

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI.

COUNCIL'S MEETING NO. 03/2014-15 DATED 19.09.2014 AT 3-00 P.M.

Arrangement of business

| ITEM NO. | SUBJECT | PAGE | ANNEXURE |
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| 01 (C-22) | Confirmation and signing of the minutes of the Council's Meeting No. 02/2014-15 held on 10.09.2014 | 2 | 3 – 4 |
| 02 (E-06) | Extension of Existing Contract with M/s City Live Line Travels Pvt. Ltd. for Hiring of 40 Nos. of Tipper Trucks having capacity of 8 cubic meter by volume for removal of garbage and horticulture waste from NDMC area. | 5 – 9 | |
| 03 (A-13) | S/R of roads in NDMC area. SH : Resurfacing of Tilak Lane and Pandara Park and other lanes under the jurisdiction of R-I Division. | 10 – 13 | |
| 04 (A-14) | PPP Project for Repair/Renovation, Operation and Maintenance of 94 PTUs in NDMC area (South of Rajpath). | 14 – 19 | |
| 05 (G-03) | Electricity allowance to all regular employees of NDMC. | 20 – 22 | 23 – 24 |
| 06 (L-12) | Lodhi Colony Market. Note to be distributed among members of the Council. | 25 – 27 | 28 – 83 |
| 07 (A-15) | Designing, installation and Maintenance of Street Furniture and Cleaning & Maintenance of public plaza/ Corridor, Parking Area, Planters, Subway and toilet in Connaught Place on DBOT basis. | 84 – 90 | |
| 08 (G-04) | Implementation of DERC directives regarding promotion of e-billing and e- payment by DISCOMs. | 91 – 94 | 95 |
| 09 (A-16) | Infrastructure project on Corporate Social Responsibility (CSR) initiatives. SH:- Design, Built & Operation of PTU's in NDMC Area. | 96 – 98 | |
| 10 (U-04) | Annual Estimate for the work Security and Traffic Services / Arrangements at NDMC Premises under Group Contract 'A', 'B', 'C', 'D', 'E', 'F', 'G' 'H' 'J' & 'K' and other related works of Security Department. | 99 – 102 | |

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| 11 (C-23) | Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.200 lacs. | 103 | 104 – 108 |
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| | Resolution moved by Sh. Karan Singh Tanwar, Vice Chairperson regarding pending cases of transfer of shops pertaining to Estate Department. | 118 | |
| | Resolution moved by Sh. Karan Singh Tanwar, Vice Chairperson regarding 9 NDMC markets constructed for rehabilitation , of refugees who migrated from various cities of undivided India | 119 | |
| | श्री बी.एस. भाटी, सदस्य के द्वारा परिषद् कर्मचारियों को अनुग्रह राशि रु.11,000/- के विषय पर नई दिल्ली नगर पालिका परिषद् अधिनियम, 1994 की धारा 23 के अन्तर्गत प्रस्ताव। | 120 | |

ITEM NO. 01 (C -22)

Confirmation and signing of the minutes of the Council's Meeting No. 02/2014-15 held on 10.09.2014. (See pages 3 - 4)

COUNCIL'S DECISION

Minutes confirmed.

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

DRAFT MINUTES OF THE COUNCIL'S MEETING NO. 02/2014-15 HELD ON 10.09.2014, AT 3-00 P.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.

| | | |
|--------------------|----------|----------------------------------|
| MEETING NO. | : | 02/2014-15 |
| DATE | : | 10.09.2014 |
| TIME | : | 3-00 P.M. |
| PLACE | : | PALIKA KENDRA, NEW DELHI. |

PRESENT :

1. **Smt. Meenakshi Lekhi** - **Presiding Officer**
2. Sh. Jalaj Shrivastava - Chairperson
3. Sh. Karan Singh Tanwar- Vice Chairperson
4. Sh. Surender Singh - Member
5. Sh. D.S. Mishra - Member
6. Dr. Anita Arya - Member
7. Sh. Abdul Rasheed Ansari - Member
8. Sh. B.S. Bhati - Member
9. Sh. Nikhil Kumar - Secretary

At the onset, Sh. D.S. Mishra, Additional Secretary, Ministry of Urban Development, Govt. of India, Member, NDMC took oath of office today, which was administered by the Chairperson, NDMC.

| ITEM NO. | SUBJECT | DECISION |
|-----------|--|--------------------------------|
| 01 (C-18) | Confirmation and signing of the minutes of the Council's Meeting No. 05/2014-15 held on 27.08.2014 | Minutes confirmed. |
| 02 (C-19) | Confirmation and signing of the minutes of the newly constituted Council's Meeting No. 01/2014-15 held on 06.09.2014. | Minutes confirmed. |
| 03 (E-05) | Extension of Existing Contract with M/s City Live Line Travels Pvt. Ltd. for Hiring of 40 Nos. of Tipper Trucks having capacity of 8 cubic meter by volume for removal of garbage and horticulture waste from NDMC area. | Deferred for the next meeting. |
| 04 (A-09) | S/R of roads in NDMC area. SH : Resurfacing of Tilak Lane and Pandara Park and other lanes under the jurisdiction of R-I Division. | Deferred for the next meeting. |
| 05 (A-10) | PPP Project for Repair/Renovation, Operation and Maintenance of 94 PTUs in NDMC area (South of Rajpath). | Deferred for the next meeting. |
| 06(G-01) | Electricity allowance to all regular employees of NDMC. | Deferred for the next meeting. |
| 07 (L-11) | Lodhi Colony Market. Note to be distributed among members of the Council. | Deferred for the next meeting. |
| 08 (A-11) | Designing, installation and Maintenance of Street Furniture and Cleaning & Maintenance of public plaza/ Corridor, Parking Area, Planters, Subway and toilet in Connaught Place on DBOT basis. | Deferred for the next meeting. |
| 09 (C-20) | Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.200 lacs. | Deferred for the next meeting. |
| 10 (C-21) | Action Taken Report on the status of ongoing schemes/works approved by the Council. | Deferred for the next meeting. |
| 11 (G-02) | Implementation of DERC directives regarding promotion of e-billing and e- payment by DISCOMs. | Deferred for the next meeting. |
| 12 (A-12) | Infrastructure project on Corporate Social Responsibility (CSR) initiatives. SH:- Design, Built & Operation of PTU's in NDMC Area. | Deferred for the next meeting. |

It was decided by the Council that all the above deferred items would be taken up for discussion in the next meeting of the Council.

ITEM NO. 02 (E-06)**1. NAME OF THE SUBJECT/PROJECT**

Extension of Existing Contract with M/s City Live Line Travels Pvt. Ltd. for Hiring of 40 Nos. of Tipper Trucks having capacity of 8 cubic meter by volume for removal of garbage and horticulture waste from NDMC area.

2. NAME OF THE DEPARTMENT/DEPARTMENTS CONCERNED

Public Health Department, NDMC.

3. BRIEF HISTORY OF THE SUBJECT/PROJECT

Solid waste management is the prime obligatory function of any municipality. All other works of the municipalities are not as important in comparison to this service as the municipalities are strictly manned for sanitation environment and public health. Garbage removal is the utmost important which cannot be spare even for a single day. There is a diurnal variation of garbage in NDMC area throughout the year. It is observed that on an average about 250-300 MT garbage is generated in winter season from October to February while on an average 350 MT garbage is generated in leaf falling, monsoon and post monsoon season from March to September. It is pertinent to mention that the NDMC garbage being most of the horticulture waste is more voluminous than weighty.

At present, the collection and transportation of the garbage is being carried out departmentally by deployment of 15 nos. of NDMC owned and 15 nos. hired from M/s. G.T. Roadways Tipper Trucks. In addition, 40 nos. of tipper trucks hired from M/s. City Life Line Travels Pvt. Ltd. Thus, the requirement of the department which was calculated and

approved by Competent Authority is 70 nos. of vehicles. Out of these 70 vehicles, 40 vehicles are from M/s City Life Line Travels Pvt Ltd. which are **continued since 11-02-2014**.

As the Health Department has to carry out this task by their own means, these 40 tippers are the integral part of the system for removal of garbage from NDMC area.

The Director (Proj.) has already finalized the RPF for collection and transportation of garbage from NDMC area and the award letter has also been issued to the firm. Thus upto the implementation of the new project, these 40 nos. of tipper trucks are necessarily required to keep the area neat and clean and there is no other option left other than the proposed one.

Now, these tipper trucks are required for a period of three months or till the implementation of new project actually on ground for collection and transportation of garbage whichever is earlier. The total revised expenditure works out to Rs.4,80,58,920/- (Rs.3,20,39,280/- +Rs.1,60,19,640/-) for 9 months i.e. 273 days (182 days + 91 days). Out of the total expenditure, a sum of Rs.3,20,39,280/- already stands approved by the council. The additional expenditure of Rs.1,60,19,640/- may also be approved and sanctioned. (Total expenditure Rs.4,80,58,920/-).

4. DETAILED PROPOSAL ON THE SUBJECT/PROJECT

The department proposes to continue the existing contract to hire 40 nos. of tipper trucks from M/s City Life Line Travels Pvt. Ltd. to fulfill the requirement of the department for collection and transportation of garbage from whole NDMC area in addition to 15 nos. of tipper trucks of NDMC & 15 nos. of tipper trucks M/s G.T. Roadways.

Further, department proposes for approval and continuing revised of A/A & E/S for a total amount of Rs. 4,80,58,920/- (already approved Rs.3,20,39,280/- and to be approved Rs.

1,60,19,640/-) for hiring of 40 nos. of tipper trucks for removal of garbage and horticulture waste by M/s. City Life Travels Pvt. Ltd.

5. FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT/SUBJECT

A Total of Rs. 4,80,58,920/- (Rs. Four Crore Eighty Lacs Fifty Eight Thousand Nine Hundred Twenty Only) extending the existing contract with M/s City Life Travels Pvt. Ltd. for hiring of 40 nos. of Tipper Trucks @ Rs. 4401/- per tipper truck per day.

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

273 days from stipulated date of start i.e. 11-2-2014 of the hiring of the 40 nos. of tipper trucks.

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT.

Finance Department observed as under:-

The proposal of the Department is to extend the existing contract for further period of 03 months i.e. 91 days, w.e.f. 12-8-2014 or implementation of the RFP for collection and transportation of garbage from NDMC area whichever is earlier and accordingly revised A/A & E/S thereof.

The Department has stated at page-135/N that these 40 nos. of private tipper trucks are necessarily required to keep the area neat and clean and accordingly proposed for extension of existing contract. The MOH has also specifically recommended the proposal at page-137/N.

The Council while according the approval for award of work to the existing contract also directed 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 10th Dec. 2013" at Page-106/N.

