

COUNCIL'S MEETING

NO. 10/2017-2018

DATE	:	²⁹ 23 RD JANUARY, 2018 (TUESDAY)
TIME	:	12-00 NOON
VENUE	:	COUNCIL ROOM, 3 RD FLOOR, PALIKA KENDRA, NEW DELHI.



नई दिल्ली नगर पालिका परिषद्

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI



नई दिल्ली नगरपालिका परिषद्

NEW DELHI MUNICIPAL COUNCIL

पालिका केन्द्र, संसद मार्ग, नई दिल्ली-११०००१

Palika Kendra, Sansad Marg, New Delhi-110001

F.25(1)/CS/1/2018/D-175

Dated: 19.01.2018

MEETING NOTICE

The next meeting of the Council, No. 10/2017-18, will be held on Tuesday, 23rd January, 2018 at 12-00 Noon in the Council Room, 3rd Floor, Palika Kendra, New Delhi.

The list of business is enclosed herewith.

You are requested to kindly make it convenient to attend the same.

(CHANCHAL YADAV)
Secretary

ALL MEMBERS OF THE COUNCIL

COUNCIL'S MEETING NO. 11/2017-18 DATED 29.01.2018 AT 09.30 AM.

ITEM NO.	SUBJECT	PAGE	ANNEXURE
01.A (C-19)	Confirmation and signing of the minutes of the Council's Meeting No.08/2017-18 held on 07.12.2017.	3	4 - 10
01.B. (C-20)	Confirmation and signing of the minutes of the Council's Meeting held through circulation of agenda on 22.12.2017.	11	12
01.C. (C-21)	Confirmation and signing of the minutes of the Council's Special Budget Meeting No.09/2017-18 held on 15.01.2018.	13	14 - 15
02 (L-24)	1.1 Auction of Hotel Property situated at 1, Mansingh Road commonly known as Hotel Taj Mansingh - Reference Agenda for Council meetings held on 21.8.2017 [Item No. 33(L-09)], 28.8.2017 [Item No. 03(L-10)], 06.09.2017 [Item No. 03(L-15)], 22.09.2017 [Item No. 04(L-16)], and 02 (L-19) dated 16.10.2017. 1.2 Auction of Hotel Property situated at 37, Shaheed Bhagat Singh Marg earlier known as Hotel "The Connaught" - Reference Agenda for Council meetings held on 21.8.2017 [Item No. 32(L-08)], 28.8.2017 [Item No. 04(L-11)], 06.09.2017 [Item No. 02(L-14)], 22.09.2017 [Item No. 05(L-17)], and 03 (L-20) dated 16.10.2017. 1.3 Auction of Hotel Property situated at 1, Janpath Lane earlier known as Hotel Asian International - Reference Agenda for Council meetings held on 21.8.2017 [Item No. 31(L-07)], 28.8.2017 [Item No. 05(L-12)], 06.09.2017 [Item No. 01(L-13)], 22.09.2017 [Item No. 06(L-18)], and 04 (L-21) dated 16.10.2017.	16 - 26	27 - 110
03 (D-12)	Enhancement of powers of the Chairperson, NDMC to enter into contracts on behalf of the Council - reg.	111 - 113	114 - 132
04 (A-32)	Construction Installing / Operating and Maintaining of ATMs and vending of water from water ATMs at NDMC area (Phase-III) on PPP Model.	133 - 135	136 - 137
05 (B-16)	Preliminary Estimate for providing electric connection to JJ Clusters in left out Jhuggies under D/N & D/S Division of NDMC area.	138 - 142	
06 (B-17)	Disposal of Iron Scrap, Aluminium Scrap, Brass Scrap, Copper Scrap, Aluminium unserviceable cables & caps & old burnt chokes etc.	143 - 144	
07 (B-18)	Automatic switch over system from one source to another source at 11KV Electric Supply System at various 11KV Electric Sub Stations.	145 - 148	
08 (B-19)	Replacement of 33 KV outdoor switchgear with indoor GIS switchgear at 33KV ESS Tilak Marg, 33KV ESS Nehru Park & augmentation of 33KV ESS Kidwai Nagar (West).	149 - 154	
09 (B-20)	Strengthening of Sub-transmission and distribution network under Integrated Power Development Scheme (IPDS) of Ministry of Power, Government of India.	155 - 165	166 - 179
10 (M-01)	Mid-day Meal Scheme for NDMC / Navyug /Aided School. (Award of work)	180 - 187	594 - 599
11 (M-02)	Mid-day Meal Scheme for NDMC/ Navyug / Aided School. (AAES)	188 - 193	
12 (G-05)	Procurement of Short Term Interim Power upto June, 2018 extendable for next 04 months, long term 250 MW Solar Power to be commissioned by NTPC, replacement of existing 125 MW long term thermal power agreement with the 125 MW bio-gas power at the existing terms & conditions and rate decided by High Empowered Steering Committee and procurement of day ahead power from Teest -III through M/s PTC India Ltd. at the exchange rates + 10 paise/unit for making NDMC 100% RE powered Smart City by 30.11.2017.	194 - 198	199 - 254
13 (T-03)	Annual Estimate for Repair and Operation of NDMC vehicles for the year 2017-18 of Auto Workshop, Laxmi Bai Nagar.	255 - 256	
14 (G-06)	Revision of hire charges & Cancellation Policy of all venues under event management department.	257 - 263	
15 (A-33)	S/R of Roads in NDMC area during 2016-17. Resurfacing of round about and T-junction in the jurisdiction of R-V Division.	264 - 266	
16 (E-06)	Selection of Service Provider for "Establishment, Operation and Maintenance of CT Scan & MRI Centre at Charak Palika Hospital, Moti Bagh, New Delhi" under PPP model-Award of work thereof.	267 - 275	
17 (A-34)	Construction of JPN Library at Mandir Marg, New Delhi.	276 - 280	281 - 283
18 (B-21)	Request for Proposal for "Selection of a Concessionaire for supply, installation and maintenance of Smart Street light Poles having provisions of Wi-Fi, Smart Warm LED Street Light, CCTV camera, and environmental sensors Phase-II in left out NDMC area"- In-principle approval.	284 - 288	

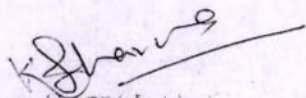
19 (E-07)	Cancellation of rate contract of Syp. Galcal of M/s Galpha Laboratories Ltd. under the rate contract for procurement of Allopathic Medicines for a period of one year from the date of approval of the council.	289 – 290	291 – 297
20 (B-22)	Purchase of Energy Efficient LED flood light fittings of nominal 3000K CCT having rating of 400-410 watt, 230-240 watt & 150-160 watt, intelligent control system/CCMS and software for High Masts in NDMC area.	298 – 304	
21 (H-11)	Approval for creation of 11 posts of Junior Resident in level 10 of pay matrix under 7 th CPC which is replacement of pay scale Rs. 15600-39100 + GP Rs. 5400 (6 th CPC) and 02 post of Senior Residents in level 11 of pay matrix under 7 th CPC which is the replacement pay scale of Rs. 15600-39100 + GP Rs. 6600 (6 th CPC) in Medical Services Department of NDMC with immediate effect.	305 – 308	309 – 314
22 (A-35)	Strengthening of Water Supply system in NDMC area. Sub- Head :- Shifting of Main line & Providing metered water connection to every residents of B.K. Dutt Colony.	315 - 316	
23 (B-23)	Implementation of Smart Grid Infrastructure Including Enhancing Of Existing Network in NDMC Power Distribution Area. Sub Head:- Advanced metering infrastructure (AMI) IT infrastructure & SCADA/DMS.	317 – 319	320 – 324
24 (J-06)	Regarding Allotment of Space for Installation of Communication Tower (Cellular Mobile Tower) on Wheels in NDMC area.	325 – 330	331 - 537
25 (C-22)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.200 lacs.	538	539 - 559
26 (C-23)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	560	561 – 570
VOLUME II			
27 (F-03)	Agenda for the information and directions, if any, of the Council on the issue of judgment dated 10/08/2017 of the High Court of Delhi, setting aside the NDMC (Determination of annual Rent) Bye Laws 2009.	571 – 574	575 – 581
28 (A-36)	Purchase/work of stainless steel items for Smart City Project from Steel Authority of India(SAIL)	582 – 584	585 – 593
VOLUME – III (A)			
	Addendum to the Item No. 10 (M-01) above, in the form of Annexures I & II	180 – 187	594 – 599
ADDITIONAL ITEMS ADDED FOR CONSIDERATION OF THE COUNCIL IN ITS MEETING DATED 29.01.2018.			
29 (H-12)	To implement the decision of Ministry of Home Affairs, Govt. of India in the matter of regularization of contractual doctors/specialists as a follow-up action in pursuance of order dated 15.02.17 of the Hon'ble CAT in the OA No. 3856/2015 in the matter Dr. Preeti Srivastava Vs UPSC & others and OA No. 3662/2015 in the matter Dr. Ritu Paul Vs UPSC & others	600 – 613	614 - 671
30 (L-25)	Conversion charges for change of land use from residential to commercial.	672 – 676	677 - 695
VOLUME III (B)			
31 (H-13)	Draft note to be submitted to Ministry of Home Affairs with respect to grant of pay scales to NDMC employees in light of the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulation 2016	696 – 715	716 - 743

ITEM NO. 01.A (C-19)of
Council's Ordinary Meeting
Dated 29/01/18

Confirmation and signing of the minutes of the Council's Meeting No. 08/2017-18 held on 07.12.2017. (See pages 4 – 10)

COUNCIL'S DECISION

Confirmed.


For Secretary
New Delhi Municipal Council
New Delhi.

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA: NEW DELHI

MINUTES OF THE COUNCIL'S MEETING NO. 08/2017-18 HELD ON 07.12.2017 AT 12-00
NOON IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.

MEETING NO.	:	08/2017-18
DATE	:	07.12.2017
TIME	:	12:00 NOON
PLACE	:	PALIKA KENDRA, NEW DELHI

PRESENT:

1. Sh. Arvind Kejriwal	-	Presiding Officer
2. Sh. Naresh Kumar	-	Chairperson
3. Sh. Surender Singh	-	Member
4. Sh. B. S. Bhati	-	Member
5. Sh. Dharmendra	-	Member
6. Sh. Manoj Kumar	-	Member
7. Ms. Geetali Tare	-	F.A. / Secretary

At the outset, Sh. Manoj Kumar, Additional Secretary, Ministry of Housing and Urban Affairs, Government of India took oath of office, as a Member of the Council, which was administered by Sh. Arvind Kejriwal, Chief Minister, Delhi.

ITEM NO.	SUBJECT	DECISION
01 (C-18)	Confirmation and signing of the minutes of the Council's Meeting No.07/2017-18 held on 16.10.2017.	Minutes confirmed subject to condition that the last para of the decision, taken against Item No.23(H-08) of 16.10.2017 be read as under :- "The Council also resolved that the above mentioned Committee should submit its report latest by 31 st January, 2018." The Council noted that the schedule of tender dates with regard to Items no. 02 (L-9), 03 (L-20) and 04 (L-21) of 16.10.2017 would stand amended appropriately due to delay in approval of Minutes of the Meeting. Accordingly, the schedule of the tenders may be finalized by the Department.
02 (J-05)	Regarding grant of Purana Quila Parking site free of cost from 9-00 a.m. to 05-00 p.m. to the Advocates of Patiala House Court.	Resolved by the Council that keeping in terms of the minutes of meeting dated 25.8.2017, the parking site situated at Purana Quila Road may be provided for advocates free of cost from 9:00 AM to 5:00 PM on all working days initially for a period of one year in public interest. NDMC reserves the right to use the area for any public development by cancelling such permission. This is as an

		interim arrangement, until alternative site is allotted.
03 (G-04)	Adoption of Delhi Electricity Supply Code and Performance Standards Regulations, 2017 and schedule of charges and the procedure.	<p>The Council resolved to;</p> <p>(i) Adopt the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 with immediate effect.</p> <p>(ii) Respective HOD's to arrange workshops to instruct their staff to implement the procedures and guidelines envisaged in the regulations/order.</p> <p>Further resolved by the Council that in future any amendment(s)/up-dates in DERC (Supply Code and Performance Standards) Regulations, 2017 and orders issued there-under by DERC, from time to time, shall also be applicable mutatis mutandis in NDMC as and when these are amended.</p>
04 (D-10)	Re-appropriation of Funds in Budget Estimates 2017-18 authorized during 2 nd Quarter (01.07.2017 to 30.09.2017) of 2017-18.	Resolved that the Re-appropriations in Budget Estimates 2017-18 authorized during 2 nd Quarter of 2017-18 as detailed in Annexure-I of the preamble are approved in terms of Section 56 of the NDMC Act 1994 & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010.
05 (H-10)	Temporarily operating the post of Chief Engineer (Civil) in the pay scale of Rs.37,400-67000 + G.P. Rs.10,000/- for a period of three years.	Item was withdrawn.
06 (B-15)	Laying of 33 KV, 400 sq.mm/3C, XLPE cables in & outside NDMC area.	<p>Resolved by the Council that approval is accorded to award the work of "Laying of 33KV, 400 sq.mm/3C, XLPE cables in & outside NDMC area" to L-I firm M/s Vishal Enterprises at their tendered amount of Rs.2,63,86,795/- (Rupees Two Crore Sixty Three Lacs Eighty Six Thousand Seven Hundred Ninety only) on the terms and condition of NIT.</p> <p>It was also resolved by the Council that the department may initiate further necessary action in anticipation of confirmation of the minutes of the Council.</p>
07 (A-31)	Redevelopment of Bapu Smaj Sewa Kendra, Panchkuian Road, New Delhi.	Resolved by the Council that approval is accorded to award the Work to the lowest tenderer i.e. M/s. Satish Chand Rajesh Kumar (P) Ltd with the tendered amount of Rs.24,66,00,633/- which is 13.54% below the estimated cost of Rs.28,52,30,022/-. The justified cost is 2.59% above the estimated cost. The quoted amount is 15.72% below the justified cost.

DEFERRED ITEMS OF THE LAST MEETING DATED 16/10/17.

Please refer to Volume II, III & IV of the agenda dated 16/10/2017 circulated vide F.25/1/CS/2017/D-107 dated 08.10.2017

08	RFP for installation and operation of Public Bicycle Sharing system (PBS) in NDMC Area.	<p>Resolved by the Council that approval is accorded to award the work to preferred bidder as per RFP, M/s Shri Shakti Resorts and Hotels Ltd. with total Licence fee Rs.75,09,000.00, as per the list of 50 Nos. proposed cycle stations with Latitude & Longitude, as detailed in the preamble.</p> <p>Further it is resolved by the Council that the amount is payable in whole concession period of 09 years and the concessionaire will bear the cost of set up without taking any financial help from NDMC.</p> <p>It was also resolved by the Council that the Department may initiate further necessary action in anticipation of confirmation of the minutes of the Council.</p>
09	Re-surfacing of Outer Circle, Inner Circle, and redials of Connaught Place	<p>Resolved by the Council that approval is accorded for acceptance of the lowest offer of M/s. Satya Prakash & Bros. Pvt. Ltd. @ 3.88% below the Estimated Cost of Rs.2,68,79,716/- with tendered amount of Rs.2,58,36,224/- for the work of "Re-surfacing of Outer Circle, Inner Circle, and redials of Connaught Place".</p> <p>It was also resolved by the Council that the Department may initiate further necessary action in anticipation of confirmation of the minutes of the Council.</p>
10	Mechanized housekeeping works in various NDMC buildings.	<p>Resolved by the Council that administrative approval and expenditure sanction is accorded to the clubbed preliminary estimates for groups 'A' & 'B' amounting to Rs. 17,93,83,200/- for mechanized cleaning and sweeping works of various NDMC buildings.</p> <p>It was also resolved by the Council that the department may initiate further necessary action in anticipation of confirmation of the minutes of the Council.</p>
11	Implementation of rooftop solar PV project in NDMC through EESL. SH:- Information regarding MOU signed between NDMC and EESL.	Council noted the information and directed that a Tri-Partite Agreement be signed by NDMC with EESL after the concurrence of Finance & Law Departments.
12	Implementation of Smart Grid Infrastructure Including Enhancing Of Existing Network in NDMC Power Distribution Area. SH:- Advanced metering infrastructure (AMI) IT infrastructure & SCADA/DMS.	<p>Resolved by the Council to accord approval to the following:-</p> <p>a) The work of implementing AMI / IT & SCADA in NDMC on "OPEX" Model, be assigned to M/s Energy Efficiency Services Ltd., (EESL), a joint venture of PSU's under Ministry of Power, GoI, on nomination basis instead of inviting tenders from</p>

