

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

**COUNCIL'S MEETING NO. 02/2014-15 DATED 20.06.2014 AT 11-30 A.M.**

**Arrangement of business**

<b>ITEM NO.</b>	<b>SUBJECT</b>	<b>PAGE</b>	<b>ANNEXURE</b>
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05 (E-03)	Procurement of allopathic drugs from the Public Sector Manufacturing companies and in case of non-availability/non-participation of the public sector undertaking companies, the same shall be procured from the impaneled firm at the L1 rate or govt. authorized rates, whichever is lower.	27 – 30	31 – 37
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07 (B-05)	Replacement of 2 nos. 33/11 KV Power Transformer installed at various Electric Sub-stations of NDMC area.	50 – 52	
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09 (H-02)	Creation of one post of Chief Engineer (Civil) in the Pay Scale of ` 37400-67000 + G.P. ` 8900/- (6 <sup>th</sup> CPC) (To be converted into DTL Scales) and filling the same on deputation basis till eligible candidate from the feeder cadre post of Superintending Engineer (Civil) become available for the post of Chief Engineer (Civil). This requires approval of the Council in terms of Section – 34 of NDMC Act, 1994.	64 – 67	
10 (H-03)	Grant of allowances to medical officers/non-teaching specialists appointed on contract basis and long term extension of contract for 05 years.	68 – 74	
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12 (C-05)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.200 lacs.	80	81 – 99
13 (C-06)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	100	101 – 140
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**ITEM NO. 01 (C – 04)**

Confirmation and signing of the minutes of the Council's Meeting No. 01/2014-15 held on 30.04.2014. (See pages 4- 8 )

**COUNCIL'S DECISION**

Minutes confirmed.

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

**MINUTES OF THE COUNCIL'S MEETING NO. 01/2014-15 HELD ON 30.04.2014,**  
**AT 11-00 A.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.**

<b>MEETING NO.</b>	<b>:</b>	<b>01/2014-15</b>
<b>DATE</b>	<b>:</b>	<b>30.04.2014</b>
<b>TIME</b>	<b>:</b>	<b>11-00 A.M.</b>
<b>PLACE</b>	<b>:</b>	<b>PALIKA KENDRA, NEW DELHI.</b>

**PRESENT :**

- 1. Jalaj Shrivastava - Presiding Officer / Chairperson**
- 2. Sh. Ashok Ahuja - Member**
- 3. Sh. I.A. Siddiqui - Member**
- 4. Sh. Suka Ram - Member**
- 5. Sh. Vikas Anand - Secretary**

**This meeting was adjourned due to want of quorum.**

**Sd/-**  
**(KUMAR HRISHIKESH)**  
**F.A. / SECRETARY**

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

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

**MINUTES OF THE COUNCIL'S ADJOURNED MEETING NO. 01/2014-15 HELD ON 30.04.2014,**  
**AT 11-15 A.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.**

<b>MEETING NO.</b>	<b>:</b>	<b>01/2014-15</b>
<b>DATE</b>	<b>:</b>	<b>30.04.2014</b>
<b>TIME</b>	<b>:</b>	<b>11-15 A.M.</b>
<b>PLACE</b>	<b>:</b>	<b>PALIKA KENDRA, NEW DELHI.</b>

**PRESENT :**

- |    |                   |   |                                 |
|----|-------------------|---|---------------------------------|
| 1. | Jalaj Shrivastava | - | Presiding Officer / Chairperson |
| 2. | Sh. Ashok Ahuja   | - | Member                          |
| 3. | Sh. I.A. Siddiqui | - | Member                          |
| 4. | Sh. Suka Ram      | - | Member                          |
| 5. | Sh. Vikas Anand   | - | Secretary                       |

ITEM NO.	SUBJECT	DECISION
01 (C-01)	Confirmation and signing of the minutes of the Council's Meeting No. 16/2013-14 held on 21.03.2014.	Minutes confirmed.
02 (A-01)	Survey Report.SH: Demolition of creche and store at the road connecting Amrita Shergill Marg to Humayun Road.	Resolved by the Council that the survey report for demolition of the creche & store at the road connecting Amrita Shergill Marg to Humayun Road of Book value amounting to `3,11,584.00 be written off from the book and reserved price of `20,000.00 is approved.  It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.
03 (A-02)	S/R of roads in NDMC area.	The Council noted the information for resurfacing the

	Resurfacing of Tilak Lane and Pandara Park under the jurisdiction of R-I Division.	streets and lane as per CRR I recommendation for the work "S/R of Roads in NDMC Area. SH.:- Resurfacing of Tilak Lane and Pandara Park under the jurisdiction of R-I Division".
04 (B-01)	Estimate for replacement of HT panels in Maintenance North area.	Resolved by the Council to accord administrative approval and expenditure sanction to the Preliminary Estimate amounting to `16,57,60,573/-(G) ; `16,02,73,251/-(N) for replacement of HT Panels in Maintenance North.  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.
05 (B-02)	Replacement of 33KV, SF6, Panel Board with 33KV GIS, DBB Panel Board at 33KV ESS, School Lane. Tender I.D. No.2013_NDMC_34240_2 (Award of Work: `11,32,20,016/-)	Resolved by the Council to accord approval to award the work of "Replacement of 33KV SF6 Panel Board with 33KV GIS DBB Panel Board at 33KV ESS School Lane" to L-I firm, M/s. Schneider Electric Infrastructure Ltd. at a total cost of `11,32,20,016/- (Rupees Eleven Crore Thirty Two Lacs Twenty Thousand Sixteen only) on the terms & conditions of NIT, and subject to the approval of the IEM.  Further resolved by the Council to accord revised administrative approval and expenditure sanction of `11,32,20,016/- (Rupees Eleven Crore Thirty Two Lacs Twenty Thousand sixteen only) on the aforesaid terms and conditions.  It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.
06 (U-01)	Security and Traffic Services / Arrangements at NDMC Premises under Group Contract 'E'.	Resolved by the Council that to approve the Group Contract 'E' for Security and Traffic Services/Arrangements at NDMC Premises and the work be awarded to M/s Good Year Security Service (Regd.) at their quoted amount of `2,27,62,368.36 (Rupees Two crore twenty seven lakh sixty two thousand three hundred sixty eight and paise thirty six only) per annum for a period of two years which comes to a total of

		<p>₹4,55,24,736.72 (Rupees Four crore fifty five lakh twenty four thousand seven hundred thirty six and paisa seventy two only) as per terms &amp; conditions of NIT and subject to approval of the IEM.</p> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.</p>
07 (U-02)	Security and Traffic Services / Arrangements at NDMC Premises under Group Contract 'F'.	<p>Resolved by the Council to approve the Group Contract 'F' for Security and Traffic Services/Arrangements at NDMC Premises and the work be awarded to M/s Jatayu Enterprises Services at their quoted amount of ₹ 2,08,25,295.60 (Rupees Two crore eight lakh twenty five thousand two hundred ninety five and paisa sixty only) per annum for a period of two years which comes to a total of ₹ 4,16,50,591.20 (Rupees Four crore sixteen lakh fifty thousand five hundred ninety one and paisa twenty only) as per terms &amp; conditions of NIT and subject to approval of the IEM.</p> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.</p>
08 (U-03)	Security and Traffic Services / Arrangements at NDMC Electric Sub-Stations under Group Contract 'G'.	<p>Resolved by the Council to approve the Group Contract 'G' for Security and Traffic Services/Arrangements at NDMC Electric Sub-Stations and the work be awarded to M/s Bimla Enterprises at their quoted amount of ₹ 1,87,32,479.88 (Rupees One crore eighty seven lakh thirty two thousand four hundred seventy nine and paisa eighty eight only) per annum for a period of two years which comes to a total of ₹ 3,74,64,959.76 (Rupees Three crore seventy four lakh sixty four thousand nine hundred fifty nine and paisa seventy six only) as per terms &amp; conditions of NIT and subject to approval of the IEM.</p> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.</p>

09 (E-01)	Administrative Approval and Expenditure Sanction of ₹ 500 Lacs for procurement of Allopathic Medicines for the year 2014-15.	<p>Resolved by the Council to accord administrative approval and expenditure sanction to the preliminary estimate amounting to ₹ 500 Lacs (Rupees Five Hundred Lacs only) for purchase of Allopathic Medicines during the financial year 2014-15.</p> <p>The Council directed that separate proposal should be initiated for inviting tender and enter into rate contract w.e.f. 07.10.2014 for a period of one year.</p> <p>Further resolved by the Council to accord approval to place supply orders every quarter based on requirement during the preceding three months with a provision to place a supplementary order in between if required, to the firms under the approved rate contract.</p>
10 (M-01)	Revision of user charges of renovated/upgraded Shivaji Stadium, New Delhi.	<p>Resolved by the Council to accord approval to the proposal of the department as detailed in para 4 of the preamble along with the modified terms and conditions.</p> <p>The Council also authorised the Chairperson to reduce the user charges of the Stadium on case to case basis, and also for the events organized by the NDMC.</p>
11 (M-02)	Corrigendum for Agenda Item No. 02 (K-02) in respect of Refund of user charges in case of Cancellation/postponement of booking of Talkatora Indoor Stadium, New Delhi.	Resolved by the Council to approve the proposal of the department as detailed in para 4 of the preamble, subject to condition that the word 'Kavi Samelan & Mushayra' may be included in para 4 serial No. 'B' instead of para 4 serial No. 'C'.
12 (C-02)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.200 lacs.	Information noted.
13 (C-03)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.
	<b>SUPPLEMENTARY ITEM</b>	
14 (B-03)	Providing Mechanized Facility Management Services at NDCC Phase-II Block-C.	Resolved by the Council to accord approval to award the work of Providing Mechanized Facility Management Services at NDCC Phase-II Block-C to M/s. BVG India Ltd.

		<p>at their quoted rate of `3,14,38,107.00 (Three crore fourteen lacs thirty eight thousand one hundred seven only).</p> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.</p>
	<b>TABLE ITEMS</b>	
15 (W-01)	Seeking in-principle approval of the Council for continued retention of Consultant Architect for two markets i.e. Khan Market and Gole Market.	Resolved by the Council to approve the proposal of the department for continued retention of Consultant Architect of two markets, i.e. Khan Market and Gole Market.
16 (L-01)	Provisional adoption of Land Rate, review of Policy/guidelines for Freehold Conversion and for change in use from Residential to Commercial in respect of Markets transferred from L&DO.	Information noted.

Sd/-  
(KUMAR HRISHIKESH)  
F.A. / SECRETARY

Sd/-  
(JALAJ SHRIVASTAVA)  
PRESIDING OFFICER

**ITEM NO. 02 (A-03)****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.**

--NA--

**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 31<sup>st</sup> 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**

Deferred. The Presiding Officer desired that a self-contained explanatory note be submitted to the Council Members well in advance.

**ITEM NO. 03 (H-01)**1. **NAME OF THE SUBJECT :**

Regularization of service of 12 LMV Drivers working on Contract basis by making amendment in RRs of LMV Driver-Cum-Fitter.

2. **NAME OF THE DEPARTMENT:**

Personnel Department

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

The Council vide its Reso. No.14(H-04) dated 23.2.2011 constituted a sub Committee consisting of Smt. Tajdar Babar, Vice Chairperson, Shri Dharmendra, Secretary (Environment) GNCTD & Member-N.D.M.C., Dir.(Fin.), Dir.(Wel.), Dir.(P) and Law Officer may be constituted to consider the cases of left out persons working/worked in the Council (i.e. daily wages/contract/ad-hoc basis after 10.4.2006) for granting them the status of RMR Worker and accordingly making recommendations to the Council on the analogy of similar cases in DJB.

The LMV Drivers-Cum-Fitter who have been working in N.D.M.C. on contract has been representing time and again to various authorities for their regularization in Group 'D' post. It has been mentioned by them that before their appointment on contract basis they were all put to driving trade test through IDTR Loni Road and has successfully completed the trade test.

In this connection, it is submitted that there is no policy for regularization of contractual workers. Moreover, N.D.M.C. Act 1994 has come into force and after setting up of DSSSB by the GNCT Delhi all group B & C are required to be filled up through the DSSSB.

It is a fact that these LMV Drivers were initially engaged in 1997-98 on contract basis after qualifying the driving trade test through IDTR Loni Road and they were earlier given long term contract for five years i.e. w.e.f. 5.1.2006 to 31.12.2010 and requisition already sent to DSSSB for recruitment of LMV Drivers were withdrawn, as per orders of the then Chairperson. Their term of contract is being extended from time to time by giving usual break as per orders of Chairman since then.

It is also a fact that these contractual drivers have been serving with the Counsel from the year 1997-98 with full hope of their regularization and all of them have become overage and cannot apply for government job. Further, they have also having their livelihood to support.

(2) **Details of Contractual Drivers.**

As per approval of Chairperson, the matter regarding regularization of following 12 LMV Drivers as per detail given below was placed before the Sub Committee for consideration and recommendation.

S.NO.	NAME AND PARENTAGE	INITIAL DATE OF JOINING
1.	SUSHIL KUMAR S/O SH. K.D. SHARMA	01.11.1997
2.	JASBIR S/O SH. SUKHBIR SINGH	21.04.1997
3.	RAVINDER KUMAR S/O SH. RAM SARAN	01.07.1997
4.	BALI RAM S/O SH. SARJUG RAM	01.01.1998
5.	RAJESH KUMAR S/O SH. BABU LAL	01.08.1998
6.	RAJESH KUMAR S/O SH. DHARAMVIR	01.10.1998
7.	SATISH TIWARI S/O SH. GAURI SHANKER	01.11.1998
8.	SUBHASH CHAND S/O SH. ROHTASH KUMAR	12.11.1997
9.	MUKESH KUMAR /SO SH. GYARSI	27.12.1999
10.	JAGDISH KUMAR S/O SH. MAIKU LAL	01.11.2001
11.	R.MUKESH S/O SH. RAMASWAMY	22.07.2004
12.	VED PAL S/O SH. MAHARAJ SINGH	22.07.2004

(3) **Recruitment Rules for the post of Driver.**

As per Recruitment Rules for the post of Light Motor Vehicle Driver-Cum-Fitter, educational and other qualifications for the direct recruitment are reproduced as under:

- (i) 8<sup>th</sup> Class pass
- (ii) Valid Licence of LMV without any punishment during preceding 2 years under Motor Vehicle Act.
- (iii) Two years practical experience of driving vehicles and its repairing/maintenance, subject to qualifying the Trade Test.

