. In case the consumers do not apply for installation of water meter, the benefit of free water supply shall not be extended to them.
- (f) Where water bills are raised on provisional basis upon the Government and municipal employees residing in Type-I & Type-II quarters, including servant quarters of NDMC officers' accommodation, such government employees may be considered for free water supply upto 20 KL per month per household.
- (g) NDMC will submit the actual figures to Delhi Jal Board on billing cycle basis for providing water supply without charge.

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

Once approved, the proposal would be implemented w.e.f January, 2014 billing cycle.

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

Finance Department is of the view that the draft agenda as prepared by the Department appears to be in order. The same may be submitted to the competent authority for his orders for placing the same in the Council meeting.

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

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

Nil

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

It is clear from the other Agenda itself that in 1998, Council had taken a decision to adopt water tariff as per rates of DJB. The agenda is to comply with earlier Resolutions of the Council and has no legal issue pl.

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

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

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**12. Recommendations**

(a) Domestic consumers using upto 20 Kilolitre per month may be exempted from payment of water bill. The water bills on zero payment basis for such consumers will be generated and sent to the consumers for record basis.

- (b) As per available record, NDMC is supply 369.53 million litres of water in one quarter to approx. 10,600 households, having maximum consumption upto 20 KL per month. The cost of purchase of 370 million litre of water from DJB, at the present rate, works out to Rs.56.83 lac, excluding cess but including sewerage maintenance charge, which the Delhi Jal Board may not charge from NDMC. This figure is a broad estimate and the actual may vary from one billing cycle to the other. It is also possible that more consumers may apply for multiple connections to avail this benefit. Further, the individual households catered to by bulk connections may also be included in this scheme in future, subject to the policy of Delhi Jal Board with reference to bulk connections. Therefore, it is proposed to place the demand upon Delhi Jal Board for supplying the minimum quantity of 370 million litres of water to NDMC per quarter without charge.
- (c) Domestic consumers using water beyond 20 Kilolitre per month may be billed as per existing tariff for full water consumption under the slab system.
- (d) Group 'D' employees of NDMC residing in Municipal accommodation would also be eligible for free water supply.
- (e) In case of un-metered water connections, the consumers shall approach the Water Supply Division of NDMC for installation of water meter and NDMC shall install the water meter within 15 days of receipt of the application. In case the consumers do not apply for installation of water meter, the benefit of free water supply shall not be extended to them.
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- (g) NDMC will submit the actual figures to Delhi Jal Board on billing cycle basis for providing water supply without charge.

### **13. Draft Resolution**

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- (c) Domestic consumers using water beyond 20 Kilolitre per month may be billed as per existing tariff for full water consumption under the slab system.
- (d) Group 'D' employees of NDMC residing in Municipal accommodation would also be eligible for free water supply.
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- (f) Where water bills are raised on provisional basis upon the Government and municipal employees residing in Type-I & Type-II quarters, including servant quarters of NDMC officers' accommodation, such government employees may be considered for free water supply upto 20 KL per month per household.
- (g) NDMC will submit the actual figures to Delhi Jal Board on billing cycle basis for providing water supply without charge.



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.

### **COUNCIL'S DECISION**

The members expressed strong displeasure about table agendas being placed, as it gives little time for examination and discussions. It was explained that due to the events in the last few months, quite a few pending items had to be accommodated and that it would be our attempt in future to place them as regular agenda.

The members desired to defer all the Table Agenda items so placed, to be taken up in the next meeting. However, on the express request of the Joint Secretary, MoUD, item No. 24(V-01) on the layout Plan of the East Kidwai Nagar was taken up and approved, being a Govt. of India proposal.

Furthermore, as another exception, not being a policy matter it was resolved by the Council to accord approval to item No. 26(H-03) by giving one time exemption to 10 Nos. of Fireman promoted to the post of Leading Firemen, who failed to procure the HMT license, as per the pre-condition laid down in the RRs.

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

**ITEM NO. 23 (G-06)**

**1. Name of the Subject/Project:**

Revision of the existing water tariff in NDMC area.

**2. Name of Department**

Commercial Department

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

The issue of charges for the supply of water derives its force from Section 64 of NDMC Act, 1994. The said section is re-produced as under:-

“Charge for supply of water – (1) A charge shall be levied for the water supplied to any land or building by measurement at such rate as shall from time to time be prescribed by the Council in the behalf.

The Council may prescribe such conditions as it may think fit regarding the use of the water and regarding the charges to be paid for water consumed whilst a meter is out of order or under repair.

Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or with any bye-law made thereunder.

Any sum payable by a person, who is charged for water supplied, and not paid when it becomes due shall be recoverable as an arrear of tax under this Act.

In prescribing charges for water supplied by measurement under sub-section (1), it shall be lawful for the Council to prescribe different rates in respect of different classes of lands and buildings.”

Vide Resolution No.3 (x) of the Council dated 25.09.1998 NDMC had taken the decision that NDMC will adopt the tariff on the analogy of Delhi Jal Board. The DJB has enhanced its existing water tariff by 10% with effect from 01.01.2014 vide its Resolution No.94 dated 30.12.2013. The water tariff in NDMC area was last enhanced in August 2009 for Domestic category of consumers and in January 2011 for the Non-domestic category of consumers. The revenue from water tariff during FY 2012-13 was `163 crores and in the current FY it is expected to be ` 146 crores. Therefore, there is need to revise the water tariff keeping in mind the increasing cost of purchasing water required by NDMC and also to regulate its demand and ensure its proper utilisation.