		<p>among the PSUs.</p> <p>b) Since EESL's concept of Smart meters is based on "GPRS" mode of communication, the same would be applicable for AMI, IT & SCADA work in NDMC.</p> <p>c) Water meter shall be excluded from the scheme.</p> <p>d) Meter data would be processed on cloud based IT system.</p> <p>e) A memorandum of understanding be signed with M/s EESL after vetting by Finance, & Law.</p> <p>It was also resolved by the Council that the Department may initiate further necessary action in anticipation of confirmation of the minutes of the Council.</p>
13	50 MWhr. Battery Energy Storage System in NDMC.	Déferred by the Council.
14	Electric connections in JJ Cluster or in other area with no specific Municipal address.	<p>Information noted.</p> <p>Resolved by the Council that permanent electric and water connections be provided to all consumers in notified JJ Clusters area with no specific municipal address, as per DERC Regulations, 2017.</p>
15	Ex post facto approval of extension of firms registered with NDMC for the period March 2013 to March 2016 and rate contract for procurement of Medicines for the year 2016-17.	Resolved by the Council to accord Ex-post-facto approval of extension of firms registered with NDMC for the period March 2013 to March 2016 and rate contract for procurement of Medicines for the year 2016-17.
16	Outsourcing of Nursing Orderlies / Multitasking workers for Palika Maternity Hospital, Lodhi colony, New Delhi, along with CORRIGENDUM, which is to be tabled in the meeting.	<p>Resolved by the Council to accord approval for acceptance of tender and award of work for Outsourcing of Nursing Orderlies/Multitasking workers for Palika Maternity Hospital, Lodhi Colony for a period of six months to the lone eligible bidder i.e., M/S Good Luck Enterprises at its quoted rates of Rs.5,76,046/- + 13.55% as contractor's profit for one month with a total computed cost for three years as Rs.2,35,47,608.38 (Rs.,54,100.23 X 36) or otherwise.</p> <p>Further resolved by the Council to give sanction to release the contract on additional payment, on account of revised EPF, ESI, GST and wages, on the basis of revised minimum wages, from time to time, by the Govt. of NCT of Delhi, if any.</p> <p>Further resolved by the Council that biometric attendance of persons engaged by the contractor, shall be mandatory for releasing payment to contractor by NDMC. The contractor shall release payment to persons engaged only through digital machine and contractor shall be responsible for</p>

		<p>payment.</p> <p>Existing regular muster roll persons may be identified and trained for this purpose within 6 months' time. If this work can be handled by regular muster roll staff, then possibility may be explored to engage, first regular employees; otherwise engaging persons on contract basis for this purpose.</p>
17	Smart City Agreement between NDMCSCL and MTNL for creating Infrastructure for public Wi-Fi and FTTH on optical fiber cable (OFC) in Connaught Place area.	<p>The Council noted the information regarding Smart City Agreement executed between Mahanagar Telephone Nigam Limited (MTNL), and New Delhi Municipal Council Smart City Ltd.(NDMCSCCL), for creating Infrastructure for public Wi-Fi and FTTH on optical fiber cable (OFC) in Connaught Place area.</p> <p>The Council further resolved to approve the following:-</p> <ul style="list-style-type: none"> i) Permission for use of Service duct and digging in CP shall be granted by the NDMC for which charges shall be borne by the NDMCSCL. ii) Power Input at Access Points at Site shall be granted by the NDMC the cost thereof shall be borne by the NDMCSCL. iii) Permission for deployment of equipments at site shall be granted by the NDMC. iv) Permission to install racks/Access Points on electricity Poles shall be granted by the NDMC.
18	Agenda for the information and directions, if any, of the Council on the issue of judgment dated 10/08/2017 of the High Court of Delhi, setting aside the NDMC (Determination of annual Rent) Bye Laws 2009.	The Council noted the information and directed the Department to pursue SLP in the Supreme Court regularly.
19	Request for proposal for Selection of Concessionaire for "Design, Development, Implementation, Operation and Maintenance of 50 Nos. Outdoor Digital Interactive Information Panels to connect digitally with the online services provided by various government bodies in lieu of advertisement rights in NDMC area on BOT".	<p>Resolved by the Council that to accord approval to award the work to the lone bidder i.e. M/s Planet advertising Pvt. Ltd. They will pay to NDMC a monthly lump-sum concession fee of Rs.10,100/- per digital interactive panel per month which will be increased by 7% annually on compounded basis throughout the concession period of Nine years (including four months implementation period).</p> <p>It was also resolved by the Council that the Department may initiate further necessary action in anticipation of confirmation of the minutes of the Council.</p>
20	Current Status regarding revision of licence fee in respect of M/s. Bharat Hotels Limited (The Lalit) as per Clause No. 48 of Licence Deed dated 22.4.1982 and realization of other misuse charges, if any.	<p>Resolved by the Council to accord approval to the following :</p> <ul style="list-style-type: none"> (i) NDMC may direct SBICAPS to determine the licence fee within 2 months. (ii) A final notice may be issued to Bharat Hotels Ltd. to provide necessary information

		and documentation failing which a Show Cause Notice will be issued for cancellation of licence. (iii) EBR Department shall finalize the reference of Estate-I Department, as placed as Annexure-XVIII of the preamble, regarding unauthorized construction and action taken thereon in respect of commercial and hotel blocks at Bharat Hotels Ltd. (The Lalit).														
21	Disposal of non life served HPSV street light fitting installed during the Commonwealth Games 2010.	Resolved by the Council to accord approval to the disposal of non life served 5867 nos. of HPSV street light fittings, in light of the office memorandum of Ministry of Finance (Deptt. of Expenditure) dated 04.8.17 endorsed by MHA, GOI dated 9.8.17. Further, it was directed by the Council that approval to write off residual value of HPSV Street Light fittings will be obtained by the Department after replacement work with LED and assessing the actual writ off value of material/HPSV street light fittings.														
22	Approval for creation of 14 posts of Senior Resident in level 11 of pay matrix under 7th CPC in Medical Services department of NDMC with immediate effect.	Resolved by the Council to accord approval for creation of 14 posts of Senior Resident in level 11 of pay matrix under 7 th CPC which is the replacement of the pay scale of Rs.15600-39100/- + G.P. Rs.6600/-(6 th CPC) in Medical Services department with immediate effect. <table border="1"><tr><td>Name of post</td><td colspan="2">Senior Resident</td><td rowspan="2">Total No. of posts</td></tr><tr><td>Hospital</td><td>CPH</td><td>PMH</td></tr><tr><td>No. of posts</td><td>11</td><td>03</td><td rowspan="2">14</td></tr><tr><td>Breakup of posts specialty wise</td><td>Medicine-3 Surgery-3 Orthopedics-2 Paediatrics-1 Anesthesia-1 Ophthalmology - 1*</td><td>Obstetrics and gynecology - 03</td></tr></table> <p>*By reducing SR posts in Paediatrics Department by 1</p> <p>The operation of these posts shall be as per scheme approved by the Govt. of India and amended from time to time.</p>	Name of post	Senior Resident		Total No. of posts	Hospital	CPH	PMH	No. of posts	11	03	14	Breakup of posts specialty wise	Medicine-3 Surgery-3 Orthopedics-2 Paediatrics-1 Anesthesia-1 Ophthalmology - 1*	Obstetrics and gynecology - 03
Name of post	Senior Resident		Total No. of posts													
Hospital	CPH	PMH														
No. of posts	11	03	14													
Breakup of posts specialty wise	Medicine-3 Surgery-3 Orthopedics-2 Paediatrics-1 Anesthesia-1 Ophthalmology - 1*	Obstetrics and gynecology - 03														
23	Replacement of HPSV street light fitting with individual intelligent control LED warm light fitting in NDMC area through M/s Energy Efficient Services Ltd. (A joint venture company of PSUs of Ministry of Power, Govt. of India).	Resolved by the Council to accord approval to assign the work for replacement of conventional HPSV street light fittings with individual intelligent control energy efficient LED warm light of Phase-II & III to M/s Energy Efficient Services Ltd. (M/s EESL) a joint venture company of PSUs of Ministry of Power, Govt. of India for execution as deposit works.														

24	Security Services /Arrangements at NDMC Premises under Group Contracts C & K.	Resolved by the Council that the Department shall use TMR/RMRs available in NDMC for this task. If required, identified TMR/RMRs require training in this regard, the same may be arranged by the Department from recognized institutes for this purpose.
25	Finalisation of terms and conditions and process of e-auction for small shops, stalls, office space in NDMC area.	<p>Resolved by the Council that the vacant units i.e. shops/stalls/office spaces, etc. can be put to e-auction through M/s. MSTC Ltd. as per terms and conditions placed at Annexures of the preamble. If any additional units become available for public auction, same may be auctioned through M/s MSTC as per these terms & conditions. The units will be reserved for PH Category, SC Category and for ST Category as per Policy of the Council and the policy of the Government of the National Capital Territory of Delhi in this regard.</p> <p>It was also resolved by the Council that the Department may initiate further necessary action in anticipation of confirmation of the minutes of the Council.</p>

ITEM NO. 01.B (C-20)

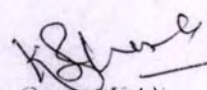
Copy of Reso. No. 01.B(C-20)
 of
 Council's Ordinary Meeting
 Dated 24/01/18

Confirmation and signing of the minutes of the Council's Meeting held through circulation of agenda on 22.12.2017 (See page 12)

COUNCIL'S DECISION

Confirmed as under:

- "1. Resolved by the Council that the name of 'Teen Murti Chowk' under the NDMC area be renamed as "Teen Murti Haifa Chowk" in terms of clause (a) of sub-section (1) of section 231 of the New Delhi Municipal Act, 1994.
2. The Council further resolved that the resolution of the Council be conveyed to the (i) Ministry of External Affairs, Government of India, (ii) Ministry of Home Affairs, Government of India; (iii) Department of Posts and Telegraph, Government of India; and (iv) Government of NCT of Delhi.
3. It is also resolved by the Council that the department may initiate further necessary action in anticipation of confirmation of the minutes by *the Council*."


 For Secretary
 New Delhi Municipal Council
 New Delhi.

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA: NEW DELHI

MINUTES OF THE COUNCIL'S MEETING HELD THROUGH CIRCULATION OF AGENDA
ON 22.12.2017.

The following members have signed in token of its approval.

- | | | |
|-----------------------------|---|-------------------|
| 1. Sh. Arvind Kejriwal | - | Presiding Officer |
| 2. Smt. Meenakshi Lekhi | - | Member |
| 3. Sh. Naresh Kumar | - | Chairperson |
| 4. Sh. Karan Singh Tanwar | - | Vice Chairperson |
| 5. Dr. Anita Arya | - | Member |
| 6. Sh. Abdul Rasheed Ansari | - | Member |
| 7. Sh. B.S. Bhati | - | Member |
| 8. Sh. P.K. Srivastava | - | Member |
| 9. Sh. Dharmendra | - | Member |
| 10. Sh. Puneet Kumar Goel | - | Member |
| 11. Ms. P.S. Srivastava | - | Member |
| 12. Smt. Chanchal Yadav | - | Secretary, NDMC. |

ITEM NO.	SUBJECT	DECISION
01 (T-02)	Recommendation for renaming of 'Teen Murti Chowk' under the NDMC area as 'Teen Murti Haifa Chowk' and 'Teen Murti Marg' under the NDMC area as 'Teen Murti Haifa Marg'.	<ol style="list-style-type: none"> Resolved by the Council that the name of 'Teen Murti Chowk' under the NDMC area be renamed as "Teen Murti Haifa Chowk" and name of 'Teen Murti Marg' under the NDMC area be renamed as "Teen Murti Haifa Marg" in terms of clause (a) of sub-section (1) of section 231 of the New Delhi Municipal Act, 1994. The Council further resolved that the resolution of the Council be conveyed to the (i) Ministry of External Affairs, Government of India; (ii) Ministry of Home Affairs, Government of India; (iii) Department of Posts and Telegraph, Government of India; and (iv) Government of NCT of Delhi. It is also resolved by the Council that the department may initiate further necessary action in anticipation of confirmation of the minutes by the Council.

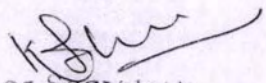
Copy of Reso. No. 01.C (C-21)
of
Council's Ordinary Meeting
Dated 29/01/18

ITEM NO. 01.C (C-21)

Confirmation and signing of the minutes of the Council's Special Budget Meeting
No. 09/2017-18 held on 15.01.2018. (See pages 14 - 15)

COUNCIL'S DECISION

Confirmed.


for Secretary
New Delhi Municipal Council,
New Delhi.

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA: NEW DELHI

MINUTES OF THE COUNCIL'S SPECIAL MEETING NO. 09/2017-18 HELD ON 15.01.2018 AT 12-00 NOON IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.

MEETING NO.	:	09/2017-18
DATE	:	15.01.2018
TIME	:	12:00 NOON
PLACE	:	PALIKA KENDRA, NEW DELHI

PRESENT:

- | | | |
|---------------------------|---|-------------------|
| 1. Sh. Arvind Kejriwal | - | Presiding Officer |
| 2. Smt. Meenakshi Lekhi | - | Member |
| 3. Sh. Naresh Kumar | - | Chairperson |
| 4. Sh. Karan Singh Tanwar | - | Vice Chairperson |
| 5. Sh. Surender Singh | - | Member |
| 6. Dr. Anita Arya | - | Member |
| 7. Sh. B. S. Bhati | - | Member |
| 8. Sh. Dharmendra | - | Member |
| 9. Smt. Chanchal Yadav | - | Secretary |

ITEM NO.	SUBJECT	DECISION				
01 (D-11)	Revised Estimates 2017-18 and Budget Estimates 2018-19.	Resolved by the Council that the Revised Estimates for the year 2017-18 and Budget Estimates for the year 2018-19 in the format based on the National Municipal Accounting Manual are adopted as under:				
		(₹ in Thousands)				
		Particulars	2016-2017	2017-2018	2017-2018	2018-2019
			Actuals	Budget Estimates	Revised Estimates	Budget Estimates
		1	2	3	4	5
		Opening Balance *	46798278	47880956	48915485	50752418
		Add:				
		Revenue Receipts	29961131	30663470	31835291	33887054
		Capital Receipts	4690877	5607344	4937108	5472008
		Total Receipts	34652008	36270814	36772399	39359062
		Less:				
		Revenue Expenditure	28083725	30620734	31781400	33821896
		Capital Expenditure	2448365	5595514	3154066	5043857
		Total Expenditure	30532090	36216248	34935466	38865753
		Net Adjustment for Accruals(+/-)	-2002711	0	0	0
		Closing Balance *	48915485	47935522	50752418	51245727

		<p>* Balance includes items on accrued basis alongwith cash and bank balance.</p> <p>It was further resolved by the Council that the department may initiate further necessary action, in anticipation of confirmation of the minutes by the Council.</p>
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ITEM NO. 02 (L-24)**1. Name of the Subject:**

1.1 Auction of Hotel Property situated at 1, Mansingh Road commonly known as Hotel Taj Mansingh – Reference Agenda for Council meetings held on 21.8.2017 [Item No. 33(L-09)], 28.8.2017 [Item No. 03(L-10)], 06.09.2017 [Item No. 03(L-15)], 22.09.2017 [Item No. 04(L-16)], and 02 (L-19) dated 16.10.2017.

1.2 Auction of Hotel Property situated at 37, Shaheed Bhagat Singh Marg earlier known as Hotel "The Connaught" – Reference Agenda for Council meetings held on 21.8.2017 [Item No. 32(L-08)], 28.8.2017 [Item No. 04(L-11)], 06.09.2017 [Item No. 02(L-14)], 22.09.2017 [Item No. 05(L-17)], and 03 (L-20) dated 16.10.2017.

1.3 Auction of Hotel Property situated at 1, Janpath Lane earlier known as Hotel Asian International – Reference Agenda for Council meetings held on 21.8.2017 [Item No. 31(L-07)], 28.8.2017 [Item No. 05(L-12)], 06.09.2017 [Item No. 01(L-13)], 22.09.2017 [Item No. 06(L-18)], and 04 (L-21) dated 16.10.2017.

2. Name of the Department: Estate-I Department**3. Brief History:**

3.1 The matter relating to auction of hotel properties situated at 1, Mansingh Road commonly known as Hotel Taj Mansingh; at 37, Shaheed Bhagat Singh Marg earlier known as Hotel "The Connaught"; and at 1, Janpath Lane earlier known as Hotel Asian International were taken up for consideration by the Council on 21.8.2017, 28.8.2017, 06.09.2017, 22.09.2017 and on 16.10.2017. The Council approved agenda on 16.10.2017 and the minutes of the Council meeting dated 16.10.2017 were signed on 23.11.2017.

3.2 Accordingly, M/s MSTC vide letter No. D-89/SO(Estate-I)/2017 dated 27.11.2017 (Annexure I, See page 27) was informed about the approval of their service charges by the Council. Further, Transaction Advisor - SBICAPs was requested vide letter No. D-90/SO(Estate-I)/2017 dated 27.11.2017 (Annexure II, See page 28) to take necessary action for e-auctioning of the property.

3.3 The tender was issued on 09.12.2017 on M/s MSTC website, and also published in newspapers, namely, Times of India (All version), Navbharat Times (Delhi & NCR version), Economic Times (All version) with the following schedule:

Sl. No.	Event Description	Dates of 1, Mansingh Road	Dates of 37, Shaheed Bhagat Singh	1, Janpath Lane
1.	Issue of Notice Inviting Tender (NIT) and publication of Tender Document	Saturday, December 09, 2017	Saturday, December 09, 2017	Saturday, December 09, 2017
2.	Last date for submission of queries (if any) by Bidders on the Tender and other legal documents.	Tuesday, December 28, 2017	Tuesday, December 28, 2017	Tuesday, December 28, 2017
3.	Pre-Bid Conference	Wednesday, December 27, 2017	Wednesday, December 27, 2017	Wednesday, December 27, 2017
4.	Publication of responses to queries	Wednesday, January 03, 2018	Wednesday, January 03, 2018	Wednesday, January 03, 2018
5.	Last date for submission of Technical Bid and initial price offer (Bid Due Date)	Wednesday, January 10, 2018 [On or before 15:00 HRS, Indian Standard Time]	Wednesday, January 10, 2018 [On or before 15:00 HRS, Indian Standard Time]	Wednesday, January 10, 2018 [On or before 15:00 HRS, Indian Standard Time]
6.	Opening of Technical Bids	Wednesday, January 10, 2018 [16:00 HRS, Indian	Wednesday, January 10, 2018 [16:00 HRS, Indian	Wednesday, January 10, 2018 [16:00 HRS, Indian

		<i>Standard Time]</i>	<i>Standard Time]</i>	<i>Standard Time]</i>
7.	Training and mock-auctions for all the Bidders on e-auction platform by the e-auction platform provider	Thursday, January 18, 2018 and Friday, January 19, 2018	Thursday, January 18, 2018 and Friday, January 19, 2018	Thursday, January 18, 2018 and Friday, January 19, 2018
8.	Intimation to Qualified Bidders	Monday, January 29, 2018	Tuesday, January 30, 2018	Tuesday, January 23, 2018
9.	Auction Date	Tuesday, January 30, 2018	Wednesday, January 31, 2018	Wednesday, January 24, 2018
10.	Declaration of Successful Bidder	Tuesday, January 30, 2018	Wednesday, January 31, 2018	Wednesday, January 24, 2018
11.	Issue of Letter of Award to Successful Bidder	Wednesday, February 14, 2018	Thursday, February 15, 2018	Thursday, February 08, 2018
12.	Execution of Definitive Documents	Monday, August 13, 2018	Monday, March 19, 2018	Monday, March 12, 2018

3.4 Further, as per the approval of the Council, a Committee comprising of (a) Representative of the Ministry of Urban Development, Government of India - Member of the Council; (b) Representative of the Government of NCT of Delhi - Member of the Council; (c) Secretary, NDMC; (d) Financial Advisor, NDMC; (e) Director(EBR), NDMC; (f) Director(Estate-I), NDMC and (g) Chief Architect, NDMC for incorporating necessary changes in Tender Document and Leave & Licence Agreement, and in case of any suggestions, clarification etc. comes through pre-bid meeting or otherwise, as considered appropriate and reasonable by this Committee has been constituted vide NDMC's Office Order No D-3269/SO(Estate-I)/2017 dated 21.12.2017 (Annexure-III, See page 29).