Educational and other Qualification for departmental recruits are as under:

- (i) Valid Licence of LMV for 3 years.

- (ii) Will be put to literacy test and trade test for driving and repairing/maintenance.

Method of Recruitments provides that:-

- (i) 50% from the departmental candidates failing with by direct recruitment.
- (ii) 50% by direct recruitment. Muster Roll Workers to be reckoned against outside quota.

Trade test in both the cases.

4. **RECOMMENDATIONS OF THE SUB COMMITTEE:**

The Committee was informed by the Personnel Department that vacancies against promotional quota are at present not available and as such the persons who are earlier taken on contract basis cannot immediately be taken against promotional quota. Therefore, it was suggested by the Committee that these 12 persons may be considered for regularization against category 'D' post as per the Council's policy of regularization of muster roll/RMR workers pending availability of the vacancies in promotional quota in LMV Drivers. As soon as the vacancies are available, these will be made available to the aforesaid these 12 Group 'D' persons in order of their seniority subject to no adverse report with respect to their conduct during their service period.

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

No financial implication.

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

Not applicable.

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

The case relates to revision of Recruitment Rules of LMV Driver cum Fitter and it being an administrative matter, we have no objection to the same. Deptt. is advised to ensure approval of relaxation of RR by the Competent Authority in the Instant Case.

However, regarding relaxation in age the provision of issuance of Driver License under Motor Vehicle Act may be complied.

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

No comments.

9. **COMMENTS OF THE LAW DEPARTMENT ON THE SUBJECT:**

1. Law Department has gone through the Agenda Item and is of the view that the best way to fill in the posts and to accommodate the contractual drivers is to make slight amendments in the RRs. As against 50% by direct recruitment and 50% against the departmental recruitment, let the percentage change to the 25% from direct recruitment and 75% from the departmental candidates. This would mean about 20 Drivers from direct recruits against which 17 are working and the remaining 3 posts can be filled in through DSSSB. The remaining 59 posts can be filled in from departmental candidates. Against 59 posts so designated, 37 persons are working and there will be 22 posts which can be filled in from departmental candidates. This will also include the 12 contractual drivers who could not be accommodated only because the recruitment has to be through DSSSB.
2. Amendment in the RRs is within the competence of the Council and as such, it is suggested that the RRs may be slightly amended by making a change that –
  - (i) 75% will be from departmental candidates including muster roll/contractual employees failing which by direct recruitment.
  - (ii) 25% by direct recruitment.
  - (iii) Trade test in both the cases.
3. This would be a better method of recruitment of the drivers who are already working with us from 1997 instead of taking them in Category-'D', when they are

already working in Category-'C'. Thus, the Preamble can be slightly amended by bringing the Preamble for amendment in the RRs instead of going to the Council to take the contractual drivers under Group-'D'.

4. It may also be placed on records that persons in Group-'D' doesn't require the approval of the Council as the recruitment of Category-'D' posts is within the competence of the Secretary and not the Council. If the above proposal is accepted, a Preamble to amend the RRs can be introduced in the Council meeting.

5. After accommodating the 12 persons who are on contract basis, there would still be 10 vacancies, which can be filled in from other departmental candidates who knows driving and are presently working in Category-'D' posts.

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

Resolution No.38 (H-08) dated 17.10.2007

Resolution No. 22 (H-4) dated 15/22.07.2009

Resolution No.14 (H-04) dated 23.2.2011

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

No Comments

12. **RECOMMENDATION**

In order to accommodate 12 contractual Drivers who are working since long the amendments in RRs as advised by LA and mentioned at para 9 above may be made. The cases of these Drivers for regularization will be considered subject to condition that they fulfilled the criteria of age at the time of their initial appointment on contract basis. Copy of proposed/amended RRs as drafted by LA is annexed as **ANNEXURE A (see page 20)**.

**COUNCIL'S DECISION**

Resolved by the Council that in order to accommodate 12 contractual Drivers, who are working since long, the amendments in RRs as advised by LA and mentioned at para 9 above may be made. The cases of these Drivers for regularization will be considered subject to condition that they fulfilled the criteria of age at the time of their initial appointment on contract basis.

**RECRUITMENT RULES FOR THE POST OF LIGHT MOTOR VEHICLE DRIVER – CUM – FITTER.**

1.	Name of the post	Light Motor Vehicle Driver-Cum-Fitter
2.	Classification	CAT 'C' Non Ministerial Non-Gazetted
3.	Pay Scale	Rs.5200-20200 (GP – 1800)
4.	Whether Selection or non – Selection	Selection
5.	Age limit for direct recruitment	18 to 30 years (relaxable by 5 yrs. For SC/ST Category candidates)
6.	Educational & other qualification for	<p>(i) <i>10<sup>th</sup> Class Pass or equivalent.</i></p> <p>(ii) <i>Valid licence of LMV without any punishment during preceding 2 years under Motor Vehicle Act.</i></p> <p>(iii) <i>Two years practical experience of driving vehicles and its repairing/maintenance, subject to qualifying the Trade Test.</i></p>
7.	Educational & other Qualifications for Departmental rectt.	Upto 8 <sup>th</sup> pass (ii) and (iii) same as in direct recruitment
8.	Whether age limit prescribed for direct recruitment will apply in the case of promotion	Not Applicable
9.	Period of probation	One year
10.	Method of recruitment	<p>(i) 75% will be from departmental candidates including muster roll/contractual employees failing which by direct recruitment.</p> <p>(ii) 25% by direct recruitment.</p> <p>(iii) Trade test in both the cases.</p>
11.	In case of recruitment by promotion/deputation/transfer	-

	grades from which promotion/deputation/transfer to be made	
12.	If DPC exists/selection Committee, exists, what is its composition	As constituted from time to time.

**ITEM NO. 04 (E-02)****1. NAME OF THE SUBJECT/PROJECT**

Extension of Existing Contract with M/s G.T. Roadways for Hiring of 15 Nos. of Tipper Trucks having capacity of 8 cubic meter by volume for removal of horticulture waste and indiscriminate garbage from NDMC area

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

Public Health Department, NDMC

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

There is a diurnal variation of garbage in NDMC area throughout the year. It is observed that on an average 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.

NDMC had been removing horticulture waste and garbage thrown in-discriminately through i.e. away from the designated places through the fleet of 27 NDMC departmental garbage vehicles initially. These tipper trucks were removing horticulture waste and indiscriminate garbage from NDMC area. Out of these 27 tipper trucks, 12 tipper trucks out lived their life & at present only 15 tipper trucks are available for this gigantic task which are insufficient. Adding to this problem, Horticulture Department has planted about 2-3 lacs trees and shrubs to make the NDMC area green. This led to increase in creation of huge amount of horticulture waste from NDMC area for that sufficient numbers of garbage tipper trucks are required.

The department hired 15 number of tipper trucks of 8 cubic meter capacity for removal of horticulture waste and indiscriminate garbage from NDMC area through proper tendering process w.e.f. 03.05.2013 and from time to time extension was given to the tenderer for their continuous availability. Till date, the department has incurred an amount of Rs. 1,92,01,500/-.

Now, the Project Department is in the process of new tender for collection and transportation of garbage from NDMC area. The RFP has already been floated and finalization of this project is on fast track.

In the meanwhile, NDMC also terminated the concession agreement between M/s Ramky and NDMC which was for collection and transportation of garbage. Now, NDMC is carrying out this task by their own means. Before terminating the agreement, NDMC has prepared its backup by hiring 40 nos. of tipper trucks. Thus, the requirement of the department which was calculated and approved by Competent Authority is 70 nos. of vehicles. Out of these 70 vehicles, 15 vehicles are from M/s G.T. Roadways which are continued since 03.05.2013. When these tippers were hired the amount so calculated was under the sanctioning power of the Chairperson, NDMC i.e. below 2 crores. As the Health Department has to carry out this task by their own means, these 15 tippers are also the integral part of the backup plan.

Although, the RFP for the purpose is in fast track for finalization by the Project Department yet it will take another 5-6 months. Thus, the hired tippers are the mandatory requirement till that period. Accordingly, a proposal was put to the Competent Authority who has approved the proposal in principal. As the amount of the total period for hiring of these

tipper trucks has increased the limit i.e. Rs. 2,87,09,700/- and is under the sanctioning power of the council, the case is being put up before the Council for A/A & E/S.

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

The department proposes to continue the existing contract to hire 15 nos. of tipper trucks from M/s G.T. Roadways 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 & 40 nos. of tipper trucks M/s City Life Line Travels Pvt. Ltd.

Further, department also proposes for post facto and continuing A/A & E/S for an amount of Rs. 2,87,09,700/-.

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

A Total of Rs. 2,87,09,700 (Rs. Two Crore Eighty Seven Lacs Nine Thousand Seven Hundred Only) extending the existing contract with M/s G.T. Roadways for hiring of 15 nos. of Tipper Trucks @ Rs. 3445/- per tipper truck per day (the contract is in continuation from 03.05.2013 to 31.10.2014

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

547 days from stipulated date of start i.e. 03.05.2013 of the hiring of the 15 nos. of tipper trucks

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

Finance Department observed as under:-

1. This work was awarded initially for a period of six months with the approval of Chairman, NDMC on 26.04.2013 at page 49/c against A/A & E/S of Rs. 99,00,000/-, but the same has been got extended from time to time i.e. 05.11.2013 for three months (P-65/N) and further three months i.e. 02.02.2014 (P-80/N) with revised A/A & E/S of Rs. 1,92,01,500/- at page 80/N without initiating any action for inviting fresh tenders as observed by the Finance Department while concurring first extension on 01.11.2013 (P-62/N).
2. As per Clause No. 3 of the agreement of existing contract that extension can be granted for three months only, the proposal of the Department for extension for further period of six months on same reasons / ground appears not reasonable and justified.
3. The expenditure on the aforesaid work already sanctioned as revised A/A & E/S is Rs. 1,92,01,500/- which is 94% excess to initially approved A/A & E/S amounting to Rs. 99,00,000/-. Therefore, if the proposal of the Department for further extension is considered by the authorities, it would be against the fair and transparent tendering procedure.
4. The stated facts at page 86/N that RFP shall be finalized shortly and two pre-bid meeting have already held, but asking for extension for six months is contradictory and needs clarifications.
5. The amount of A/A & E/S of Rs. 95,08,200/- also appears not correct, as the proposal is for extension of existing contract, so the revised A/A & E/S is to be sought from the competent authority which includes up to expenditure against the original amount of A/A & E/S every time.

The proposal of the Department for hiring of 15 nos. tipper trucks for extending the existing contract of M/s G.T. Roadways @ Rs. 3445/- per day per tipper involving the total expenditure for the proposed 184 days works out to Rs. 95,08,200/-. This will result the overall expenditure on the same work contract Rs. 2,87,09,700/- against the revised Administrative Approval and Expenditure Sanction upto the extended period of 30.04.2014 Rs. 1,92,01,500/-. If the Department has no other option to go for inviting fresh tenders at this stage, Finance Department advise the Department to submit their proposal to the Competent Authority for consideration of their proposal with the approval of revised Administrative Approval & Expenditure Sanction of up-to-date expected expenditure and further directed the Department to finalize the RFP for the work at the earliest.

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

It is submitted that a tender for the hiring of 40 nos. of tipper trucks was invited and the work was awarded @ Rs. 4401/- per tipper truck per day. As per NIT of this tender the quantity of tipper trucks can be increased or decreased by the MOH. However, the firm who is supplying 15 tipper trucks @ Rs. 3445/- per tipper truck per day and is ready to extend the contract. Therefore department proposes to extend the existing contract for hiring of 15 nos. of tipper trucks.

As per clause no. 3 of the NIT, the contract shall be valid for a period of six months which may be extended upto one year. However, the firm is ready to further extend the contract on the same rates and terms & conditions i.e. Rs. 3445/- per day per tipper truck i.e. Rs. 956/- less than the rates of the contractor supplying 40 nos. of tipper trucks.

Initially the tender was invited with A/A & E/S amounting to Rs. 99,00,000/- for hiring of 15 tipper trucks for a period of six months assuming that the RFP will be finalized in this period and fresh contract shall be awarded. However, as the RFP could not be finalized therefore the existing contract was extended. Now, as the RFP is suppose to be finalize shortly as two pre-bid meeting has already been organized by Project Department, the contract of hiring of private tipper trucks required to be further extended.

The department submitted the proposal to extend the contract for six months or awarding the work to the concessionaire after finalization of RFP, whichever is earlier.

The department submits for revised administrative approval and expenditure sanction of Rs. 2,87,09,700/- instead of A/A & E/S for Rs. 1,92,01,500/- already obtained, for extending the existing contract for a further period of six months i.e. 184 days (A/A & E/S).

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

NIL

**10. LEGAL IMPLICATION OF THE PROJECT**

NIL

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

Nil

**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 have been followed.

**16. RECOMMENDATION**

The department proposes to continue the existing contract to hire 15 nos. of tipper trucks from M/s G.T. Roadways 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 & 40 nos. of tipper trucks M/s City Life Line.