The Council is also informed that vide Resolution No.9 (G-03) dated 04.9.2013, the water tariff in respect of Dhobi Ghats in NDMC area was rationalized keeping in view the socio-economic background of the dhobis. The rationalized tariff is being implemented w.e.f. September, 2013 billing cycle.

#### **4. Financial implications of the proposed project/subject**

- (i) A comparative view of the instant water tariff rates/fixed monthly access charges (service charges) of NDMC and DJB is as under:-

<b>Water tariff in NDMC area (w.e.f. August 2009)</b>	<b>Revised Tariff Structure (Water) of DJB Water charges (rate applicable w.e.f.</b>
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			<b>01.01.2014 in DJB jurisdiction</b>																																												
<p>A. Category I (Domestic)</p> <p>1. Fixed monthly access charges (service charge)</p> <table border="1"> <tr> <td>(i) upto 200 sq meter premises</td> <td>Rs 40/-</td> <td>per connection per month</td> </tr> <tr> <td>(ii) Above 200 sq meter premises</td> <td>Rs 120/-</td> <td>per connection per month</td> </tr> </table>			(i) upto 200 sq meter premises	Rs 40/-	per connection per month	(ii) Above 200 sq meter premises	Rs 120/-	per connection per month																																							
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<p>B. Non-Domestic w.e.f. Jan 2011</p> <table border="1"> <tr> <th colspan="3">Charges per month for supply of water</th> </tr> <tr> <th>Water Consumption (kilolitre)</th> <th>Fixed charges</th> <th>Volumetric charge per kilolitre</th> </tr> <tr> <td>0-10</td> <td>400/-</td> <td>10/-</td> </tr> <tr> <td>10-25</td> <td>600/-</td> <td>20/-</td> </tr> <tr> <td>25-50</td> <td>700/-</td> <td>50/-</td> </tr> <tr> <td>50-100</td> <td>800/-</td> <td>80/-</td> </tr> <tr> <td>&gt; 100</td> <td>900/-</td> <td>100/-</td> </tr> </table> <p>Plus water disposal charges @60% of volumetric charge</p> <p>2. Additional water disposal charges in respect of the hotels, banquet halls, hospitals and malls shall be as under:-</p>			Charges per month for supply of water			Water Consumption (kilolitre)	Fixed charges	Volumetric charge per kilolitre	0-10	400/-	10/-	10-25	600/-	20/-	25-50	700/-	50/-	50-100	800/-	80/-	> 100	900/-	100/-	<p><u>2. Mixed use category (Category – 1A)</u> Service Charge – same as above Rate per Kl – Double of above</p> <p><u>3. Commercial /industrial category (category-II)</u> Rates for water charges (Rupees per month)</p> <table border="1"> <tr> <th colspan="3">Volumetric Water Consumption Charges per month</th> </tr> <tr> <th>Monthly Consumption (kilolitre)</th> <th>*Service charge</th> <th>Volumetric charge per kilolitre</th> </tr> <tr> <td>0-10</td> <td>532.40</td> <td>13.31</td> </tr> <tr> <td>10-25</td> <td>798.60</td> <td>26.62</td> </tr> <tr> <td>25-50</td> <td>931.70</td> <td>66.55</td> </tr> <tr> <td>50-100</td> <td>1064.80</td> <td>106.48</td> </tr> <tr> <td>&gt;100</td> <td>1197.90</td> <td>133.10</td> </tr> </table>			Volumetric Water Consumption Charges per month			Monthly Consumption (kilolitre)	*Service charge	Volumetric charge per kilolitre	0-10	532.40	13.31	10-25	798.60	26.62	25-50	931.70	66.55	50-100	1064.80	106.48	>100	1197.90	133.10
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- (ii) Another important issue to be considered is that presently a fixed water tariff of Rs.2/- per month is being charged from all NDMC employees residing in Municipal accommodation as per Notification dated 01.04.1991 of Delhi Administration, Local Self Govt. Deptt. This is below even the cost of printing the water bill and not in sync with the times.

It is, therefore, proposed that the water tariff for municipal employees residing in Municipal accommodation be revised as follows :-

<b>Category of Municipal employee</b>	<b>Proposed Water Tariff (in `)</b>
Group 'A'	100.00
Group 'B'	50.00
Group 'C'	25.00
Group 'D'	Nil

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

The tariff increase would be applicable from February, 2014 billing cycle.

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

Finance Department is of the view that the Draft Agenda as prepared by the Department appears to be in order. The same may be submitted to the Competent Authority for his orders for placing the same in the Council meeting.

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

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

None

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

This Agenda is in conformity with earlier Resolution of the Council to follow DJB Tariff in NDMC area and only addition is to have a fixed charge for NDMC employees of Category 'A' to 'C' and free to Category 'D'. This has no legal issue pls.

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

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

Resolution No.3 (x) of the Council dated 25.09.1998.  
Resolution No. 20 (G-I)of the Council dated 28.04.2008.  
Resolution No.9 (G-03) of the Council dated 04.09.2013.

**12. Recommendations**

The water tariff of Delhi Jal Board which has come into force w.e.f. 01.01.2014 may be implemented for both the domestic and commercial categories of consumers in NDMC area w.e.f. February, 2014 billing cycle alongwith the proposal contained in Para 4 (ii).

**13. Draft Resolution**

The water tariff of Delhi Jal Board which has come into force w.e.f. 01.01.2014 may be implemented for both the domestic and commercial categories of consumers in NDMC area w.e.f. February, 2014 billing cycle alongwith the proposal contained in Para 4 (ii).