3.5 On request of prospecting bidders, the date of site visits was extended to 11:00 AM and 4:00 PM in between Monday, December 18, 2017 and Saturday, December 23, 2017 (both days inclusive) and from 11:00 AM and 4:00 PM on Tuesday, December 26, 2017, vide corrigendum No. 1 dated 22.12.2017 (Annexure IV, See pages 30 - 32) (colly) duly uploaded on M/s MSTC's website.

3.6 Pre-bid meeting held as per schedule on 27.12.2017 Council Room, Third Floor, NDMC. A copy of the attendance list is at Annexure V, See pages 33 - 45 (colly).

3.7 On request of prospecting bidders, the last date for submission of queries by Bidders on the Tender and other legal documents was extended till 05:00pm on 28.12.2017 vide Corrigendum No. 2 dated 27.12.2017 (Annexure VI, See pages 46 - 48) (colly) duly uploaded on M/s MSTC's website.

3.8 As time was required by SBICAPs to prepare the pre-bid replies, the publication of responses to queries which was scheduled for 03.01.2018 has been postponed (till a later date and all other dates will be notified accordingly) vide corrigendum No. 3 dated 03.01.2018 (Annexure VII, See pages 49 - 51) (colly) duly published on M/s MSTC website.

3.9 SBICAPs have sought information in respect of queries vide email dated 19.01.2018 pertaining to the NDMC's various Departments as these queries pertained to various Departments of NDMC, therefore, a meeting of all concerned was called at 12:45 PM on 19.01.2018 to examine and prepare the replies sought by SBICAPs. After due deliberations, the responses were decided in the said meeting and the same were provided to the SBICAPS vide email dated 19.01.2018 [Annexure VIII, IX and X (See pages 52 - 91) in case of 1, Man Singh Road; 37, Shaheed Bhagat Singh Marg; and 1, Janpath Lane respectively].

3.11 SBICAPs vide email dated 19.01.2018 (Annexure -XI, see pages 92 - 110) has recommended the following changes in the Tender Document and Leave and Licence Agreement in reply to the pre-bid queries:

"Auction of Licence Rights of Properties at 1, Man Singh Road, 37, Shaheed Bhagat Singh Marg and 1, Janpath Lane

Introduction

The Tender Documents inviting bids for auction of licence rights of properties at 1, Man Singh Road, 37, Shaheed Bhagat Singh Marg and 1, Janpath Lane were floated on December 9, 2017. The eligibility criteria specified for the properties are as under:

Requirement	Property Location		
	1, Man Singh Road	37, Shaheed Bhagat Singh Marg	1, Janpath Lane
No. Of Operating Rooms	500 (must be of 5 Star category and across not more than 5 properties with each property having at least 100 rooms)	150 (across not more than 3 properties with each property having at least 50 rooms)	75 (across not more than 3 properties with each property having at least 25 rooms)
Rooms to be operational for	5 years	3 years	3 years
Average Turnover	Rs. 400 Crore	Rs. 18 Crore	Rs. 6 Crore
Net Worth	Rs. 300 Crore	Rs. 20 Crore	Rs. 6 Crore
Usage of Affiliate's Credentials	Allowed	Allowed	Allowed
Affiliate has been defined as a Company in which the Bidder holds more than 50% shares or voting rights.			

Pre-bid conferences for the same were held on December 27, 2017 and queries from bidders were received till December 28, 2017. Our observations from the pre-bid meetings and the queries received from bidders so far are as under:

1. Participation of Owners

As is the practice globally, operators are following an asset light model and typically have not been taking exposures in hotel properties. Major hotel operators did not participate in the pre-bid meetings conducted on December 27, 2017. Therefore, there is an apprehension that the "only operator" category may not participate in the bid process.

The universe of "owner and operator" category which owns and operates properties under their own brand is comparatively smaller. Further, due to the other eligibility conditions, this smaller universe is further reduced.

One of the objectives of any auction process is price discovery through competitive bidding, which requires wider participation of bidders. Since we are following a two stage bidding process, there is a requirement of at least three Technically Qualified Bidders to enable the second stage of the bidding process to take place, otherwise the auction process will get annulled [Refer to Clause 7.1.2 (viii) of the Tender Document for the property at 1, Man Singh Road].

Multiple prospective bidders have requested that owners of hotel properties, who usually have management tie-ups with leading hotel operators, should also be allowed to participate in the auction process. List of prospective bidders who have submitted such requests are as follows:

1. Hotel Excelsior (Eros Group)
2. Shree Naman Developers Pvt. Ltd.
3. Asian Hotels (East) Limited
4. Chalet Hotels (Raheja Group)
5. Samhi Hotels Pvt. Ltd.
6. InterGlobe Hotels
7. Concept Hospitality (Fern Hotels)

Brief details of these groups are provided in Annexure I

Accordingly, the eligibility conditions may be amended as follows to allow adequate participation and at the same time safeguard NDMC's interests:

- Hotel owners along with a brand operator may be allowed to participate based on joint credentials.
- Each such bidder will have to submit a binding MoU/Agreement executed with a brand operator as a proof of an exclusive agreement between the hotel owner and the brand operator stipulating a lock-in period of 5 years from the signing of the Leave and Licence Agreement.
- A hotel owner can only submit one bid for a property. In case, a hotel owner submits more than one bid for the same property by partnering with two separate brand operators/ brand owners both such bids will be outright rejected and the Bid Securities will be forfeited.
- A partnering brand operator/ brand owner cannot participate in the auction process for the same property as an independent bidder. To clarify, an owner cum operator can either bid as an owner cum operator in its sole capacity. However, in case he wishes to participate in joint credentials, it can participate either as owner or an operator, and not both.
- A partnering brand operator/ brand owner cannot participate in the auction process for the same property as a partner with another owner.
- At all times, i.e. during the bid stage and Licence Period, all liabilities/ responsibilities will solely lie with the owner and NDMC will hold the owner liable for all payments/ penalties/ dues/ taxes.
- At any stage of the Licence Period, if the owner seeks to replace the operator, the owner will have to ensure that the incoming operator meets the eligibility conditions laid down in the Tender Document and will have to obtain the prior written permission of NDMC.
- To ensure that such owners have some relevant experience in the hospitality sector, a requirement of having 200 operating rooms of at least 5 Star rating may be stipulated for the owner in addition to the operator having 500 rooms of at least 5 Star rating under its management in India.
- Further, to ensure that the owner has adequate financial strength to undertake the refurbishment works, it may be so stipulated that the Net Worth requirement shall be solely met by the owner.

Accordingly, Clause 3.1.2 of the Tender Document would be amended suitably along with appropriate changes in the Tender Document and Leave and Licence Agreement, wherever required.

2. Financial Eligibility Criteria

The Licencee will need to undertake refurbishment works and will have to incur certain capital expenditure. Further, the Successful Bidder will have to deposit an Upfront Fee in cash. Thus, the Successful Bidder/ Licencee will need to be able to fund the cash outflows as provided in the table below before any revenues accrue to the Licencee from the properties:

Property Location	(All Figures in Rs. Crores)			
	Refurbishment Cost*	Upfront Fee	Performance Security	Total Cash Outflow
1, Man Singh Road	283.98	53.36	35.57	372.91
37, Shaheed Bhagat Singh Marg	28.41	5.87	5.87	40.15
1, Janpath Lane	4.77	0.89	1.19	6.85

* This includes the Transaction Expenses that the Successful Bidder will have to pay to NDMC.

For the property at 1, Man Singh Road, we have taken the average of the refurbishment cost estimated by the two valuation sub-consultants. For the property at 37, Shaheed Bhagat Singh Marg and 1, Janpath Lane, we have used the latest estimate provided by our valuation sub-consultant who had undertaken the valuation exercise in 2016.

Typically, hotel projects are funded with a Debt to Equity Ratio (DE Ratio) of 1:1 and it may be reasonably assumed that a Licencee will avail such funding opportunities. Under such a scenario, the expected equity requirement to avail bank financing for the three properties will be as under:

(All Figures in Rs. Crores)		
Property Location	Total Fund Requirement	Equity Requirement under 1:1 DE Ratio
1, Man Singh Road	372.91	186.46
37, Shaheed Bhagat Singh Marg	40.15	20.08
1, Janpath Lane	6.85	3.43

In view of the same, the Net Worth requirement of bidders for the three properties may be revised as under:

(All Figures in Rs. Crores)		
Property Location	Net Worth Requirement for Bidders	
	Existing	Proposed *
1, Man Singh Road	300	190
37, Shaheed Bhagat Singh Marg	20	20
1, Janpath Lane	6	4
* The proposed Net Worth has been arrived at by rounding up the equity requirement to nearest multiple of 10, except for the property at 1, Janpath Lane, for which it has been rounded up to the nearest integer.		

Since the Net Worth is a comprehensive indication of the financial strength of an entity, the same may be considered as the only financial eligibility criteria. The erstwhile Planning Commission's model RFQ had also stated that financial criteria in addition to Net Worth should be used only in exceptional cases.

Rationale for Change

- The attempt in amending the eligibility criteria is to keep the essence of the earlier eligibility criteria, while modifying and simplifying them, to cater to a wider base of participants, so as to enable more participation.
- It may be mentioned that in the recent transactions, being done for Department of Investment and Public Asset Management (DIPAM), a Net Worth of approximately 50% of the consideration is being stipulated for most cases. We have provided in the tables above, the estimated expenditure that will be incurred by the Successful Bidder/ Licencee and have accordingly mentioned the Net Worth requirement that may be stipulated.

Accordingly, the revised eligibility criteria for the three properties are suggested as under:

Revised Eligibility Conditions for Property at 1, Man Singh Road		
Requirement	Sole	Owner plus Operator
No. Of Operating Rooms of 5 Star Standard *	500	Owner - 200 and Operator -500
Rooms to be operational for	Not Applicable	Not Applicable
Average Turnover	Not Applicable	Not Applicable
Net Worth	Rs. 190 Crore	Rs. 190 Crore (owner only)
Usage of Affiliate's Credentials	Allowed	Allowed
Revised Eligibility Conditions for Property at 37, Shaheed Bhagat Singh Marg		
Requirement	Sole	Owner plus Operator
No. Of Operating Rooms*	150	Owner - 60 and Operator -150
Rooms to be operational for	Not Applicable	Not Applicable
Average Turnover	Not Applicable	Not Applicable
Net Worth	Rs. 20 Crore	Rs. 20 Crore (owner only)
Usage of Affiliate's Credentials	Allowed	Allowed
Revised Eligibility Conditions for Property at 1, Janpath Lane		
Requirement	Sole	Owner plus Operator
No. Of Operating Rooms*	75	Owner - 30 and Operator - 75
Rooms to be operational for	Not Applicable	Not Applicable
Average Turnover	Not Applicable	Not Applicable
Net Worth	Rs. 4 Crore	Rs. 4 Crore (owner only)

<i>Usage of Affiliate's Credentials</i>	<i>Allowed</i>	<i>Allowed</i>
<p><i>* No restrictions on the number of properties that a bidder could use to achieve the total room number requirement.</i></p> <p><i>Only rooms that are owned/ operated in India will be considered as operating standards of hotels vary between geographies and technically evaluation of the same to ascertain 5 Star rating may not be possible.</i></p> <p><i>Such rooms will have to be owned by the owner/ managed by the operator prior to the date of publication of the Notice Inviting Tender.</i></p>		

Accordingly, Clause 3.1.3 and Clause 3.1.4 of the Tender Document would be amended suitably along with appropriate changes in the Tender Document and Leave and Licence Agreement, wherever required.

3. Modification in Conflict of Interest Clause

Certain Bidders like IHCL and ITC Ltd. have represented that the 5% threshold of common shareholding that will lead to disqualification of Bidders due to triggering of the "Conflict of Interest" clause is too onerous. Further, they have also represented that common shareholding by entities like Life Insurance Corporation etc. across publicly listed entities are very common and a carve out should be provided for such shareholders. Their comments are reproduced as under:

Comment of ITC Ltd.

"Clarification is sought to understand whether 2 eligible Bidders will be disqualified if there is a 3rd Person who holds more than 5% shareholding in each of the Bidders?

This is relevant where Bidders, being Public listed companies, may have common shareholders with holding beyond the threshold mentioned in the subject clause. However, this will not lead to beneficial shareholding or a case of Control. It is recommended that Bidders, being Public Listed companies, be exempted from this clause."

Comment by IHCL

"It is likely that several bidders are publicly listed/have distributed shareholding. In such case, there may be retail/institutional investors who hold common shareholding of more than 5% without any rights/interest in the management of the Bidder. For example, institutional investors such as Life Insurance Corporation have holdings in several companies in the sector. The test for determination of Conflict of Interest should be commonality of Control and instances such as specified above should not be determined to be Conflict of Interest."

To accommodate the same, the drafting of the "Conflict of Interest" provision may be amended as below:

A Bidder shall not have a conflict of interest (the "Conflict of Interest") that affects the Bidding Process. Any Bidder found to have a Conflict of Interest shall be forthwith disqualified. A Bidder shall be deemed to have a Conflict of Interest affecting the Bidding Process, if:

- A. the Bidder or its shareholders and any other Bidder or its shareholder have common shareholders or beneficial owners, with the shareholding or ownership interest being equal to or in excess of 20% (Twenty percent) provided that this disqualification shall not apply to any shareholding or ownership by a bank, insurance company, pension fund, mutual fund registered with SEBI or a public financial institution referred to in section 2 (72) of the Companies Act, 2013; or
- B. such Bidder has the same legal representative for purposes of a Bid as any other Bidder; or
- C. such Bidder or any Affiliate thereof, has a relationship with another Bidder or any Affiliate thereof, directly or indirectly or through a common third party/parties, that puts either or both of them in a position to have access to each other's information, or to influence the Bid of either or each other; or

- D. any Director or other key managerial personnel (as defined in the Companies Act, 2013) of a Bidder is or have been in the past three (3) years, an officer, member, employee (permanent or on contract) of NDMC.

Rational for Change

The original stipulation is in line with the model draft of the RFP issued by the Planning Commission. However, if the stipulated percentage is low it may impact the potential bidders and narrow down the list of eligible bidders. Accordingly it is proposed that the percentage threshold be changed to 20%. In this respect the following may be noted:

- In various government tenders (such as NHAI and AAI) the requirements has been changed to 25%/20%. We have attached the extract of the NHAI's RFP for Tolling, Operation, Maintenance & Transfer of Highways dated October 6, 2017, and AAI's RFP for Development, Operation and Maintenance of Greenfield Airport at Bhogapuram, Andhra Pradesh dated June 2016 in Annexure III.
- Under the Companies Act, 2013, an 'Associate Company' is defined as below: "associate company", in relation to another company, means a company in which that other company has a significant influence, but which is not a subsidiary company of the company having such influence and includes a joint venture company.

Explanation.—For the purposes of this clause, "significant influence" means control of at least twenty per cent of total share capital, or of business decisions under an agreement;

Accordingly, an entity that holds less than 20% in another entity could be deemed to not have a large enough stake so as to be able to influence the other company and therefore is a reasonable basis for a conflict of interest threshold.

We have reviewed the annual accounts of some publicly listed hotel companies and have found that common shareholding by institutional investors like insurance companies, mutual funds are common across listed entities. Details of such common holdings are provided in Annexure II. Further we have also noticed that ITC has a 14.98% stake in EIH Ltd. and a 7.92% stake in Hotel Leela Venture Ltd. Thus, to encourage a wider participation, NDMC may consider providing a carve out for institutional investors like insurance companies, mutual funds and increasing the threshold of common shareholding for "Conflict of Interest" from 5% to 20%.

Accordingly, Clause 3.1.5 of the Tender Document would be amended suitably along with appropriate changes in the Tender Document and Leave and Licence Agreement, wherever required.

4. Addition of Force Majeure:

Prospective Bidders like ITC and Chalet Hotels have pointed out that standard "force majeure" provisions are not present in the agreements and have suggested for the inclusion of such provisions.

A typical concession/contract permits for suspension of obligations and extension of concession/contract period during a period of force majeure. Force majeure typically consists of events that are not reasonably foreseeable and beyond the control of affected party. It typically comprises of natural events (earthquake, fire, floods etc.), man-made events (riot) and **political events** (war and hostilities). Typically the contract provides for no-fault termination if the force majeure continues for more than six months. Between the parties prompt notifications of such events and duty to mitigate its impact are also cast upon the affected party.