Further, department also proposes for post facto and continuing A/A & E/S for an amount of Rs. 2,87,09,700/-.

**17. DRAFT RESOLUTION**

The case is laid before the Council for ex-post facto administrative approval and expenditure sanction of Rs. 2,87,09,700 (Rs. Two Crore Eighty Seven Lacs Nine Thousand Seven Hundred Only) for extending the existing contract with M/s G.T. Roadways for

hiring of 15 nos. of tipper trucks for removal of horticulture waste & indiscriminate garbage from NDMC area for a total period of 547 days w.e.f. 03.05.2013 or the time of awarding this work to the concessionaire after finalization of the RFP being processed by Project Department for collection & transportation of the garbage from NDMC area, whichever is earlier.

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

Resolved by the Council that ex-post facto administrative approval and expenditure sanction is accorded to the amount of Rs.2,87,09,700 (Rs. Two Crore Eighty Seven Lacs Nine Thousand Seven Hundred Only) for extending the existing contract with M/s G.T. Roadways for hiring of 15 nos. of tipper trucks for removal of horticulture waste & indiscriminate garbage from NDMC area for a total period of 547 days w.e.f. 03.05.2013 or the time of awarding this work to the concessionaire after finalization of the RFP being processed by Project Department for collection & transportation of the garbage from NDMC area, whichever is earlier.

However, the Council clarified that this approval is being given keeping in mind the exigencies of services involved, which will not continue beyond the relaxation given as above. The department concerned is directed to complete the process for finalisation of RFP.

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

Procurement of allopathic drugs from the Public Sector Manufacturing companies and in case of non-availability/non-participation of the public sector undertaking companies, the same shall be procured from the impaneled firm at the L1 rate or govt. authorized rates, whichever is lower.

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

Health (Medical Sector)

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

The department placed the Agenda vide Item No. 10(E-03) in council's meeting held on 07/10/2013 before the Council on the following recommendations:-

- Approval of Rate Contract for purchase of Allopathic medicines for one year from the date of approval by the Council, during the financial year 2013-14 and 2014-15;
- For sanction of an additional budget of Rs.175/- lacs in revised estimate for procurement of allopathic medicines during the current financial year 2013-14.
- The Council vide its resolution no. 10 (E-03) dated 07.10.2013 resolved the rate contract for purchase of allopathic medicines for one year from the date of approval by the Council during the financial year 2013-14 and 2014-15 subject to the following conditions:-
  - Only generic drugs will be procured;
  - The empanelled agencies shall supply the drugs directly;
  - The drugs which are prescribed by the GOI to be procured from the Public Sector Drug Manufacturing companies shall not be procured from private suppliers.

Further it was resolved by the Council to approve an additional budget of Rs.175/- lacs in revised estimate for procurement of allopathic medicines during the current financial year 2013-14;

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

- At the time of registration/empanelment of firms, the three firms who are authorized to provide the drugs which falls in the PPP category, were requested to get itself empanelled in the NDMC through letter as well as via e-mails. M/S KAPL and M/S IDPL had responded positively and get itself empanelled. They have also deposited the registration fee of ₹10,000/-. When the limited tender was invited for procurement of allopathic medicines, these two firms participated in the e-tender process and quoted the rates in the drugs falls in the PPP category and other category as well. In some cases, these two firms were became L1 even if those medicines were of general category. Accordingly, supply orders were issued and stock were received.
- After getting the approval from the Council, the department submitted requisition of the allopathic medicines for procurement from the GOI Firms i.e Karnataka Antibiotics & Pharmaceutical Limited & IDPL through mail dated 02/12/2013. M/S. Karnataka Antibiotics & Pharmaceuticals Limited vide their letter dated 02/02/2013 informed that supply will be made through our authorized stockiest for eight drugs only (**copy enclosed as annexure-II, See pages 35-36**). No response from the IDPL has been received after giving reminder to them.
- Similar exercise was adopted to get the clarifications from the AIIMS about procurement of medicines which are under the ambit & PPP/GOI rates, the AIIMS vide their letter dated 14/02/2014 informed that ***the AIIMS has taken a conscious decision on the expert advice of its Drug Selection Committee to procure generic***

*medicines from an open tender through firms meeting our eligibility criteria, irrespective of whether the drugs are under PPP or PSE/MSE so as to maintain the quality of drugs. As a pre-requisite to the eligibility criteria, the L1 bidder has to agree to supply the medicines at rates not more than government authorized rates for drugs falling under the price control order of the DPCO (copy enclosed as Annexure-III see page 37).*

- In view of above, it is submitted that the GOI firms are not able to provide the entire medicines as required in the NDMC as per the ambit of PPP/GOI rates, hence a modification was required in the approval given by the Council vide its resolution no. 10 (E-03) dated 07.10.2013 for procurement of medicines in the NDMC dispensaries/hospital.

- The modifications are:-

The drugs which fall under the ambit of PPP or PSE/MSE shall be procured from the Public Sector Manufacturing Companies. In case of non-availability/non-participation of the Public Sector Manufacturing Companies, it should be procured from the empanelled firms by inviting limited tender so as to maintain the quality of drugs. As a pre-requisite to the eligibility criteria, the L1 bidder has to agree to supply the medicines at quoted rates or government authorized rates, whichever is lower, for drugs falling the price control order of the DPCO.

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

No financial implications as the principal approval has already been given the council vide its resolution no. 10 (E-03) dated 07.10.2013.

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

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

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

The proposal of the department has been examined and Finance Department observe that modifications in the present council resolution is totally a policy matter and administrative decision is required to be taken by the department for reviewing their policy and Finance Department has nothing to comment in this regard. Therefore, the department is advised to take up this matter with the competent authority for reviewing the policy and getting the existing policy modified.

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

Approval from the competent authority has been obtained.

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

NIL

**10. Legal implications of the subject**

NIL

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

Resolution NO.10E-03 dated 07/10/2013 (**Annexure-I, see page 31- 34**).

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

NIL

13. **Clarifications by the department that all the CVC guidelines have been followed while processing the case.**

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

14. **Recommendations**

The drugs which falls under the ambit of PPP or PSE/MSE shall be procured from the Public Sector Manufacturing Companies. In case of non-availability/non-participation of the Public Sector Manufacturing Companies, it should be procured from the empanelled firms by inviting limited tender from registered firms only so as to maintain the quality of drugs. As a pre-requisite to the eligibility criteria, the L1 bidder has to agree to supply the medicines at quoted rates or government authorized rates, whichever is lower, for drugs falling the price control order of the DPCO.

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

Resolved by the Council that the drugs which fall under the ambit of PPP or PSE/MSE shall be procured from the Public Sector Manufacturing Companies. In case of non-availability/non-participation of the Public Sector Manufacturing Companies, it should be procured from the empanelled firms by inviting limited tender from registered firms only, so as to maintain the quality of drugs. As a pre-requisite to the eligibility criteria, the L1 bidder has to agree to supply the medicines at quoted rates or government authorized rates, whichever is lower, for drugs falling under the price control order of the DPCO.

Annexure 7 pages











Annexure ends

**ITEM NO. 06 (B-04)****1. NAME OF WORK:**

Repairing of 66KV GIS ("HOLEC" make) switchgears installed at 66KV ESS School Lane and Vidyut Bhawan.

**2. DEPARTMENT: Electricity Department.****3. BRIEF HISTORY OF THE CASE:**

The 66KV GIS ("HOLEC" make) switchgears were commissioned at 66 KV ESS School Lane and Vidyut Bhawan in 2001 at a total cost of Rs. 31,78,17,588/-. Being maintenance free, the original Equipment Manufacturer (OEM) recommended inspection after ten years of operations. Accordingly after approval of Council vide Resolution No. 03 (B-13) dated 07.10.2011, an order was placed with the OEMs in 2011. After conducting inspection in January 2013, the firm submitted the inspection report & a budgetary offer, towards the cost of spares, repairing/servicing/overhauling charges for both the substations amounting to Rs. 9, 93, 92,961/-.

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

66 KV GIS switchgears of "HOLEC" make (country of origin Netherland) comprising 09 panels each were commissioned at ESS School Lane and Vidyut Bhawan in the year 2001, at a total capital cost of Rs 31,78,17,588/-. Being maintenance free, the original equipment manufacturer (OEM) recommended inspection after 10 years of operation to avoid major breakdowns & Council vide Resolution No. 03 (B-13) dt. 07.10.2011 approved to award the work of inspection to OEM, M/s Siemens.

Inspection was accordingly conducted by M/s Siemens & based on the preliminary findings during the inspection has advised to carry out the repairs. A budgetary offer containing cost of spares, repairing/overhauling and servicing of GIS Panels at the two sub-stations, besides terms & conditions, was submitted by the OEM vide letter No. IC-SG SC/SC 20111076A/NL dated 04.04.2014.

Details of cost estimate are as under: -

**a) For 66 KV ESS School Lane**

i) Material Cost : Rs 1,83,51,416.19

ii) Labour Cost : Rs 3,08,12,806.40

**Total Rs 4,91,64,223.00**

**b) 66 KV ESS Vidyut Bhawan**

i) Material Cost : Rs 1,80,59,744.39

ii) Labour Cost : Rs 3,21,68,963.84

**Total Rs 5,02,28,738.00**

**Total cost (a + b) = Rs 9,93,92,961.00**

*(Rupees Nine Crore Ninety Three Lacs Ninety Two Thousand Nine Hundred Sixty One Only).*

**TERMS OF PAYMENT :**

***Supply: 50% payment as interest free advance against ABG & 50% balance against PI before dispatch***

***Service: 50% payment as interest free advance against ABG & 50% balance within 15 days from submission of invoice***

**DAILY RATE FOR ADDITIONAL WORK:**

***Overtime per hour, (17.00 – 07.00 hrs) next day: -***

***Rs 41,000.00 per engineer***

***Overtime per hour on 7<sup>th</sup> day and public holidays:***

***Rs 78,750.00 per engineer***

***GIS Switchgear being a proprietary item of the manufacturer, M/s Siemens, repair works are compulsorily required to be undertaken through them. Provisions of clause 154 of***

***GFR 2005 permit procurement from a single source in specific circumstances & accordingly it is certified & confirmed by the department that only M/s Siemens is the manufacturer of the required goods and no other make or model is acceptable. Being a proprietary item of the foreign manufacturer, justification and reasonability of rates cannot be commented upon by the department.***

It is therefore recommended that based on the inspection report submitted by M/s Siemens, the work of repairing, servicing, overhauling & replacement of parts in 66 KV GIS switchgears of "HOLEC" make at ESS School Lane & Vidyut Bhawan be awarded to M/s Siemens at their offered amount of Rs.9,93,92,961=00 (Rupees Nine Crore Ninety Three Lacs Ninety Two thousand Nine Hundred Sixty One Only) & at the terms & conditions of their offer dated 04.04.2014.

**5. FINANCIAL IMPLICATIONS: Rs. 9, 93, 92,961/-**

***(Rs Nine Crore Ninety Three Lacs Ninety Two Thousands Nine Hundred Sixty one only).***

**6. IMPLEMENTATION SCHEDULE: Approximate Nine Months**

**7. COMMENTS OF FINANCE DEPARTMENT:**

**(i) FINANCE DEPARTMENT :**

The case related to repairing/overhauling and servicing of 66KV GIS switchgears of "HOLEC" make (Netherland) comprising 09 panels of two sub-stations i.e. at School Lane and Vidyut Bhawan through OEM Firm M/s. SIEMENS at an cost of Rs. 9.93 Crores has been examined. Since these GIS switchgears are stated to be specifically designed by M/s. SIEMENS and are proprietary items and also the work cannot be executed through competitive bidding, there seems to be no option but to carry out the work from the said firm. However, Department may be asked to

- a. Place a Proprietary Article Certificate (PAC) in a prescribed format as per provision of Rule 154 of GFR on record.
- b. In order to ensure that the rates offered by the firm are justified, a copy of similar work carried out by the said firm be placed on record. Further, an undertaking may also be obtained from the said firm that rates offered by them are justified and are not more than what has been offered in other DISCOMS in India.

- c. Department may also certify that the proposed work is mandatory and will enhance overall health and life of the system. The department shall ensure that no expenditure of liability is incurred unless the funds are made available.
- d. Department shall ensure that no expenditure are liability is incurred unless the funds are made available.

(ii) **OBSERVATIONS OF SECRETARY ON COMMENTS OF FINANCE: -**

In addition to above, may also clarify the followings:-

- a. Being technical matter, the department is satisfied with inspection report and scope of work.
- b. What discrepancies are accepted as mention at page 109/N and financial impact there off.

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

(i) **Finance**

- a. Proprietary Article Certificate, as per provisions of Rule 154 of GFR is placed in the file at page 100/C.
- b. Being a proprietary article of foreign manufacturer based in Europe and the fact that since equipments of the firm are not installed any where in the country, justification of the offered rates based on the documents suggested by finance cannot be ensured by the department. Further, department is not in a position to afford any delay in placing the order as OEM has cautioned as under: ***"Issues like malfunctioning of VT Spring Contacts, Operation Coil, Pressure Contacts, SF6 Gas leakages etc. can have a direct effect on the overall reliability of GIS and subsequent end client network. Further, delay in maintaining the system and to carry out OEM modifications of components can result in faults and/or unsafe situations."***
- c. The proposed work is mandatory after ten years of service as per the recommendations of the OEM, M/s Siemens for the overall health and life of the system.

- d. It is ensured that no expenditure or liability will be incurred unless the funds are made available and accordingly approval of Council shall be sought for arrangement of funds through "Advance payment" for this work till funds are made available in the RE for 2014-15.
- e. No expenditure or liability will be incurred unless the funds are made available.