In view of the above and position brought on record including that these 40 nos. of private tipper trucks are necessary required to keep the area neat and clean, if the Department considers that there is no option other than the proposed one, the department may process their proposal with proper justification for consideration of the Council, bringing on record (i) the stipulated date of start and completion of the existing contract (ii) the status of finalization of RFP for this work as per direction of Council and (iii) the amount of revised A/A & E/S (iv) the fact that the performance of existing contract and Tipper Trucks is satisfactory (v) consent of contractor to execute the work on same rates, terms & conditions of existing contract during the extended period.

8. COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE DEPARTMENT

The detail required by the finance department is as under:-

- (i) The stipulated date of start and completion of the existing contract was 11-2-2014 and 11-8-2014.
- (ii) The award letter has already been issued to the firm for collection and transportation of garbage as informed by Director(Proj.) and is further follow for implementation.
- (iii) The total revised A/A & revised expenditure sanction works out to Rs.4,80,58,920/- (Rs.3,20,39,280/- + Rs.1,60,19,640/-) for nine months i.e. 273 days (182 days +91 days).

- (iv) The performance of existing contractor and 40 nos. of existing private tipper trucks of M/s. City Life Line Travels Pvt. Ltd. is satisfactory.
- (v) The Consent of contractor submitted vide CIT/NDMC/tip/12 dt. 30-7-2014 is placed on the file.

9. FINAL VIEWS OF THE FINANCE DEPARTMENT (IF ANY)

The department has inter-alia also submitted that 40 nos. of tipper trucks are necessarily required to keep the area neat and clean and there is no other option left other than the proposed one. The Finance Department has already seen and cleared the case at page-138/N. The department may submit the proposal before the Council accordingly.

10. LEGAL IMPLICATION OF THE PROJECT

NIL

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

The council meeting held on 27-11-2013 vide Agenda Item no. 06(E-05) discussed the agenda at length and 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 and 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.

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 10th December, 2013.

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

As no legal implications involved, hence the matter was not submitted to Law Department.

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

No comments.

14. FINAL VIEW OF THE LAW DEPARTMENT (IF ANY)

Nil

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

Guidelines are followed/will be followed.

16. RECOMMENDATION

The department proposes to continue the existing contract to hire 40 nos. of tipper trucks from M/s City Life Line Travels Pvt. Ltd. to fulfill the requirement of the department for collection and transportation of garbage from whole NDMC area in addition to 15 nos. of tipper trucks of NDMC & 15 nos. of private tipper trucks of M/s G.T. Roadways.

Further, department also proposes for approval and continuing revised A/A & E/S for an amount of Rs. 4,80,58,920/- (Rs. Four Crore Eighty Lacs Fifty Eight Thousand Nine Hundred

Twenty Only). (already approved Rs.3,20,39,280/- and to be approved Rs. 1,60,19,640/- by the council).

17. DRAFT RESOLUTION

The case is laid before the Council for administrative approval and expenditure sanction of Rs. 4,80,58,920/- (Rs. Four Crore Eighty Lacs Fifty Eight Thousand Nine Hundred Twenty Only) (already approved Rs.3,20,39,280/- and to be approved Rs. 1,60,19,640/- by the council) for extending the existing contract with M/s City Life Line Travels Pvt. Ltd. for hiring of 40 nos. of tipper trucks for removal of garbage and horticulture waste from NDMC area for a total period of 273 days w.e.f. 11-2-2014 or the time of implementation of new project of SWM for collection & transportation of the garbage from NDMC area, whichever is earlier.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval and expenditure sanction amounting to Rs. 4,80,58,920/- (Rs. Four Crore Eighty Lacs Fifty Eight Thousand Nine Hundred Twenty Only) (already approved Rs.3,20,39,280/- and to be approved Rs. 1,60,19,640/- by the Council) for extending the existing contract with M/s City Life Line Travels Pvt. Ltd. for hiring of 40 nos. of tipper trucks for removal of garbage and horticulture waste from NDMC area for a total period of 273 days w.e.f. 11-2-2014 or the time of implementation of new project of SWM for collection & transportation of the garbage from NDMC area, whichever is earlier.

Further it was decided that Sh. P.K. Sharma, MOH, shall be personally responsible for overseeing this task and in case of any delay, he would be liable for the lapse, while he would similarly be commended for completion of the task ahead of schedule.

ITEM NO. 03 (A-13)**1. Name of Work: - S/R of roads in NDMC area.**

Sub Head: - Resurfacing of Tilak Lane and Pandara Park and other lanes under the jurisdiction of R-I Division.

2. Name of the Department

Civil Engineering Department, R-I Division.

3. Brief History

- a. Street and lane in the above said area is situated in a prestigious location of NDMC and lastly resurfaced mostly during June 06 to April 07. In routine inspection it is observed that area is deteriorated condition as the road surface shows sign of wears and rupture which needs resurfacing/ improvement to maintain an smooth look for safety and to improve riding quality of roads/ lanes of the area and keep in good condition.
- b. The CRRRI was appointed as consultant for evaluation and for suggesting the road improvement measures. The evaluation report from CRRRI has been received vide no CRRRI/PED/NDMC(R-I)/2011-13 dated 20th Dec.2013.
- c. After the field investigation, CRRRI had recommended 30 mm bituminous concrete at most of the locations and 40 mm Bituminous Concrete at few locations. On Patel Chowk roundabout 40 mm Mastic Asphalt has been recommended by CRRRI and for this separate case is processed.
- d. Number of services are passing through these streets and lanes and the needs time to time repair or connection. The rigid pavement (RMC Road) will costly as well as raise the level and repair is difficult. Therefore the resurfacing of the streets & lanes as recommended by CRRRI are adopted for further work.
- e. AIP for the stated work was obtained from the competent authority on dated 28.03.2014 and approved of the Council vide Agenda No. 03(A-02) dated 30.04.2014

4. Detailed Proposal of the subject/project

As per CRRI recommendations, the street and lanes are to be treated with following treatment : -

- (i) 30 mm Bituminous Concrete
- (ii) 40 mm Bituminous Concrete

The work carried out in the area of Tilak Lane, Pandara Park, Sangli Mess, Todermal Lane etc. and including the following scope of work.

1. P/A Tack Coat.
2. P/L DBC 30/40 mm.
3. P/L DBM 50/100 mm.

Accordingly preliminary estimate has been prepared for above cited lanes amounting ` 3,19,19,800/-. The preliminary estimate checked by the planning division and concurred by finance department

5. Financial Implications of the Proposal

` 3,19,19,800/-

6. Implementation schedule with timelines for such processing : Stage including internal

- Approval of PE : 30.09.2014
- Approval of DE : 31.10.2014
- Approval of NIT : 30.11.2014
- Award of work : 28.02.2015
- Completion of work : Six months after the award of work.

7. Comments of Finance department on the subject

(Diary No. 1321/Finance/R-Civil/03.07.14.)

1. Department has submitted the case under Sub Head of Resurfacing of Tilak Lane and Pandara Park under jurisdiction of R-I Division. But it observed that various other roads besides Tilak Lane and Pandara Park have also been taken for resurfacing under jurisdiction of R-I Division. Department may revisit the nomenclature of the Sub head of the work.
2. Expenditure has been proposed to be charged to CoA : 21-412-40-00. Department may revisit the detailed head code as the work pertains to Road for which detailed Head code has been stated as (02-Road & Bridges) as per chart of Accounts.
3. Copy of council resolution for may be added with PE and department may ensure and certify that roads proposed for resurfacing have outlived their prescribed lives.
4. It may be ensured and certified that estimate has been prepared on the basis of recommendation of the CRRI.
5. Analysis of rates for item no. 01 has not been found placed on record, the same may be prepared and placed on record.
6. CE(C-I) has not signed the abstract of estimate for having its correctness.

- (Diary no. 1420/ Finance/R-Civil/21.07.14)

In view of clarification brought on record certifying that these lanes have outlived their prescribed lives and estimate has been prepared on the basis of recommendation of the CRRI department may process its estimate to ` 3,19,19,800/- (Rupees Three crores Nineteen Lakh Nineteen thousand Eight Hundred only) duly checked by planning at Page-20/N for consideration and approval of the competent authority. However, department may ensure the availability of funds under CoA : 21-41-40-02.

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

The parawise replies of the observations raised by Finance Department are given as under:-

1. Nomenclature of the work has been reviewed and, the Sub-Head of the work has been changed now.
2. The expenditure is proposed to be charged to Chart of Accounts 21-412-40-02.

3. The copy of council resolution is enclosed. It is certified that the above said lanes have outlived their prescribed lives.
4. It is certified that the estimate has been prepared on the basis of recommendation of the CRR.
5. Item no. 1 has already been prepared on DSR-13 therefore no need of analysis of rate.
6. Needful done.

In view of above, the case is submitted to SE (R-I) for onward submission to finance department through CE(C-I) for their concurrence at the earliest please.

9. Details of previous council resolution existing Law of Parliament & Assembly on the subject

N.A.

10. Legal implication of the Subject/project

No legal issues are involved in this project.

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

N.A.

12. Certification by the department that all central vigilance commission (CVC) guidelines have been followed while processing the case.

Certified that all relevant CVC guidelines would be followed.

13 Recommendations

The case is placed before the council for consideration to accord A/A & E/S to the preliminary estimate amounting to ` 3,19,19,800/- (Rs. Three crores nineteen lacs nineteen thousand eight hundred only) for the work of S/R of Roads in NDMC Area. SH.:-

Resurfacing of Tilak Lane and Pandara Park and other lanes under the jurisdiction of R-I Division."

14. Council's Decision :

Resolved by the council to accord Administrative and expenditure sanction to the preliminary estimate amounting to ` 3,19,19,800/- (Rupees Three crores nineteen lacs nineteen thousand eight hundred only) for the work of S/R of Roads in NDMC Area. SH.:- Resurfacing of Tilak Lane and Pandara Park and other lanes under the jurisdiction of R-I Division".

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval and expenditure sanction to the preliminary estimate amounting to `3,19,19,800/- (Rupees Three crores nineteen lacs nineteen thousand eight hundred only) for the work of S/R of Roads in NDMC Area. SH.:- Resurfacing of Tilak Lane and Pandara Park and other lanes under the jurisdiction of R-I Division".

ITEM NO. 04 (A-14)**1. Name of the Subject /Project :-**

Sub: - PPP Project for Repair/Renovation, Operation and Maintenance of 94 PTUs in NDMC area (South of Rajpath).