The key effects of a force majeure clause on the Leave and License Agreement would be the suspension of the obligation to pay the License Fee (to the extent impacted by the force majeure event), and the extension of the license period for the time that the force majeure period was in effect.

5. Extension of the Refurbishment Period

Prospective bidders like Shree Naman Group, Eros Group, Samhi Hotels Pvt. Ltd., ITC Ltd., and LemonTree Hotels have represented that the refurbishment times mentioned are not adequate. Prospective bidders have requested NDMC to consider increasing the refurbishment time.

Since, the Licencee will have to pay to NDMC the Minimum Guarantee Fee during the Refurbishment Period, NDMC may consider increasing the Refurbishment Period by a few months to accommodate such bidders. The Upfront Fee will also accordingly get revised upward. Based on feedback received from the Bidders, we suggest that the refurbishment periods and Upfront Fee for the properties are amended as under:

Property Location	Refurbishment Period		Upfront Fee	
	Existing	Proposed	Existing	Proposed
1, Man Singh Road	18 months	No Change	Rs. 53,36,47,818	No Change
37, Shaheed Bhagat Singh Road	9 months	12 months	Rs. 4,40,10,000	Rs. 5,86,80,000
1, Janpath Lane	6 months	9 months	Rs. 59,64,000	Rs. 89,46,000

Safeguards Available to NDMC

The Tender Document and Leave and Licence Agreement have adequate provisions to safeguard NDMC's interests. Bidders will have to provide for a Bid Security at the time of submission of their Technical Bids. The Successful Bidder will not only have to submit a Performance Security of an amount equivalent to 12 months' Minimum Guarantee Fee, they will also have to deposit the entire amount of Minimum Guarantee Fee that the Licencee will have to pay to NDMC during the Refurbishment Period, upfront into NDMC's designated bank account.

If the auction process is annulled due to non-submission of at least one Financial Bid on the electronic auction platform, then the Bid Security of all such bidders who have submitted the highest initial price offer that constituted the floor price shall be forfeited. In case of successful completion of the auction process, the Bid Security of the unsuccessful bidders will be refunded within 30 days from issuance of Letter of Award to the Successful Bidder; the Bid Security of the Successful Bidder will only be refunded when the Successful Bidder executes the Leave and Licence Agreement.

In order to obtain the Letter of Award (LoA), the Successful Bidder will have to pay the Transaction Expenses and the first instalment of the Upfront Fee (equivalent to 50% of the total Upfront Fee) to NDMC. In case the Successful Bidder is unable to obtain the LoA within the stipulated timeframe after making the required payments, the Bid Security of the Successful Bidder will be forfeited.

Post the issuance of the LoA, if the Successful Bidder is unable to execute the Leave and Licence Agreement within the stipulated timeframe, the Bid Security may be forfeited along with the Upfront Fee and Performance Security, if already deposited.

To additionally safeguard NDMC from dishonoured/ bounced cheques, all payments will have to be necessarily routed via RTGS/ NEFT/ IMPS into the designated bank account of NDMC.

In case the Licencee is unable to complete the refurbishment works within the Refurbishment Period, then the Minimum Guarantee Fee shall be subject to revisions in the form of escalation at the simple rate of 3% monthly.

The amounts of Bid Security, Upfront Fee, Transaction Expense and Performance Security are provided in the table below for all the three properties.

Description	Property Location		
	1, Man Singh Road	37, Shaheed Bhagat Singh Marg	1, Janpath Lane
Bid Security	Rs. 25.00 Crore	Rs. 3.92 Crore	Rs. 80 Lakh
Transaction Expense	Rs. 2.20 Crore	Rs. 50 Lakh	Rs. 25 Lakhs
Upfront Fee	Rs. 53.36 Crore	Rs. 5.87 Crore *	Rs. 89.46 Lakh *

Performance Security	Rs. 35.58 Crore	Rs. 5.87 Crore	Rs. 1.19 Crore
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** The Upfront Fee has been revised upward on the basis of revised Refurbishment Period. Annexure I,II,III of this note are enclosed."*

4. Recommendations:

As major changes have been recommended by the SBICAPs, inter-alia, in the eligibility conditions, finalized eligibility conditions, conflict of interests etc, therefore, it is proposed to place the recommendations (Annexure-XI, See pages 92 - 110) made by the SBICAPs before the Council as well as responses sent to SBICAPS (Annexure VIII, IX and X, see pages 52 - 91), instead of the Committee approved by the Council as well as responses sent to the SBICAPS for consideration of the Council for taking a decision in the matter.

COUNCIL'S DECISION

The Council considered the agenda and deliberated on the recommendations made by the Transaction Advisor SBICAPs.

To get the fair market value of the licensing rights of these properties through e-auction through wider participation in the bidding process, the Council resolved as under:

(i) Eligibility Conditions

Turn-over and Net-worth requirements remain as prescribed in the tender document already published as approved by the Council vide resolution Nos. 02 (L-19), 03 (L-20) and 04 (L-20) dated 16.10.2017.

In Clause 3 of the Tender Document, in addition to the two types of bidders, viz. (a) brand owner and operator [to be reworded as "Hotel Brand Owner-cum-Hotel Property Owner"], or (b) brand owner [to be reworded as "Hotel Brand Owner"], permitted under the Tender Document already issued, third category of bidder will be eligible to participate in the auction process i.e. consortium of property owner and brand owner.

Accordingly, in addition to the eligibility criteria mentioned in clauses 3.1.2, 3.1.3 and 3.1.4 of the Tender Document, a new clause may be added to allow consortium of Hotel Property Owner and Hotel Brand Owner, as per details given below:

(a) In case of property at 1, Man Singh Road:

- i. Hotel Property Owners having at least 200 operating rooms of at least 5 Star rating under its ownership in India, and
- ii. Hotel Brand Owner having at least 500 operating rooms of at least 5 Star rating under its management in India,

(b) In case of property at 37, Shaheed Bhagat Singh Marg:

- i. ~~Hotel Property~~ Hotel Property Owners having at least 60 operating rooms under its ownership in India, and
- ii. Hotel Brand Owner having at least 150 operating rooms under its management in India,

(c) In case of property at 1, Janpath Lane:

- i. Hotel Property Owners having at least 30 operating rooms under its ownership in India, and
- ii. Hotel Brand Owner having at least 75 operating rooms under its management in India,

Such consortium may participate in the e-auction process, subject to the following conditions:

- (a) only the Hotel Property Owner should submit the bid;

- (b) the Hotel Property Owner should itself meet the net worth and annual turnover criteria as per tender document already published;
- (c) at all times, i.e. during the bid stage and Licence Period, all liabilities/ responsibilities will solely lie with the Hotel Property Owner and NDMC will hold the Hotel Property Owner liable for all payments/ penalties/ dues/ taxes, and such Hotel Property Owner shall meet the terms and conditions of the Tender Document (including Leave and Licence Agreement);
- (d) each such Hotel Property Owner will have to submit a Memorandum of Understanding (MoU) executed with a Hotel Brand Owner as a proof of an **exclusive agreement** between the Hotel Property Owner and the Hotel Brand Owner stipulating a lock-in period of 10 years from the signing of the Leave and Licence Agreement at the time of technical bid submission. In case such Hotel Property Owner would be a successful bidder, then such MoU should be converted into a binding management contract between them for a period of at least 10 years, and submit a copy of such executed binding management agreement to NDMC before the date of execution of Leave and Licence Agreement. At any stage of the Licence Period, if the Hotel Property Owner seeks to replace the Hotel Brand Owner, the Hotel Property Owner will have to ensure that the incoming new Hotel Brand Owner meets the eligibility conditions laid down in the Tender Document and will have to obtain the prior written permission of NDMC, failing which Bid Security and/or Performance Security will be forfeited by NDMC;
- (e) a Hotel Property Owner or Hotel Brand Owner, who is a constituent of such consortium, is not permitted to submit bid as a Hotel Property Owner or Hotel Brand Owner in its sole capacity or a constituent of another consortium for the same property;
- (f) it is clarified that a Hotel Brand Owner-cum-Hotel Property Owner can bid as:
 - i. In consortium, Hotel Brand Owner or Hotel Property Owner, or
 - ii. Hotel Brand Owner-cum-Hotel Property Owner in its sole capacity.

Explanation: "Hotel Property Owner" means (a) freehold hotel property owner, or (b) leaseholder of hotel property, or (c) licence holders of hotel property.

(ii) Conflict of Interest

The Council considered the explanation of "significant influence" provided under Clause (6) of Section 2 of the Companies Act, 2013, which is reproduced below:

"Explanation — For the purposes of this clause, significant influence means control of at least twenty per cent. of total share capital, or of business decisions under an agreement;"

Accordingly, clause 3.1.5 of the Tender Document should be amended as follows to ensure wider participation:

"A Bidder shall not have a conflict of interest (the "Conflict of Interest") that affects the Bidding Process. Any Bidder found to have a Conflict of Interest shall be forthwith ~~disqualified~~. A Bidder shall be deemed to have a Conflict of Interest affecting the Bidding Process, if:

- A. the Bidder or its shareholders and any other Bidder or its shareholder have common shareholders or beneficial owners, with the shareholding or ownership interest being equal to or in excess of 20% (twenty per cent) provided that this disqualification shall not apply to any shareholding or ownership by a bank, insurance company, pension fund, mutual fund registered with SEBI or a public financial institution referred to in section 2 (72) of the Companies Act, 2013; or*
- B. such Bidder has the same legal representative for purposes of a Bid as any other Bidder; or*
- C. such Bidder or any Affiliate thereof, has a relationship with another Bidder or any Affiliate thereof, directly or indirectly or through a common third party/parties, that puts either or both of them in a position to have access to each other's information, or to influence the Bid of either or each other; or*

D. any Director or other key managerial personnel (as defined in the Companies Act, 2013) of a Bidder is or have been in the past three (3) years, an officer, member, employee (permanent or on contract) of NDMC."

(iii) **Force Majeure**

A new clause for Force Majeure should be added containing provisions for the following:

- Force majeure consists of events that are not reasonably foreseeable and beyond the control of affected party.
- Force majeure comprises of natural events (earthquake, fire, floods etc.), man-made events (riot) and political events (war and hostilities).
- Prompt notifications between the Licensor and the Licensee (parties) of such events and duty to mitigate its impact are also cast upon the affected party.
- The key effects of a force majeure clause on the Leave and License Agreement would be the suspension of the obligation to pay the License Fee (to the extent impacted by the force majeure event), and the extension of the license period for the time that the force majeure period was in effect.
- There will be no-fault termination of the Leave and Licence Agreement if the force majeure continues for more than six months.

(iv) **Refurbishment Period**

Refurbishment Period in case of the properties at 37, Shaheed Bhagat Singh Marg and 1, Janpath Lane should be increased and Upfront Fee should be increased proportionately as follows:

Property Location	Refurbishment Period (in months)	
	As per published tender document	Amended
37, Shaheed Bhagat Singh Marg	9 (nine)	12 (twelve)
1, Janpath Lane	6 (six)	9 (nine)

Property Location	Upfront Fee (in Rs.)	
	As per published tender document	Amended
37, Shaheed Bhagat Singh Marg	440.10 Lakh (Four Hundred and Forty Lakh and Ten Thousand only)	586.80 Lakh (Five Hundred and Eighty Six Lakh and Eighty Thousand only)
1, Janpath Lane	59.64 Lakh (Fifty Nine Lakh and Sixty Four Thousand only)	89.46 Lakh (Eighty Nine Lakh and Forty Six Thousand only)

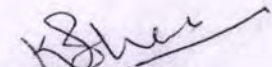
The Council further resolved to approve the reply to pre-bid queries mentioned in Annexure VIII, IX and X to the Preamble.

The Council further resolved that atleast 30 days time should be allowed for submission of technical bids from the date of publication of reply to pre-bid queries on MSTC's website. All further dates should be amended accordingly after considering the holidays / weekends.

The Council ~~also noted~~ the information mentioned in Paras 3.1 to 3.8 of the Preamble.

The Council also resolved that SBICAPs should make necessary changes in the Tender Document as well as Leave and Licence Agreement accordingly as per this resolution of the Council.

It was also resolved that the department may initiate further necessary action in anticipation of confirmation of the minutes of the Council.


For Secretary
New Delhi Municipal Council
New Delhi,

21

Annexure-I

**ESTATE-I DEPARTMENT
NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI**

No. D- 89 /SO(Estate-I)/2017

Dated: 27.11.2017

Sh. Chirag Sindhu,
Dy. Manager,
MSTC Ltd.,
Northern Regional Office,
Jeevan Vikas Building, 1st Floor,
30/31A, Asaf Ali Road(opposite Hamdard),
New Delhi-110002

Sub: Regarding approvavl of Service Charges to M/s. MSTC Ltd. for e-auctiononing of 3 hotel properties.

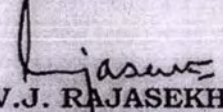
Sir,

The Competent Authority, NDMC has approved the payment of Rs.75 lakhs(Rupees Seventy five Lakhs only) plus GST to M/s. MSTC Ltd. towards service charges for e-auctioning of three hotel properties and the break-up in this regard is as under:

(i)	Property situated at 1, Mansingh Road	-	Rs.45 lakhs
(ii)	Property situated at 37, Shaheed Bhagat Singh Marg-		Rs.20 lakhs
(iii)	Property situated at 1, Janpath Lane	-	Rs.10 lakhs

The above amount shall be payable by the successful bidder after completion of all the formalities.

Yours faithfully,


(Y.V.V.J. RAJASEKHAR)
Director (Estate-I)

Copy to:

Sh. S.V. Prasad, Vice-President, SBICAPS Ltd.

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Annexure - II

ESTATE-I DEPARTMENT
NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

No. D-90/SO(Estate-I)/2017

Dated: 27.11.2017

Sh. S.V. Prasad, Vice President
M/s. SBI Capital Markets Ltd,
6th floor, World Trade Tower,
Barakhamba Lane,
New Delhi-110001.

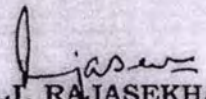
Sir,

The Competent Authority, NDMC has approved the following agenda items in respect of 3 hotel properties of NDMC:

- (i) Agenda Item No. 02(L-19) dated 16.10.2017 regarding auction of Hotel Property situated at 1, Mansingh Road commonly known as Hotel Taj Mansingh - Reference Agenda for Council meeting held 21.8.2017 [Item No. 33(L-09)], 28.8.2017 [Item No. 03(L-10)], 06.9.2017 [Item No. 03(L-15)] and 22.09.2017 [Item No. 04(L-16)].
- (ii) Agenda Item No. 03(L-20) dated 16.10.2017 regarding e-auctioning of hotel property situated at 37, Shaheed Bhagat Singh Marg, New Delhi, earlier known as Hotel 'The Connaught'- Reference Agenda for Council meeting held 21.8.2017 [Item No. 32(L-08)], 28.8.2017 [Item No. 04(L-11)], 06.9.2017 [Item No. 02(L-14)] and 22.09.2017 [Item No. 05(L-17)].
- (iii) Agenda Item No. 04(L-21) dated 16.10.2017 regarding e-auctioning of property situated at 1, Janpath earlier known as Hotel Asian International - Reference Agenda for Council meeting held 21.8.2017 [Item No. 31(L-07)], 28.8.2017 [Item No. 05(L-12)], 06.9.2017 [Item No. 01(L-13)] and 22.09.2017 [Item No. 06(L-18)].

SBICAPS had prepared the Tender Document and Leave and Licence Agreement in respect of above 3 properties. In view of the approval by the Competent Authority, SBICAPS is hereby requested to take necessary action for e-auctioning of these properties and also to provide Service Agreement in respect of hotel properties at 37, Shaheed Bhagat Singh Marg and 1, Janpath Lane, New Delhi.

Yours faithfully,


(Y.V.V.J. RAJASEKHAR)
Director (Estate-I)

Annexure - III

E-110386/2017/Estate-I
ESTATE-I DEPARTMENT
NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

D-3269 /SO(Estate-I)/2017

Dated: 21/12/2017

OFFICE ORDER

The Council vide its Resolution dated 16.10.2017 in Agenda Item No. 02(L-19) dated 16.10.2017 has resolved to constitute a Committee comprising of (a) Representative of the Ministry of Urban Development, Govt. of India – Member of the Council, (b) Representative of the Govt. of NCT of Delhi – Member of the Council; (c) Secretary, NDMC; (d) Financial Advisor, NDMC; (e) Director(EBR), NDMC; (f) Director(Estate-I), NDMC and (g) Chief Architect, NDMC for incorporating necessary changes in Tender Document and Leave and Licence Agreement and in case of any suggestions, clarifications etc. comes through pre-bid meeting or otherwise, as considered appropriate and reasonable by this Committee. The said decision of the Council has been confirmed by the Council in its meeting held on 08.12.2017.