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

### **COUNCIL'S DECISION**

The members expressed strong displeasure about table agendas being placed, as it gives little time for examination and discussions. It was explained that due to the events in the last few months, quite a few pending items had to be accommodated and that it would be our attempt in future to placed them as regular agenda.

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Furthermore, as another exception, not being a policy matter it was resolved by the Council to accord approval to item No. 26(H-03) by giving one time exemption to 10 Nos. of Fireman promoted to the post of Leading Firemen, who failed to procure the HMT license, as per the pre-condition laid down in the RRs.

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



**ITEM NO. 25 (G-07)****1. Name of the Subject/Project:**

Targeted Subsidy on Consumption of Electricity to Domestic Consumers in NDMC area.

**2. Name of the Department**

Commercial Department

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

The Govt. of NCT of Delhi has taken the decision vide No.2098 dated 31.12.2013 that 50% targeted subsidy on tariff slabs issued by DERC for the financial year 2013-14 to all domestic consumers consuming upto 400 units only per month for the period 1st January, 2014 to 31st March, 2014 would be provided. Further, no subsidy shall be provided to domestic consumers consuming more than 400 units, even on slabs upto 400 units.

A copy of letter no. F.11(111)/2012/Power/17 dated 02.01.2014 of Dy Secretary (Power) GNCTD issued to Secretary, DERC conveying this decision is enclosed as Annexure 'A'.

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

It is proposed to give subsidy to consumers in NDMC area consuming upto 400 units only per month for the period 1st January, 2014 to 31st March, 2014. Further, no subsidy shall be provided to domestic consumers consuming more than 400 units, even on slabs upto 400 units, with the proposal that the revenue loss that would be incurred by NDMC for

the period 1st January, 2014 to 31st March, 2014 on account of the subsidy would be claimed by NDMC from the Govt. of NCT of Delhi on actual basis.

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

As per data available for the current financial year 29147 domestic consumers have been billed upto 400 units per month. As per record available, NDMC is supplying 12985818.21 KW of energy in one quarter to 29147 domestic consumers using upto 400 units in a month, amounting to `4,52,47,080/-. After allowing 50% subsidy to these consumers, the net energy charges in a quarter would be `2,26,23,540/-, thereby involving a short fall of Rs.2,26,23,540/- in a quarter for NDMC. This figure is a broad estimate and the actual shall vary from month to month.

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

Once approved, the benefit of subsidy would be implemented w.e.f. January, 2014 billing cycle.

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

The Draft Agenda as prepared by the Department appears to be in order. The point regarding recovery of revenue loss from GNCT of Delhi that would be incurred by NDMC on account of subsidy is already incorporated in the Draft Agenda.

For the working out the financial implications, as pointed out by Secretary, NDMC in advance, the Department may be directed accordingly.

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

The financial implications of the proposal have already been worked out and given in Para (5) above.

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

None.

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

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

There is no reduction in tariff fixed by DERC. The same upto 400 KWH for domestic consumer would be received by NDMC, partly as subsidy from Govt. of NCT of Delhi and partly from consumer. Hence no revenue effect.

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

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

**14. Recommendations**

The proposal is placed before the Council for discussion and decision.

**COUNCIL'S DECISION**

The members expressed strong displeasure about table agendas being placed, as it gives little time for examination and discussions. It was explained that due to the events in the last few months, quite a few pending items had to be accommodated and that it would be our attempt in future to place them as regular agenda.

The members desired to defer all the Table Agenda items so placed, to be taken up in the next meeting. However, on the express request of the Joint Secretary, MoUD, item No. 24(V-01) on the layout Plan of the East Kidwai Nagar was taken up and approved, being a Govt. of India proposal.

Furthermore, as another exception, not being a policy matter it was resolved by the Council to accord approval to item No. 26(H-03) by giving one time exemption to 10 Nos. of Fireman promoted to the post of Leading Firemen, who failed to procure the HVM license, as per the pre-condition laid down in the RRs.

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

**ITEM NO. 24 (V-01)****1. Name of the Subject/Project:**

***Layout Plan in r/o Redevelopment of East Kidwai Nagar, New Delhi. (Annexure-A)***  
***(Separately circulated on table) –***

As per section 217 of NDMC Act, 1994, the proposal of Layout Plan in r/o Redevelopment of East Kidwai Nagar, New Delhi requires sanction of the Council.

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

Architect Department

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

As per the Zonal Plan-D, this area has been earmarked for redevelopment. Accordingly NBCC has submitted a *Layout Plan for redevelopment of East Kidwai Nagar*. The land use shall be governed as per the Master Plan / Zonal Development Plan.

Party has submitted a scheme no. 0101/12 dtd.23.07.2012 for demolition of entire existing buildings/structures at East Kidwai Nagar except religious structures and reconstruction of buildings comprising of Type –II to Type-VII Flats, community facilities viz Primary and Secondary schools, Banquet Hall, Local Shopping Centre and commercial buildings.

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

- A.** In East Kidwai Nagar there exists Type II to Type VII Flats, 3 nos. Schools, 2 nos. local shopping centres and 5 nos. of religious structures. All These structures are proposed for demolition except religious structures.
- B.** In the Zonal Development Plan of 'D' Zone, the area of East Kidwai Nagar has been earmarked for redevelopment.
- C.** As per MPD 2021, 10% of the FAR has been allowed for commercial use.
- D.** The proposed layout plan consists of following type of Residential, Commercial and Social Infrastructure buildings.