2. Name of the Department :-

Civil Engineering Department, EE(RIP)

3. Brief History of the Subject / Project :-

During year 2005-2006, RFP invited for the subject work. All these toilets under the subject work to be renovated and run free of charge for the user's. The work was awarded to M/s. Hythro Power Corporation Limited (now M/s Supreme Advertising Pvt. Ltd.) on 13.03.2006 by Dir. (Proj.) on approval of council for concession period of Seven years from date of commencement of work on minimum concession fee of `98,823/- per month and increased annually by 5% on the previous year concession fees or 9.71% of receipts from advertisements whichever is more. As per agreement clause, the renovation of toilets to be completed within Six month and period to be termed as implementation period. During progress of work, the some location were shifted due to intervention of the residents, RWA etc., Date of commencement and commercial operation date (COD) were determined as 22.05.2006 & 31.03.2009 respectively. According to date of commencement, the completion date of project concession ends on 21.05.2013. Both the dates so fixed were communicated to concessionaire by MOH vide letter no. D/520/CMO/Proj./2013, dated: 18.02.2013. The additional 15 PTU's sites were handed over during January 2010 to September 2010, under the agreement and no additional concession period was stated to the concessionaire. The extension of concession period by Five years is permissible under the provision of agreement. The extension was granted upto 31.03.2014 in first instance by the competent authority and communicated by MOH vide letter no. D/645/CMO(Proj.)/2013 dated: 28.05.2013 to the concessionaire and an undertaking in regard to double the concession fees during the extended term was sought from the concessionaire. Concessionaire submitted, the required undertaking to pay the double the concession fees during extended period and also raised some objection regarding extension period upto 31.03.2014. The concessionaire represented to the NDMC regarding concession period and extension of concession period under Clause 2.3 of agreement as well as Clause 2.9 (b) as under:-

- 3.1. The physical possession of sites was not given on time and the renovation work was delayed. So, the concession period shall be reckoned from the six months prior to COD finalized (as 31.03.2009) by the NDMC i.e. from 30.09.2008 and concession period of Seven years shall expire on 29.09.2015.
- 3.2. During operations, some sites were demolished or blocked due to DMRC work & encroached by illegal vendors etc. for which the concession period be extended appropriately to compensate the revenue loss suffered as per Clause 2.9 (b) of agreement.
- 3.3. The extension of Five years be granted as per provisions of Clause 2.3 of agreement thereafter.

The matter was discussed in the meeting of officers in the chamber of Chairman NDMC and it was decided to add the PTU's (108 Nos.) in new RFP already invited by Dir.(Proj.). Against the inclusion of the PTU's in new RFP of Project Deptt., M/s Supreme Advertising Pvt. Ltd. (the concessionaire) filed an appeal in the Hon'ble High Court of Delhi which was listed on 29.01.2014.

The Hon'ble High Court ordered as under:-

I.A No. 1848/2014 (Exemption)

"Exemption allowed, subject to all just exceptions. The application stands disposed of."

O.M.P.120/2014

After some arguments, learned senior counsel for the petitioner, on instruction, submits that the only aspect being pressed by the petitioner in this petition is with regard to the tenure of the extension of five years. The petitioner does not press the submission that the commencement date should be reckoned from 30.09.2008, or any other date, other than 18.05.2006.

He submits that under Article 2.3 of the contract, the concession is "extendable by five years on mutually agreed terms and conditions". He, therefore, submits that the tenure of extension could not have been unilaterally reduced upto 31.03.2014 "in first instance".

Limited to the aforesaid aspect, issue notice. Learned counsel for the respondent accepts notice. Reply, if any, be filed within four weeks. Rejoinder before the next date. List on 20.03.2014.

In the meantime, no Award letter shall be issued, or concession agreement entered into by the respondent with any third party, in respect of the sites in question.

A sub committee was constituted by competent authority to finalize the terms & conditions for extended period.

The matter was again heard in the Hon'ble High Court of Delhi on 27.03.2014 and an Arbitrator Mr. Justice M. A. Khan (Retd.) has been appointed by the Hon'ble Court to decide the issue mentioned in the para 14 & para 16 of the judgment as below:

Para 14:- *" The parties have agreed that since the only issue to be considered by the arbitral tribunal is the interpretation of the Concession Agreement and in particular Article 2.3 thereof, they shall only file their pleading and documents and there would be no requirement of leading an evidence in the matter."*

Para 16:- *"Accordingly, I appoint Mr. Justice M. A. Khan, Retd. Judge, Delhi High Court as the sole arbitrator to adjudicate the aforesaid dispute between the parties. The learned arbitrator shall be paid a fee of ` 4 Lacs apart from all other out of pocket expenses to be shared equally by the parties in the first instance. The parties shall appear before the learned arbitrator on 04.04.2014 at 4:30 p.m. It is hoped that the learned arbitrator shall render his award at the earliest, and preferably with the next four months."*

The recommendation of sub committee was submitted to the competent authority with remarked that *"on the limited issue of extension of concession period we may take the opinion of the NDMC Senior Counsel before going for the arbitration. If the NDMC Counsel is of the view that five years extension is to be granted to the concessionaire, unnecessary arbitration can be avoided and Council can be informed accordingly"*.

Competent authority had designated Sh. Sandeep Aggarwal, Sr. Counsel for the advise in the case. The opinion of Sh. Sandeep Aggarwal, Sr. Counsel dated: 21.04.2014 is as *"thus, keeping in mind the facts of the case, it is advisable that the queriest reach an amicable*

settlement and get the issue resolved and save the cost of arbitration and the expense of another tender" The comments of Law Department on the opinion of Sr. Council was taken as, the matter may be placed before the authorities for further decision.

4. Detailed proposal on the subject / project.

To grant extension of Five years to concessionaire for the work "PPP Project for Repair/Renovation, Operation and Maintenance of 94 PTUs in NDMC area (South of Rajpath)" under Clause 2.3 of agreement dated: 18.04.2006 with concessionaire from 22.05.2013 to 21.05.2018. The concession period of Seven years was expired on 21.05.2013 and the extension upto 31.03.2014 in first instance was already granted on double the concession fees of the already paying fees as on 21.05.2013. Sub Committee also recommended at Page 327/N, that the concession fee for extended period of Five years shall be as minimum concession fees `2,74,316/- per month and increased annually by 10% on the previous year concession fee or 19.42% of revenue earned on advertisement whichever is more with approved terms and conditions.

5. Financial implications of the proposed subject / project.

The project is revenue earning project on PPP basis.

Minimum concession fees received @ `2,74,316/- P.M. or 19.42% of advertisement revenue earned whichever is more. The minimum concession fees will be increased by 10% annually on the previous year concession fees.

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

| | | |
|--|---|------------|
| Date of Start of extended concession period | : | 22.05.2013 |
| Date of Completion of extended concession period | : | 21.05.2018 |

7. Comments of Finance Department on the subject.

Comments of Finance Department vide Dy. no. 520/Finance/R-MOH dated 08.04.2013 are as under :-

The Department has proposed on page 264/N for extension of contract/concession period for 5 years from 21.5.2013 on mutually agreed terms and conditions in terms of Clause 2.3 of the existing contract. Considering the fact that the process for fresh concession contract has not been started by the Department even though the existing contract is going to expire in about a month (on 21.05.2013), any extension of contract in terms of existing contract clause should be based on following points:-

(a) *Whether the Department is in a position to run/maintain the toilet blocks departmentally, in case the extension is not allowed after the expiry of existing contract on 21.5.2013 and till the time new tender/RFP process is completed.*

(b) *Whether the concessionaire is willing to accept the terms and conditions for the extended period of contract of 5 years beyond 21.5.2013, including the revenue clause.*

As the toilet blocks are meant for public convenience and their non-maintenance/ill maintenance cannot be afforded, Finance Department has no objection if a decision is taken keeping in view these two points.

(F.A. has observed.)

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

(a) That Public toilets cannot be maintained departmentally.

(b) The concession fees was doubled for extended period and undertaking was received from the concessionaire in acceptance to the enhanced concession fees.

9. Final view of the Finance Department.

--NA--

10. Legal implications of the subject / project

The matter regarding extension of concession period by Five years under Clause 2.3 of agreement is referred to Arbitrator tribunal under Mr. Justice M A Khan (Retd.) by the Hon'ble High Court vide order dated 27.03.2014 on the petition of concessionaire, on fees of `4 Lacs apart from all other out of pocket expenses to be equally shared by both the parties in the first instant.

11. Details of previous council resolution / existing law of parliament and assembly on the subject.

Agenda placed before the council Vide Item No. 02(A-03) dt. 20.06.2014 was discussed and deferred.

Agenda placed before the council Vide Item No. 14(A-06) dt. 24.07.2014 and deferred.

Agenda placed before the council Vide Item No. 10(A-08) dt. 27.08.2014 and deferred for want of detailed survey report with photographs etc. of all the PTU's under consideration and performance of concessionaire.

Agenda placed before the council on dt. 10.09.2014 and deferred due to technical reasons.

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

The case file has been also seen in the law department On the opinion of the special counsel and law officer in his note vide diary No. FR-185/LD/14 dt. 30.04.2014 on P-334/N reproduced as under:-

1. *In this case, on the recommendations of the Secretary, the contract was extended by the Chairperson up to 31st March, 2014. The Chief Engineer (C-I) in note dated 03.04.2014 has suggested extended and to have the opinion of the Sr. Counsel before going for arbitration. He further observed that if NDMC Counsel is of the view that five year extension is to be granted to concessionaire, unnecessary arbitration can be avoided and Council can be informed accordingly.*
2. *The Arbitration Counsel in his opinion dated NIL has concluded his opinion as under:-*
“Thus, keeping in mind the facts of the case, it is advisable that the queriest reach an amicable settlement and get the issue resolved and save the cost of arbitration and the expense of another tender.”
3. *The Spl. Counsel has gone with the recommendations of the Chief Engineer (C-I).The matter may be placed before the authorities for further decision on the issue.*
4. *The Chief Engineer had also suggested that the matter may be pleased before the Council and as such if considered necessary, the matter may be please before the Council.*

This issues with the prior approval of L.A.

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

--NA--

14. Certification by the department that all central vigilance commission (CVC) guidelines have been followed while processing the case.

All codal formalities & guidelines of CVC will be followed.

15. Recommendations.

The initial concession period of seven year was expired on 21.05.2013 and it is recommended to grant extension of concession period by Five years i.e. from 22.05.2013 to 21.05.2018 for the work "PPP Project for Repair/Renovation, Operation and Maintenance of 94 PTUs in NDMC area (South of Rajpath)" to M/s Supreme Advertising Pvt. Ltd. (Formerly known as M/s. Hythro Power Corporation Limited) under Clause 2.3 of agreement dated: 18.04.2006, with minimum concession fees `2,74,316/- per month and increased annually by 10% on the previous year concession fee or 19.42% of revenue earned on advertisement whichever is more with approved terms and conditions finalized by the Sub Committee.