(ii) **Comments on the observations of Secretary:**

- a. Being a sophisticated and technologically advanced imported proprietary item of the manufacturer, requisite technical knowhow is not available either with the department or local representative of the OEM in India & therefore there is no option but to rely on the reports and scope of work submitted by OEM. However based on the operational difficulties faced in the switchgear, department is satisfied with the inspection report and suggested repairs.
- b. The discrepancies noted at page 109/N are only the difference in the rates of the Engineers offered for both substations i.e. (i) daily rates for seventh day and public holidays (ii) overtime per hour (iii) overtime per hour on seventh day and public holiday and there would be no additional financial impact as higher quoted rates have been considered only to avoid delays at this stage.

9. **LEGAL IMPLICATIONS: NIL**

10. **DETAILS OF PREVIOUS COUNCIL'S RESOLUTIONS, EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THE SUBJECT: Council Resolution No. 03 (B-3) dated 07.10.2011 (Annexure 'A' See pages 43 - 49).**

11. **COMMENTS OF LAW DEPARTMENT: N/A**

12. **COMMENTS OF DEPARTMENT ON COMMENTS OF LAW DEPARTMENT:  
N/A**

- 13. CERTIFIED THAT ALL THE CVC GUIDELINES ON THE SUBJECT HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE:** *It is certified that all the CVC guidelines on the subject have been followed while processing the case.*

**14. RECOMMENDATIONS:**

*It is recommended that approval of Council may kindly be solicited for the following: -*

- i. To accord A/A & E/S to the estimate amounting to Rs. 9, 93, 92,961/- (Rupees Nine Crore Ninety Three Lacs Ninety Two Thousand Nine Hundred and Sixty One Only) based on the budgetary offer of M/s Siemens.
- ii. To place order for the work of "Repairing of 66KV GIS ("HOLEC" make) switchgears installed at 66KV ESS School Lane and Vidyut Bhawan" on M/s Siemens, the OEM at their offered rates, amounting to Rs. 9, 93, 92,961/- (Rupees Nine Crore Ninety Three Lacs Ninety Two Thousand Nine Hundred and Sixty One Only) and as per the terms and conditions of offer bearing No. IC-SGSE/SE20111076A/NL dated 04.04.2014 (for Vidyut Bhawan) and IC-SGSE/SE20111076/NL dated 04.04.2014 (for School Lane).
- iii. To make 50% payment, as an interest free advance to M/s Siemens as per the terms and conditions of their offer letter No. IC-SGSE/SE20111076A/NL dated 04.04.2014 (for Vidyut Bhawan) and IC-SGSE/SE20111076/NL dated 04.04.2014 (for School Lane).
- iv. Authorise Chief Engineer (Elect.) for approval of overtime and charges for working on 7<sup>th</sup> day & public holidays if any, as per actual, on the terms and conditions of the offer of the firm.
- v. To make availability of requisite funds required for the work through "Advance Payment" till funds are made available in RE of the current financial year 2014-15 later on.

*Approval may also please be accorded to take further action in anticipation to the confirmation of minutes of the Council Meeting.*

**15. DRAFT RESOLUTION**

*Resolved by the Council, to accord approval of the following: -*

- To accord A/A & E/S to the estimate amounting to Rs. 9,93,92,961/- (Rupees Nine Crore Ninety Three Lacs Ninety Two Thousand Nine Hundred and Sixty One Only) based on the budgetary offer of M/s Siemens.
- To place order for the work of "Repairing of 66KV GIS ("HOLEC" make) switchgears installed at 66KV ESS School Lane and Vidyut Bhawan" on M/s Siemens, the OEM at their offered rates, amounting to Rs. 9,93,92,961/- (Rupees Nine Crore Ninety Three Lacs Ninety Two Thousand Nine Hundred and Sixty One Only) and as per the terms and conditions of offer bearing No. IC-SGSE/SE20111076A/NL dated 04.04.2014 (for Vidyut Bhawan) and IC-SGSE/SE20111076/NL dated 04.04.2014 (for School Lane).
- To make 50% payment as an interest free advance to M/s Siemens as per the terms and conditions of their offer letter No. IC-SGSE/SE20111076A/NL dated 04.04.2014 (for Vidyut Bhawan) and IC-SGSE/SE20111076/NL dated 04.04.2014 (for School Lane).
- Authorise Chief Engineer (Elect.) for approval of overtime and charges for working on 7<sup>th</sup> day & public holidays if any, as per actual, on the terms and conditions of the offer of the firm.
- To make availability of requisite funds required for the work through "Advance Payment" till funds are made available in RE of the current financial year 2014-15 later on.

*Approval is accorded to take further action in anticipation to the confirmation of minutes of the Council Meeting.*

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

Deferred.

ANEXURES 7 PAGES











ANEXURE ENDS

**ITEM NO. 07 (B-05)****1. NAME OF WORK:**

Replacement of 2 nos. 33/11 KV Power Transformer installed at various Electric Sub-stations of NDMC area.

**2. DEPARTMENT: Electricity Department.****3. BRIEF HISTORY OF THE CASE:**

15 MVA, 33/11 KV Crompton make power transformer and 16/20 MVA, 33/11 KV BHEL make power transformer installed at ESS H.C. Mathur Lane failed in the year 2012 & 2013 respectively. To maintain continuity of supply, these transformers were replaced with transformers installed at ESS Mandi House and ESS Raja Bazar respectively as a time gap arrangement. All sustained efforts to set right these faulty transformers, proved uneconomical & were declared beyond economical repairs by the department. These transformers had served 39 years and 34 years respectively against useful life of 25 years.

Advisor (Power), after due examination also recommended replacement of these failed transformers.

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

A Preliminary estimate for replacement of the failed transformers, based on the lowest budgetary offer of M/s Crompton Greaves Ltd. dated 23.07.2012, amounting to Rs 2,60,14,262/- (*Rupees Two Crore Sixty Lacs Fourteen Thousand Two Hundred and Sixty Two Only*) was prepared and processed for approval. The estimate includes cost of erection, excise duty and CST besides contingences and credit for old transformers. The estimate covers the cost of supply & installation of transformers.

The new transformers shall be installed at 33 KV ESS Mandi House and Shahjahan Road to strengthen the supply system of the areas connected with the network of these sub-stations, as presently, the installed capacity of the transformers in these sub-stations is inadequate.

**5. FINANCIAL IMPLICATIONS: Rs. 2,60,14,262/-**

*(Rs Two Crore Sixty Lacs Fourteen Thousand Two Hundred Sixty Two only)*

**6. IMPLEMENTATION SCHEDULE: Six Months**

**7. COMMENTS OF FINANCE:**

*(Dy. No. R-Elect./792/fin. Dated 20.05.2014)*

Keeping in view the replies of the department and recommendations of Advisor (Power) at page 44/N, Finance Department has no objection to the proposal of the Department to process the case for seeking Administrative Approval and Expenditure Sanction to the Preliminary Estimate of the Competent Authority for replacement of 2 nos. 33/11 KV, 16/20 MVA power transformer at an estimated cost of Rs. 2,60,14,262/- However, our concurrence is subject to the following:-

1. Department may certify that earlier no purchase was made against these two faulty transformers of ESS H.C. Mathur Lane.
2. These two transformers would be installed at Shahjahan Road and Mandi House were the same are essentially required for meeting the load requirement.
3. Certification by the Department that no spare transformers is available for replacement in any Division or Store of Electricity Department.
4. The work will be executed after adhering codal provisions and sufficient fund in relevant CAO be ensured before incurring any liability for this work.

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

1. It is certified that earlier no purchase was made against these two faulty transformers of ESS H.C. Mathur Lane.
2. It is certified that these two transformers would be installed at Shahjahan Road and Mandi House.

3. It is certified that no spare transformer is available for replacement in any division or Store of Electricity Department.
4. It is certified that all codal formalities are being followed. The sufficient fund shall be kept in the reserve fund after approval of the estimate.

9. **LEGAL IMPLICATIONS:** NIL

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

11. **COMMENTS OF LAW DEPARTMENT:** N.A.

12. **COMMENTS OF DEPARTMENT ON COMMENTS OF LAW DEPARTMENT:** N.A.

13. **CERTIFIED THAT ALL THE CVC GUIDELINES ON THE SUBJECT HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE:** It is certified that all the CVC guidelines on the subject have been followed while processing the case.

14. **RECOMMENDATIONS:**

The estimate may please be submitted to council for according Administrative Approval and Expenditure Sanction amounting to **Rs. 2,60,14,262/- (Rupees Two Crore Sixty Lacs Fourteen Thousand Two Hundred and Sixty Two Only)** for the "Replacement of 2 nos. 33/11 KV Power Transformer installed at various Electric Sub-stations of NDMC area" against the Depreciation Reserve Fund under the Budget Head of A/c E-3. Approval may also please be accorded to take further action in anticipation to the confirmation of minutes of the Council meeting.

15. **DRAFT RESOLUTION**

Resolved by the Council that Administrative Approval and Expenditure Sanction is accorded to the estimate amounting **Rs. 2,60,14,262/- (Rupees Two Crore Sixty Lacs Fourteen Thousand Two Hundred and Sixty Two Only)** for the "Replacement of 2 nos.

33/11 KV Power Transformer installed at various Electric Sub-stations of NDMC area” against the Depreciation Reserve Fund under the Budget Head of A/c E-3. Approval is also accorded to take further action in anticipation to the confirmation of minutes of the Council meeting.

**COUNCIL'S DECISION**

Deferred.

**ITEM NO. 08 (B-06)****1. NAME OF THE SUBJECT/PROJECT:**

**Name of Work:- Replacement /Modernization of Existing Lifts at Chanderlok Building, Palika Bhawan, Yashwant Place & Chanakya Bhawan.**

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

Administrative Approval and Expenditure Sanction to the estimate of replacement of lifts at Chanderlok building, Palika Bhawan, Yashwant Place and Chanakya Bhawan was accorded separately as per detail given below:-

1. Replacement of 4 nos. 13 passengers OTIS make lifts at Chanderlok Building – (Sanctioned estimated cost Rs. 1,23,73,000/- AA & ES accorded by the Council vide Reso. No. 15(B-10) dated 16.06.2010)
2. Replacement of 4 nos. passenger OTIS make lifts at Palika Bhawan and one no. OTIS lift at Yashwant Place. – (Sanctioned estimate cost : Rs. 1,41,31,600/-, AA & ES accorded by the Council vide Reso. No. 02 (B-15) dated 18.08.2010).
3. Replacement of 2 nos. 13 passenger OTIS make lifts at Chanakya Bhawan. - (sanctioned estimated cost Rs. 49,35,000/- AA & ES accorded by Chairman vide no. 318/PS/Chairman dated 18.01.2010).

It is pertinent to mention that for replacement of aforesaid lifts tenders were invited five times from manufacturer of category 'A.' as per norms But none of the firm participated therefore the case was referred to Advisor (Power) for his expert comments on the issue. Advisor (Power) desired to hold a meeting with the lift manufacturers as to understand the reason for their non-participation in the tenders.

Accordingly, Advisor (Power) took a meeting when ACE(E-I) EE(C-III) & AEE-II (C-III) were present. It was decided in the meeting that a subcommittee to be constituted under the chairmanship of SEE-III to deliberate and examine the acceptability of various technical and commercial changes in the NIT.

The sub-committee was called the lifts manufacturer and discussed & deliberated the matter in length and finally decided to get modified these lifts from OEM M/s OTIS as

revealed from the cost benefit analysis made between new lifts & modified lifts. It was also seen that by modernization procedure is not only economical but also technically sound without compromising lift span, equality and electrical consumption / efficiency besides less completion time.

The recommendation of the subcommittee was concurred by Advisor (Power) & concurred by the finance department. M/s OTIS has confirmed the 20 years of prescribed life for so modified lifts also as in case of new lifts and offered rates for AMC on reasonable cost i.e. 6-7% of modernization cost.

With the approval of the Secretary NDMC a subcommittee was constituted chaired by SEE-III and Dy.FA, EE(E) Planning, EE (E) C-III, AO (E-I) & AEE (C-III) as members. The subcommittee was required to furnish its report.

The sub-committee had furnished the report and was submitted to Chairman, NDMC for accord of In Principal approval for getting the lifts modernized through OEM, i.e., M/s OTIS Elevator Co. Ltd .

Accordingly, Chairman on 21/2/14 also accorded In principal approval with the remarks as "As proposed following all codal norms".

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

Based on the approval In-principle of Chairperson the case has been processed for modernization of 11 nos. lifts i.e. at Chanderlok Building (4 nos.), Palika Bhawan (4 nos.), Yashwant Place (1 no.) & Chanakya Bhawan (2 nos).

Accordingly best offer for modernization of lifts amounting to Rs. 3,10,37,000/- have been obtained from M/s OTIS copy placed with the following terms & conditions- prices quoted are inclusive of

1. Central Excise duty at current prevailing rates.
2. CST as applicable at current prevailing rates.
3. Service tax payable on account of services of installation & commissioning/repair and maintenance
4. Dismantling of equipment.
5. Transporting, labour and installation.

Further firm has mentioned that

1. Any change in the rate of duties/tax at a later date or any other new duties/taxes imposed during the currency of the contract shall be to NDMC account.

2. The prices are subject to IEEMA PVC.
3. Any cutting of marble architraves to fix the hall boxes at landings and filling up of the cutouts, architraves is in NDMC scope of work.
4. The complete machine room and hoist-way shall have to be as per the firm requirement and your good self as per the preparatory sheets attached will do any civil work

In view of above the case, for award of the work of modernization of lift at Chanderlok Building, Palika Bhawan, Yashwant Place and Chankya Bhawan, was forwarded to finance for concurrence to award work to M/s OTIS Elevator (OEM) as propriety item & keeping in view the cost benefit. The Finance deptt. has examined the case and concur in the proposal.