Accordingly, as per the Council Resolution dated 16.10.2017 in Item No. 02(L-19), a Committee comprising of following Members is hereby constituted:

- (i) Representative of the Ministry of Urban Development, Govt. of India – Member of the Council
- (ii) Representative of the Govt. of NCT of Delhi – Member of the Council
- (iii) Secretary, NDMC
- (iv) Financial Advisor, NDMC
- (v) Director(EBR), NDMC;
- (vi) Director(Estate-I), NDMC
- (vii) Chief Architect, NDMC

The Committee is empowered to auction the property as per such amended tender document and Leave & Licence Agreements prepared by SBICAPS through M/s. MSTC Ltd.

g.c. 14/XII
 o/c SECRETARY

Copy to:

1. Secretary, Ministry of Urban Development, Govt. of India, New Delhi.
2. Chief Secretary, GNCT of Delhi.
3. Representative of the Ministry of Urban Development, Govt. of India – Member of the Council
4. Representative of the Govt. of NCT of Delhi – Member of the Council
5. Secretary, NDMC
6. Financial Advisor, NDMC
7. Director(EBR), NDMC;
8. Director(Estate-I), NDMC
9. Chief Architect, NDMC
10. PS to Chairman, NDMC – for kind information of the Chairman

Date: December 22, 2017

Corrigendum No. 1 to Tender Document No: NDMC/1-ManSinghRoad/17-18/ET/01 dated December 9, 2017

The following amendment is applicable to the Tender Document No: NDMC/1-ManSinghRoad/17-18/ET/01 dated December 9, 2017

Clause No.	As Appearing in the Tender Document No: NDMC/1-ManSinghRoad/17-18/ET/01 dated December 9, 2017	To Be Read As
4.3.1	Site visits to the Property shall be scheduled from 11:00 AM and 4:00 PM in between Monday, December 18, 2017 and Friday, December 22, 2017 (both days inclusive).	Site visits to the Property shall be scheduled from 11:00 AM and 4:00 PM in between Monday, December 18, 2017 and Saturday, December 23, 2017 (both days inclusive) and from 11:00 AM and 4:00 PM on Tuesday, December 26, 2017.

Date: December 22, 2017

Corrigendum No. 1 to Tender Document No: NDMC/1-JanpathLane/17-18/ET/03 dated December 9, 2017

The following amendment is applicable to the Tender Document No: NDMC/1-JanpathLane/17-18/ET/03 dated December 9, 2017

Clause No.	As Appearing in the Tender Document No: NDMC/1-JanpathLane/17-18/ET/03 dated December 9, 2017	To Be Read As
4.3.1	Site visits to the Property shall be scheduled from 11:00 AM and 4:00 PM in between Monday, December 18, 2017 and Friday, December 22, 2017 (both days inclusive).	Site visits to the Property shall be scheduled from 11:00 AM and 4:00 PM in between Monday, December 18, 2017 and Saturday, December 23, 2017 (both days inclusive) and from 11:00 AM and 4:00 PM on Tuesday, December 26, 2017.

Date: December 22, 2017

Corrigendum No. 1 to Tender Document No: NDMC/37-ShaheedBhagatSinghMarg/17-18/ET/02 dated December 9, 2017

The following amendment is applicable to the Tender Document No: NDMC/37-ShaheedBhagatSinghMarg/17-18/ET/02 dated December 9, 2017

Clause No.	As Appearing in the Tender Document No: NDMC/37-ShaheedBhagatSinghMarg/17-18/ET/02 dated December 9, 2017	To Be Read As
4.3.1	Site visits to the Property shall be scheduled from 11:00 AM and 4:00 PM in between Monday, December 18, 2017 and Friday, December 22, 2017 (both days inclusive).	Site visits to the Property shall be scheduled from 11:00 AM and 4:00 PM in between Monday, December 18, 2017 and Saturday, December 23, 2017 (both days inclusive) and from 11:00 AM and 4:00 PM on Tuesday, December 26, 2017.

Attendance Sheet for ... 1 MAN SINGH ROAD ...

Sl. No.	Name	Organization	Email ID	Mobile No.
1.	Shamim Akhter	SBICAPS	SHAMIM.AKHTER@SBICAPS.COM	9711674891
2.	Chirag Jindhu	MSTC	chirag.jindhu@mhira.in	9830336290
3.	VARUN GUPTA	SBICAPS	VARUN.G@SBICAPS.COM	9650712412
4.	Chanchal Yadav	NDMC		9402498002
5.	Geetali Tane	NDMC		9811689714
6.	Y.V.V.J. Rajasekar	DIRE-EE NDMC		9999533859
7.	V. K. Pandey	CEZ-INDMC		9068951220
8.	VISHNUGA K. SHARMA	DB Group	vijender.sharma@dbg.co.in	9711912227
9.	Deepthi Roy	HTCL		9969020716
10.	Rajendra Kumar	HTCL	rajendra.kumar@htcl.com	9938752942

Attendance Sheet for 1. Man Singh. Road.

Sl. No.	Name	Organization	Email ID	Mobile No.
11.	T. Deepika Rao	Indian Hotels Co. Ltd	deepika.rao@tajhotels.com	9819116415
12.	Mohit Gupta	Indian Hotels Co. Ltd	mohit.gupta@tajhotels.com	8447757814
13.	GOVIND MUNDRA	WYNDHAM HOTEL GROUP	govind.mundra@wyndham.com	9831328210
14.	VIVEK KUNDANA	SBICAR	vivek.kundana@sbicars.com	9717888047
15.	S.V. PRASAD	SBICAR	SV.prasad@sbicars.com	9818664631
16.	Arunit Sengupta	Chelaat Hotel	arunited@keshavn.com	8522149815
17.	Anupam Chakraborty	DB Group	anupam.chakraborty@dbgroup.com	99178849164
18.	S. Chakravarty	London Hotels	subhrangana.chakravarty@londonhotels.com	9999511559
19.	P.L. Bhatia	Asian Hotels with	prakash.bhatia@asiantel.com	9873233015
20.	Swamp Ray Chandelu	Indian Hotels Co. Ltd.	swamp.raychandelu@tajhotels.com	9849066916

Attendance Sheet forMs. Man Singh Rood.....

Sl. No.	Name	Organization	Email ID	Mobile No.
21	SANIL KHANNA	SBI CAPS	sanil.khanna@sbi.caps.com	9769434747
22	SAISHA SHUKLA	" "	saisha.shukla@stn.caps.com	7032911335
23	PANKAJ SETHI	EROS Corp	pankajsethi@gmail.com	9898383333
24	Y DHARAN	" "	YDHARAN@EROSGROUP.COM	9811027026
25	I.S. VERMA	" "	ijverma.55@eros-group.com	9811206764
26	Lakshmanurajan Srinivasan	Chalet Hotels	Laksh.srinivasan@chalethotels.com	9833396510
27	Chaitakalle Kapil	Chalet Hotels	Chaitakalle.kapil@chalethotels.com	9833732154
28	Angel Rahwa	Sarey Hotels (Asia Hotels)	angelrahwa@unipetahotels.com	9930371462
29	P.J. Mammen	Sarey Hotels (Asia Hotels)	Pjrammen@unipetahotels.com	9840930111
30	Sunil U. Jain	UNITY GROUP	sunil.jain@unitygroup.in	988649566

Attendance Sheet for I. Man. Singh Road

Sl. No.	Name	Organization	Email ID	Mobile No.
31	H. C. VINAYAKA	IRL Hotels	h.c.vinayaka@itkash.in	9811553331
32	JAGDISH SINGH	ITC Hotels	jagdish.singh@itkash.in	9831048861
33	MANUR BOHRA	ITC Hotels	manur.bohra@itkash.in	9902444319
34	Anumula Chandra Reddy	ET	Anumula.chandrar@itkash.in	9899612265
35	KUSUM AGARWAL	Rosate Hotel	Kabird.in	9899760042
36	TARAK SINGH	Rosate Hotel	Tax@budd.in	
37	R. Shankar Jaidip Ray	Obseri Hotels	r.shankar@obseri.org	9811043393
38	Rajeev Seel - C.A	N.D.M.C	chirgadich@ndmc.in	9650166466
39	Piyush Mishra	CAM	piyush.mishra@cam.in	9650637433
40	VASUNDHARA MINOCHA	CAM	VASUNDHARA.MINOCHA	9650028741

@CYLLISURKOT.F.COM

Attendance Sheet for / Man Singh Road

Sl. No.	Name	Organization	Email ID	Mobile No.
41	Navil Attamari	NDMC		9971469371
42	P P Sharma	NDMC		9868380457
43	Ramkrishna Bhatnagar	NMC		982690107
44	Munee Sharma	NDMC		7289663000
45	Ravi Shankar	Unity Group		9871015553
46	Praveen Puri	UNITY GROUP		8447756567
47	Alok Bhargava	NDMC		9899242784
48	Kuddeep Sharma	Carlson Hotels		9906060554
49				
50				

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Attendance Sheet for ... Ropertu. at ... Janpath, New Delhi

Sl. No.	Name	Organization	Email ID	Mobile No.
1	Vivek Singh	MSD Group	vivek.singh@msdgroup.com	9999577780
2	Nimit Gupta	MSD Group	nimitg@msdgroup.com	9899350780
3	Mohit Gupta	Indiantelco Co. Ltd	mohit.gupta@indiantelco.com	8447757814
4	T. Deepika Rao	"	deepika.rao@tajhotels.com	9819110415
5	S. CHAKRABARTY	ITCL		9999511559
6	P.K. Bhatn	ITCL	p.k.bhatn@itcl.com	9873233211
7	Deepre Roy	ITCL		9869070716
8	Amr. T. Dabryal	Kings Park Street	kings.park.street@gmail.com	9811485566
9	Amrit Kumar	Kings Park Street	amrit.kumar@gmail.com	9811485572
10	Lakshminarayan	Chhat Hotels	laxmi.narayan@chhat.com	9833395510

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Attendance Sheet for 1, JANPATH LANE

Sl. No.	Name	Organization	Email ID	Mobile No.
11	Christabelle Baptista	Chalet Hotels Pvt. Ltd.	christabelle.baptista@chalet-hotels.com	9833732154
12	Vasundhara Minocha	CAM	VASUNDHARA.N MINOCHA@CYRILSHROFF.COM	9650028741
13	Shamim Akhtar	SBICAPS.	SHAMIM.AKHTER@SBICAPS.COM	9711674891
14	Chirag Doshi	MSTC	chirag.doshi@mstc.co.in	980736290
15	S V. PRASAD	SBICAPS	SV.prasad@sbicaps.com	9818664631
16	Piyush Mishra	CAM	piyush.mishra@cyrilshroff.com	9650637433
17	Sourup Ray Chaudhuri	IHCL	sourup.raychaudhuri@tajhotels.com	8879066910
18	Rajendra Misra	- do -	rajendra.misra@tajhotels.com	7738752942
19	YVVJ Rajasecher	DIR-GI	N D M C	9999533859
20	TANVIL ASHMAN	D. D. W. Name		997140737

27/12/17 4.30 PM

Attendance Sheet for ... 1 ... Tempahh ...

Sl. No.	Name	Organization	Email ID	Mobile No.
21	Ramkond Prateet	N DMC		9571650107
22.	Geetaci Jane	N DMC	ja@ndmc.gov.in	9811689774
23	CAUREAN CHOPRA	CIC	gauravchopra83@gmail.com	9662538601
24	CHANDN CHOPRA	NDMC	Chandni Chopra.18@icloud.com	9601258762
25	PP Sharma	NDMC		9828380452
26	Ransid Sharma	NDMC		9818332240

Attendance Sheet for37, Shaheed Bhagat Singh Marg, New Delhi

Sl. No.	Name	Organization	Email ID	Mobile No.
1	P. K. Dhillon	Sumit Hites	pdhillon93@gmail.com	981166373
2	Ramvir Lakhan	Sun Hiv	CNPE Phale m Delhi	9810620416
3	SANJEEV BHADRA	SUNHIV	Sanjeev107@delhi.gov.in	9810620431
4	Piyush Mishra	CAM	piyush.mishra@cyril	9650637433
5	S. V. PRASAD	SBICAPS, Delhi	SV.prasad@sbicaps	9818664621
6	Shamim Akhtar	SBICAPS,		
7	VASUNDHRA MINOCHA	CAM	VASUNDHRA. MINOCHA @CYRILSHROFF.COM	9650078241
	VIVEK RAML	TDI	VIVEK@zeuinc.in	9810066528
8	Col (R) Harvinder Thakur	TDI, Delhi	hthakur108@gmail.com	9899268456
9	Y Dhanwan	Hotel Excelsior II	YDHAWAN@EPOS GROUP COM	9811027026

Attendance Sheet for 37, Shaheed Bhagat Singh Marg

Sl. No.	Name	Organization	Email ID	Mobile No.
10	I.J. VERMA	Hotel Excelsior L.A.	ijverma.55@eros-group.com	9811206764
11	PANKAJ SETHI	Hotel Excelsior L.A.	Pankajmsethi@gmail.com	9898783333
12	Christabelle Baptista	Chalet Hotels Pvt. Ltd.	christabelle.baptista@chalet-hotels.com	9833732154
13	Lakshminarayan	"	Laksh.Sivaraman@chalet-hotels.com	9833395510
14	Mohit Gupta	Indian Hotels Co. Ltd.	mohit.gupta@tajhotels.com	8447757814
15	T. Deepika Rao	"	deepika.rao@tajhotels.com	9819110415
16	Rajendra Misra	- do -	rajendra.misra@tajhotels.com	7738752942
17	Ronit Arora	THE PARK HOTELS	ronit@theparkhotels.com	9810199664
18	RADAT DIXIT	THE PARK HOTELS	radat@theparkhotels.com	
19	VINOD KANAGIA	THE PARK HOTELS	vinod@theparkhotels.com	9818822556

Attendance Sheet for ... 31, Shalveed Bhagat Singh Nagar

Sl. No.	Name	Organization	Email ID	Mobile No.
20	DEEPTO ROY	ITCL		9963020714
21	SURESH K. CHANDRAN	ITCL		8829066916
22	P. K. BHAKTI	ITCL		9892123300
23	Subhrajyoti Chakraverty	ITCL		9999577555
24	NIMIT GUPTA	MBD Group		9899367780
25	VIVEK SINHA	MBD Group		9999577780
26	Maitreya Yadav	Cox & Kings		7506651050
27	SHILPA MISHRA	Cox & Kings		9167649911
28	Shreya Khanna	SAMHI		9818228783
	Garima Sharma	SAMHI		9810533173

Attendance Sheet for Pre-Work Meeting 3.7. S.B. Mary

Sl. No.	Name	Organization	Email ID	Mobile No.
30	Gound Munda	Wyndham Hotel Group	mundaground@gmail.com	983128220
31	Nifin K. Chavala	Hotel Bright	accounts@hotelbright.devi.in	9711766629
32	Jagan Reddy	Devi Con's	reservations@devicons.in	9540065478
33	Adil Mansoor +2	Saeonae Hotels	mansoor@saeonahotels.com	9810001252
34	Kanikula	Naman	naman@namangroup.com	9711003205
35	Aswini Manohar	Shanti Hospitality Pvt. Ltd	Aswini.Manohar@shantihospitality.com	85274775
36	Sunil Ghadiok	Shanti Hospitality Pvt. Ltd.	Sunil.ghadiok@shantihospitality.com	9919811851133
37	Tarun A. Arun	NOMC		9971409371
38	YUVS Rajasekar	DIG-5	NOMC	9999533659
39	P. P. Sharma	NOMC		9868380457

Attendance Sheet for ... 3.1. Shabneed Bhogal Singh, Noida, New Delhi

Sl. No.	Name	Organization	Email ID	Mobile No.
40	Ramendra Sharma	NDMC		9818 332240
41	V. K. Pandey	NDMC		9860951220
42	Ramendra Bhattacharya	NDMC		9531650107
43	Geetali Tane	NDMC		9811689774
44	Nilesh Jain	NDMC		9999336611
45	Rajin Bhatia	NDMC		9654289438

New Delhi Municipal Council
Email: director.estate@ndmc.gov.in

Date: December 27, 2017

Corrigendum No. 02 - Tender Documents issued by New Delhi Municipal Council for grant of Licence of Property at Plot No. 1, Man Singh Road, New Delhi - 110011

**(Tender Document No: Tender Document No: NDMC/1-ManSinghRoad/17-18/ET/01
Date of Issue: December 09, 2017)**

The amendments mentioned in this Corrigendum shall be applicable to Tender Document dated December 09, 2017 issued by the New Delhi Municipal Council for grant of Licence of Property at Plot No. 1, Man Singh Road, New Delhi - 110011.

Sr. No.	Reference to Tender Document	As appearing in Original Tender Document			To be read as		
		S. No.	Event Description	Estimated Date	S. No.	Event Description	Estimated Date
1.	Clause 7.3 (Schedule of Bidding Process)	2.	Last date for submission of queries (if any) by Bidders on the Tender and other legal documents.	Tuesday, December 19, 2017	2.	Last date for submission of queries (if any) by Bidders on the Tender and other legal documents.	Thursday, December 28, 2017 [Before 17:00 HRS, Indian Standard Time]

**Kindly note all other dates remain as it is as mentioned in the Tender Documents.*

New Delhi Municipal Council
Email: director.estate@ndmc.gov.in

Date: December 27, 2017

Corrigendum No: 02 - Tender Documents issued by New Delhi Municipal Council for grant of Licence of Property at Plot No. 1, Janpath Lane, New Delhi - 110001

**(Tender Document No: Tender Document No: NDMC/1-JanpathLane/17-18/ET/03
Date of Issue: December 09, 2017)**

The amendments mentioned in this Corrigendum shall be applicable to Tender Document dated December 09, 2017 issued by the New Delhi Municipal Council for grant of Licence of Property at Plot No. 1, Janpath Lane, New Delhi - 110001.

Sr. No.	Reference to Tender Document	As appearing in Original Tender Document			To be read as		
		S. No.	Event Description	Estimated Date	S. No.	Event Description	Estimated Date
1.	Clause 7.3 (Schedule of Bidding Process)	2.	Last date for submission of queries (if any) by Bidders on the Tender and other legal documents.	Tuesday, December 19, 2017	2.	Last date for submission of queries (if any) by Bidders on the Tender and other legal documents.	Thursday, December 28, 2017 [Before 17:00 HRS, Indian Standard Time]

*Kindly note all other dates remain as it is as mentioned in the Tender Documents.