<b>Sr. No.</b>	<b>Type of Building</b>	<b>Nos. of towers/ blocks</b>	<b>Nos. of Units</b>
1.	Type II	11	780
2.	Type III	12	1025
3.	Type IV	17	1472
4.	Type V	19	1078
5.	Type VI	10	192
6.	Type VII	09	61
7.	Govt. Office Building	04	
8.	Social Infrastructure		
	a. Primary School	01	01
	b. Senior Secondary School	01	02
	c. Local Shopping Centre	01	01
	d. Banquet Halls	01	01
	e. Utility Shops	01	03

	f. Dispensary	01	01
9.	Lal Quarters	05	40

**E.** Two level basements have been proposed for parking and services below the commercial blocks and residential blocks. The basements are proposed to be artificially lighted and mechanically ventilated as per BBL/NBC provisions. In the Layout Plan, party has proposed the landscaping, internal roads & pedestrian path etc. over the basement areas falling beyond the building profile.

**F. NOC's Obtained from:**

- Land & Development Office (**L&DO**) as per copy of their plan vide LDO No.1990/2 received in this office.
- Airport Authority of India (**AAI**) vide their dtd.01.12.2011.
  - 22.45m (from Average Ground Level) for Social Infrastructure Buildings
  - 46.05m (from Average Ground Level) for other structures
- Archaeological Survey of India (**ASI**) vide their dtd.15.03.2013.
  - For distance - 0 to 100m : No Construction
  - For distance - 100m to 300m : 21m (Top of terrace excluding Mumty)
- State Level Environment Impact Assessment Authority, Delhi (**SEIAA**) (Under MoEF) vide their letter dtd. 16.08.2012
- Delhi Pollution Control Committee (**DPCC**) vide their letter 17.04.2013.
- Indraprastha Gas Limited (**IGL**) vide their letter dtd.07.10.2013.
- Delhi Urban Art Commission (**DUAC**) vide letter dtd. 12.07.2013
- Unified Traffic And Transportation Infrastructure (Planning & Engineering) Centre (**UTTIPEC**) for Transport & Traffic aspects of the project under the Chairmanship of Hon'ble Lt. Governor of Delhi vide their letter 14.05.2013.

- Chief Fire Office (**CFO**) for Layout, Office block, Residential Blocks and Social Infrastructures vide their letters dtd.16.07.2013, 08.10.2013 & 02.01.2014.
- **Tree Cutting Officer**, Department of Environment, Forest and Wildlife vide their letter dtd.19.12.2013.

**G.** The norms have been taken as per MPD-2021 and on the basis of minutes dtd.29.01.2013 issued in r/o meeting held on 23.01.2013 with the representative of Town and Country Planning Organization (**TCPO**) appointed by MoUD regarding Redevelopment of East Kidwai Nagar.

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

**6. Implementation schedule for each stage including internal processing – NA.**

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

**8. Comments of the Department on comments of Finance Department – N.A.**

**9. Final views of the Finance Department (if any) – N.A.**

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



Shri Ganga Ram Kohli, Member of Parliament has addressed a letter to Hon'ble LG, Delhi suggesting that *" the redevelopment of Kidwai Nagar , East, New Delhi, be amended in such a manner that the Lal Quarters are not disturbed at all."*

In response, a letter dated 11.12.2013 has been received in this office from Dy. Director (Plg) Zone D which states that the suggestion is to be dealt by L&DO and NBCC since the land ownership lies with the L&DO and the redevelopment of project is being undertaken by NBCC. NDMC has been asked to ensure that the plans are as per the provisions of various acts applicable while approving the scheme.

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

The matter in r/o Redevelopment of East Kidwai Nagar, GPRA project was placed vide item no.07(A-11) by the Building Maintenance Division through CE(C-II), NDMC in the Council Meeting no.05/2013-14 held on 04.09.2013 at 5:00 PM. The decision taken by the Council is as under:

- I. Approval is accorded for the proposal of NBCC/MoUD for provision of 80 Nos. of flats in one tower containing 90 flats against the enhanced FAR in respect of various NDMC assets.*
- II. To accord administrative approval and expenditure sanction amounting to Rs.8,00,32000/- (Rs. Eight Hundred Lacs Thirty Two Thousand Only) for payment to NBCC on account of purchase of 10 Nos. of Type-II flats under Redevelopment of Kidwai Nagar (East), GPRA project. Permission is also accorded to pay the exact amount on final area of the flats for 10 quarters after the same is received from NBCC. The expenditure may be charged to chart of Account 4124005 "Const. of*

*Type-I multistoried flats at Bapu Dham Housing Complex'. Further it was directed that on receipt of the budget in relevant head the required re-appropriation may be carried out.*

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

**12. Comments of the Law department on the subject/project – N.A.**

**13. Comments of the Department on the comments of Law Department – N.A.**

**14. Final views of the Law Department (if any) – N.A.**

**15. Comments of the Electrical Department on the subject/project**

Electrical Department, NDMC issued NOC for providing 33 KV electric connections for Redevelopment of East Kidwai Nagar vide their letter dtd.04.11.2013.

**16. Comments of the Department on the comments of Electrical Department – Nil**

**17. Final views of the Electrical Department (if any) – Nil**

**18. Comments of the Civil Engineering Department on the subject/project**

Executive Engineer (Sewer Maintenance, NDMC) issued NOC for Augmentation of Sewerage Disposal for East Kidwai Nagar vide their letter dtd.26.09.2013.