16. Draft Council's Decision:-

Resolved by the council to grant extension of concession period by Five years i.e. from 22.05.2013 to 21.05.2018 for the work "PPP Project for Repair/Renovation, Operation and Maintenance of 94 PTUs in NDMC area (South of Rajpath)" to M/s Supreme Advertising Pvt. Ltd. (Formerly known as M/s. Hythro Power Corporation Limited) under Clause 2.3 of agreement dated: 18.04.2006 with minimum concession fees `2,74,316/- per month and increased annually by 10% on the previous year concession fee or 19.42% of revenue earned on advertisement whichever is more with approved terms and conditions finalized by the Sub Committee.

COUNCIL'S DECISION

Resolved by the Council to grant extension of concession period by Five years i.e. from 22.05.2013 to 21.05.2018 for the work "PPP Project for Repair/Renovation, Operation and Maintenance of 94 PTUs in NDMC area (South of Rajpath)" to M/s Supreme Advertising Pvt. Ltd. (Formerly known as M/s. Hythro Power Corporation Limited) under Clause 2.3 of agreement dated 18.04.2006 with minimum concession fees `2,74,316/- per month and increased annually by 10% on the previous year concession fee or 20% of revenue earned on advertisement whichever is more with approved terms and conditions finalized by the Sub Committee.

Further, it is subject to all rules, regulations and guidelines as specified by the Govt. of India, the Delhi Govt., the Election Commission of India and any other extant Law.

ITEM NO. 05 (G-03)**1. Name of the Subject/Project:**

Electricity allowance to all regular employees of NDMC

2. Name of the department/ departments concerned

Commercial Department

3 Brief history of the subject/project

The NDMC vide its Reso. No. 18 dated 25.03.1994 extended the benefit of concessional rate of electricity tariff prevailing in DESU for their employees residing in NDMC accommodations/NDMC area at the rate of 13P per unit (12P+1P electricity tax element) on the analogy of DESU as per admissibility of units to various categories of employees as under:-

| S.No. | Category of Employees | Concessional unit admissible |
|-------|---|------------------------------|
| 1 | (a) Employees in the scale of `2000-`3500 & above (IV CPC) (`6500-`10500 & above Vth CPC) (b) Employees in the scale of `2200-`4100 & above (S.S. Scale (`8000-`13775 & above revised scales) | 200 |
| 2 | (a) Employees in the scale of `950-`1500 & above but less than `2000-`3500 (IV CPC) (`3050-`4590 & above but less than 6500-10500 under Vth CPC) (b) Employees in the scale of `1200-`2190 & above but less than `2200-`4100 (S.S. Scale) (`4000-`7100 & above but less than `8000-`13775 in revised scales) | 150 |
| 3 | (a) Employees in the scale of less than `950-`1500 (IV CPC) (Less than `3050-`4590 Vth CPC) (b) Employees in the scale less than `1200-`2190 (S.S. Scale) (Less than `4000-`7100 revised scales) | 100 |

4. Details proposal on the subject/project

This proposal has been drafted on the request of the NDMC Workers Federation which have been demanding that the benefit of concessional rates of electricity tariff which is presently available to NDMC employees residing in NDMC accommodation should be extended to all the NDMC employees irrespective of where they live. On september 03, 2014 in a meeting chaired by the Chairman, NDMC, this issue was again raised by the NDMC workers federation representatives. On their request it was decided to place a proposal before the Council for consideration for the extending the benefit of concessional electricity tariff to all the regular NDMC employees.

It is proposed that earlier resolution No. 18 dt.25.03.1994 is enclosed as **Annexure 'A'** (See pages 23 – 24) on the subject may be scraped, taking into consideration that the benefit may be extended to all regular NDMC employees (VI CPC & SS Scale) as per their grade pay by way of fixed monthly electricity allowance, as the earlier resolution was providing the benefit to limited employees of NDMC numbering 1339. The details of fixed monthly electricity allowance as per grade pay are as under:-

| S.No. | Grade Pay Range | Monthly electricity allowance |
|-------|---------------------------------|-------------------------------|
| 1 | Above `5400 | `600 |
| 2 | Above `2800 but less than `5400 | `450 |
| 3 | Upto `2800 | `300 |

5. Financial implications of the proposed project/subject

The financial implication involved is `5.27 crore approx. annually for extending fixed monthly electricity allowance to all regular employees, presently 12,000 (approx.).

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

7. Comments of the Finance Department on the subject

8. Comments of the Department on comments of Finance Department

9. **Legal implication of the subject/project**
10. **Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject.**

Resolution No. 18 dt. 25.03.1994 (See pages 34 – 35)

11. **Comments of the Law Department on the subject/project**
12. **Comments of the Department on the comments of Law Department**
13. **Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case**
14. **Recommendations**

It is proposed that earlier resolution No. 18 dt.25.03.1994 on the subject may be scraped, taking into consideration that the benefit may be extended to all regular NDMC employees (VI CPC & SS Scale) as per their grade pay by way of fixed monthly electricity allowance, as the earlier resolution was providing the benefit to limited employees of NDMC. The details of fixed monthly electricity allowance as per grade pay are as under w.e.f. 01.10.2014:-

| S.No. | Grade Pay Range | Monthly electricity allowance |
|-------|---------------------------------|-------------------------------|
| 1 | Above `5400 | `600 |
| 2 | Above `2800 but less than `5400 | `450 |
| 3 | Upto `2800 | `300 |

15. **Draft Resolution**

It is proposed that earlier resolution No. 18 dt.25.03.1994 on the subject may be scraped, taking into consideration that the benefit may be extended to all regular NDMC

employees (VI CPC & SS Scale) as per their grade pay by way of fixed monthly electricity allowance, as the earlier resolution was providing the benefit to limited employees of NDMC. The details of fixed monthly electricity allowance as per grade pay are as under:-

| S.No. | Grade Pay Range | Monthly electricity allowance |
|-------|---------------------------------|-------------------------------|
| 1 | Above `5400 | `600 |
| 2 | Above `2800 but less than `5400 | `450 |
| 3 | Upto `2800 | `300 |

COUNCIL'S DECISION

Resolved by the Council that earlier resolution No. 18 dt. 25.03.1994 on the subject may be modified and the benefit may be extended to all regular NDMC employees (VI CPC & SS Scale) as per their grade pay by way of a fixed monthly electricity allowance, w.e.f. October, 2014 as under:-

| S.No. | Grade Pay Range | Monthly electricity allowance |
|-------|---------------------------------|-------------------------------|
| 1 | `5400 & Above. | `600 |
| 2 | Above `2800 but less than `5400 | `450 |
| 3 | Upto `2800 | `300 |

Provided that this benefit shall be limited to only one member of the family, if they are living in the same house.

Annexure 2 pages

Annexure ends

ITEM NO. 06 (L-12)**LODHI COLONY MARKET****NOTE TO BE DISTRIBUTED AMONG MEMBERS OF COUNCIL**

As directed the background note in the matter of Council Reso. No. 9 dated 3.8.2000 regarding transfer of ownership rights of shop in Lodhi Colony is as under:

As per Reso. No. 9 dated 3.8.2000, the issue of transfer of ownership rights regarding following markets were discussed:-

Seven markets namely Basrurkar, Begum Zaidi, Kidwai Nagar South and Central, Laxmi Bai Nagar, Nauroji Nagar and Netaji Nagar Market were transferred by L&DO to NDMC against payment for land and cost of construction. The land is on lease.

Two markets namely the Pandara Road and Prithvi Raj Road Markets have been constructed by NDMC on the land allotted on lease hold basis by L&DO.

The Lodi Road market was constructed by CPWD and transferred to NDMC on payment for land and super structure.

Five markets namely the Babar Road Market, Baird Lane Market, Janpath Market, Panchkuian Road Market and Yusuf Zai Market were constructed by NDMC on road berms. The Master Plan for Delhi provide for relocation of these markets.

At present we are confining ourselves to the matters related to Lodhi Road Market. This market has been purchased by NDMC from CPWD i.e. the land belongs to Council and the super structure also belongs to Council.

In view of the above discussions, the Lodhi Road Market is entirely on different footing as land & super structure both are owned by NDMC as such the Council is competent to take a decision regarding disposal of this property as per Section 141 of NDMC Act 1994. Resolution No. 9 of 3.8.2000 has allowed the disposal of Lodhi Colony Market, copy of Resolution is enclosed herewith as **annexure 'A'** (See pages 28 - 81) of said resolution.

As per Para 5 (iv), the premium for the land for the Lodhi Colony Market also was to be charged at the predetermined commercial rates notified by L&DO, existing on the date of transfer for the locality/area where the shop is located and the other modalities as to how much is to be paid by shop or what percentage of land cost is to be paid by the shop allottees and how much is to be paid by the residential flats allottees on the first floor was also determined in the said resolution.

Para (v) stipulated that the cost of super structure shall be the present day replacement cost less depreciation as may be worked out by the Chief Engineer(Civil) of NDMC so a careful reading of Reso. No. 9 dated 3.8.2000 makes it clear that all the issues stand already decided.

Accordingly to implement the said Resolution, the letters were written by the then Chairman to the Hon'ble Lt. Governor being the Chairman of the DDA in the cases where markets are constructed on road berm and to the Land & Development Officer in the cases where the land was on lease from L&DO to NDMC. In this whole process due to inadvertent mistake nobody

noticed clearly that the case of Lodhi Road Market, Council is competent to take a decision as per Section 141 of NDMC Act and at least in the case of this market no NOC or any other clearances are required either from DDA or from L&DO. But unfortunately, the Lodhi Road Market is also got clubbed with the cases where the NOC of third agency was required. Now it can be seen that the said resolution is existent and it gives clear mandate to transfer the Lodhi Road Market on ownership basis. It also determines the land rate which is to be charged from the transferee and how the same is to be calculated. Finally it also determines as to what percentage of the cost of the land and super structure is to be borne by the shop allottees and what percentage is to be borne by flat owner. There were various resolutions which came up after this resolution where due to misinformation the issue was discussed again & again but fortunately in none of the resolutions, Council has not reversed its decision already taken in resolution No. 9 of 2000. The Council has simply deferred the decision so the resolution No. 9 of 2000 is still valid resolution and we can proceed as per this resolution.

However, as 14 years have lapsed since this resolution was passed and now is being contemplated for implementation so if the Council deems fit, the council may like to change the cut off date as given in Para-5 (i) (C) from 3.2.2000 to 3.2.2014.