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

The cost of the work for replacement/modernization of existing lifts at Chanderlok Building, Palika Bhawan, Yashwant Place & Chanakya Bhawan is Rs. 3,10,37,000/- (Rupees. Three Crore Ten Lac Thirty Seven Thousands only).

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

The completion of the first phase in 6 months & completion in 12 months from the date of receipt of order.

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

The department has submitted that work shall be awarded for "Modernization of Existing lifts at Chanderlok Building, Palika Bhawan, Yashwant Place and Chanakya Bhawan" and shall be charged to sanctioned estimate "Replacement of Existing lifts at Chanderlok Building, Palika Bhawan, Yashwant Place and Chanakya Bhawan" for which budget provision exist. The matter was discussed with Budget Branch and accordingly the department is advised to change the nomenclature of the subject as Replacement/Modernization of Existing Lifts at Chanderlok Building, Palika Bhawan, Yashwant Place and Chankya Bhawan.

Further, the Chart of Account mention by the department is no correct. Therefore, the department is once again requested to bring on record the complete chart of account i.e. by mentioning Financial Code, Field Code , DH, MH, Scheme No., Sub-scheme No. and the availability of budget provision in the current Financial Year. However, the following needs to be certified.

1. The observations/remarks of 11KV Planning needs to be comply.
2. The credit of dismantled item will be considered appropriately on the justified prevailing rates.

3. The specifications mention in reply are the same as approved by the sub-committee and Advisory (Power). The facts and data submitted by the deptt is correct.
4. Rule 158/GFR and Section 21 of CPWD manual provides to obtain performance guarantee from the successful bidder/ tenderer, therefore the department needs to bring on records the measure and the safeguard taken by them to ensure the interest of NDMC in case of any breach of contract. The acceptance letter of the same from the firm needs to be added.
5. Proprietary Articles Certificate (PAC) in a prescribed format as per provision of Rule 154 of GFR place on record.
6. Certificate with regard to justification of rates offered by the firm be placed on record. Further, an undertaking may also be obtained from the firm that the rates offered by the firm are justified and are not more than what has been offered in other Govt. department.

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

The case has been examined by Finance deptt. with certain observation as appearing on file.

The clarification to the observation made by Finance deptt. is as under.

As advised by the Finance deptt. the nomenclature of the subject is changed as "Replacement/Modernization of existing lifts at Chanderlok Building, Palika Bhawan, Yashwant Place and Chanakya Bhawan.

Chart of account for the project is as per budget book is as under:-

Name of scheme	FC	MAH	MIH	DH	Scheme No.	Sub-Scheme No.	Field Code	BE 2014-15
Chanderlok bldg.	58	490	90	31	104	2	213	10,000
Palika Bhawan & Yashwant Place	58	490	90	31	104	2	213	0
Chanakya Bhawan	58	490	90	31	110	2	213	0

Further, it is to be put up that budget section has limited the BE-2015 on the plea that case is yet to be finalized, however, budget provision for the same shall be taken scheme wise in RE 2014-15 as required.

1. It is again confirmed that major existing part which shall be retained in the scope of work shall also be covered under guarantee alongwith other new part till its useful life of 20 years. The firm have already been confirmed vide their e-mail placed below in file.
2. The firm have submitted their offer that whatever, the dismantle material be made available with the replacement of the lift shall be OTIS property & the credit for dismantle

parts has already been accounted in their rate offered by firm as confirmed by the firm therefore the same are acceptable further the firm confirmed that they did not execute the work in the in any Govt. organization in the past 6 months at price lower than offered Their confirmation letter is placed in the file.

3. It is to confirm that the specification approved by sub-committee and advisor (Power) the specification submitted by M/s OTIS are same. Also fact and data are confirmed.
4. As stated/required in rule 15/GFR and section 21 CPWD manual, the firm will submit a bank guarantee equal to 5% of the order value valid up to completion period besides 5% security amount as confirmed by the firm though their e-mail letter placed in the file. The agreement for replacement/modernization work & agreement for AMC for period of 4 years shall be made simultaneously with the firm as mention in file, to safeguard in the interest of Council.
5. It is certify that being a proprietary article the deptt. made the proposal from a single source under the provision of sub rule 154(I) and 154(III) as applicable for good quality, better services, economy factor and technical limitation.
  - I. The indented goods are manufactured by M/s. OTIS Elevator India Pvt.Ltd.
  - II. No other make or model is acceptable for reason that M/s OTIS Elevator only the firm replace the parts.
  - III. The concurrence of finance wing to the proposal is being obtained.
6. It is again certify that the offered rates of the firm are reasonable & acceptable. The firms have not executed the work in any Govt. organization as confirmation by them in their letter dated 12.03.14.

The validity of rates offered by firm is going to expire on 30.07.14, the firm have intimated through e-mai, "it is final extension as we have been extended our price validity since last year and it would not be possible to extend the validity any further".

In view of above the case may again be sent to Finance deptt. for their early concurrence please. The present condition of the lifts proposed in the replacement/modernization is in critical and needs immediate replacement. The Finance deptt. may concur into the proposal of the deptt. to get done the replacement/modernization of all 6 lifts of phase-I i.e. 4 nos. lifts at Chanderlok building and 2 nos. lifts at Chanakya Bhawan from M/s OTIS Elevator Co. Ltd. at a total cost of Rs. 1,53,62,000/-. The deptt. is facing very awkward position before the tenant of premises i.e. CBI, CERC etc. due to frequent breakdown of the lifts please.

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

Diary No. 1123/Finance dated 13.06.2014. In view of replies submitted by the Department and a decision taken on the basis of recommendation of Sub-Committee constituted with the prior approval of Secretary, NDMC and further concurred by Advisor (Power) being a proprietary work, the Department may process the case for obtaining the

approval of the Competent Authority i.e. Council to award the work order to M/s OTIS Elevators (OEM) amounting to Rs. 3,10,37,000/- (rupees three crore ten lac thirty seven thousand only ) for Modernization of above said eleven numbers of Lifts at Chanderlok Building, Palika Bhawan, Yashwant Place and Chanakya Bhawan as per detailed available in file in phase manner as per the approval of the Chairperson, NDMC.

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

No comments/clarification has been sought by the finance department.

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

No legal implication is involved.

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

- 1) Reso. No.15(B-10) dated 16.06.2010 - Chanderlok building. – **Annexure A (Se pages 58 – 59)**
- 2) Reso. No. 02(B-15) dated 18.08.2010 - Palika Bhawan & Yashwant Place- **Annexure B (See pages 60 – 61)**
- 3) Item No.318/PS/ Chairman dated 18.01.2010- Chanakya Bhawan **Annexure – C (See pages 62-63.**

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

We concur the proposal please.

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

Nil

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

Nil

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

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

**17. RECOMMENDATIONS:**

The case may be placed before the Council to award the work for modernization/replacement of eleven numbers Lifts at Chanderlok Building, Palika Bhawan, Yashwant Place and Chanakya Bhawan in phase manner (Phase –I Chanderlok & Chankya Bhawan and Phase-II Yashwant Place & Palika Bhawan) to M/s OTIS Elevators (OEM) amounting to Rs. 3,10,37,000/- (rupees three crore ten lac thirty seven thousand only ). Permission may also be solicited to award the work in anticipation of conformation the minutes of the Council.

**18. DRAFT RESOLUTION:**

Resolved by the council that the approval is accorded to award the work for modernization/replacement of eleven numbers Lifts at Chanderlok Building, Palika Bhawan, Yashwant Place and Chanakya Bhawan in phase manner (Phase –I Chanderlok & Chankya Bhawan and Phase-II Yashwant Place & Palika Bhawan) to M/s OTIS Elevators (OEM) amounting to Rs. 3,10,37,000/- (rupees three crore ten lac thirty seven thousand only ). Permission is also solicited to award the work in anticipation of conformation the minutes of the Council.

**COUNCIL DECISION**

Resolved by the Council that the approval is accorded to award the work for modernization/replacement of eleven numbers Lifts at Chanderlok Building, Palika Bhawan, Yashwant Place and Chanakya Bhawan in phase manner (Phase –I Chanderlok & Chankya Bhawan and Phase-II Yashwant Place & Palika Bhawan) to M/s OTIS Elevators (OEM) amounting to Rs.3,10,37,000/- (Rupees three crore ten lac thirty seven thousand only ).

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

**ITEM NO. 15 (B-10)/16.06.2010**

1. **Name of work:** Replacement of 4 Nos 13 passenger lifts installed at Chanderlok Building, New Delhi.
2. **Department:** Electricity Department-II
3. **Brief History of the proposal:**

Frequent complaints have been received in the office of Chairman NDMC from various occupants of Chanderlok Building like Secretary, Central Electricity Regulatory Commission, Secretary and Director General of Departments of AIDS Control, NACO and various other Govt Departments like Shipping Corporation of India, Bharat Electronic Ltd, State Bank of Patiala etc in respect of improper functioning of lifts installed at Chanderlok Building. Senior officers of various Govt Departments occupying the said building also met the Chairman NDMC and requested for providing hassle free service of lifts as the same are giving frequent troubles. Accordingly, it was decided to get these lifts replaced in general interest.

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

On receipt of frequent complaints from various occupants of Chanderlok Building like Secretary, Central Electricity Regulatory Commission, Secretary and Director General of Departments of AIDS Control, NACO and various other Govt Departments like Shipping Corporation of India, Bharat Electronic Ltd, State Bank of Patiala etc in respect of improper functioning of lifts installed at Chanderlok Building, inspection / meeting of condemnation sub-committee was called after the approval of CE(E-II) dated 06.04.10. The condemnation sub-committee met / inspected these lifts on 16.04.10 which recommended replacing the existing 4 lifts installed at Chanderlok Building under buy-back policy as these lifts were installed in the year 1970 at the time of construction of building and thus have served for about 40 years against prescribed useful life of 20 years.

An estimate amounting to Rs 1,29,73,000/- for the above cited subject work has accordingly been prepared and placed below in file at page 26-28/C.

The expenditure is chargeable to budget head H-2-8 (Scheme no. 313) for modernization of lifts in municipal buildings against which a budget provision of Rs 50 lacs exists during the year 2010-11 which shall be got suitably enhanced during RE.

The above estimate has been checked by Planning and has also been concurred in by Finance.

5. **Financial implications:** Rs 1,29,73,000/- (One Crore Twenty Nine Lacs Seventy Three Thousands only)
6. **Implementation Schedule:** Eight months
7. **Comments of the Finance Department:** The Finance vide Dy no. vide 999/Finance/R-Electric dated 14.05.10 has concurred in preliminary estimate with no further comments.

8. **Comments of the department on comments of Finance:** NIL
9. **Legal implication of the subject:** No legal implication is involved.
10. **Details of previous Council Resolution:** NIL
11. **Comments of Law Department:** NIL
12. **Comments of the department on the comments of Law Department:** NIL
13. **Certification by the department:** It is certified that while processing the case, all CVC guidelines & codal formalities have been followed.
14. **Recommendations of the department:** The case may be placed before Council for Administrative Approval & Expenditure Sanction to the estimate amounting to Rs 1,29,73,000/- for the work of replacement of 4 Nos 13 passenger lifts installed at Chanderlok Building, New Delhi. The work is of urgent nature & therefore approval may also be accorded to take further action in anticipation to the confirmation of minutes of the Council meeting.
15. **Draft Resolution:** Resolved by the Council that administrative approval and expenditure sanction is accorded for the estimate amounting to Rs 1,29,73,000/- for the work of replacement of 4 Nos 13 passenger lifts installed at Chanderlok Building, New Delhi. Approval is also accorded to take further action in anticipation to the confirmation of minutes of the Council meeting.

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

Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to Rs.1,29,73,000/- for the work of replacement of 4 Nos 13 passenger lifts installed at Chanderlok Building, New Delhi.

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

**ANNEXURE -B****ITEM NO. 02 (B-15)/18.08.2010**

1. **Name of Work:** Replacement of 4 Nos 'OTIS' make lifts at Palika Bhawan and 1 No 'OTIS' lift at Yashwant Place.

2. **Department:** Electricity Department.

3. **Brief History of Proposal:**

There are 4 'OTIS make' lifts at Palika Bhawan and 1 'OTIS make' lift at Yashwant Place, having capacities for carrying 20 passengers & 8 passengers respectively. These lifts are maintained by BM-II division through an annual maintenance contract with M/s OTIS elevators company (India) Ltd. These lifts had already served its prescribed life of 20 years, and had now started giving frequent troubles. These lifts are obsolete model and its spare parts are very difficultly managed by OTIS. The 4 lifts existing at Palika Bhawan were installed in 1983 & 1 lift installed at Yashwant Place was installed in the year 1977, which have already served for 27 years and 33 years respectively against prescribed useful life of 20 years.

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

The proposal to replace the lift installed at Palika Bhawan & Yashwant Place was therefore made. Accordingly, with the approval of CE(E-II) dated 23.04.10, the matter as placed before Condemnation Sub-Committee. The Condemnation Sub-Committee constituted under orders of Chairman, inspected these lifts on 07.05.10 and recommended that the 1 no. lifts installed at Yashwant Place and 4 nos at Palika Bhawan may be replaced under buy-back policy after due deliberations.

Based on the lowest of offers received from two firms i.e. M/s OTIS and M/s Johnson, an estimate amounting to Rs 1,41,31,600/- (G) & Rs 1,37,06,600/- (N) has accordingly been prepared.

The expenditure for the above is chargeable to the head of account H-2-8 / Modernization of lifts in Mpl Buildings.