S.E.(Roads-II), NDMC issued NOC for roads and pavements in r/o Redevelopment of East Kidwai Nagar vide their letter dtd.01.10.2013.

In a meeting held on 07.03.2013 in the Council Room, CE(C-III), NDMC informed that they are unable to supply the enhanced water unless Delhi Jal Board provide additional water to NDMC.

**19. Comments of the Department on the comments of Civil Engineering Department**

NBCC has been asked to pursue the matter regarding enhanced water supply with Delhi Jal Board. The agency has also been asked to submit NOC from Central Ground Water Authority (**CGWA**) and Delhi Jal Board (**DJB**).

**20. Final views of the Civil Engineering Department (if any) – Nil**

**21. Comments of the Estate Department on the subject/project**

Estate Department, NDMC issued NOC regarding shifting of shops of Central Market and South Market of Kidwai Nagar vide their letter dtd.08.01.2014. Further they have offered no comments with regard to the proposed layout structures of Redevelopment of East Kidwai Nagar.

**22. Comments of the Department on the comments of Estate Department – Nil**

23. **Final views of the Estate Department (if any) – Nil**
24. **Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case – N.A.**
25. **Recommendation**

To accord approval of Layout Plan in r/o Redevelopment of East Kidwai Nagar comprising of construction of office buildings, residential buildings, social infrastructures, local shopping centers, ESS etc. as submitted by NBCC vide scheme no. 0101/12 dtd.23.07.2012 as the requirement of Section 217 of NDMC Act, 1994 has been complied with.

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

The members expressed strong displeasure about table agendas being placed, as it gives little time for examination and discussions. It was explained that due to the events in the last few months, quite a few pending items had to be accommodated and that it would be our attempt in future to placed them as regular agenda.

The members desired to defer all the Table Agenda items so placed, to be taken up in the next meeting. However, on the express request of the Joint Secretary, MoUD, item No. 24(V-01) on the layout Plan of the East Kidwai Nagar was taken up and approved, being a Govt. of India proposal.

Furthermore, as another exception, not being a policy matter it was resolved by the Council to accord approval to item No. 26(H-03) by giving one time exemption to 10 Nos. of Fireman

promoted to the post of Leading Firemen, who failed to procure the HMV license, as per the pre-condition laid down in the RRs.

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

**ITEM NO. 25 (B-14)****1. Name of the Subject/Project:**

Appointment of advisory firm for the formation of Electricity Cell within NDMC.

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

Power Department

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

The NDMC is a Municipal Council entrusted with the distribution of electricity to the consumers in NDMC area Under Section 195 to 201 of the NDMC Act 1994. The NDMC has obligations of a Licensee under the Indian Electricity Act 1910 in respect of the New Delhi area.

The Electricity Act (EA) 2003 enacted in June 2003 & repealed the Indian Electricity Act 1910. Section 86 (1) (a) of the EA 2003 vests the responsibility of determination of tariff to the Delhi Electricity Regulatory Commission accordingly, NDMC filing petition for Determination of Aggregate Revenue Requirement (ARR) & Retail Supply Tariff on Year to Year basis under Multi Year Tariff regime. The first Petition for Determination of Retail Supply Tariff for area was filed by NDMC for the FY 2005-06. DERC vide order dated 02.11.2005 passed an order on ARR applicable for NDMC area. While according approval for Retail Supply Tariff DERC issued directives under chapter-IV of the order, the following directives were issued by DERC under clause 4.2.

- Details of offices and land, fully occupied by Electricity Department in terms of area of land and area of office along with the original cost of these assets.
- Details of offices occupied by Electricity Department in other NDMC buildings. The details shall include the name of office, name of building, total area of building, area occupied by Electricity Department, area occupied by other NDMC departments, area rented to others along with details of prevailing rent in such buildings.
- Treatment of rent by Electricity Department in NDMC's books of accounts (Budget Estimates).

Therefore, DERC asked NDMC for compliance of the directives issued by Hon'ble Commission on the petition FY 2005-06 & 2006-07 which are placed at **Annexure A & B (see pages 280 – 286)** . On the basis of methodology adopted by DERC under MYT regime DERC set long term performance targets by segregated costs into two categories on the basis of controllable & uncontrollable parameters. The controllable parameters include O&M expenses, employee expenses, AT&C losses, Administration and General Expenses & Quality of supply. Any financial losses arising out of the underperformance with respect to the targets specified to the Commission for the controllable parameters are to be born by NDMC. Since, the directives issued by Hon 'ble Commission pertains to controllable parameters & hence no enhancement allowed over and above the base year cost i.e. trued up by Commission in its order for FY 2006-07. DERC in the first MYT order dated 07.03.2008 for FY 2008-11 mentioned that NDMC have not submitted the details of:-

- Actual Employee Expenses
- Administration and General Expenses
- Repairs & Maintenance expenses
- O&M expenses
- Separately account of the cost of works carried out by Civil Engineering Department for Electricity Department and also to provide the complete details of such works and associated costs & at the end of the year bringing out clearly the percentage of Civil Engineering Department booked to Electricity Department viz to viz all the other departments.

Keeping in view repeated directives on year to year basis as enclosed here with from **Annexure 'C' (See pages 287-294)** Chairman NDMC constituted a Committee for separate accounting of Electricity Business required for Determination of Retail Supply Tariff for NDMC area. The Committee after due deliberation in the various meeting, suggested draft order prepared by the legal consultant in the year 2008 is acceptable broadly with some modifications & suggestions. However the final outcome of the report is awaited.