It will not be out of place to mention here that this transfer will be financially beneficial for the Council a tentative calculation sheet regarding comparison between the present cash flow accrued from the market and the cash flow which will accrued from the market after transfer of ownership right is enclosed as **annexure-B (See page 82)**.

This market is the only market where land as well super structure is owned by NDMC, thus any decision taken in respect of this market will not have any bearing on other markets because

those markets are legally on a different footing as the land on which these markets are constructed upon is not owned by NDMC.

COUNCIL'S DECISION

Information noted.

Annexure

55 pages

Annexure ends

Lodhi Colony Main Market

1. As per list there are 38 licensees in Main Market Lodhi Colony. At present Estate Department is getting Rs.3, 47,224/- per month from these shops/flats.

(a) The L&DO rate for commercial purpose in this market is Rs.92, 602/- Per Sqmtr for 2014 - 15 and circle rate of GNCTD is 19.3 lacs per sq.mtr.

| Value as per L&DO rate | Value as per circle rate |
|--|---|
| 2842 sq.mtr. X 0.926 lacs = 26.31 crores | 2842 sq.mtrs. X 19.35 lacs = 549.92 crores. |

(b) For residential properties above the flats the rate of L&DO are Rs. 37734 per sq. mtr. And the circle rate of GNCTD is 6.45 lacs per sq. mtr.

| Value as per L&DO rate | Value as per circle rate |
|---|--|
| 1420 .78 sq.mtr. X 0.377 lacs = 5.36 crores | 1420.78 sq.mtr. X 6.45 lacs = 91.64 crores |

2. In addition to above one time capital gains, the Council is going to have following recurring income.

(a) **For Commercial portion** – Interest income of Rs. 3 crores per annum i.e. Rs. 25 lacs per month if the capital gain is as per L&DO's rates. Interest income of Rs. 66 crores per annum i.e. 5.5 crore per month if capital gain is as per GNCTD circle rates.

(b) **For Residential portion** - Interest income of Rs. 65 lacs per annum i.e. Rs. 5.5 lacs per month if the capital gain is as per L&DO's rates. Interest income of Rs. 11 crores per annum i.e. 90 lacs per month if capital gain is as per GNCTD circle rates.

(c) Property tax earnings of Rs. 16 lacs per annum i.e. 1.33 lacs per month.

(d) Savings to the Council of the amount being spent for maintenance of the property including the consumables and salary of the employees.

(e) If it is assumed that the market on being transferred on ownership basis will change hands through proper sale deed even once in 5 years, the transfer duty gains to the Council will be 25.62 crores i.e. approx. 5 crores per year which comes to Rs. 43 lacs a month.

(f) All the above earnings are recurring & not one time.

3. In comparison of the likely income as explained above right now the Council is earning licence fee of 3.47 lacs per month only which comes to 41.64 lacs per annum.

ITEM NO. 07 (A-15)**1. NAME OF THE SUBJECT/ PROJECT:**

Name of Work: Designing, installation and Maintenance of Street Furniture and Cleaning & Maintenance of public plaza/ Corridor, Parking Area, Planters, Subway and toilet in Connaught Place on DBOT basis.

2. NAME OF THE DEPARTMENT/ DEPARTMENTS CONCERNED:

Civil Engineering Department (Zone-I).

3. BRIEF HISTORY OF THE SUBJECT/ PROJECT:

The Connaught Place area has been Redeveloped by providing Public plazas, Planters, Parking area in front of every block, and the granite finished footpath in Inner Circle Radials and Outer Circle. These are to be properly cleaned and maintained by the expert agency. Such a huge and heavily crowded area if maintained through departmental staff, will involve lot of expenditure every year as well as the desired standard may not be achieved.

Therefore, with the approval of competent authority it was decided that Connaught Place area (all twelve Blocks and Regal Building and P Block) shall be cleaned, on regular basis and Operation & Maintenance by the expert agency on DBOT (design, built, operate and transfer) basis. The existing toilets in Inner Circle, Middle Circle and Outer Circle, Subways in Outer Circle shall also be maintained by concessionaire and the concessionaire shall be allowed to put street furniture (Non advertisement furniture & Advertising furniture) to collect the revenue for the financial sustainability of the Project

and will share the revenue with NDMC as per the agreement's terms and conditions for the concession period of 15 years.

The revenue generation source is defined vide clause 2.7 of RFP and the successful bidder (Concessionaire) is allowed to collect the revenue from Advertisement as below:-

Advertisement is the major source of revenue from permitted street furniture.

Revenue from limited commercial exploitation of the other area wherever permitted would be the other source of revenue generation with prior permission of NDMC.

4. DETAILED PROPOSAL ON THE SUBJECT/PROJECT:

- 4.1 New Delhi Municipal Council has identified the following area as project, Inner Circle, Outer Circle, Middle Circle, Seven Radial Roads, Radial Road 1- A (between Palika Bazar & Palika Paring) and area in front of Regal Complex towards Sansad Marg and BKS Marg, area in front of P-Block Complex towards BKS Marg and SBS Marg upto the edge of buildings and its precinct area upto the first building from Outer edge of Outer Circle on concentric roads to Connaught Place, excluding the Central Park and Palika Green area (area above the Palika Parking and Palika Bazar). Parking Area, Public Plaza, Planters, Public Corridor, Footpath, existing street furniture like benches, public toilets at Central Park, middle circle and outer circle, subways at Outer Circle in Connaught Place are also covered as a part of the 'Project area' to be maintained by the concessionaire.

4.2 SCOPE OF WORK

The project scope would include the following major activities; but not limited to the specified ones.

DESIGNING, PROVIDING, INSTALLATION AND MAINTENANCE OF STREET FURNITURE AND MECHANIZED HOUSEKEEPING & MAINTAINENCE OF PUBLIC PLAZA, PUBLIC CORRIDOR, PARKING AREA, PLANTERS, FOOTPATHS, SUBWAYS AND TOILETS IN CONNAUGHT PLACE ON DBOT BASIS

- a) To design, construct/ provide Street Furniture with services attached with or without them, as non-advertising furniture & advertising furniture.
- b) Mechanized Housekeeping, Operation & maintenance of all the Street Furniture including the existing ones as parking area, planter, Public Plaza, Public Corridor, Footpath etc in Project area.
- c) Mechanized Housekeeping, Operation, Maintenance & Security of existing Public Conveniences and Subways in Project area and deploying dedicated personnel & supervision, and to ensure availability of basic requirements such as water, electricity, drainage, sewage, waste removal etc..
- d) Mechanized Housekeeping, Operation & Maintainence work consist mainly the following activities and as defined herein:
 - i. Dry Dusting and pressure washing of wall, columns, arches and ceiling of corridor.
 - ii. Vaccum Sweeping and pressure washing of all type of flooring/ pucca area, cleaning of drains/ channels and drainage sumps.
 - iii. Wet and Dry Mopping, cleaning, buffering and scrubbing of all type of floors.
 - iv. Mechanised Cleaning and scrubbing of staircase and Escalators in subways.
 - v. Steam cleaning of all toilet, cleaning of WC's / Washbasins/ Urinals/ Toilets fittings. Cleaning of mirrors to keep them dry and stain free.

4.3 With the approval of the Competent Authority the RFP were invited from the prospective bidder.

- (i) As per the RFP, pre bid meeting was held on 11-10-2013 and during pre bid meeting some quires were raised by prospective bidders and accordingly quires

were addressed and clarification was issued to all bidders as well as uploaded on website in public domain.

- (ii) Under the approval of Chairperson, Sub-Committee for evolution of technical bids, consisting officers of CE(C-I), C.A., ACE(Elect.), Dir.(Fin.), Dir.(Proj.), Dir (Enf.), L.O., SE(CP) & EE(CP) was formed.
- (iii) Technical bids were opened on 06-12-2013 and two bids were received from M/s BVG India Ltd. & M/s JCDecaux Advertising India Pvt. Ltd.. The Technical bids of both the bidder were evaluated by subcommittee and were found that both the firms were eligible for opening of financial bids. The same was concurred by Finance Deptt. on 27.05.2014.
- (iv) Final evaluation of the Technical Bids as per Clause 3.2 of RFP & Financial bids as per Clause 3.3 of RFP of both the firm was done by the Sub-Committee and the composite score of the bidder is worked out as per the Clause No.3.4 of RFP and is given as under:-

| Bidders | Technical Score | Weighted of Technical Score (70%) (A) | Financial Score | Weighted of Financial Score (30%) (B) | Composite Score (C)=(A)+(B) |
|---|------------------------|--|------------------------|--|------------------------------------|
| M/s BVG India Ltd. | 63.23 | 44.26 | 50 | 15 | 59.26 |
| M/s JC Decaux Advertising India Pvt. Ltd. | 88.03 | 61.62 | 100 | 30 | 91.62 |

M/s BVG India Ltd. has offered 10% (Ten Percent) revenue earned during the concession period. M/s JC Decaux Advertising India Pvt. Ltd. has obtained the highest composite score and has become the preferred bidder for the project. M/s JC Decaux Advertising India Pvt. Ltd. has offered to pay NDMC a concession fee as **20% (Twenty Percent) of**

monthly revenue earned subject to minimum of Rs. 5 lakhs (Five Lakhs) per month in the first year. The minimum concession fee shall be increased by 10% per year in subsequent years till end of the concession year.

The Concession fee on the basis of the percentage quoted by the preferred bidder shall be as per the provision vide clause 3.3 of the RFP and the relevant para is reproduced below:-

"The Concessionaire shall pay to NDMC a Concession Fee of quoted percent (as per Appendix F-1) of net revenue earned by it on sale/renting of advertising and other space on the Street Furnitures subject to minimum concession fee as defined herein. The Concession Fee shall be paid quarterly from the Commercial Operations Date till the end of the Concession Period / Transfer Date or the period extended thereof. **The 'net revenue' is defined as "the gross amount billed by the Concessionaire to its Agent/Client, as the case may be, in an arms length transaction, as reduced by the service tax paid to the Govt. only'.** An 'arms length transaction' is defined as "a transaction in which the parties (a) are unrelated and unconnected and have no overt or covert common interest, (b) are dealing from equal bargaining positions and (c) neither party is subject to the other's control or dominant influence. Any such transaction is expected to reflect the true market value of the services provided and has been entered into with fairness, integrity and legality."

At the end of each quarter, along with Audited Financial Statements, the Concessionaire shall furnish to NDMC a certificate to the effect that it has not entered into any transaction, in whatsoever form, with the Agents/Clients other than those that fall in the category of an 'arms length transaction'. Should there be any evidence of a related party transaction between the Concessionaire and its Agent/Client, at any point of time during

the Concession Period. NDMC reserves the right to terminate this Agreement with the attendant consequences to the Concessionaire."

5. FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT/ SUBJECT

The concessionaire will give a concession fee of 20% of monthly revenue earned by him to NDMC subject to minimum concession fee of `5 lacs per month with increase of 10% every year from the previous year fee.

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

Concession period is 15 years.

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT:

The case has been received in FD on 16.6.2014 citing urgency and to be placed before Council in the meeting scheduled for 20.6.2014. FD is of the view that appropriate time should be given for scrutiny and examination of proposal.

RFP for the subject work were evaluated by the Technical Evaluation Sub-Committee constituted by the Competent Authority (P-33-34/N). The offers of both the firms, M/s BVG India Ltd. and M/s JC Decaux Advertising India (P) Ltd. were found technically eligible and their financial bids opened. M/s JC Decaux Advertising India (P) Ltd. has emerged H-1 bidder and has agreed to pay NDMC a concession fee of 20% of monthly revenue earned subject to minimum of `5 lacs per month with an increase of 10% every year on previous year fee till end of concession year. It is, however, stated that justification in this case

cannot be prepared as the offers were invited in terms of percentage of revenue sharing. The department ensuring and certifying that the offer of H-1 bidder, M/s JC Decaux Advertising India (P) Ltd. is reasonable and justified keeping in view the current trend of rates in respect of similar project, may submit proposal for consideration of Competent Authority as recommended by Planning and CE(C-I).

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

As per the RFP condition the successful preferred bidder shall be the bidder who scores highest composite score and is justified for the project. The exact trend of rates cannot be accessed in BOT project and it varies from project to project, since the scope and the work are not comparable. However in NDMC, the other project on BOT basis, the revenue sharing is 16% in BQS project and 19.42% in PTU's.

Therefore, the 20% monthly revenue earned, offered by M/s JC Decaux Advertising India Pvt. Ltd. is reasonable and justified and is recommended as successful preferred bidder for the project.

9. FINAL VIEWS OF FINANCE DEPARTMENT:

No comments.

10. LEGAL IMPLICATION OF THE SUBJECT/PROJECT:

NIL

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

Agenda placed before the Council vide Item No.04(A-05) dated 24.07.2014 and deferred.

Agenda placed before the Council vide Item No.04(A-07) dated 27.08.2014 and deferred for placing in next meeting alongwith the financial details of project sustainability and comparison of the Advertising revenue to NDMC.

Agenda placed before the Council vide Item No.08(A-11) dated 10.09.2014 and deferred.

12. COMMENTS OF THE LAW DEPTT.

This is the tender case. The agenda has not defined as to what is monthly revenue earned and what is the source, it is gross earned or net profit. This should be specified in the agenda please.

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

The source of revenue and Monthly Net Revenue earned is defined vide clause No. 2.7 and 3.3.1 (ii) of RFP respectively. However the relevant portion of both the provisions of RFP has been incorporated in the agenda at para 3 & para 4.3 (iv).

14. FINAL VIEW OF LAW DEPARTMENT :

—

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 accord of approval of the following for:-

Acceptance of offer of successful preferred bidder M/s JC Decaux Advertising India Pvt. Ltd. for the project "Designing, installation and Maintenance of Street Furniture and Cleaning & Maintenance of public plaza/ Corridor, Parking Area, Planters, Subway and toilet in Connaught Place on DBOT basis" at his quoted offer for the concession fee as **20% (Twenty Percent) of monthly revenue earned** subject to minimum of Rs. 5 lakhs (Five Lakhs) per month in the first year. The minimum concession fee shall be increased by 10% per year in subsequent years till end of the concession year. The Concession period for the project is 15 years.

17. DRAFT RESOLUTION:

Resolved by the Council that M/s JC Decaux Advertising India Pvt. Ltd. at his quoted concession fee as **20% (Twenty Percent) of monthly revenue earned** subject to minimum of Rs. 5 lakhs (Five Lakhs) per month in the first year. The minimum concession fee shall be increased by 10% per year in subsequent years till end of the concession year is accepted as concessionaire for this DBOT project having concession period of 15 years.

COUNCIL DECISION

Resolved by the Council that the offer of M/s JC Decaux Advertising India Pvt. Ltd. at his quoted concession fee as 20% (Twenty Percent) of monthly revenue earned subject to minimum of Rs. 5 lakhs (Five Lakhs) per month in the first year. The minimum concession fee shall be increased by 10% of previous year's minimum fee per year in subsequent years till end of the concession year for this DBOT project having concession period of 15 years.

Further, it is subject to all rules, regulations and guidelines as specified by the Govt. of India, the Delhi Govt., the Election Commission of India and any other extant Law.

The Hon'ble MP & Presiding Officer NDMC has asked for all the copies of contracts awarded to the J.C. Decaux as of now along with the current one.

ITEM NO. 08 (G-04)

1. Name of the Subject/Project: Implementation of DERC directives regarding promotion of e-billing and e- payment by DISCOMs.

2. Name of Department: Commercial Department

3. Brief history of the Subject:

DERC vide their letter No. F.3/Tariff/DERC/2013-14/4038/Pt.-II / 1058 dated 8/8/2014 have issued directives for promotion of e-billing and e-payment by DISCOMs. The Commission has decided that DISCOMs shall provide **rebate** to the consumer who are:

- i) Opting for e-bills and giving option to discontinue the delivery of their physical bills.
- ii) Making online payments of their electricity bills.
- iii) Making prompt payments (within 07 days) of the electricity bills received.

It has also been mentioned therein that the amount of rebate that may be offered to such consumers by the DISCOMs shall not be passed through the respective ARR of the DISCOMs. The commission has further directed that existing transaction fee on payment of bill amount upto Rs.5,000/- through Debit / Credit Card / Cash Card shall not be passed on into ARR of the DISCOMs and the DISCOMs should make arrangement with their respective Banks for waiving the processing charges levied on transactions executed through Debit / Credit Card / Cash Card irrespective of the amount. DISCOMS are required to submit the proposed rebate on the above initiatives for consideration of the Commission along with the supporting documents, within one month.

In a meeting taken by Director (Commercial), the modalities for implementation of the directives were chalked down as under:

- Consumers desirous of obtaining bill through e-mail only will register themselves for e-bill & e-payment facility through a link to be provided at NDMC website. While registering himself for this service consumer will sign an undertaking as under :
 “(i) I agree that NDMC will not send physical bill for electricity & water charges to me once the facility of sending e-bill is started and I shall not raise any claim in this regard in future.
 (ii) I have also noted that prompt payment rebate shall be admissible to me only on making full payment of the bill (received through e-mail) within seven days of its dispatch through e mail.”
- The consumers making online payment promptly i.e within seven days of dispatch of the email shall be offered a rebate. The quantum of the rebate will be worked out taking into account (i) cost of printing of bills (ii) expenditure incurred on delivery of bills and other related materials.
- Besides this a message shall also be flashed on the Home Page of NDMC website so as to give wide publicity to the scheme.

Accordingly Director (IT) has been requested to arrange for development and implementation of a user-friendly capsule for registration of consumers opting for e-bill & e-payment facility, through a link at NDMC website and also for allowing instant rebate to such consumers who make e payment within seven days of dispatch of e- bill.

Director (Accounts) has also been requested to take up the matter with the Banks providing e-payment services for waiving the transaction charges in respect of transactions executed through debit/credit/cash cards irrespective of the amount of the bill.

In order to arrive at the quantum of rebate, which can be allowed to such consumers, the cost of printing of bill plus cost of dispatching the bill has been worked out as Rs.23.215 per bill and the interest which NDMC is likely to earn by investing the revenue realized 7 days in advance of due date works out to 0.175% to 0.185% of the amount of the bill as per detailed calculations placed at Annexure – I.

4. Financial implications of the proposed project/subject:

Since we are going to pass on the savings towards cost of printing & dispatch of the bill and the interest we are likely to earn on the revenue realized 7 days in advance of the due date of the bill there will not be any financial burden on the exchequer of NDMC.

5. The following are submitted for consideration of the Council:

- a) Directives issued by DERC vide their letter dated 8.8.2014 for promotion of e-billing and e-payment be adopted for implementation in NDMC area.
- b) A rebate of Rs. 20/- may be allowed to those consumers who register themselves for e-billing in lieu of receiving physical bill in future.
- c) Prompt payment Rebate @0.2% of the bill amount can be offered to those who make payment of their electricity bill 7 days in advance of the due date of the bill through electronic mode.
- d) This Prompt Payment Rebate can also be given to those who are receiving physical copy of electricity bill but make payment 7 days in advance of the due date of the bill through electronic mode.

Thus a consumer receiving e-bill and making e-payment 7days in advance of the due date will get Rs. 20/- + 0.2% of the bill amount as rebate.

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

Once approved the proposal would be implemented as soon as the capsule for registration of the consumers and allowing instant rebate on timely payment is got developed and implemented after testing through IT Department.

7. Comments of Finance Department on the subject:

8. Comments of Finance Department on the subject

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

10. Legal implication of the subject: Nil

11. Comments of Law Department on the subject

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

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

Nil

14. Recommendations :-

The department recommends for adopting the directives given by DERC for promoting e-billing and e-payments in NDMC and also for allowing a rebate as under:-

- a.) A rebate of Rs. 20/- may be allowed to those consumers who register themselves for e-billing in lieu of receiving physical bill in future.
- b) Prompt payment Rebate @0.2% of the bill amount can be offered to those who make payment of their electricity bill 7 days in advance of the due date of the bill through electronic mode.
- c) This Prompt Payment Rebate can also be given to those who are receiving physical copy of electricity bill but make payment 7 days in advance of the due date of the bill through electronic mode.

Thus a consumer receiving e-bill and making e-payment 7days in advance of the due date will get Rs. 20/- + 0.2% of the bill amount as rebate.

The Department further proposes to review the position after a period of three months of implementation of the scheme when the matter will again be placed before the council for considering whether the quantum of e-billing as well as prompt payment rebate needs revision or otherwise.

15. Draft Resolution:

- a) Directives issued by DERC vide their letter dated 8.8.2014 for promotion of e-billing and e-payment are adopted for implementation in NDMC area.
- b) A rebate of Rs. 20/- will be allowed to those consumers who register themselves for e-billing in lieu of receiving physical bill in future.
- c) Prompt payment Rebate @0.2% of the bill amount will be allowed to those who make payment of their electricity bill 7 days in advance of the due date of the bill through electronic mode.
- d) This Prompt Payment Rebate will also be given to those who continue to receive physical copy of electricity bill but make payment 7 days in advance of the due date of the bill through electronic mode.
- e) The matter will be reviewed after 3 months of implementation of the scheme for considering the case for revision of the quantum of e-billing as well as prompt payment rebate.