5. **Financial implications:** Rs 1,41,31,600/- (G) & Rs 1,37,06,600/- (N)

6. **Implementation Schedule:** 10 Months.

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

The Finance vide Dy no. 1374/Finance/R-Elect dated 22.06.10 has concurred in the estimate with no further comments.

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

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

10. **Details of Previous Council Resolution:** NIL
11. **Comments of Law Department:** No Law point is involved in the draft agenda. However this has our concurrence.
12. **Comments of the Department on the comments of Law Department:** NIL
13. **Certification by the Department:** It is certified that while processing the case, all CVC guidelines & codal formalities have been followed.
14. **Recommendations of the Department:** The case may be placed before Council for Administrative Approval & Expenditure Sanction to the estimate amounting to Rs.1,41,31,600/- (G) & Rs.1,37,06,600/- (N) for the work of Replacement of 4 Nos 'OTIS' make lifts at Palika Bhawan and 1 No 'OTIS' lift at Yashwant Place. The work is of urgent nature & therefore approval may also be accorded to take further action in anticipation to the confirmation of minutes of the Council meeting.
15. **Draft Resolution:** Resolved by the Council that administrative approval and expenditure sanction is accorded for the estimate amounting Rs. 1,41,31,600/- (G) & Rs. 1,37,06,600/- (N) for the work Replacement of 4 Nos 'OTIS' make lifts at Palika Bhawan and 1 No 'OTIS' lift at Yashwant Place. Approval is also accorded to take further action in anticipation to the confirmation of minutes of the Council meeting.

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

Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting Rs.1,41,31,600/- (G) & Rs.1,37,06,600/- (N) for the work 'Replacement of 4 Nos 'OTIS' make lifts at Palika Bhawan and 1 No 'OTIS' lift at Yashwant Place'.

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

ANNEXURE – C



**ITEM NO. 09 (H-02)****1. NAME OF THE SUBJECT:**

Creation of one post of Chief Engineer (Civil) in the Pay Scale of ` 37400-67000 + G.P. ` 8900/- (6<sup>th</sup> CPC) (To be converted into DTL Scales) and filling the same on deputation basis till eligible candidate from the feeder cadre post of Superintending Engineer (Civil) become available for the post of Chief Engineer (Civil). This requires approval of the Council in terms of Section – 34 of NDMC Act, 1994.

**2. NAME OF THE DEPARTMENT:**

Civil Engineering Establishment Unit – II (Personnel Department)

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

The recruitment rules for the post of Chief Engineer (Civil) have been approved/notified in the Gazette Notification dated 06.08.2002. There are 02 Posts (**Subject to variation dependent on workload**) of Chief Engineer (Civil) in the Civil Engineering Department sanctioned in the Pay Scale of ` 16400-450-20000 (5<sup>th</sup> CPC), revised ` 37400-67000 + G.P. ` 8900/- (6<sup>th</sup> CPC) (To be converted into DTL Scales). As per RRs post of Chief Engineer (Civil) is to be filled by way of promotion failing which by deputation from amongst the candidates, who fulfils the following criteria:

**“Superintending Engineer (Civil) with 2 years of regular service in the grade.”**

Since, no departmental candidate was available, hence due to administrative exigencies as well as keeping in view the day to day functioning of the Department, above said 02 posts were filled on deputation basis as per details given below:

S. No.	Name	Remarks
1.	Sh. V.K. Jha	On deputation from MES since 23.04.2008 & present term of deputation is upto 22.04.2015. (Subject to approval from DOP&T)
2.	Sh. Anant Kumar	On deputation from CPWD since 10.08.2011 & present term of deputation is upto 09.08.2014.

*Since, approved/notified RRs provides that Post of Chief Engineer (Civil) can be increased subject to variation of workload,* hence, consequent upon the transfer of internal roads, Colonies, Parks, Markets & Water Network, the load of engineering ward increased, it was decided to create one more post of Chief Engineer (Civil) temporarily for a period of six months as approved by the then Chairperson, NDMC.

Against this newly created post of Chief Engineer (Civil), letters were made to MES, CPWD, DDA to sponsor suitable names and in response, 07 names received, out of which, based on the ACRs as well as experience, Sh. Hamvir Singh, DGM, HSIIDC was taken on deputation w.e.f. 01.06.2012 for a period of six months as Chief Engineer (Civil) in NDMC in the pay Scale of ` 37400-6700 + Grade Pay ` 8900 (6<sup>th</sup> CPC).

After filling up the temporary post of Chief Engineer (Civil) by way of deputation, distribution of works among Chief Engineers (Civil) have been made in order to smooth functioning of the work of Civil Engineering Department.

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

Since, Sh. Hamvir Singh, CE (Civil) – II is looking after the Building Maintenance Construction & DVO (Civil) , as such, his terms of deputation period was extended to 31.05.2014 as per approved by the Competent Authority, NDMC by creating the post of

Chief Engineer (Civil) on temporary basis, so that the running major projects of NDMC, which are under pipeline could not be delayed or discontinued. The term of deputation of Sh. Hamvir Singh, CE (Civil) has expired on 31.05.2014. The Chairman, NDMC has approved the proposal to create one post of Chief Engr. (Civil) for period of six months and to be filled by extending the term of deputation of Sh. Hamvir Singh for further period of six month beyond 31.05.2014. This requires approval of the council under section-34 of NDMC Act, 1994 for creating one post of Chief Engineer (Civil) based on the approved/notified recruitment rules which allow that posts of Chief Engineer (Civil) may be increased subject to variation of workload of Civil Engineering.

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

Approx. ` 11.5 lac p.a.+ Allowances & Medical Facilities.

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

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

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

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

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

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

No legal implication.

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

The recruitment rules of the post of Chief Engineer (Civil) have been made by the Council under section (C) sub-section (1) of section 43 of NDMC Act, 1994 (44 of 1994), vide its Resolution No. 3 (XXI) (3-2-2000), duly approved by the UPSC and MHA, vide notification of the same in the Gazette 06.08.2002.

**11. COMMENTS OF THE LAW DEPARTMENT:**

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

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

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

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

Administrative matter.

**14. RECOMMENDATION:**

Since the workload of the Civil Engineering Ward is increasing day by day and Two Posts of Chief Engineer (Civil) are not sufficient hence, based on the approved/notified recruitment rules which allow that posts of Chief Engineers (Civil) may be increased subject to variation of workload of Civil Engineering, it is recommended that the Council may give approval for creating one more post of Chief Engineer (Civil) in the Pay Scale of ` 37400-67000 + G.P. ` 8900/- (6<sup>th</sup> CPC) (To be converted into DTL Scales) and fill up the

same by extending the deputation period for six months beyond 31.05.2014 of Sh. Hamvir Singh, DGM, DSIIDC, presently on deputation with NDMC as Chief Engineer (Civil).

**15. DRAFT RESOLUTION:**

Resolved by the Council that approval is granted to create one post of Chief Engineer (Civil) in the Pay Scale of ` 37400-67000 + G.P. ` 8900/- (6<sup>th</sup> CPC) (To be converted into DTL Scales) for a period of six months, W.e.f. 01.06.2014. The post so created will be filled on deputation basis by giving extension for a period of six months beyond 31.05.2014 to Sh. Hamvir Singh, DGM, HSIIDC, presently on deputation with NDMC as Chief Engineer (Civil).

**COUNCIL'S DECISION**

Resolved by the Council that approval is granted to create one post of Chief Engineer (Civil) in the Pay Scale of ` 37400-67000 + G.P. ` 8900/- (6<sup>th</sup> CPC) (To be converted into DTL Scales) for a period of six months, w.e.f. 01.06.2014.

**ITEM NO. 10 (H-03)****1. Name of the subject/Project :**

Grant of allowances to medical officers/non-teaching specialists appointed on contract basis and long term extension of contract for 05 years.

**2. Name of the Department**

Personnel Department

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

The Medical Department has been engaging doctors on contract basis as there was no separate cadre in NDMC. In Govt. of NCT of Delhi also, doctors were being transferred from Central Health Services (CHS) cadre and later on the Doctors were engaged on contractual basis. In NDMC also, the Doctors were being engaged on contract basis as per functional requirement to overcome the shortage in hospital/dispensaries. In the year 2001, Govt. of NCT of Delhi allowed remuneration on revised rates to the contractual doctors i.e. minimum of basis pay and 75% of the allowances vide Office Order No. 8/112001/H&FW dated 25.07.2001.

Accordingly, NDMC also adopted the same Order vide Resolution No. (10-H) dated 19.12.07 and as per Resolution all the contractual Medical Officer and Specialists of different systems of medicine were allowed the minimum of the pay-scale attached to the post and benefit of NPA, Dearness Pay, Dearness Allowance, CCA, Transport Allowance, Conveyance Allowance, PG Allowance (Medical Officers), Contingency Allowance and House Rent Allowance etc. w.e.f. 19.12.07. Since then the contractual Medical Officers and Specialists have been requesting for adoption of Order dated 25.07.01 of Govt. NCT of Delhi, in toto because certain benefits like

Annual Increment, Maternity Leave, Leave Encashment etc. were not being allowed as the same were not specified in the Council Resolution dated 19.12.07 instead the word "etc." was used in the Council resolution.

The order dated 25.07.2001 of Govt. Of NCT of Delhi has been further clarified by Circular No. 70/382005-HMFW/7030-36 dated 15.10.2009 Govt. of NCT of Delhi, which *interalia* states, "*that doctors on contract are to be paid the same scale of pay and allowances, leave, increment, medical facilities and also other benefit of service condition as are applicable to other Medical Officers regularly appointed*".

In the above mentioned Order, the further clarification is given as under:-

- 1. All the contract doctors whether medical officer or Jr. Specialist (non-Teaching Specialist) who are being paid salary on scale of pay shall be entitled to the same pay & allowances, increments, medical facilities and other benefits as applicable to regular doctors except the LTC, Pensionary Benefits, Group Insurance, Study Leave & Child Care Leave.*
- 2. Maternity Leave for a period of 60 days in the duration of one contract period in which the delivery has been taken place. May be permitted to the women doctors on contract.*
- 3. Leave as admissible, except those prohibited vide (1) above shall be permissible & coterminous with the period of contract.*
- 4. Leave encashment shall be admissible only in cases where the contract terminated beyond 02 years either from Govt. Side or from the doctor's side.*

In view of persistent and genuine demand of contractual Medical Officers and Specialists and also in view of the fact that the matter regarding their regularisation is pending since long, it is proposed that order dated 25.07.2001 of Govt. Of NCT of Delhi as further clarified vide circular dated 15.10.09 may be adopted in toto so that the monetary loss caused to them may be mitigated and they may serve the NDMC with full devotion.

At present the term of contract for the Contractual Medical Officers and Specialists, is six months or one year. The contractual Doctors have been demanding that the term of their contract may be increased to 05 years. It is a fact that renewal of contract after every six months/one year creates avoidable hindrance in the smooth functioning of hospital/dispensaries and increases the work load of Health Establishment Department. The contractual Doctors remain apprehensive about extension of their contract and work in an atmosphere of uncertainty. Not only this but the matter regarding their regularization is also pending since long and the Council has already taken 'in principle' decision for their regularization.

Further, in view of the fact the proposal for their regularization is pending and to safeguard their interest, the vacancies sent to UPSC may be de notified so that the existing contractual Medical Officers and Specialist could be accommodated and their services are regularized, as and when approved by UPSC.

The Chairman, NDMC has also accorded his 'in principle' approval for above proposal.

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

- I.** The NDMC may adopt the Office Order No. 8/11/2011/H&FW dated 25.07.2001 of Govt. of NCT of Delhi as further clarified vide circular No. F.70/38/2005-H&FW/7030-36 dated 15.10.09 in letter & spirit for contractual Medical Officers and Specialists w.e.f. 19.12.07.

- II.** The term of contract of contractual medical officers and Specialists may be extended for 05 years or till their regularisation or attaining the age of 60 years, whichever is earlier. However, in case of any misconduct their contract may be terminated as already provided in terms and conditions of contract. Their performance will be reviewed after every year.
- III.** A Committee consisting of Director (P), Medical Officer of Health, Director (MS) and Director (CPH), will scrutinize the cases of all contractual medical officers/non-teaching specialists regarding their Educational Qualification etc. with reference to the RRs for the post before giving them the benefits proposed at Para I.
- IV.** The UPSC may be requested for de-notification of proportionate number of vacancies out of already notified vacancies for accommodating the existing contractual Medical Officers and Specialists.

Above proposals may be made subject to the condition that the above benefits will not confer on them any right or claim whatsoever for regular appointment, Seniority, Promotion, etc. in NDMC. In order to provide benefit of the inter se seniority as per their services in NDMC to different medical officers/non-teaching specialists for granting benefits and to avoid the chances of any anomaly, they may be allowed the benefit of pay fixation on notional basis from the date of their appointment on contractual basis. No arrears of pay and allowances will however, be payable.

- V.** It is also brought to the notice of the Council that a proposal for regularisation of contractual Medical Officer/Specialist by granting one time relaxation is pending with UPSC. This proposal was prepared on the basis of similar proposal of Health & Family Welfare Department of Govt. of NCT of Delhi. A perusal of the recruitment rules framed by Govt. of NCT of Delhi it has been found that the Medical Officer/Specialist appointed on contractual basis/on ad-hoc basis on or before the date

of notification regarding initial constitution of Delhi Health Cadre. A suitable clause has been incorporated in the RRs to provide them one time relaxation.

It is therefore proposed that rule 5 (1) may be modified with consultation of UPSC by inserting clause 5 (3) as under:

All Officers appointed on contract basis/ad-hoc basis on or before the date of notification of amended RRs, on the basis of their suitability as assessed by the Commission and requisite educational qualifications and experience prescribed for the post and being found fit, shall be deemed to have been appointed under these regulation in the respective grades, provided that they possess requisite qualification detailed under Schedule-V of these regulation.