#### **4. Detail Proposal on the subject/project**

To sort out long pending issue before the Regulator, which is badly impact on NDMC Retail Supply tariff proposal for formation of Electricity Distribution strategic business unit was obtained from M/S SBI CAPS in the month of Nov. 2013, so that Regulator may be convinced on the issue by way of appointment of M/S SBI CAP, who is a wholly owned subsidiary State Bank of India, which is the largest bank of India. The firm is providing its services in power sector & cover the complete range of transaction including bid advisory,

reforms and restructuring, policy & strategic advisory, regulatory advisory, regulatory support, fund mobilisation & due diligence services & securitization.

M/s SBI CAP working similar nature of work with Govt. of Manipur & also appointed by PPCL for merging of IPGCL on nomination basis.

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

An amount of Rs. 150 lakh (exclusive statutory levies & taxes including service tax) is payable to SBI CAP which is inclusive of third party consultants to be engaged by it & out of pocket expenses to be incurred by SBI CAP or third party consultants.

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

Time frame as envisaged by SBI CAP is as follows-

<b>S.NO</b>	<b>MILESTONE</b>	<b>TIMELINE</b>
1	Award of mandate and payment of inception fee	Zero date
2	Submission of draft fixed assets register	Zero date +3 months
3	Submission of draft report	Zero date +4 months
4	Submission of final report	Zero date +5 months
5	Implementation of SBU structure	Zero date +6 months

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

Finance Department vide diary no. D-2427/Finance dated 11.12.2013 made the following observation on the proposal of department:-

1. The Department may certify that the scope of work given in the offer submitted by SBICAAP covers all the requirement of DERC for preparing and furnishing the information on behalf of NDMC.
2. The outcome of the Committee constituted by the Chairman vide orders dated 15<sup>th</sup> March, 2013 for examining the need and possibility of framing a separate Electricity Cell may also be brought on record.



3. The basis and justification for proposing the amount Rs.1.5 crore excluding taxes on account of consolidated fees to the advisory firm for principle approval needs to be clarified and brought on record.
4. The Department is also advised to submit their recommendation with specific proposal.

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

Para wise reply given as under on the observation made by Finance Department on 11.12.13:-

1. The scope of work mentioned by SBI CAP in the offer is in accordance to that which is required by DERC in the directives issued on the Petition filed by NDMC for Aggregate Revenue Requirement since 2005-06 to onward. A team of officers from SBI CAP cross examined required scope of work after having the meeting with electricity department and account department. Hence scope of work is as per the requirement of DERC.
2. The report/recommendation of the said Committee was put up before Chairman NDMC, which was send to Finance Department through Adviser (Power) vide no. RP-85/Advisor (Power)/13 dated 24.09.2013.
3. SBI CAP was issued a order for the similar work amounting to Rs.1.85 Cr. by Govt. of Manipur vide no. 2/12(35)/SBICAP©/2012-ED(PURCH)/1814-25 dated 14 June 2013 copy placed at **Annexure 'D' (See pages 295-297)**. However the rates may be negotiated with the firm.
4. Keeping in view directives of the Regulatory Authority efforts were made by the Department for separate accounting of Electricity Business by way of constituting a Committee could not provide a solution to comply with DERC directives issued on the separate accounting for Electricity Business required for Determination of Retail Supply Tariff applicable in NDMC area.

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

Finance Department vide no. D-2544/Finance dated 02.01.2014 made following observation on the Department reply.

1. The proposal of the department is for obtaining in-principle approval for engaging M/s SBI CAP for advisory on formation of strategic business unit structure for electricity distribution in NDMC at page 3/N. The proposal involves Rs. 1.5 crores plus statutory levies & taxes including service tax which is payable by NDMC and it is further on nomination basis. It is viewed that ABBAS should have all the details of accounts on the subject matter as NDMC has already switched over on double entry accounts base system. The views on A.O(ABBAS) have not been found on record after bringing on record the requisite information needed for the purposes.
2. The proposal is for seeking AIP for appointment of M/s SBICAP on nomination basis. There may be various other firms doing such works/business. In case of consultancy by nomination, the department needs to justify the same as per provision of GFR Rules/ GFR 176; otherwise, the proposal needs to be regulated as per relevant rules of GFR.
3. Keeping into consideration the above points and if it is found necessary to engage a firm for the work, it is necessary to decide/spell out clearly the scope of work to be outsource and accordingly proper justification of rates needs to be worked out.
4. A Sub-Committee was constituted for examining the need and possibility of forming a separate electricity cell. The outcome of the report/outcome of the said Committee has not been brought on record in response to observation no.2 of the Finance Department. It may also be brought on record whether the views of the said Sub-Committee have been obtained with regard to instant proposal.
5. CE(E-I) may also give his recommendations.