New Delhi Municipal Council
Email: director.estate@ndmc.gov.in

Date: December 27, 2017

**Corrigendum No. 02 - Tender Documents issued by New Delhi Municipal Council for grant of Licence of Property at Plot No. 37,
Shaheed Bhagat Singh Marg, New Delhi – 110001**

**(Tender Document No: NDMC/37-ShaheedBhagatSinghMarg/17-18/ET/02
Date of Issue: December 09, 2017)**

The amendments mentioned in this Corrigendum shall be applicable to Tender Document dated December 09, 2017 issued by the New Delhi Municipal Council for grant of Licence of Property at Plot No. 37, Shaheed Bhagat Singh Marg, New Delhi – 110001.

Sr. No.	Reference to Tender Document	As appearing in Original Tender Document			To be read as		
		S. No.	Event Description	Estimated Date	S. No.	Event Description	Estimated Date
1.	Clause 7.3 (Schedule of Bidding Process)	2.	Last date for submission of queries (if any) by Bidders on the Tender and other legal documents.	Tuesday, December 19, 2017	2.	Last date for submission of queries (if any) by Bidders on the Tender and other legal documents.	Thursday, December 28, 2017 [Before 17:00 HRS, Indian Standard Time]

**Kindly note all other dates remain as it is as mentioned in the Tender Documents.*

New Delhi Municipal Council
Email: director.estate@ndmc.gov.in

Date: January 03, 2018

Corrigendum No. 03 - Tender Documents issued by New Delhi Municipal Council for grant of Licence of Property at Plot No. 1, Man Singh Road, New Delhi - 110011

**(Tender Document No: Tender Document No: NDMC/1-ManSinghRoad/17-18/ET/01
Date of Issue: December 09, 2017)**

Prospective Bidders are hereby notified that the publication of responses to queries which was scheduled for Wednesday, January 03, 2018 has now been postponed. The responses to queries will now be published at a later date and all other dates will be notified accordingly. Prospective Bidders are requested to kindly continue checking the e-auction portal on a regular basis to keep themselves updated.

New Delhi Municipal Council
Email: director.estate@ndmc.gov.in

Date: January 03, 2018

Corrigendum No. 03 - Tender Documents issued by New Delhi Municipal Council for grant of Licence of Property at Plot No. 37, Shaheed Bhagat Singh Marg, New Delhi – 110001

**(Tender Document No: NDMC/37-ShaheedBhagatSinghMarg/17-18/ET/02
Date of Issue: December 09, 2017)**

Prospective Bidders are hereby notified that the publication of responses to queries which was scheduled for Wednesday, January 03, 2018 has now been postponed. The responses to queries will now be published at a later date and all other dates will be notified accordingly. Prospective Bidders are requested to kindly continue checking the e-auction portal on a regular basis to keep themselves updated.

New Delhi Municipal Council
Email: director.estate@ndmc.gov.in

Date: January 03, 2018

Corrigendum No. 03 - Tender Documents issued by New Delhi Municipal Council for grant of Licence of Property at Plot No. 1, Janpath Lane, New Delhi - 110001

**(Tender Document No: Tender Document No: NDMC/1-JanpathLane/17-18/ET/03
Date of Issue: December 09, 2017)**

Prospective Bidders are hereby notified that the publication of responses to queries which was scheduled for Wednesday, January 03, 2018 has now been postponed. The responses to queries will now be published at a later date and all other dates will be notified accordingly. Prospective Bidders are requested to kindly continue checking the e-auction portal on a regular basis to keep themselves updated.

Queries raised by Prospective Bidders for the Property on 1, Man Singh Road and NDMC response

No	Query Text	Response of NDMC
76	Is there an extent to which alterations will be permitted which may already be envisaged by NDMC? What is the procedure to seek these permissions from NDMC? Will there be a timeline set by NDMC within which they will revert?	Additions/alterations will be permitted as per Unified Building Bye-Laws, 2016 and NDMC Act 1994, both as amended from time to time, in accordance with the Leave and Licence Agreement. As regards timeline, the sanction of such plans will be as per stipulations given in building bye-laws concerned.

Queries raised by Prospective Bidders for the Property on 1, Man Singh Road and NDMC response

No	Query Text	Response of NDMC
77	Is there any litigation on the property, by any labour, workmen, any other parties, suppliers, except as disclosed as part of the Tender?	There is no litigation as per the records of NDMC.

No	Query Text	Response of NDMC
78	<p>Can NDMC share a Title Report for the property?</p> <p>Can NDMC confirm that the property is free from encumbrances, claims, demands, etc. of any authority and there is no attachment or other process which is outstanding. Further NDMC has to ensure that the property is not the subject matter of any acquisition or requisition.</p> <p>Upon a third party sale by NDMC, rights of the Licensee not to be disturbed.</p>	<p>The Licensor of the property is NDMC. Accordingly title rests with NDMC, which is free from all encumbrances.</p>

Queries raised by Prospective Bidders for the Property on 1, Man Singh Road and NDMC response

No	Query Text	Response of NDMC
79	NDMC is requested to share the details of ownership etc. with respect to the land on which the Premises have been constructed. NDMC is also requested to confirm that no other person other than NDMC shall have any recourse on the land/ property.	NDMC being the licensor of the property is the owner of the property.
80	We request for details with respect to the Premises being Licensed on "As is where is" basis, including specific, detailed list of assets to be handed over to the new incumbent, by location. e.g. the floor tiles, marbles, tiles/tapestries on the walls, etc.	As per Tender Document.

Queries raised by Prospective Bidders for the Property on 1, Man Singh Road and NDMC response

No	Query Text	Response of NDMC
81	We request NDMC to provide us the Structural Stability Certificate from a Government approved Architect meeting the current seismic requirement for the Premises.	Building is an RCC framed structure having life expectancy of around 75 to 100 years depending on the maintenance. The licence right of the property is offered on "As is where is Basis".

Queries raised by Prospective Bidders for the Property on 1, Man Singh Road and NDMC response

No	Query Text	Response of NDMC
82	We request NDMC to clarify if the current incumbent received any NOC/ approval for the withdrawal/ usage of ground water?	The successful bidder has to apply to NDMC for water connection as per the applicable norms. Same will be made available as per applicable policy and statutory provisions in this regard. Regarding usage of ground water, the provisions of applicable laws will be applied. Current occupant is having two licensed bore wells.

No	Query Text	Response of NDMC
83	<p>(b) Please clarify how the Order has been addressed and been taken into account in the Tender Document. In particular, please confirm how the following provisions of the Order are being taken into consideration/ given effect to in the Tender Document and the bidding process as has been specified by the Honorable Supreme Court in the Order:</p> <p>“After perusing the material available on record, we do not intend to pass any order on this Special Leave Petition except that we allow the respondent – N.D.M.C. to hold the e-auction of the property in question, but at the time of holding such auction, they shall take into account the unblemished track record of the petitioner – Hotel as well its capability. The respondent – N.D.M.C. shall consider all these aspects, in the peculiar facts and circumstances of</p>	As per the Tender Document.

Queries raised by Prospective Bidders for the Property on 1, Man Singh Road and NDMC response

No	Query Text	Response of NDMC
84	It is requested that NDMC provides the Licencee a representation on the structural condition of the Hotel.	Refer reply to Query No. 81 above.
85	<p>Clause 11.2.7 states "The Licencee has completed its due diligence in respect of the Licensed Premises and is satisfied with the title of the Licensor."</p> <p>It is requested that since the title of the Licensor has not been shared, hence the clause be deleted from the Leave and Licence Agreement.</p>	Refer replies to Query No. 78 and 79 above.

Queries raised by Prospective Bidders for the Property on 1, Man Singh Road and NDMC response

No	Query Text	Response of NDMC
86	As per clause 5.3.4 of the Agreement, the terrace area will be a part of the Licence Premises and will be an open area and shall not be used for commercial purposes. It is understood that the Licenced Premises consists of two rooftop restaurant areas (as mentioned in Schedule 1 of the Agreement). It is hence requested to clarify that such space in use for the two rooftop restaurants are not included under this clause?	Open terrace is not a part of FAR, therefore, cannot be used for commercial purpose.

No.	Query Text	SBICAP's Comments/ Suggested Response
78	Please advice the time period required for approval/issuance of the following licences to operate the following: Food outlets, Lodging, DG Sets, Boilers, Swimming Pool, Health Licences	Successful bidder has to take all requisite licenses/NOCs from the respective authorities.
79	Is there any pending litigation between previous operator and NDMC which may have an impact on new lessee?	As per Tender Document. Refer Annexure VII of the Tender Document.

No.	Query Text	SBICAP's Comments/ Suggested Response
80	As per MPD-2021 20% of the total area can be used as Commercial area for Sub Licence agreement for rental. Please Advice, whether that is also the case in present property.	The license right of the property is offered on "As is where is Basis". Whatever the commercial areas is in existence as per the survey plan is permissible for commercial use, as per the Leave and License Agreement between licensor and licensee.
81	Please provide the copies of up to date building related licenses and NOCs	Successful bidder has to take all requisite licenses/NOCs from the respective authorities.

No.	Query Text	SBICAP's Comments/ Suggested Response
82	<p>As per Annexure VII – Disclosure Schedule, an Appeal against Eviction Order dated 15.08.2016 has been filed before the Patiala House District Court by the erstwhile Licencee and is listed for arguments on 12.01.2018 which is after the opening of Technical Bid-</p> <p>a) In case no final decision is announced on 12.01.2018, would the auction still be held on 31.01.2018 as scheduled?</p> <p>b) What if the eviction is set aside by the court before the execution of Definitive Documents.</p> <p>c) What if the eviction is set aside by the court after the execution of Definitive Documents.</p> <p>d) How would the new Licencee be compensated for the amounts spent by it on renovation of the Hotel and/or amounts paid to NDMC.</p>	<p>As per Tender Document. Refer Annexure VII of the Tender Document.</p> <p>At present there is no bar for NDMC to conduct e-auction and building is in the possession of NDMC.</p>

No.	Query Text	SBICAP's Comments/ Suggested Response
83	<p>Please confirm:</p> <p>(a) how does NDMC propose to address a situation where the Eviction Order is overturned and/or the rights of the erstwhile licensee are restored by any court or judicial forum?;</p> <p>(b) how would any potential investments made by/losses caused to a Successful Bidder in case of (a) above be protected;</p> <p>(c) that in case of any delay or stoppage of work as a result of any dispute in relation to the Property, the obligations of the Successful Bidder will be suspended and the term of the Licence shall be extended to the extent of the delay or stoppage.</p>	Refer reply to query No. 82 above.

No.	Query Text	SBICAP's Comments/ Suggested Response
84	We will require 1000 KW of electricity load and 150 KL water per day to operate the hotel. Please advice the availability and status.	The successful bidder has to apply to NDMC for water and power connection as per the applicable norms. Same will be made available as per applicable policy and statutory provisions in this regard.

No.	Query Text	SBICAP's Comments/ Suggested Response
85	<p>Some of the areas of the building (like fire and life safety, habitable areas in basements, parking requirement) are not as per the current bylaws of Delhi, if we go for changes in the building how they will be treated. The current project as per the available plans suggest serious codal compliance issues e.g. staircase and corridor widths, non-conformance to fire and life safety parameters etc. which may entail structural changes. What would be the applicable zoning rules?</p>	<p>The license right of the property is offered on "As is where is Basis". Additions/ alterations will be permitted as per Unified Building Bye-Laws, 2016 and NDMC Act 1994, both as amended from time to time, in accordance with the Leave and Licence Agreement.</p>

No.	Query Text	SBICAP's Comments/ Suggested Response
86	Please advice the status of air and noise control equipment's with details capacity to meet the requirement of DPCC	Successful bidder has to take all requisite licenses/NOCs from the respective authorities.

No.	Query Text	SBICAP's Comments/ Suggested Response
87	Would there be condonation allowed for areas which are not compliant.	<p>As per Tender Document.</p> <p>The license right of the property is offered on "As is where is Basis". Additions/ alterations will be permitted as per Unified Building Bye-Laws, 2016 and NDMC Act 1994, both as amended from time to time, in accordance with the Leave and Licence Agreement.</p>

No.	Query Text	SBICAP's Comments/ Suggested Response
88	Any encumbrances/ litigations on the property? What is the current status of the appeal filed by Prominent Hotel regarding the property	As per Tender Document. Refer Annexure VII of the Tender Document.

No.	Query Text	SBICAP's Comments/ Suggested Response
89	Please advice the Total no. of approved borewell for using ground water	The successful bidder has to apply to NDMC for water connection as per the applicable norms. Same will be made available as per applicable policy and statutory provisions in this regard. There are no approved borewells in the property as on date.

No.	Query Text	SBICAP's Comments/ Suggested Response
90	Please advice the availability and number of approved Car Parking Inside and outside of the hotel.	The license right of the property is offered on "As is where is Basis". No parking is available outside the boundary of the property.

No.	Query Text	SBICAP's Comments/ Suggested Response
91	Please advice Details of sewage connection with pipe size.	2 numbers 200 mm dia sewer connection exists at the property.
92	Please advice the status of STP/ETP as per the guidelines of DPCC	It is connected to the main sewerage system of NDMC.

No.	Query Text	SBICAP's Comments/ Suggested Response
93	Current scheme does not show any STP provisions, would it be permitted to connect to city sewer?	It is connected to the main sewerage system.
94	Please advice the current FAR of the hotel whether its 2.40 or 3.00.	As per Tender Document.

Queries raised by Prospective Bidders for the Property on 37, Shaheed Bhagat Singh Marg and NDMC Response

No.	Query Text	SBICAP's Comments/ Suggested Response
95	How much extra FSI is available?	As per Tender Document.

No.	Query Text	SBICAP's Comments/ Suggested Response
96	<p>NDMC shall provide following representation and should indemnify the licensee for the following:</p> <ul style="list-style-type: none"> a. Title of the property b. Building has been constructed as per applicable bylaws 	<p>NDMC being the licensor of the property is the owner of the property.</p> <p>The license right of the property is offered on "As is where is Basis".</p>

No.	Query Text	SBICAP's Comments/ Suggested Response
97	How much parking space is available? Can NDMC provide for additional parking in the vicinity?	The license right of the property is offered on "As is where is Basis".

No.	Query Text	SBICAP's Comments/ Suggested Response
98	<p>Would all the Plant & Machinery, FFE, presently at the premises be part of the items to be given on Licence to the Licencee. What if some of these are owned by the erstwhile licensee?</p>	<p>The license right of the property is offered on "As is where is Basis".</p> <p>All fixtures that have permanently embedded to the structure and the removal of which is likely to cause damage to the property are owned by NDMC.</p>

No.	Query Text	SBICAP's Comments/ Suggested Response
99	<p>Bye laws</p> <p>a) Is the hotel building built in accordance with bye laws? How will the current violations be addressed?</p> <p>b) Copy of the sanction plan will be required from DDA/appropriate authority</p> <p>c) Acknowledging that there is no setback for fire-tender movement, is the hotel building compliant as per NBC and fire laws?</p> <p>d) How much is the annual property tax amount?</p>	<p>The license right of the property is offered on "As is where is Basis". Additions/ alterations will be permitted as per Unified Building Bye-Laws, 2016 and NDMC Act 1994, both as amended from time to time, in accordance with the Leave and Licence Agreement.</p> <p>As on date, Property Tax on Council properties is not levied. However, if the licensee sublet the part of property in accordance with the Tender Documents, the Council may decide according to the provisions of section 62(b) read with Section 66 (c) of NDMC Act 1994.</p>

No.	Query Text	SBICAP's Comments/ Suggested Response
100	Bylaws applicable for the plot (FSI permissible, parking norms). Is there any change in norms and would it be a compliance issue when seeking resubmission?	The license right of the property is offered on "As is where is Basis". Additions/ alterations will be permitted as per Unified Building Bye-Laws, 2016 and NDMC Act 1994, both as amended from time to time, in accordance with the Leave and Licence Agreement.

No.	Query Text	SBICAP's Comments/ Suggested Response
101	Please advice the availability status of Electrical Drawings, Plumbing Drawings	The license right of the property is offered on "As is where is Basis".

Queries raised by Prospective Bidders for the Property on 37, Shaheed Bhagat Singh Marg and NDMC Response

No.	Query Text	SBICAP's Comments/ Suggested Response
102	Please provide the MEP drawings with equipment details	The license right of the property is offered on "As is where is Basis".

No.	Query Text	SBICAP's Comments/ Suggested Response
103	Any status report on the condition of Hotel services i.e. plumbing, electrical or air-conditioning etc., especially major equipment like Generators, AC plant and Electrical Panel and if the same are currently covered under AMC with the manufacturer/vendor.	The license right of the property is offered on "As is where is Basis".
104	Can we have the copy of any Structural Audit Report/ Structural Stability Test Report to check structural stability?	Building is an RCC framed structure having life expectancy of around 75 to 100 years depending on the maintenance.
105	Structural design and type of construction	Building is a RCC framed structure

No.	Query Text	SBICAP's Comments/ Suggested Response
106	<p>13. Please advice the working status and details of following equipment's required to operate the hotel.</p> <ul style="list-style-type: none"> • No. of boilers with capacity • No. of DG sets with capacity. • No. of kitchen and details of equipment's • The electrical distribution system for light and power. • Details of ventilation system of the hotel with capacity • No. of AC plants with capacity and distribution system. 	<p>The license right of the property is offered on "As is where is Basis".</p> <p>All fixtures that have permanently embedded to the structure and the removal of which is likely to cause damage to the property are owned by NDMC.</p>

No.	Query Text	SBICAP's Comments/ Suggested Response
107	Status of legal cases of Prominent Hotels Limited and cost implication invested by bidders.	As per Tender Document. Refer Annexure VII of the Tender Document.