COUNCIL'S DECISION

Resolved by the Council to accord approval to the proposal of the department as contained at para 15 of the preamble.

Detailed calculations for savings per bill in case bill is sent through e-mail

A Bill printing cost: Rs. 1.59 (As per quotation received for colour printing on 80 GSM paper)

B Dispatch cost : Rs. 21.63
 (Total salary of 50 Bill collectors Rs 1513758.00 per month)
 (Total bills distributed =70000 per month)

Cost of distribution per bill = Rs. 1513758.00 / 70000= Rs. 21.625

Cost of Printing and Distribution of Bill thus works out to Rs. 21.625 + Rs.1.59 = Rs 23.215

Thus we can offer Rebate of Rs. 23.215 rounded to Rs 20.00 per bill to those who opt for receiving e-bill in lieu of the physical bill.

Interest on revenue realized 7 days in advance of due date:

As per information gathered from Investment Branch, NDMC the surplus funds of NDMC are, at present, being invested at an interest rate of 9% to 9.5% by calling Bids from empanelled Banks.

Interest for 7 days @ 9% works out as under:

$$9 * 7 / 12 * 30 = 0.175\%$$

$$9.5 * 7 / 12 * 30 = 0.185\%$$

Prompt payment Rebate @0.2% of the bill amount can be offered to those who make payment of their electricity bill 7 days in advance of the due date of the bill through electronic mode. This Prompt Payment Rebate can also be given to those who are receiving physical copy of electricity bill but make payment 7 days in advance of the due date of the bill through electronic mode.

Thus a consumer receiving e-bill and making e-payment 7days in advance of the due date will get Rs. 20/- + 0.2% of the bill amount as rebate.

ITEM NO. 09 (A-16)**1. Name of the Subject /Project :-**

Sub: - Infrastructure project on Corporate Social Responsibility (CSR) initiatives.

SH:- Design, Built & Operation of PTU's in NDMC Area.

2. Name of the Department : -

Civil Engineering Department, EE(RIP)

3. Brief History of the Subject / Project :-

The Hon'ble Prime Minister is going to launch a campaign of "Swachh Bharat" on 25.09.2014 & NDMC is committed to its basic aim to provide a clean & green environment to public at large in the area by providing sufficient number of public toilets in the area to discourage the defecation/ urination in the open in NDMC area. A letter dated: 08.09.2014 has been received from Hon'ble MP Ms. Meenakshi Lekhi vide which she has desired a list at a dozen location where PTU's can be constructed by PSU's through CSR funds. Although it is not mentioned in the letter but the PSU's constructing the PTU's are willing to maintain these through a MoU to be sign by concerned PSU and NDMC. Accordingly, it is proposed to construct/ renovate 12 Nos. PTU's in the R-II & R-IV zone in pursuance to the letter of Smt. Meenakshi Lekhi, MP, New Delhi constituency dated: 8th September 2014.

4. Detailed proposal on the subject / project.

To renovate/ repair and construction of 12 nos PTU's which are Electricity and Water free in the R-II & R-IV Zone, in the NDMC area through the Corporate Social Responsibility (CSR) initiative. The electricity for PTUs may be generated from Solar Power Panel on the terrace of the PTUs and required water for flushing will be recycled through Bio Digester Plan. However, the water for washbasin/ washing/ cleaning are required from the NDMC. For these PTU's, the cost for construction/ renovation as well as maintenance is to be

borne by PSU's under CSR. The NDMC will be providing the existing space to the CSR agency. The PSU will earn revenue through Advertisement on the PTU's. The revenue may also be used for running and maintenance of the PTU's and the revenue is to be shared with NDMC as per the prevailing rates i.e. 19.42% of the other concessionaire and as per the terms and conditions of the MoU. The terms of Concessionaire shall be 10 years. But the minimum revenue per PTU's may not be insisted upon it is on revenue sharing basis as well as on the Green Environmental Technology. The list of the 12 location where PTU's can be renovated/ constructed is as under:-

| Sr. No. | Name of Toilets (PTU) | No. of Toilets | Status |
|----------------|---|-----------------------|---------------|
| 1. | Tuglak Lane, Near J. J. Cluster | 1 No. | Existing |
| 2. | DID Camp, Near Safdarjung Road | 1 No. | Existing |
| 3. | B. R. Camp, Race Course Road Toilet 1 | 1 No. | Existing |
| 4. | B. R. Camp, Race Course Road Toilet 2 | 1 No. | Existing |
| 5. | 33 Qtrs Akbar lane Near Park | 1 No. | Existing |
| 6. | Aliganj Market, Aliganj Colony | 1 No. | Existing |
| 7. | Toilet at parking lot at India International Annexe and Islamic Cultural Center Max Mullar Marg | 1 No. | Existing |
| 8. | Tees January Lane behind Gandhi Samriti | 1 No. | Existing |
| 9. | Near electric pole entry road, from Humayun Road to Mini Market, Khan Market opp. S S Park, J- Block, New Delhi | 1 No. | New Sites |
| 10. | CPWD Market, Aliganj | 1 No. | New Sites |
| 11. | Adjacent to Mahatma Gandhi Smriti at Tees January Lane | 1 No. | New Sites |
| 12. | South Avenue near MP Canteen | 1 No. | New Sites |

5. Financial implications of the proposed subject / project.

No financial implication involved since cost is to be borne by CSR agency.

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

| | | |
|---------------------------------------|---|------------|
| Approval of the proposal | : | 22.09.2014 |
| Space to be handed over to CSR agency | : | 22.09.2014 |
| Construction & operation of PTU's | : | 25.09.2014 |

7. Comments of Finance Department on the subject.

--NA—

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

--NA—

9. Final view of the Finance Department.

--NA—

10. Legal implications of the subject / project.

--NA—

11. Details of previous council resolution / existing law of parliament and assembly on the subject.

The agenda item no 12(A-12) dt. 10.09.14 deferred due to technical reasons.

12. Comments of Law Department on the subject.

--NA--

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

--NA--

14. Certification by the department that all central vigilance commission (CVC) guidelines have been followed while processing the case.

--NA—

15. Recommendations.

It is recommended to grant approval to the proposal for construction/ renewal and maintenance of PTU's in NDMC area through PSU's, for construction of Electricity & Water free public toilets by using latest Green Environmental Technology through CSR funds in NDMC area. No cost is to be borne by NDMC for construction/ renovation, operation & maintenance of PTU's in NDMC area for 10 years. The proposal is submitted for approval of the council. The detailed MoU will be signed by suitably drafting on the basis of the terms and conditions for other Concessionaire prevailing agreement in the NDMC.

16. Draft Council Decision:-

Resolved by the Council and grant approval to the proposal for construction/ renewal and maintenance of PTU's in NDMC area through PSU's, for construction of Electricity & Water free public toilets by using latest Green Environmental Technology through CSR funds for which no cost is to be borne by NDMC for construction/ renovation, operation & maintenance of PTU's in NDMC area for 10 years. The detailed MoU will be signed by suitably drafting on the basis of the terms and conditions for other concessionaire prevailing agreement in the NDMC.

COUNCIL'S DECISION

Resolved by the Council and grant approval to the proposal for construction/ renewal and maintenance of PTU's in NDMC area through PSU's, for construction of Electricity & Water free public toilets by using latest Green Environmental Technology through CSR funds for which no cost is to be borne by NDMC for construction/ renovation, operation & maintenance of PTU's in NDMC area for 10 years. The fee will be a minimum of Rs.5000/- per PTU or 20% of revenue from Advertisement, whichever is higher. The detailed MoU will be signed by suitably drafting on the basis of the terms and conditions for other concessionaire prevailing agreement in the NDMC.

Further, it is subject to all rules, regulations and guidelines as specified by the Govt. of India, the Delhi Govt., the Election Commission of India and any other extant Law.

ITEM NO. 10 (U-04)**1. NAME OF THE SUBJECT/PROJECT**

Annual Estimate for the work Security and Traffic Services / Arrangements at NDMC Premises under Group Contract 'A', 'B', 'C', 'D', 'E', 'F', 'G' 'H' 'J' & 'K' and other related works of Security Department.

2. NAME OF THE DEPARTMENT/DEPARTMENTS CONCERNED

Security Department

3. BRIEF HISTORY OF THE SUBJECT/PROJECT

The Security and Traffic services at various Office Premises, Commercial Complexes, Hospitals, Electric Sub-Station and Parks & Gardens owned by the NDMC are being looked after by Security Department. Presently this is managed by deploying security personnel through private security agencies.

At present this department incurs expenditure on the following:-

- i) Security personnel deployed under nine Group Contracts i.e. 'A' to 'K' (a total of 1179). It is certified that the approval of the competent authority exists in respect of the strength shown as at Annexure-I.
- ii) Security Guards on RMR-129 Nos.
- iii) Booth Operators & DEOs for operation of PGMS (Parking Guidance & Management System) at NDCC-II, Palika Parking and Talkatora.
- iv) Technical Officers for operation of X-Ray Baggage Inspection System at NDCC-II, Palika Kendra and Palika Bazar.
- v) Drivers engaged for Control Room duties.
- vi) Trainer(s).
- vii) Game Attendant.
- viii) Gunman.
- ix) Delhi Armed Police personnel at Cash Counters (a total of 4).
- x) AMC of four XBIS (X-Ray Baggage Inspection System).
- xi) Purchase/ Maintenance of Security equipments, uniform and miscellaneous works/items.

A Budget provision of `1750 lakh under the Budget Head - 2201103 - SECURITY for current financial year exists. Provision for excess amount of the estimate will be taken in the Revised Estimate for the year 2014-15.

4. DETAILED PROPOSAL ON THE PROJECT/SUBJECT

The detail proposal is as under:-

| Sl. No. | Description | Estimated Amount (in `) |
|---------|---|-------------------------|
| 1. | Contract Group 'A' | 2,29,40,441.00 |
| 2. | Contract Group 'B' | 2,42,33,280.00 |
| 3. | Contract Group 'C' | 2,67,36,896.00 |
| 4. | Contract Group 'D' | 2,26,97,280.00 |
| 5. | Contract Group 'E' | 2,67,96,481.00 |
| 6. | Contract Group 'F' | 1,89,61,989.00 |
| 7. | Contract Group 'G' | 1,98,79,972.00 |
| 8. | Contract Group 'H' | 1,86,52,911.00 |
| 9. | Contract Group 'J' | 1,90,78,687.00 |
| 10. | Contract Group 'K' | 2,21,62,747.00 |
| 11. | Total of 1 to 10 | 22,21,40,684.00 |
| 12. | Security Guards (daily wages basis), DP personnel, Drivers, Trainers, other staff and Purchase/Maintenance of security equipments, uniform & miscellaneous works/items. | 2,09,05,316.00 |
| | Grand Total: | 24,30,46,000.00 |

The calculation is based on Minimum Wages Act applicable w.e.f. 01.04.2014 (vide Notification No. F-12(142)/02/MW/VII/5681 dated 28.03.2014.