#### **10. Clarification of the Department on the Final view of Finance Department**

Para wise reply given as under on the observation made by Finance Department on 02.01.14:-

1. In compliance of DERC regulation 2007 regarding terms & conditions for determination of wheeling tariff & retail supply tariff, a petition for true up & aggregate revenue requirement (ARR) required to be filed by NDMC on year to year basis. The data required for filing the petition as per detail given below is circulated among the department but the information even after implementation of double entry system is not being provided
  - a. Detail of actual expenses and revenue on Power Purchase along with the copy of the bills.
  - b. Detail of actual employee expenses, administration and general expenses repair and maintenance expenses.
  - c. Detail of slab wise sales & revenue, revenue from various component of tariff.
  - d. Compliance on the directives issued by the Commission on O&M expenses in tariff order for FY 2007-08, 2009-10, 2010-11 & 2011-12.
  - e. Scheme wise details of capital schemes carried out in the FY 2012-13 & proposed for FY 2014-15.
  - f. Directive issued by Commission to separately account the cost of works carried out by Civil Engineering Department for Electricity Department and provide the details of such works and associated cost at the end of the year bring out clearly the percentage expenditure of Civil Engineering Department booked to Electricity Department viz a viz all other departments.
  - g. Division of distribution business into wheeling and retail supply-segregation of accounts.
  - h. Scheme wise completion and consequent capitalization of assets in consonance with Commissioning/Commercial Operation of the respective schemes.
  - i. Break-up opening block of assets and assets capitalized during the year.
  - j. Record of revenue collected on account of fixed charges and energy charges separately along with slab wise no. of consumers and sanctioned load.

- k. Provisional/audited accounts.
  - l. Detail of non-tariff income.
  - m. Separate records/accounts for electricity as a separate entity.
2. The SBI Capital Market Limited, SBI CAP is wholly owned subsidiary of State Bank of India, which is the largest Commercial Bank of India. In the Power Sector, the services of SBI CAP cover the complete range of transaction including bid-advisory, reforms & restructuring, policy & Strategic Advisory Regulatory Advisory, Regulatory Support & hence SBI CAP is fully convergent to assignment further nomination for consultancy to SBI CAP is based on that the Firm is already engaged by PPCL for merging of IPGCL & by Govt. of Manipur for the similar work on nomination basis.
  3. The Scope of work placed on the firm is for compliance of DERC directives year to year from 2005-06 to onward including the assessment of scope of work decided/deliberated various meetings with SBI CAP team with CEE-II, Addl. CE-I & II & ABBAS officials. Regarding the rates for the assignment Finance Department may called the Firm for the negotiation.
  4. With reference to report/recommendation of the Chairman of the Committee placed at **Annexure 'E' (See pages 298-299)** for kind perusal i.e. report of the Committee is under finalization and excepted to be submitted during the month i.e. January 2014. However, in the mean time a proposal for constitution of "Electricity Cell in NDMC along with draft order vide no. D/84/Advisor (Power)/13 dated 23.09.2013 was initiated by the office which was referred to FA/Advisor (L & J) by Chairman, NDMC for further examination.
  5. The rates offered by SBI cap for the Advisory for the Formation of Electric Distribution- Strategic Business Unit are on higher side, therefore, the case is submitted for according A.I.P. for engaging SBI Cap (on nomination basis) as consultant and to hold negotiations with representative of SBI Cap by negotiation Sub-Committee in the Chamber of F.A. comprising of Financial Advisor (In Chair), CE(E-II), ACE(E-I), ACE(E-II), SE(E-V), SE(E-II) & Law Officer.

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

Comments of the Law Department may be seen.

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

The appointment of Consultant can be limited to furnishing information of accounting to DERC. It can't be for formation of electricity cell in NDMC. There is no such mandate from Council for form a Electricity Cell in NDMC. It has to be legally examined as to whether such a cell is possible under the NDMC Act.

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

The purpose of appointment of Advisory firm is exclusively to comply the Directives of DERC issued by them, while approving the Retail Supply Tariff for Distribution of Electricity in NDMC area since 2005-06.

**14. Recommendations**

The proposal is placed before the Council for discussion and decision.

**COUNCIL'S DECISION**

The members expressed strong displeasure about table agendas being placed, as it gives little time for examination and discussions. It was explained that due to the events in the last few months, quite a few pending items had to be accommodated and that it would be our attempt in future to placed them as regular agenda.

The members desired to defer all the Table Agenda items so placed, to be taken up in the next meeting. However, on the express request of the Joint Secretary, MoUD, item No. 24(V-01) on the layout Plan of the East Kidwai Nagar was taken up and approved, being a Govt. of India proposal.

Furthermore, as another exception, not being a policy matter it was resolved by the Council to accord approval to item No. 26(H-03) by giving one time exemption to 10 Nos. of Fireman promoted to the post of Leading Firemen, who failed to procure the HMTV license, as per the pre-condition laid down in the RRs.

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

(Annexure 20 pages)











































**Annexure End**

**ITEM NO. 26 (H-03)****1. NAME OF THE SUBJECT:**

One time exemption to Firemen, promoted to the post of Leading Fireman in the pay scale of Rs.4000-6000 (pre-revised) Rs.5200-20200 + Rs.2400/- GP (6<sup>th</sup> CPC) with one of the condition of RRs to procure the HMV driving licence within a period of two years and more, but could not to procure the same.

**2. NAME OF THE DEPARTMENT:**

Personnel Department (Secretary's Estt. Branch)

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

There are 19 nos. of sanctioned posts of Leading Fireman in Fire Deptt. of NDMC in the pay scale of Rs.4000-6000 (pre-revised) revised to Rs. 5200-20200 + Rs.2400/- GP (6<sup>th</sup> CPC).

1. As per RRs for the post of Leading Fireman, approved vide Council Reso. No. 3(XV) dated 28.01.2002 read with Reso. No. 1-A dated 26.06.2002 and amended vide Chairperson orders dated 16.09.2003 and 21.01.2005. In the case of promotion of Fireman to Leading Fireman, the selected candidate will have to procure HMV driving licence within a period of 2 years **Annexure-I (see pages 303-305)**).