No.	Query Text	SBICAP's Comments/ Suggested Response
108	<p>Renovation and Operations</p> <p>a) Is there additional FSI available on the plot and can current open spaces be used for expansion?</p> <p>b) Can the liquor license for the hotel be procured since the property is right opposite and not at an appropriate distance from the temple</p> <p>c) What is the status of past agreements including those with the shop owners? Have these agreements been terminated?</p> <p>d) Does the licensee require consent for a management contract with new operator?</p>	<p>a) The license right of the property is offered on "As is where is Basis".</p> <p>b) Successful bidder has to take all requisite licenses/NOCs from the respective authorities.</p> <p>c) There is no past agreement of NDMC with any shop-owner and property is in possession of NDMC.</p> <p>d) As per Tender Document.</p>

Queries raised by Prospective Bidders for the Property on 1, Janpath Lane and their Responses

ONo	Query Text	Response of NDMC
1.	Can we have the copy of any Structural Audit Report/ Structural Stability Test Report to check structural stability?	Building is an RCC framed structure having life expectancy of around 75 to 100 years depending on the maintenance. The license right of the property is offered on "As is where is Basis".
2.	Structural design and type of construction	Building is a RCC framed structure.
3.	Bylaws applicable for the two plots (FSI permissible, parking norms). Is there any change in norms and would it be a compliance issue when seeking resubmission?	Licensing right of property is being offered on 'as is where is basis'. Additions/alterations will be permitted as per Unified Building Bye-Laws, 2016 and NDMC Act 1994, both as amended from time to time, in accordance with the Leave and Licence Agreement.

Queries raised by Prospective Bidders for the Property on 1, Janpath Lane and their Responses

ONo	Query Text	Response of NDMC
4.	Some of the areas of the building (like fire and life safety, habitable areas in basements, parking requirement) are not as per the current bylaws of Delhi, if we go for changes in the building how they will be treated. The current project as per the available plans suggest serious codal compliance issues e.g. staircase and corridor widths, non-conformance to fire and life safety parameters etc. which may entail structural changes. What would be the applicable zoning rules?	Additions/alterations will be permitted as per Unified Building Bye-Laws, 2016 and NDMC Act 1994, both as amended from time to time, in accordance with the Leave and Licence Agreement. The license right of the property is offered on "As is where is Basis".
5.	Current scheme does not show any STP provisions, would it be permitted to connect to city sewer?	Property presently has connection to the main sewer line. If any additional connection is required, the same will be considered as per policy of NDMC in vogue.

Queries raised by Prospective Bidders for the Property on 1, Janpath Lane and their Responses

0No	Query Text	Response of NDMC
6.	Please provide the copies of up to date building related licenses and NOC's	Successful bidder has to take all requisite licenses/NOCs from the respective authorities.
7.	Please provide the MEP drawings with equipment details	As per Tender Document.
8.	Would there be condonation allowed for areas which are not compliant	As per Tender Document.
9.	What is the status of operating license and does incumbent needs to take fresh licenses	Successful bidder has to take all requisite licenses/NOCs from the respective authorities.
10.	Any encumbrances/litigations on the property?	The existing litigation is mentioned in the Tender Document and there is no bar to auction this property. There is no encumbrance on this property.

Queries raised by Prospective Bidders for the Property on 1, Janpath Lane and their Responses

QNo	Query Text	Response of NDMC
11.	<p>NDMC shall provide following representation and should indemnify the licensee for the following:</p> <p>a. Title of the property</p> <p>b. Building has been constructed as per applicable bylaws</p>	<p>NDMC being the licensor of the property is the owner of the building. Additions/alterations will be permitted as per Unified Building Bye-Laws, 2016 and NDMC Act 1994, both as amended from time to time, in accordance with the Leave and Licence Agreement. The license right of the property is offered on "As is where is Basis".</p>
12.	<p>Whether the Hotel can be mortgaged for raising finance for upgradation of property or for working capital requirements? Clause 5.4 of the Leave & License Agreement requires prior approval of Licensor. Whether the same would be given, if yes are there any conditions/policy under which it is given.</p>	<p>No. Refer clause 5.4 of Leave and Licence Agreement.</p>

Queries raised by Prospective Bidders for the Property on 1, Janpath Lane and their Responses

ONo	Query Text	Response of NDMC
13.	<p>What current building licenses which have been taken for the premises and are valid on date? Please share the copy of the same.</p> <p>Specifically in the case of approvals related to Fire and Environmental clearances, please can you confirm their current status with regard to this building. Please provide copies of the same.</p> <p>What additional licenses need to be taken for operationalizing the building?</p> <p>What are the nodal bodies for granting such licenses apart from NDMC?</p> <p>Is DUAC approval required?</p>	<p>Successful bidder has to take all requisite licenses/NOCs from the respective authorities.</p>
14.	<p>Are there any pending Litigations and the property is clear of any encumbrances?</p>	<p>As per Tender Document. Refer Annexure VII of the Tender Document.</p>

Queries raised by Prospective Bidders for the Property on 1, Janpath Lane and their Responses

ONo	Query Text	Response of NDMC
15.	Given the short period of time to renovate/ refurbish the hotel, it will help to expedite approvals. Is there a nodal desk which will approve any changes for the structure or otherwise, which will be a one point contact.	Director(Estate-I), NDMC will be nodal officer in this regard.
16.	(a) Please confirm if there have been any appeals against the District Court Order. (b) In relation to the writ petition filed by M/s Abhilasha Enterprises, please confirm if there are any pending claims against NDMC.	As per Tender Document. Refer Annexure VII of the Tender Document.

Auction of Licence Rights of Properties at 1, Man Singh Road, 37, Shaheed Bhagat Singh Marg and 1, Janpath Lane

Introduction

The Tender Documents inviting bids for auction of licence rights of properties at 1, Man Singh Road, 37, Shaheed Bhagat Singh Marg and 1, Janpath Lane were floated on December 9, 2017. The eligibility criteria specified for the properties are as under:

Requirement	Property Location		
	1, Man Singh Road	37, Shaheed Bhagat Singh Marg	1, Janpath Lane
No. of Operating Rooms	500 (must be of 5 Star category and across not more than 5 properties with each property having at least 100 rooms)	150 (across not more than 3 properties with each property having at least 50 rooms)	75 (across not more than 3 properties with each property having at least 25 rooms)
Rooms to be operational for	5 years	3 years	3 years
Average Turnover	Rs. 400 Crore	Rs. 18 Crore	Rs. 6 Crore
Net Worth	Rs. 300 Crore	Rs. 20 Crore	Rs. 6 Crore
Usage of Affiliate's Credentials	Allowed	Allowed	Allowed
<i>Affiliate has been defined as a Company in which the Bidder holds more than 50% shares or voting rights.</i>			

Pre-bid conferences for the same were held on December 27, 2017 and queries from bidders were received till December 28, 2017. Our observations from the pre-bid meetings and the queries received from bidders so far are as under:

1. Participation of Owners

As is the practice globally, operators are following an asset light model and typically have not been taking exposures in hotel properties. Major hotel operators did not participate in the pre-bid meetings conducted on December 27, 2017. Therefore, there is an apprehension that the "only operator" category may not participate in the bid process.

The universe of "owner and operator" category which owns and operates properties under their own brand is comparatively smaller. Further, due to the other eligibility conditions, this smaller universe is further reduced.

One of the objectives of any auction process is price discovery through competitive bidding, which requires wider participation of bidders. Since we are following a two stage bidding process, there is a requirement of at least three Technically Qualified Bidders to enable the second stage of the bidding process to take place, otherwise the auction process will get

annulled [Refer to Clause 7.1.2 (viii) of the Tender Document for the property at 1, Man Singh Road].

Multiple prospective bidders have requested that owners of hotel properties, who usually have management tie-ups with leading hotel operators, should also be allowed to participate in the auction process. List of prospective bidders who have submitted such requests are as follows:

1. Hotel Excelsior (Eros Group)
2. Shree Naman Developers Pvt. Ltd.
3. Asian Hotels (East) Limited
4. Chalet Hotels (Raheja Group)
5. Samhi Hotels Pvt. Ltd.
6. InterGlobe Hotels
7. Concept Hospitality (Fern Hotels)

Brief details of these groups are provided in Annexure I

Accordingly, the eligibility conditions may be amended as follows to allow adequate participation and at the same time safeguard NDMC's interests:

- Hotel owners along with a brand operator may be allowed to participate based on joint credentials.
- Each such bidder will have to submit a binding MoU/Agreement executed with a brand operator as a proof of an **exclusive agreement** between the hotel owner and the brand operator stipulating a lock-in period of 5 years from the signing of the Leave and Licence Agreement.
- A hotel owner **can only submit one bid** for a property. In case, a hotel owner submits more than one bid for the same property by partnering with two separate brand operators/ brand owners both such bids will be outright rejected and the Bid Securities will be forfeited.
- A partnering brand operator/ brand owner **cannot** participate in the auction process for the same property as an independent bidder. To clarify, an owner cum operator can either bid as an owner cum operator in its sole capacity. However, in case he wishes to participate ~~in joint credentials~~, it can participate either as owner or an operator, and not both.
- A partnering brand operator/ brand owner **cannot** participate in the auction process for the same property ~~as a partner~~ with another owner.
- At all times, i.e. during the bid stage and Licence Period, all liabilities/ responsibilities will solely lie with the owner and NDMC will hold the owner liable for all payments/ penalties/ dues/ taxes.
- At any stage of the Licence Period, if the owner seeks to replace the operator, the owner will have to ensure that the incoming operator meets the eligibility conditions laid

down in the Tender Document and will have to obtain the prior written permission of NDMC.

- To ensure that such owners have some relevant experience in the hospitality sector, a requirement of having 200 operating rooms of at least 5 Star rating may be stipulated for the owner in addition to the operator having 500 rooms of at least 5 Star rating under its management in India.
- Further, to ensure that the owner has adequate financial strength to undertake the refurbishment works, it may be so stipulated that the Net Worth requirement shall be solely met by the owner.

Accordingly, Clause 3.1.2 of the Tender Document would be amended suitably along with appropriate changes in the Tender Document and Leave and Licence Agreement, wherever required.

2. Financial Eligibility Criteria

The Licencee will need to undertake refurbishment works and will have to incur certain capital expenditure. Further, the Successful Bidder will have to deposit an Upfront Fee in cash. Thus, the Successful Bidder/ Licencee will need to be able to fund the cash outflows as provided in the table below before any revenues accrue to the Licencee from the properties:

Property Location	(All Figures in Rs. Crores)			
	Refurbishment Cost*	Upfront Fee	Performance Security	Total Cash Outflow
1, Man Singh Road	283.98	53.36	35.57	372.91
37, Shaheed Bhagat Singh Marg	28.41	5.87	5.87	40.15
1, Janpath Lane	4.77	0.89	1.19	6.85

* This includes the Transaction Expenses that the Successful Bidder will have to pay to NDMC.
For the property at 1, Man Singh Road, we have taken the average of the refurbishment cost estimated by the two valuation sub-consultants. For the property at 37, Shaheed Bhagat Singh Marg and 1, Janpath Lane, we have used the latest estimate provided by our valuation sub-consultant who had undertaken the valuation exercise in 2016.

Typically, hotel projects are funded with a Debt to Equity Ratio (DE Ratio) of 1:1 and it may be reasonably assumed that a Licencee will avail such funding opportunities. Under such a scenario, the expected equity requirement to avail bank financing for the three properties will be as under:

Property Location	(All Figures in Rs. Crores)	
	Total Fund Requirement	Equity Requirement under 1:1 DE Ratio
1, Man Singh Road	372.91	186.46
37, Shaheed Bhagat Singh Marg	40.15	20.08
1, Janpath Lane	6.85	3.43

In view of the same, the Net Worth requirement of bidders for the three properties may be revised as under:

Property Location	(All Figures in Rs. Crores)	
	Net Worth Requirement for Bidders	
	Existing	Proposed *
1, Man Singh Road	300	190
37, Shaheed Bhagat Singh Marg	20	20
1, Janpath Lane	6	4
* The proposed Net Worth has been arrived at by rounding up the equity requirement to nearest multiple of 10, except for the property at 1, Janpath Lane, for which it has been rounded up to the nearest integer.		

Since the Net Worth is a comprehensive indication of the financial strength of an entity, the same may be considered as the only financial eligibility criteria. The erstwhile Planning Commission's model RFQ had also stated that financial criteria in addition to Net Worth should be used only in exceptional cases.

Rationale for Change

- The attempt in amending the eligibility criteria is to keep the essence of the earlier eligibility criteria, while modifying and simplifying them, to cater to a wider base of participants, so as to enable more participation.
- It may be mentioned that in the recent transactions, being done for Department of Investment and Public Asset Management (DIPAM), a Net Worth of approximately 50% of the consideration is being stipulated for most cases. We have provided in the tables above, the estimated expenditure that will be incurred by the Successful Bidder/ Licencee and have accordingly mentioned the Net Worth requirement that may be stipulated.

Accordingly, the revised eligibility criteria for the three properties are suggested as under:

Revised Eligibility Conditions for Property at 1, Man Singh Road		
Requirement	Sole	Owner plus Operator
No. of Operating Rooms of 5 Star Standard *	500	Owner - 200 and Operator - 500
Rooms to be operational for	Not Applicable	Not Applicable
Average Turnover	Not Applicable	Not Applicable
Net Worth	Rs. 190 Crore	Rs. 190 Crore (owner only)
Usage of Affiliate's Credentials	Allowed	Allowed
Revised Eligibility Conditions for Property at 37, Shaheed Bhagat Singh Marg		
Requirement	Sole	Owner plus Operator
No. of Operating Rooms*	150	Owner - 60 and Operator - 150
Rooms to be operational for	Not Applicable	Not Applicable
Average Turnover	Not Applicable	Not Applicable
Net Worth	Rs. 20 Crore	Rs. 20 Crore (owner only)
Usage of Affiliate's Credentials	Allowed	Allowed

Revised Eligibility Conditions for Property at 1, Janpath Lane		
Requirement	Sole	Owner plus Operator
No. of Operating Rooms*	75	Owner - 30 and Operator - 75
Rooms to be operational for	Not Applicable	Not Applicable
Average Turnover	Not Applicable	Not Applicable
Net Worth	Rs. 4 Crore	Rs. 4 Crore (owner only)
Usage of Affiliate's Credentials	Allowed	Allowed
<p>* No restrictions on the number of properties that a bidder could use to achieve the total room number requirement.</p> <p>Only rooms that are owned/ operated in India will be considered as operating standards of hotels vary between geographies and technically evaluation of the same to ascertain 5 Star rating may not be possible.</p> <p>Such rooms will have to be owned by the owner/ managed by the operator prior to the date of publication of the Notice Inviting Tender.</p>		

Accordingly, Clause 3.1.3 and Clause 3.1.4 of the Tender Document would be amended suitably along with appropriate changes in the Tender Document and Leave and Licence Agreement, wherever required.

3. Modification in Conflict of Interest Clause

Certain Bidders like IHCL and ITC Ltd. have represented that the 5% threshold of common shareholding that will lead to disqualification of Bidders due to triggering of the "Conflict of Interest" clause is too onerous. Further, they have also represented that common shareholding by entities like Life Insurance Corporation etc. across publicly listed entities are very common and a carve out should be provided for such shareholders. Their comments are reproduced as under:

Comment of ITC Ltd.

"Clarification is sought to understand whether 2 eligible Bidders will be disqualified if there is a 3rd Person who holds more than 5% shareholding in each of the Bidders?"

This is relevant where Bidders, being Public listed companies, may have common shareholders with holding beyond the threshold mentioned in the subject clause. However, this will not lead to beneficial shareholding or a case of Control. It is recommended that Bidders, being Public Listed companies, be exempted from this clause."

Comment by IHCL

"It is likely that several bidders are publicly listed/have distributed shareholding. In such case, there may be retail/institutional investors who hold common shareholding of more than 5% without any rights/interest in the management of the Bidder. For example, institutional investors such as Life Insurance Corporation have holdings in several companies in the sector. The test for determination of Conflict of Interest should be commonality of Control and instances such as specified above should not be determined to be Conflict of Interest."

To accommodate the same, the drafting of the "Conflict of Interest" provision may be amended as below:

A Bidder shall not have a conflict of interest (the "Conflict of Interest") that affects the Bidding Process. Any Bidder found to have a Conflict of Interest shall be forthwith disqualified. A Bidder shall be deemed to have a Conflict of Interest affecting the Bidding Process, if:

- A. the Bidder or its shareholders and any other Bidder or its shareholder have common shareholders or beneficial owners, with the shareholding or ownership interest being equal to or in excess of 20% (Twenty per cent) provided that this disqualification shall not apply to any shareholding or ownership by a bank, insurance company, pension fund, mutual fund registered with SEBI or a public financial institution referred to in section 2 (72) of the Companies Act, 2013; or
- B. such Bidder has the same legal representative for purposes of a Bid as any other Bidder; or
- C. such Bidder or any Affiliate thereof, has a relationship with another Bidder or any Affiliate thereof, directly or indirectly or through a common third party/parties, that puts either or both of them in a position to have access to each other's information, or to influence the Bid of either or each other; or
- D. any Director or other key managerial personnel (as defined in the Companies Act, 2013) of a Bidder is or have been in the past three (3) years, an officer, member, employee (permanent or on contract) of NDMC.

Rational for Change

The original stipulation is in line with the model draft of the RFP issued by the Planning Commission. However, if the stipulated percentage is low it may impact the potential bidders and narrow down the list of eligible bidders. Accordingly it is proposed that the percentage threshold be changed to 20%. In this respect the following may be noted:

- In various government tenders (such as NHAI and AAI) the requirements has been changed to 25%/20%. We have attached the extract of the NHAI's RFP for Tolling, Operation, Maintenance & Transfer of Highways dated October 6, 2017, and AAI's RFP for Development, Operation and Maintenance of Greenfield Airport at ~~Bhogapuram, Assam Pradesh~~ dated June 2016 in Annexure III.
- Under the Companies Act, 2013, an 'Associate Company' is defined as below:

"associate company", in relation to another company, means a company in which that other company has a significant influence, but which is not a subsidiary company of the company having such influence and includes a joint venture company.