Similarly in Schedule (V) prescribing Minimum Educational and other Qualification, experience and age limit for direct recruitment to Group 'A' posts in NDMC as Medical Officer/Specialist, Col. 3 – Method - The words, "Direct Recruitment" may be replaced with "Direct Recruitment failing which on contractual basis."

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

The Contractual Medical Officers and Specialists of the Medical Department will be given Annual Increment, Leave encashment, Medical facilities etc in addition to the benefits being already provided to them. This will entail financial implication, which will be met from out of the budget of Medical Department by re- appropriation or by allotting additional funds.

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

Immediately after approval of the Council.

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

The comments of Finance Department are as under:-

1. Whether the proposals in draft agendum are covered under office order dated 15.10.2009 of Govt. of NCT of Delhi or there is any deviation, if so, the detail of same with due justification be brought on record.
2. The position with regard to Para 14 (ii) of draft agendum relating to duration of contract i.e. 5 years or till regularisation, or attaining the age of 60 years is followed in NCT of Delhi or Govt. of India.
3. It there is possibility of receiving of similar demand of other categories of contractual employees of NDMC, the information in this regard may also be brought on record.

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

1. The draft agenda is based on the Office Order No. 8/11/2011/H&FW dated 25.07.2001 & clarification issued vide circular No. F.70/38/2005-H&FW/7030-36 dated 15.10.09 of GNCT of Delhi.
2. The proposal for long term contract has been made for ensuring smooth functioning of Hospitals/Dispensaries & avoiding delay in processing the cases of extension after every 6 months/one year. The concept of long term contract is being followed in some Govt Department/PSUs. However, in the instant case, in case of any misconduct their contract may be

terminated as already provided in terms and conditions of contract. Their performance will be reviewed after every year.

3. If similar demands of other categories of contractual employees are received, the same will be examined separately on merit.

**9. Legal implications of the subject :-**

NA

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

The Council vide its resolution No. 10(H-15) adopted the Office order No. 8/12001/H&F&W dt. 25.07.2001 and decided to give the remuneration to the contractual doctors equivalent to the regular doctor as mentioned in para 3.

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

This is an administrative decision & has no legal issue at this stage.

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

No

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

Till date there are no specific guidelines of the Central Vigilance Commission in this case.

**14. Recommendation:-**

**It is recommended that:**

- I.** The NDMC may adopt the Office Order No. 8/11/2011/H&FW dated 25.07.2001 of Govt. of NCT of Delhi as further clarified vide circular No. F.70/38/2005-H&FW/7030-36 dated 15.10.09 in letter & spirit for contractual Medical Officers and Specialists w.e.f. 19.12.07.
- II.** The term of contract of contractual medical officers and Specialists may be extended for 05 years or till their regularisation or attaining the age of 60 years, whichever is earlier. However, in case of any misconduct their contract may be terminated as already provided in terms and conditions of contract. Their performance will be reviewed after every year.
- III.** A Committee consisting of Director (P), Medical Officer of Health, Director (MS) and Director (CPH), will scrutinize the cases of all contractual medical officers/non-teaching specialists regarding their Educational Qualification etc. with reference to the RRs for the post before giving them the benefits proposed at Para I.
- IV.** The UPSC may be requested for de-notification of proportionate number of vacancies out of already notified vacancies for accommodating the existing contractual Medical Officers and Specialists.

Above proposals may be made subject to the condition that the above benefits will not confer on them any right or claim whatsoever for regular appointment, Seniority, Promotion, etc. in NDMC. In

order to provide benefit of the inter se seniority as per their services in NDMC to different medical officers/non-teaching specialists for granting benefits and to avoid the chances of any anomaly, they may be allowed the benefit of pay fixation on notional basis from the date of their appointment on contractual basis. No arrears of pay and allowances will however, be payable.

- V. It is also brought to the notice of the Council that a proposal for regularisation of contractual Medical Officer/Specialist by granting one time relaxation is pending with UPSC. This proposal was prepared on the basis of similar proposal of Health & Family Welfare Department of Govt. of NCT of Delhi. A perusal of the recruitment rules framed by Govt. of NCT of Delhi it has been found that the Medical Officer/Specialist appointed on contractual basis/on ad-hoc basis on or before the date of notification regarding initial constitution of Delhi Health Cadre. A suitable clause has been incorporated in the RRs to provide them one time relaxation.

It is therefore proposed that rule 5 (1) may be modified with consultation of UPSC by inserting clause 5 (3) as under:

All Officers appointed on contract basis/ad-hoc basis on or before the date of notification of amended RRs, on the basis of their suitability as assessed by the Commission and requisite educational qualifications and experience prescribed for the post and being found fit, shall be deemed to have been appointed under these regulation in the respective grades, provided that they possess requisite qualification detailed under Schedule-V of these regulation.

Similarly in Schedule (V) prescribing Minimum Educational and other Qualification, experience and age limit for direct recruitment to Group 'A' posts in NDMC as Medical Officer/Specialist, Col. 3- Method :- The words, "Direct Recruitment may be replaced with Direct Recruitment failing which on contractual basis."

**COUNCIL'S DECISION**

Resolved by the Council that the recommendation of the department, as detailed under para 14 of the preamble is approved.

It was further observed that the existing contractual doctors who have been working for several years and not yet absorbed / regularised, should be treated as assets, in that their hands-on experience in NDMC is a value addition to the hospital services. It was therefore decided in principle to move for regularising their services by approaching the UPSC for amendment of the RRs to provide for their induction, in the manner regularised by Delhi Govt. for their contractual doctors as a one-time measure, and accordingly to project the ensuing vacancies for Direct Recruitment to the UPSC thereafter.

**ITEM NO. 11 (A-04)****1. Name of Subject/Project :-**

Construction of 120 type-II flats at Sec-VII, Pushp Vihar, M.B Road, Saket, New Delhi

**2. Name of Department :-**

Civil Engineering Department Zone-II.

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

New Delhi Municipal Council is responsible for an area of 42.74 Square Kilometers. This area includes the offices of Central Government, Rashtrapati Bhawan, the Prime Minister's Office and residence, Central Government officer's, Foreign Missions, residence of ministers, Member of Parliament, Diplomats and Central Government employees, Judge's residence, Hon'ble High Court & Hon'ble Supreme Court.

There are about 15000 NDMC employees whose services are required to maintain this area, such as sanitation, water supply, drainage, sewerage, roads, electricity and horticulture. For getting optimum services these employees are required to be accommodated in NDMC area.

Since the land was not available in NDMC area, the request was made to L&DO & DDA for allotment of land outside NDMC area for construction of staff quarters for service personnel.

A piece of land measuring 1.609 acres of land was handed over to NDMC. After getting the physical possession, the detailed survey was carried out and Architect Department had issued drawings for the construction of 96 Type-II Quarters comprising of 12 Blocks was approved by the Council vide its Resolution No.2 (A-14) dated 28.09.2005 for amounting to Rs.6,73,46,000/-. Subsequently proposal was again revised and prepared on the basis of modified drawings and accorded by the Council vide its Resolution No.20 (A-61) dated 15.07.2009 for amounting to Rs.12,05,09,000/-. Thereafter the proposal was again revised based on revised density and number of flats increased from 96 to 120. Then, the case for various approvals like clearance of scheme from LOSC-MCD, Delhi Fire Service and DUAC was in process and after obtaining clearance the revised Preliminary Estimate was prepared on the basis of latest drawings issued by the Architect Department for amounting to Rs.43,53,05,000/- for construction of 120 Type-II flats in stilt + 8<sup>th</sup> storied in 2 Blocks and stilt + 7<sup>th</sup> storied in another 2 blocks with a provision of basement in entire area under the

floors and provision of lifts having one Electrical Sub-Station being the plot outside of NDMC area.

#### **4. Detailed proposal of the Subject/Project:-**

The revised proposal of Preliminary Estimate comprises the work of C/o120 type-II flats in stilt+ 8<sup>th</sup> storey in two blocks and stilt + 7 storey in another two blocks with a provision of basement in the entire area under the floors and provision of lifts has been kept in the building provision for one electric sub-station has also been taken in the proposal with RCC frame structure along with the provision of earth quake resistance. The revised Preliminary Estimate has the following elements as given below:-

Civil Work	:	Rs.32,27,21,080/-
Electrical work	:	Rs.10,29,58,520/-
Fire Fighting work	:	Rs.96,25,400/-
<b>Total</b>	:	<b><u>Rs.43,53,05,000/-</u></b>

#### **5. Financial implication of proposed subject/Project:-**

On the basis of the Architectural drawings, issued by Architect Deptt. the Revised Preliminary Estimate amounting to Rs 43,53,05,000/- prepared on the basis of PAR-2012, DSR-2013, Market Rates including contingencies for composite Civil, Electrical, Fire Fighting & Horticulture works duly checked by the planning and concurred by Finance for Rs. 43,53,05,000/-

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

Time of completion of the Project – 24 months after award of the work.

#### **7. Comments of the Finance Department at the subject:-**

The Finance Department vide their Diary No.1069/Finance dated 04.06.2014 observed certain observations as **Annexed at 'A' (See page 78)**.

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

As observed by the Finance Deptt., the point wise reply on the observation raised by the Finance department is given at **Annexure 'B' (See page 79)**.

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

Concurred by the Finance Department vide Diary No.1205/Finance dated 16.06.2014 with a advise that the department submit the case for consideration of Competent Authority bringing on record details and reasons leading to such vast increase/ cost enhancement in r/o project cost form initial P.E. amounting to Rs.6,73,46,000/- to 12,05,09,000/- and further to Rs. 43,53,05,000/-, in chronological order. Although it is stated that as per amended density norms, the plans are under consideration for approval of MCD, the fact that number of flats has increased from 96 to 120 may also be brought before Council detailing further the provision of stilt, lifts, provision of 8-storied blocks in place of 4-storied block and all other major changes incorporated in the proposal. The department may also ensure and certify that the estimate is not inflated and is based on specifications as per approved NDMC policy for Type-II flats and items of richer specifications, if any, may also be brought out for approval. Availability of funds be also ensured before incurring any liability.

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

NIL

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

- i. PE for C/o 96 type-II quarters was resolved by the Council Reso. No.2 (A-14) dated 28.09.2005 amounting to Rs.6,73,46,000/-.
- ii. RPE for C/o 96 type-II quarters was resolved by the Council Reso. No.20 (A-61) dated 15.07.2009 amounting to Rs.12,05,09,000/-.

**12. Comment of the Law Department on the Subject/project:- NIL**

**13. Comments of the Department on the comments of the Law Department:- NIL**

**14. FINAL VIEWS OF THE LAW DEPARTMENT : NIL**

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

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

**16. Recommendation:-**

The case is placed before the Council for according Administrative Approval and Expenditure Sanction of the Preliminary Estimate amounting to Rs. 43,53,05,000/- for C/o of 120 type-II flats at Sec-VII pushp Vihar M.B. Road Saket New Delhi.

**17. Draft Resolution**

Resolved by the council that A/A & E/S is accorded to the preliminary estimate amounting to Rs. 43,53,05,000/- ( Rupees forty three crs. Fifty three lacs five Thousand only ) for C/o of 120 type-II flats at Sec-VII pushp Vihar M.B. Road Saket New Delhi.

**COUNCIL'S DECISION**

Resolved by the Council that administrative approval and expenditure sanction is accorded to the preliminary estimate amounting to Rs. 43,53,05,000/- (Rupees forty three crores Fifty three lacs five Thousand only) for Construction of 120 type-II flats at Sec-VII pushp Vihar M.B. Road Saket New Delhi.

annexure

Annexure

**ITEM NO. 12 (C-05)****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 May, 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 81 - 99).**

**COUNCIL'S DECISION**

Information noted.

Annexure 81 – 99



































Annexure ends

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

**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 March, 2014, had already been included in the Agenda for the Council Meeting held on 30.04.2014.

A report on the status of execution of the ongoing schemes/works awarded upto May, 2014, is placed before the Council for information. **(See pages 101 - 140 )**.

**COUNCIL'S DECISION**

Information noted.

Annexure 101 – 140













































































Annexure ends

**ITEM NO.14 (H-04)****1. NAME OF THE SUBJECT:**

To fill-up 29 vacant posts of A.E. (Civil) against Direct Recruitment Quota on Adhoc Basis amongst the departmental eligible candidates by giving one time relaxation by diverting direct recruitment posts into departmental promotion quota through holding a DPC/Screening Committee.

**2. NAME OF THE DEPARTMENT:**

Civil Engineering Establishment Unit – II (Personnel Department)

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

- A. There are 122 posts of AE (Civil) sanctioned in the Civil Engineering Wing out of which 92 Posts (75%) meant for Department promotion quota and 30 Posts (25%) meant for Direct Recruitment Quota. There is persistent demand from the HODs to provide adequate manpower.
- B. As per existing recruitment rules, in case of departmental promotion quota, 8 years of regular service for Diploma Holder Candidates and 4 years regular service for Degree Holder Candidates is required from the feeder cadre i.e. Junior Engineer (Civil). The RRs for the post of AE (Civil) are yet to be notified and as per advice of the DSSSB, the requirement for filling up the post will be sent to DSSSB after notification of RRs by UPSC which may take time.
- C. That against 92 posts of departmental promotion quota, 73 are working on regular basis, 14 on adhoc basis and 5 on CDC.