2. The DPC held on 29.11.2006 and recommended the names of 19 Fireman for promotion to the post of Leading Fireman, subject to procurement of HMV licence within a period of 2 years vide posting order No. SO(E)/8997/SA-I dated 20.12.2006 **Annexure-II (see page 306)** and office order No. SO(E)/298/SA-I dated 12.01.2007, respectively **Annexure-III (see page 307)**).

Further, vide order No. SO(E)/3696/SA-I dated 20.08.2009, the Leading Fireman, who have not obtained/procured the HMV driving licence within the stipulated time of 2 years were once again given final opportunity to obtain/procure the same by 31.12.2009, failing which, they would be reverted to the lower post, without any notice **Annexure-IV (see pages 308-311)**).

3. Meanwhile, they have filed OA No. 3380/2009 titled Sh. Rajesh Kumar & Ors. Vs. NDMC in the CAT for waiving off the condition of procurement of HMV licence for promotion to the post of Leading Fireman. On 23.11.2009, the principal bench has passed order, directed to reconsider the representation of the applicants treated the OA as additional representation and passed a speaking order. Accordingly, the case was re-examined and the representation given by the applicants were rejected by the Competent Authority through speaking order vide No. SO(E)/582/SA-Court dated 08.02.2010 **Annexure-V (see pages 312-313)**.

Further, 10 nos. of Leading Fireman had again filed OA No. 1046/10 in CAT titled Sh. Shobhnath & Ors. Vs. NDMC, wherein, the Hon'ble CAT has passed the order of status quo in favour of the applicants - directed NDMC not to revert the applicants to the lower post in terms of office order dated 20.08.2009 read with 08.02.2010. After that, on 28.09.2011, the Hon'ble CAT has passed the order (oral) mentioned that "**resultantly the present OA is dismissed without any order as to cost**" **Annexure-VI (see pages 314-324)**.

4. By challenging the above order of the Hon'ble CAT, once again 6 Nos. of Fireman had filed a writ petition in Delhi High Court - WP(C) 8276/2011 – Shobhnath & Ors. Vs. NDMC.

**5. The Hon'ble High Court of Delhi granted stay vide order dated 28.11.2011 against orders passed by CAT dated 28.09.2011 and finally on 30.04.2013, the Hon'ble High Court of Delhi has passed the order in favour of NDMC, Annexure-VII (see pages 325-326).**

6. By considering the above facts/position, it is submitted that out of total 19 Nos. of Leading Fireman, 09 nos. of Leading Fireman have been procured/obtained the licence and **10 nos. of remaining Leading Fireman have not procured the HMV licence** (02 Leading Fireman have retired from the Council Service) - **Annexure-VIII (see page 327)**

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

It is felt to seek approval regarding one time exemption to 10 Nos. of Leading Firemen **list at Annexure-VIII (see page 327)**, who failed to procure the HMV licence.

#### **5. FINANCIAL IMPLICATIONS OF THE PROPOSAL:**

No financial implication, as the Leading Fireman are already getting the pay scale of Rs.5200-20200 + Rs.2400/-GP under ACP Scheme.

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

The decision of the Council will be followed, accordingly.

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

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

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**9. LEGAL IMPLICATIONS OF THE SUBJECT:**

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

The RRs of the post has been approved by the Council vide Reso. No. 3(XV) dated 28.01.2002 read with Reso. No. 1-A dated 26.06.2002 and amended vide Chairperson order dated 16.09.2003 and 21.01.2005

**11. COMMENTS OF THE LAW DEPARTMENT:**

**"After the matter already decided by CAT and Hon'ble High Court of Delhi vide order dated 30.04.2013 against the petitioners and in favour of NDMC. Therefore no**

exemption/relaxation can be granted for promotion to Leading Fireman. The Deptt. may take decision strictly as per RRs and in compliance of court orders”.

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

“Strict observance of orders” (High Court order dated 30.04.2013 - Annexure-VII (see pages 325-326).

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

Administrative matter.

**14. RECOMMENDATION:**

One time exemption to 10 Nos. of Fireman promoted to the post of Leading Firemen, who failed to procure the HMV licence, as per the pre-condition laid down in the RRs **list at Annexure-VIII (see page 327).**

**15. DRAFT RESOLUTION:**

Resolved by the Council by giving approval for one time exemption to 10 Nos. of Fireman promoted to the post of Leading Firemen, who failed to procure the HMV licence, as per the pre-condition laid down in the RRs **list at Annexure-VIII (see page 327).**

**COUNCIL'S DECISION**

The members expressed strong displeasure about table agendas being placed, as it gives little time for examination and discussions. It was explained that due to the events in the last few months, quite a few pending items had to be accommodated and that it would be our attempt in future to placed them as regular agenda.

The members desired to defer all the Table Agenda items so placed, to be taken up in the next meeting. However, on the express request of the Joint Secretary, MoUD, item No. 24(V-01) on the layout Plan of the East Kidwai Nagar was taken up and approved, being a Govt. of India proposal.

Furthermore, as another exception, not being a policy matter it was resolved by the Council to accord approval to item No. 26(H-03) by giving one time exemption to 10 Nos. of Fireman promoted to the post of Leading Firemen, who failed to procure the HMV license, as per the pre-condition laid down in the RRs.

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.

**(JALAJ SHRIVASTAVA)**  
**CHAIRPERSON**

**(AJAY MAKEN)**  
**PRESIDING OFFICER**

Annexure 25 pages





















































**Annexure End**