Actual expenditure incurred during 2013-14 was `1644 lakh (i.e. after deduction of `25 lakh against the Running Security Contracts by way of fine/penalty etc.) approved by the competent authority which was 9.74% above the actual expenditure of `1498 lakh incurred during the year 2012-13. Now an Estimate of `2430 lakh for the current year 2014-15 has been prepared. The variation between the approved Annual Estimate of 2013-14 (20,83,41,660.00 and ` 24,30,46,000.00 proposed for 2014-15) is about 16.66%. The reasons for this increase are:-

- a) Due to substantial increase in Minimum Wages twice in a year by the Govt. of NCT Delhi.
- b) Non deployment of Security Personnel under Group Contract 'K', due to non finalization of tender in 2013-14.
- c) Increase in number of locations and consequent manpower.

5. FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT/ SUBJECT

` 24,30,46,000/- (Rupees twenty four crore thirty lakh forty six thousand only)

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

Annual Estimate for the year 2014-15.

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT WITH DIARY NO. & DATE

Finance Department vide Diary No. 1315/Finance dated 11.07.2014 & Diary No.1493/Finance dated 07.08.2014 raised some observations like tabular detail of expenditure incurred during last 3 years, certification and justification in respect of manpower requirement, deployment, correctness of data, approval of competent authority etc.

- 8. COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE :** Observations raised by Finance Department has been attended and necessary data, certification, tabular detail, justification etc. has been given/provided to Finance Department.

9. FINAL VIEW OF FINANCE DEPARTMENT

Finance Department concur in the Annual Estimate of Security Department for the year 2014-15, duly recommended by Chief Security Officer at page 8/N to the tune of ` 24,30,46,000/- (Rupees Twenty Four Crore Thirty Lakh Forty Six Thousand Only). The approval of the Competent Authority i.e. Council may be obtained for the same.

10. LEGAL IMPLICATION OF THE SUBJECT/PROJECT

There is no legal implication.

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

Estimate for the year 2013-14 was sanctioned by the Council vide Reso. NO.09 (U-01) dated 07.10.2013.

12. COMMENT OF THE LAW DEPARTMENT ON THE SUBJECT /PROJECT

No legal issue involved in the agenda item to be placed before the Council as such no comments.

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

No comments

14. FINAL VIEW OF LAW DEPARTMENT

No legal issue involved in the agenda item to be placed before the Council as such no comments

15. CERTIFICATION THAT ALL CENTRAL VIGILANCE COMMISSION (CVC) GUIDELINES HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE.

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

16. RECOMMENDATIONS

Recommended for according Administrative Approval and Expenditure Sanction to estimate amounting to ` 24,30,46,000.00 (Rupees Twenty Four Crore Thirty Lakh Forty Six Thousand Only) for the work "Security and Traffic Services/ Arrangements at NDMC Premises under Group Contract A TO K" and other items for the year 2014-15. It is also proposed to allow the Department to take action in anticipation of confirmation of Minutes of the Council Meeting.

Further; it is submitted for information and orders of the Council that due to certain inherent peculiarity of security services, the total expenditure actually incurred for all awarded Contract Groups could not be restricted within sanctioned limit w.r.t. amount, manpower and time schedule owing to reasons explained to Finance Department and given above. Moreover; security services being a process in continuum requires seamless transition and hence cannot be withdrawn/terminated abruptly.

17. DRAFT RESOLUTION

Resolved by the Council to accord Administrative approval and Expenditure Sanction to the Estimate amounting to ` 24,30,46,000.00 (Rupees Twenty Four Crore Thirty Lakh Forty Six Thousand Only) for the work Security and Traffic Services/ Arrangements at NDMC Premises under Group Contract A TO K and other items for the year 2014-15. It is also proposed to allow the Department to take action in anticipation of confirmation of Minutes of the Council Meeting.

Further; Council has noted that due to certain inherent peculiarity of security services, the total expenditure actually incurred for all awarded Contract Groups could not be restricted within sanctioned limit w.r.t. amount, manpower and time schedule owing to reasons already explained. Moreover; security services being a process in continuum requires seamless transition and hence cannot be withdrawn/terminated abruptly.

COUNCIL'S DECISION

Resolved by the Council to accord Administrative approval and Expenditure Sanction to the Estimate amounting to `24,30,46,000.00 (Rupees Twenty Four Crore Thirty Lakh Forty Six Thousand Only) for the work Security and Traffic Services/ Arrangements at NDMC Premises under Group Contract A TO K and other items for the year 2014-15.

It was also resolved by the Council that the Department may take further action in anticipation of confirmation of the minutes of this Meeting.

Further, the Council has noted that due to certain inherent peculiarity of security services, the total expenditure actually incurred for all awarded Contract Groups could not be restricted within sanctioned limit w.r.t. amount, manpower and time schedule owing to reasons already explained. Moreover; security services being a process in continuum requires seamless transition and hence cannot be withdrawn/terminated abruptly.

ITEM NO. 11 (C-23)**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 August, 2014, have been prepared.

A list of the contracts, entered into for the various schemes, is accordingly laid before the Council for information. **(See pages 104 - 108).**

COUNCIL'S DECISION

Information noted.

Annexure

Annexure ends

ITEM NO. 12 (C-24)

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 July, 2014, had already been included in the Agenda for the Council Meeting held on 27.08.2014.

A report on the status of execution of the ongoing schemes/works awarded upto August, 2014, is placed before the Council for information. **(See pages 110 - 117).**

COUNCIL'S DECISION

Information noted.

Annexure

Annexure ends

Resolutions proposed by Sh. Karan Singh Tanwar, Vice Chairperson, NDMC under NDMC Act, 1994 and a copy of Letter No. NDMC/1R/4/12.09.2014 dated 12.09.2014 from Sh. Arvind Kejriwal, Member, NDMC

Placed below are two resolutions proposed by Shri Karan Singh Tanwar, Vice Chairperson, NDMC under NDMC Act, 1994 for the Council Meeting No.03/2014-15 to be held on 19.09.2014.

A. Proposed Resolution No.01

“NDMC hereby resolve that the pending cases of transfer of shops pertaining to Estate Department may be finalized as per policy of NDMC on the date of submission of documents by the applicants.”

2. In this regard, it is submitted that the Estate Department has already placed an agenda item for streamlining the policy of transfer cases in Estate-II Department vide Agenda Item No.20 (L-05) in the meeting held on 24.07.2014. The same had been deferred for further discussion in the next meeting of the Council.

3. In the next meeting of the Council held on 27.08.2014 this item was placed before the Council vide Agenda Item No.15 (L-04). It has been resolved by the Council to accord approval to the proposal of the Department with prospective effect. This decision was taken by the Council when the matter was placed before it after examining in consultation with the Finance Department and Law Department.

4. The resolution now proposed to be moved by Shri Karan Singh Tanwar, Vice Chairman, NDMC, seeks to modify the decision taken by the Council in its meeting held on 27.8.2014. If the resolution proposed to move now is to be brought before the Council, the same has to be re-examined, taking into consideration the revenue aspect, the legal aspect and earlier policies framed by the Council from time to time.

5. Therefore, the Department would require time for detailed examination in the matter.

COUNCIL'S DECISION

The Council directed that the department should submit a report taking into consideration the legal aspect and earlier policies framed by the Council, if any.

B. Proposed Resolution No.02

6. **“Resolved that the 9 NDMC markets constructed for rehabilitation of refugees who migrated from various cities of undivided India namely (1) Pandara Road Market (2) Prithviraj Market (3) Laxmibai Nagar Market (4) Basrurkar Market (5) Begum Zaidi Market (6) Kidwai Nagar South Market be granted ownership rights to occupants on the similar terms and conditions of L&DO on which they have granted ownership rights to their markets.”**

7. In this regard it is submitted that all the markets mentioned in the proposed Resolution have each got an uniqueness, and therefore difficult, due to pattern, size, licence fee and other aspects. Recently, an agenda item in respect of one licensed market for consideration of transfer of ownership rights to the licensees was placed before the Council in its meeting held on 24.7.2014. Since it is a very complicated issue and may require the advice/inputs from different agencies like L&DO etc., it was decided in the meeting of the Council held on 27.8.2014 that detailed background note on the subject along with complete information be circulated to all members of the Council. Accordingly, a background note has been circulated to all the members of the Council and the matter was placed before the next meeting of the Council held on 10.9.2014 but was deferred for next meeting.

8. Therefore, it is improper and premature to take a decision in the matter involving ownership of 9 different markets at this stage before first deciding on the issue of conversion to leasehold and freehold. Moreover, the Department will also have to examine the case of other markets taking into consideration all the financial and legal implications.

9. In view of the above, the Department may be allowed to file a detailed report before the Council on both the above issues in due course.

COUNCIL'S DECISION

The Council directed that the department should submit a report taking into consideration the legal aspect and earlier policies framed by the Council, if any.

प्रस्ताव

नई दिल्ली नगर पालिका परिषद् अधिनियम, 1994 की धारा 23 के अन्तर्गत श्री बी.एस. भाटी, सदस्य का प्रस्ताव।

महोदय जैसा कि विदित है कि नई दिल्ली नगरपालिका परिषद् के कर्मचारी 1972 से शिवशंकरन स्केल ले रहे हैं। साथ ही भत्ते व अनुग्रह राशि भी वेतन मान के हिस्से के रूप में ले रहें। वर्तमान में परिषद् द्वारा छठवें वेतन आयोग की तर्ज पर दिये जाने वाला डी.टी.एल. वेतनमान समस्त परिषद् कर्मचारियों को दिया जा चुका है। परन्तु आज जब सातवां वेतन आयोग गठित हो चुका है और परिषद् कर्मचारियों को अभी तक डी.टी.एल. वेतनमान से सम्बन्धित भत्ते व अनुग्रह राशि प्रदान नहीं की गई है।

अतः मैं यह प्रस्ताव परिषद् के समक्ष प्रस्तुत करता हूँ कि एक समयावधि सुनिश्चित कर डी.टी.एल. वेतन मान से सम्बन्धित समस्त भत्ते व अनुग्रह राशि समस्त परिषद् कर्मचारियों को तुरन्त प्रभाव से प्रदान किया जाये।

परिषद् निर्णय

This was taken on record, to be examined by the department.

(NIKHIL KUMAR)
SECRETARY

(JALAJ SHRIVASTAVA)
CHAIRPERSON / PRESIDING OFFICER