- D. That against 30 posts of direct recruitment quota, only 1 is in working on regular basis and 29 posts are lying vacant against which eligible JEs have been assigned CDC status to the post of AE (Civil) from time to time.
- E. That most of the JEs (Civil), who assigned CDC status are already getting/enjoying higher pay scales of AE/EE/SE under MACP Scheme after completion of more than 30-32 years service as JE (Civil).
- F. That earlier in the year 1999, due to stagnation in the feeder cadre, 7 posts of AEs (Civil){Which were lying vacant at that time} against direct recruitment quota were freezed as per approval of the Competent Authority, NDMC and the same were filled by promoting eligible departmental candidates.

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

It was, therefore proposed that with a view to augment the manpower, the Junior Engineer (Civil), who have completed 25-32 years of service and could have not been given even a single promotion as well as who are already enjoyed the pay scales of AEs/EEs/SEs (Civil) under MACP Scheme may be considered for promotion on adhoc basis to the post of A.E. (Civil) against 29 Nos. vacant posts of Direct Recruitment Quota till the posts are filled up on regular basis by DSSSB, by giving one time relaxation to remove the stagnation in the feeder cadre subject to completion of codal formalities by conducting DPC/Screening Committee. The Competent Authority has approved the proposal in principle.

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

There is no financial implication as most of the Junior Engineers (Civil) are enjoying higher pay scales under MACP Scheme.

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

After the approval, process will be started to fill up the posts by promotion immediately.

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

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

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

No legal implication.

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

The recruitment rules of the post of Assistant Engineer (Civil) have been made by the Council Resolution No. 44, Dated 03.07.1990. However the same are yet to be notified from UPSC.

**11. COMMENTS OF THE LAW DEPARTMENT:**

Not required.

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

Not required.

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

Administrative matter.

**14. RECOMMENDATION:**

To ensure that adequate manpower is available in Civil Engineering Department for smooth working, it has been decided by the Competent Authority that 29 vacant posts of AEs (Civil) against Direct Recruitment Quota may be filled on adhoc basis from amongst the departmental eligible candidates by giving one time relaxation by diverting direct recruitment posts into departmental promotion by holding a DPC/Screening Committee till the posts are filled up on regular basis through DSSSB. The proposal is placed before the Council for information.

**COUNCIL'S DECISION**

Information noted.

**ITEM NO. 15 (L-02)****1. Name of the Subject:**

ESTATE POLICY REGARDING RESTRICTION FREE TRADE ZONE IN PALIKA BAZAR MARKET.

**2. Name of the Department:**

Estate-I Department

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

In Palika Bazar there are five trade zones and in each zone, allotment has been made for specific trades ( Annexure "B") which are as under:-

**Zone I-A** – Dairy Goods, Confectionary, Fruits, Sweets & Candles, Snack Bar.

**Zone I-B** – Hair Dressing, Photo studios, flower shops, beauty parlor, mini health club, wine & provision store.

**Zone -2** – Fabrics, Clothes, Garments, Carpets & Hosiery.

**Zone-3** – Cosmetics, Music & Records, Sports, Toys & Gifts, Boutique, Pottery, Handicrafts, Jewellery, Chemist, Tobacco, Banks, Book Stores.

**Zone-4**– Electric Goods, Leather Goods, Tailors, Provision Stores, Shoes, Electronics, Lamp Shades, TV/Radio, Crockery/Cutlery, Bags, Furniture Show Room, Building Trade Show Room, House Hose Goods, Stationary, Travel Agents, Property Agents, Cry Cleaning shop and Optician.

The Council vide its Resolution No.9 (L-1) dated 30-9-2004 (Annexure "A") has made certain modification/clarifications in Estate Policy earlier decided vide Reso. No. 6 dated 18-3-1999 regarding period of license or renewal of licence, rebate for prompt payment and surcharge on delayed payment, change of trade etc. etc. The suggestions and discussions were approved by the council. As regards change of trade in Palika Bazar Market, it was explained that:-

In the Resolution dated 18-3-199 and proposal of 26-8-94, it was decided that change in trade from non-licensable to non-licensable be freely allowed.

This needs clarification as Palika Bazar was developed with Zoning System and trade restriction for each zone were applied. The scheme was challenged in the Supreme Court. However, Supreme Court upheld the scheme. Unless, the scheme is modified, zone restriction and trade restrictions have to continue in this market.

The Association of Palika Bazar has also requested time and again that there should be relaxation in trade zoning in Palika Bazar

During the last more than one decade, the trade and industry scenario has rapidly changed. The market conditions are being decided by the demand of the consumers. In the changed circumstances it appears unfair to impose the condition of running a particular trade in particular market/shop. Accordingly proposal for policy of change of trade in Palika Bazar has been proposed..

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

The underground market at Palika Bazar has been developed in the year 1976. This is one of the market in which the market was divided into five zones and for each zone, a specific trade has been prescribed. Out of the shops constructed in the market, 98 shops were reserved for the persons to be shifted from Punchkuian Road and they were not subjected to any trade restrictions. In respect of the other, about 177 units, tenders were called, zone-wise, and in the application the person concerned, who was interested to take a shop on tender basis, specified the trade for which he is taking the shop. The licence fee also depending upon the trade permitted in a particular zone. The details of the restricted trade allowed in each zone is as per **Annexure-I (See pages 149 - 150 ).**

2. The trade zoning was objected to by the shopkeepers of Palika Bazar in the Court. They also challenged dual policy of the New Delhi Municipal Committee in permitting 98 persons trading without any restrictions at lower licence fee, while for others, there has been restrictions and they were to pay higher licence fee. The Supreme Court in the judgement dated 02.02.1996 did not agree with the petitioners and upheld the trade zoning system by the NDMC. The Court directed that whosoever has changed the trade should revert to the trade as originally allotted by 31.12.1996 and NDMC was to enforce trade restrictions.

3. The Council subsequently proposed to allow free trade zone in the NDMC area. It was interpreted by the traders that this is applicable to Palika Bazar as well. In the Resolution dated 30.09.2004, the Council reiterated that the Resolution dated 18.03.1999 and proposal of 26.08.2004, in which it was decided that the change in trade from non-licensable to non-licensable be freely allowed, needs a clarification. The Council resolved that the Palika Bazar was developed with zoning system and trade restrictions for each zone were applied. The scheme was challenged in the Supreme Court. However, Supreme Court upheld the scheme and unless, the scheme is modified, zone restrictions and trade restrictions have to continue in this market.

4. In the case of Jackson, who was one of the allottees, it was challenged that the trade restrictions are not being followed and there are violations. The Delhi High Court in 2007 directed the NDMC to enforce trade restrictions as the same have not been approved by the Supreme Court and again by the Council in their Resolution dated 30.09.2004.

5. The Traders Association have been claiming that when the scheme was formulated sometime in 1976, many trade items, which are now available, were not available at the relevant time and as such the trade which should be allowed in these zones, should be expanded to include new items and that they should be free to change the trade.

6. There is substantial force in the arguments of the traders, for expanding the trade which should be permissible in these zones and it is proposed that additional items shall be included in consultation with the Palika Bazar Association, so that it is in conformity with the present day trade conditions.

7. As has been resolved by the Council in their Resolution dated 30.09.2004, the trade restrictions had to continue, unless, the scheme is modified. As such, the Council had resolved

that the trade restrictions can be modified and not scraped and the above modifications has been suggested to expand the list of items in which trade can be allowed.

8. As regards the change of trade, it is suggested that whosoever is interested to change the trade of the other zone, he may apply for the same and his application will be considered, for change in trade, on payment of additional licence fee at the average rate of the fee available in the year of application for the trade in the zone to which the trade relates. This will have a dual affect i.e. expanding the trade permissible, in a zone though maintaining the zone restrictions as per original scheme framed by the Council, as approved by the Delhi Government and Central Government and also gives a free hand to the occupier to change the trade by paying additional licence fee.

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

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

Immediately after approval by the council

**7. Comments of Law Department :**

This is an agenda to modify the approved scheme of Palika Bazar and it is in competency of Council.

**8. Comments of the Departments on comments of Law Deptt.**

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

Financial Advisor has seen the agenda

**10. Comments of the Departments on comments of Finance Department:**

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**11. Final comments of the Finance Department (If any) :**

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**12. Legal implication on the subject:**

No legal implications

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

1. Reso. No 6 dated 18-3-99 (**Annexure –‘A’ See pages 150 - 157**)

2. 9(L-1) dated 30-9-2004 (**Annexure –‘B’ See pages 158 - 163**)

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

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**15. Recommendations:**

Council may resolve to approve para 4(6) and 4 (8) above.

**COUNCIL'S DECISION**

Resolved by the Council to approve the proposal of the department contained in para 4(6) and 4 (8) of the Preamble.

Annexure 148 – 163





























Annexure ends

**ITEM NO. 16 (L-03)****MODIFICATION IN CLAUSE NO.9 IN THE LICENCE DEED.**

A Licence Deed is executed for the public premises between the Licensee and the Licensor as and when the same is allotted or renewed for a specific period. Out of the terms and conditions of this licence deed Clause No.9 speaks as under;

“That the licensee shall not permit the allotted shop or any part thereof to be used by any other person for any purpose whatsoever without the previous consent in writing of the licensor and in default thereof shall be liable for ejection. The licensee shall not introduce any partner nor shall the licensee transfer possession of the premises or part thereof or otherwise carry on the business in the premises with any other person or assign, transfer, change or otherwise alienate his/her/their interest in the premises.”

With a view to ensure that the Licence Deed to be harmonious with the High Court ruling & the Council Resolution it has been decided with the prior approval of the Competent Authority to replace the above clause as under;

“That the licensee shall not permit the allotted shop or any part thereof to be used by any other person for any purposes whatsoever and further the licensee shall not introduce any partner nor shall the licensee transfer possession of the premises or part thereof or otherwise carry on business in the premises with any other person or assign, transfer, change or otherwise alienate his/her/their interest in the premises, without the previous consent in writing of the licensor and in default thereof shall be liable or ejection.”

The Council, is therefore, appraised of the modified Clause No.9 in the licence deed to be executed henceforth.

**COUNCIL'S DECISION**

Information noted.



**Any other items:**

After conclusion of the formal Agenda items, Ms. Meenakshi Lekhi, Presiding Officer, laid out the roadmap for various development works to be expedited and discernible progress to be shown in 45 days, as follows in NDMC:

- (i) Housing construction for NDMC employees, particularly for Type-I & Type-II categories, and identification of suitable land for the purpose.
- (ii) Survey and repair of inner lanes & roads in colonies.
- (iii) Rehabilitation work for slums in NDMC area on priority, with the land owning agencies concerned.
- (iv) NDMC to evolve a detailed strategy & action plan for Skill Development and for this purpose, NDMC school premises to be used in evening shifts.
- (v) Various parks in NDMC to be integrated with our Solar Energy initiative and recycling water harvesting to be intensified.
- (vi) NDMC to prepare time-bound action plan for installation of open gyms in the remaining parks as per feasibility.
- (vii) NDMC to evolve a General Amnesty Scheme for regularisation of all non-regular employees including Engineers and Technical staff, as a one-time measure.
- (viii) No street vender/hawker to be removed from their hawking/vending sites till suitable rules/regulation is approved by the Competent Authority. As an interim measure, NDMC to urgently frame its own Regulation till Rules are made by Delhi Govt. This was accepted by the Council. However, simultaneous identification of bogus/fake tehbazaris under unauthorised occupation of vending sites and thereby depriving the genuine and legitimate tehbazari holders to be taken up on priority. Identification of the genuine tehbazaris to be backed with Biometric Smart Cards.

- (ix) Ms. Lekhi also announced that NDMC shall give honorarium of Rs.5,000/- to all their regular employees and Rs.2,500/- to all TMR/RMR employees to mark the Centenary Year Celebration. This was unanimously accepted by the Council.

**ADDENDUM TO THE MINUTES OF THE COUNCIL'S MEETING NO. 02/2014-15 HELD ON 20.06.2014, AT 10-30 A.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.**

**Sh. Arvind Kejriwal, MLA & Member, NDMC has raised the following points during the meeting of the Council.**

1. The High Court has put a stay on some street vendors allowing them to continue their business. However, some street vendors, whose shops were removed 2-3 years back, are being harassed and not allowed to put their stalls. Therefore, I request that the vendors may be allowed to put their shops until further notice of the Hon'ble High Court.
2. In the Council meeting held on January 29<sup>th</sup> 2014, a decision was taken to consider all TMR workers who have worked for 500 days for regular employment with the NDMC with effect from April 1<sup>st</sup>. However the health department hasn't been providing TMR workers the necessary documentation confirming the duration of their work – corrective measures need to be taken regarding this.
3. There are several JJ clusters in the NDMC area, which do not have adequate water supply or toilet facilities. Therefore, I propose that the clusters situated at DID, Kali Bari, Safdarjung Delhi Flying Club jhuggi, Le Meridian Jhuggi, NSCI club (near Pragati Maidan) jhuggi, Jaipur Polo Ground jhuggi be provided basic necessities like regular water supply and new toilets and sewer lines be constructed in these areas.
4. Sarojini Nagar XY block and Pillangi village face the problem of severe flooding during the rainy season. In view of the approaching rains, I urge the Council to quickly consider alternate arrangements for tackling this issue.
5. Even major market areas like Sarojini Nagar Market and Gole Market face issues with lack of drinking water and usable toilets. In addition to these, several quarters like Safdarjung

railway quarters and even NDMC quarters like Palika Nilay (RK Ashram Marg) face severe issues with availability of water; these too need to be resolved.

6. In view of the increase in theft cases being reported frequently, new CCTV Cameras should be installed at various places in NDMC areas like Nauroji Nagar, Sarojini Nagar, Laxmibai Nagar, Lodhi Colony and Gole Market.

**(NIKHIL KUMAR)**  
**SECRETARY**

**(JALAJ SHRIVASTAVA)**  
**CHAIRPERSON**

**(MEENAKSHI LEKHI)**  
**PRESIDING OFFICER**