Explanation. – For the purposes of this clause, "significant influence" means control of at least twenty per cent of total share capital, or of business decisions under an agreement;

Accordingly, an entity that holds less than 20% in another entity could be deemed to not have a large enough stake so as to be able to influence the other company and therefore is a reasonable basis for a conflict of interest threshold.

We have reviewed the annual accounts of some publicly listed hotel companies and have found that common shareholding by institutional investors like insurance companies, mutual funds are common across listed entities. Details of such common holdings are provided in Annexure II. Further we have also noticed that ITC has a 14.98% stake in EIH Ltd. and a 7.92% stake in Hotel Leela Venture Ltd. Thus, to encourage a wider participation, NDMC may consider providing a carve out for institutional investors like insurance companies, mutual funds and increasing the threshold of common shareholding for "Conflict of Interest" from 5% to 20%.

Accordingly, Clause 3.1.5 of the Tender Document would be amended suitably along with appropriate changes in the Tender Document and Leave and Licence Agreement, wherever required.

4. Addition of Force Majeure:

Prospective Bidders like ITC and Chalet Hotels have pointed out that standard "force majeure" provisions are not present in the agreements and have suggested for the inclusion of such provisions.

A typical concession/contract permits for suspension of obligations and extension of concession/contract period during a period of force majeure. Force majeure typically consists of events that are not reasonably foreseeable and beyond the control of affected party. It typically comprises of natural events (earthquake, fire, floods etc.), man-made events (riot) and political events (war and hostilities). Typically the contract provides for no-fault termination if the force majeure continues for more than six months. Between the parties prompt notifications of such events and duty to mitigate its impact are also cast upon the affected party.

The key effects of a force majeure clause on the Leave and License Agreement would be the suspension of the obligation to pay the License Fee (to the extent impacted by the force majeure event), ~~and the extension~~ of the license period for the time that the force majeure period was in effect.

5. Extension of the Refurbishment Period

Prospective bidders like Shree Naman Group, Eros Group, Samhi Hotels Pvt. Ltd., ITC Ltd., and LemonTree Hotels have represented that the refurbishment times mentioned are not adequate. Prospective bidders have requested NDMC to consider increasing the refurbishment time.

Since, the Licencee will have to pay to NDMC the Minimum Guarantee Fee during the Refurbishment Period, NDMC may consider increasing the Refurbishment Period by a few months to accommodate such bidders. The Upfront Fee will also accordingly get revised upward. Based on feedback received from the Bidders, we suggest that the refurbishment periods and Upfront Fee for the properties are amended as under:

Property Location	Refurbishment Period		Upfront Fee	
	Existing	Proposed	Existing	Proposed
1, Man Singh Road	18 months	No Change	Rs. 53,36,47,818	No Change
37, Shaheed Bhagat Singh Road	9 months	12 months	Rs. 4,40,10,000	Rs. 5,86,80,000
1, Janpath Lane	6 months	9 months	Rs. 59,64,000	Rs. 89,46,000

Safeguards Available to NDMC

The Tender Document and Leave and Licence Agreement have adequate provisions to safeguard NDMC's interests. Bidders will have to provide for a Bid Security at the time of submission of their Technical Bids. The Successful Bidder will not only have to submit a Performance Security of an amount equivalent to 12 months' Minimum Guarantee Fee, they will also have to deposit the entire amount of Minimum Guarantee Fee that the Licencee will have to pay to NDMC during the Refurbishment Period, upfront into NDMC's designated bank account.

If the auction process is annulled due to non-submission of at least one Financial Bid on the electronic auction platform, then the Bid Security of all such bidders who have submitted the highest initial price offer that constituted the floor price shall be forfeited.

In case of successful completion of the auction process, the Bid Security of the unsuccessful bidders will be refunded within 30 days from issuance of Letter of Award to the Successful Bidder; the Bid Security of the Successful Bidder will only be refunded when the Successful Bidder executes the Leave and Licence Agreement.

In order to obtain the Letter of Award (LoA), the Successful Bidder will have to pay the Transaction Expenses and the first instalment of the Upfront Fee (equivalent to 50% of the total Upfront Fee) to NDMC. In case the Successful Bidder is unable to obtain the LoA ~~within the stipulated timeframe~~ after making the required payments, the Bid Security of the Successful Bidder will be forfeited.

Post the issuance of the LoA, if the Successful Bidder is unable to execute the Leave and Licence Agreement ~~within the stipulated~~ timeframe, the Bid Security may be forfeited along with the Upfront Fee and Performance Security, if already deposited.

To additionally safeguard NDMC from dishonoured/ bounced cheques, all payments will have to be necessarily routed via RTGS/ NEFT/ IMPS into the designated bank account of NDMC.

In case the Licencee is unable to complete the refurbishment works within the Refurbishment Period, then the Minimum Guarantee Fee shall be subject to revisions in the form of escalation at the simple rate of 3% monthly.

The amounts of Bid Security, Upfront Fee, Transaction Expense and Performance Security are provided in the table below for all the three properties.

Description	Property Location		
	1, Man Singh Road	37, Shaheed Bhagat Singh Marg	1, Janpath Lane
Bid Security	Rs. 25.00 Crore	Rs. 3.92 Crore	Rs. 80 Lakh
Transaction Expense	Rs. 2.20 Crore	Rs. 50 Lakh	Rs. 25 Lakhs
Upfront Fee	Rs. 53.36 Crore	Rs. 5.87 Crore *	Rs. 89.46 Lakh *
Performance Security	Rs. 35.58 Crore	Rs. 5.87 Crore	Rs. 1.19 Crore
* The Upfront Fee has been revised upward on the basis of revised Refurbishment Period.			

Annexure I – Brief Details of some Prospective Bidders

1. EROS Group

The EROS group has been engaged in the real estate, hospitality and technology related businesses. The Eros Hotel at Nehru place, Shangri-La's - Eros Hotel at Connaught place, Hotel Crowne Plaza, and Hotel Holiday Inn at Mayur Vihar are some of the hotel ventures of the group. These hotels are situated in Delhi and each has a cumulative room inventory of more than 200. Eros Radisson Blue Hotel in Faridabad has 124 rooms. The total room inventory of the above mentioned hotels stands at more than 1,000 rooms.

2. Shree Naman Developers Pvt. Ltd.

Shree Naman Group is present across the infrastructure value chain - from ready mix concrete, commercial, residential and hospitality property, financial services to energy. The group has diversified into management of business hotels, through international joint ventures and independently.

The Group has tied up with the French multinational - Accor Hospitality has built a 5-Star hotel property in BKC under the luxury brand Sofitel with 302 operating rooms. Another 3-Star business hotel with 72 rooms is coming up under the economy brand named as Ibis in Kalina, Mumbai. The Group is developing two of its own brands in business and leisure hotels named, Check Inn and Pilgrimage.

3. Asian Hotels (East) Limited

Asian Hotels (East) Ltd is an owner of Hyatt Regency, Kolkata, a luxury 5 star hotel located at Kolkata in India and has 233 operating rooms

The company entered into agreements with Hyatt Group, one of the leading Hotel Groups in the world for operation of Hyatt Regency, Kolkata. The company is focused on the high end (five-star deluxe) hotel market.

The company's subsidiaries include GJS Hotels Ltd. and Regency Convention Centre and Hotels Limited. Robust Hotels Private Limited is the step-down subsidiary of the Company, which is held by the GJS Hotels Limited. The company is listed on both BSE and NSE.

4. Chalet Hotels (Raheja Group)

Chalet Hotels Pvt. Ltd (CHPL) is K Raheja Corp's hospitality company which owns a number of marquee luxury properties in India including the Marriott and Renaissance hotels in Mumbai. The company was incorporated in 1986 and is based in Mumbai, India. Chalet Hotels Ltd. operates as a subsidiary of K Raheja Corp.

CHPL has entered into long-term management contracts with established global brands such as Sheraton (Starwood Hotels and Resorts) and Marriott (J.W. Marriott) for its hotel properties.

Chalet has a portfolio of more than 2,800 rooms and also has plans of investing in luxury properties in other cities like Bengaluru, Goa, NCR and Pune besides ramping up its presence in Mumbai. The company also owns the Lakeside Chalet Marriott Executive Service Apartments and the Renaissance Mumbai Hotel and Convention Centre.

5. Samhi Hotels Pvt. Ltd. (SAMHI)

SAMHI is a privately owned hotel asset company that specialises in development, acquisition and ownership of branded hotels and has developed a portfolio of over 3,900 rooms across 25 properties in 12 Indian cities under international brands

SAMHI operates under well recognised brands such as Courtyard by Marriott, Sheraton, Hyatt Regency, Hyatt Place, Fairfield by Marriott, Four Points by Sheraton and Renaissance hotels owned by SAMHI.

6. InterGlobe Hotels

Established in 2004, InterGlobe Hotels Pvt Ltd. (IGH) is a joint venture between InterGlobe Enterprises and Accor Asia Pacific (AAPC). InterGlobe Enterprises Ltd is an Indian conglomerate with business interests in hospitality, luxury goods, aviation, information technology, and travel.

IGH has developed a network of 'ibis' hotels across India, Nepal, Sri Lanka and Bangladesh. The company has 14 Ibis hotels now operational and 6 under development. With a combined inventory of over 1,800 rooms, its hotels are currently operational in cities like Gurgaon, Delhi Aerocity, Jaipur, Pune, Navi Mumbai, Mumbai Airport, Nashik, two in Bangalore, and Chennai.

7. Concept Hospitality - Fern Hotels

Concept Hospitality was conceived by a team of hotel consultants and experts. It owns and operates a suite of hotels and resorts brands from standard to deluxe hotels, apartment hotels, boutique hotels, and time-share properties.

The company has managed and consulted with over 125 hotels, resorts, convention centres, mixed use projects and serviced apartments in India, Africa, China and Asia. The Fern brand is a part of Concept Hospitality. Fern Hotels has over 45 hotels and over 2,000 rooms.

Its hotels are spread across the country and are located in key cities such as Mumbai, Hyderabad, Goa, Ahmedabad and Kochi. 21

Annexure II - Details of common share holdings by Institutional Investors

Sr. No.	Shareholder Name	Percentage of Common Shareholding (as of Dec 31, 2017)				
		ITC	IHCL (Taj Group)	ElH (Oberoi Group)	Asian Hotels (East) Limited	Hotel Leela Ventures Ltd.
1	Life Insurance Corporation of India	16.24	8.47	5.44	1.11	3.47
2	Unit Trust of India	8.43	-	-	-	-
3	ITC Limited	NA	-	14.98	-	7.92
4	Axis Bank Ltd.	-	-	-	5.42	-
5	The New India Assurance Company Limited	1.63	1.25	1.41	-	-
6	General Insurance Corporation of India	1.75	1.59	1.75	-	-
7	ICICI Prudential Life Insurance Company Ltd.	-	2.37	-	-	-

Annexure III – Extracts of NHAI and AAI RFPs

(enclosed as a separate file)

**Public Private Partnership in
Tolling, Operation, Maintenance & Transfer
of Highways**

**International Competitive Bidding under Single Stage Bidding
Process for Project Bundle:**

- Siddhantham to Gundugolanu section (from km 950+542 to km 1022+494) of NH5 in the State of Andhra Pradesh;
Diwancheruvu to Siddhantham section (from km 901+500 to km 950+542) of NH5 in the State of Andhra Pradesh;
Annaram to Diwancheruvu section (from km 830+525 to km 901+500) of NH5 in the State of Andhra Pradesh;
Ankapalli to Annaram (Tuni) section (from km 741+255 to km 830+525) of NH5 in the State of Andhra Pradesh;
Ichapuram to Narasannapeta section (from km 484+000 to km 580+700) of NH5 in the State of Andhra Pradesh;
Puintola to Ichapuram section (from km 419+600 to km 484+000) of NH5 in the State of Odisha and Andhra Pradesh;
Bamanbore to Garamore section (from km 182+600 to km 254+537) of NH8A in the State of Gujarat;
Garamore to Samakhiyali section (from km 254+537 to km 306+000) of NH8A in the State of Gujarat;
Porbandar - Jetpur section (from km 001+960 to km 117+600) of NH8B in the state of Gujarat

REQUEST FOR PROPOSAL (RFP)

BID DOCUMENT

VOLUME -I

INSTRUCTIONS TO BIDDERS

October 06, 2017

2.2.1 For determining the eligibility of Bidder the following shall apply:

- (a) The Bidder may be a single entity or a group of entities (the "**Consortium**"), coming together to implement the projects. However, no Bidder applying individually or as a member of a Consortium, as the case may be, can be member of another Bidder. The term Bidder used herein would apply to both a single entity and a Consortium.
- (b) Bidder may be a natural person, private entity, or any combination of them with a formal intent to enter into a Joint Bidding Agreement or under an existing agreement to form a Consortium. A Consortium shall be eligible for consideration subject to the conditions set out in Clause 2.1.15.
- (c) A Bidder shall not have a conflict of interest (the "**Conflict of Interest**") that affects the Bidding Process. Any Bidder found to have a Conflict of Interest shall be disqualified. In the event of disqualification, the Authority shall be entitled to forfeit and appropriate 5% of the value of the Bid Security or equivalent amount from the Performance Security, as the case may be, as mutually agreed genuine pre-estimated loss and damage likely to be suffered and incurred by the Authority and not by way of penalty for, *inter alia*, the time, cost and effort of the Authority, including consideration of such Bidder's proposal (the "**Damages**"), without prejudice to any other right or remedy that may be available to the Authority under the Bidding Documents and/or the Concession Agreement or otherwise. Without limiting the generality of the above, a Bidder shall be deemed to have a Conflict of Interest affecting the Bidding Process, if:
 - (i) the Bidder, its Member or Associate (or any constituent thereof) and any other Bidder, its Member or any Associate thereof (or any constituent thereof) have common controlling shareholders or other ownership interest; provided that this disqualification shall not apply in cases where the direct or indirect shareholding of a Bidder, its Member or an Associate thereof (or any shareholder thereof having a shareholding of not more than 25% (twenty five per cent) of the paid up and subscribed capital; of such Bidder, Member or Associate, as the case may be) in the other Bidder, its Member or Associate, is not more than 25% (Twenty five per cent) of the subscribed and paid-up equity share capital thereof; provided further that this disqualification shall not apply to any ownership by a bank, insurance company, pension fund or a public financial institution referred to in section 4A of the Companies Act, 1956/2013. For the purposes of this Clause 2.2.1(c), indirect shareholding held through one or more intermediate persons shall be computed as follows: (aa) where any intermediary is controlled by a person through management control or otherwise, the entire shareholding held by such controlled intermediary in any other person (the "**Subject Person**") shall be taken into account for computing the shareholding of such controlling person in the Subject Person; and (bb) subject always to sub-clause (aa) above, where

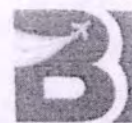
a person does not exercise control over an intermediary, which has shareholding in the Subject Person, the computation of indirect shareholding of such person in the Subject Person shall be undertaken on a proportionate basis; provided, however, that no such shareholding shall be reckoned under this sub-clause (bb) if the shareholding of such person in the intermediary is less than 26% of the subscribed and paid up equity shareholding of such intermediary; or

- (ii) a constituent of such Bidder is also a constituent of another Bidder; or
- (iii) such Bidder, its Member or any Associate thereof receives or has received any direct or indirect subsidy, grant, concessional loan or subordinated debt from any other Bidder, its Member or Associate, or has provided any such subsidy, grant, concessional loan or subordinated debt to any other Bidder, its Member or any Associate thereof; or
- (iv) such Bidder has the same legal representative for purposes of this Bid as any other Bidder; or
- (v) such Bidder, or any Associate thereof, has a relationship with another Bidder, or any Associate thereof, directly or through common third party/ parties, that puts either or both of them in a position to have access to each other's' information about, or to influence the Bid of either or each other; or
- (vi) such Bidder or any Associate thereof has participated as a consultant to the Authority in the preparation of any documents, design or technical specifications of the project(s).
- (vii) such Bidder or any Associate thereof has appointed any official of the Authority, any official of the Ministry of Road Transport & Highways, Technical Advisors of Authority for the project(s), Legal Advisors of Authority for the project(s), Financial Advisors of Authority for the project(s), dealing with the project(s), within a period ~~of 1 year from the~~ date of award of the project(s) to that Bidder.

Explanation:

In case ~~a Bidder is a~~ Consortium, then the term Bidder as used in this Clause 2.2... shall include each Member of such Consortium.

For purposes of this RFP, Associate means, in relation to the Bidder/ Consortium Member, a person who controls, is controlled by, or is under the common control with such Bidder/



Bhogapuram International Airport Corporation Limited (BIACL)

REQUEST FOR PROPOSAL (RFP)

Notice No. 114/BIA/RFP Notification/2016

Volume 1: Instructions to Bidder

**Development, Operation and Maintenance of Greenfield Airport at
Bhogapuram, Vizianagaram District, Andhra Pradesh
(June 2016)**

(This document is meant for exclusive purposes of submitting the proposal against this RFP document and shall not be transferred, reproduced or otherwise used for purposes other than that for which it is specifically issued)

The Managing Director,
Bhogapuram International Airport Corporation Limited (BIACL)
10-2-1, I Floor, FDC complex, AC Guards,
Hyderabad – 500 028, India

and the Bid shall be in English language.

- 2.1.12 The documents including this RFP and all attached documents, provided by the Authority are and shall remain or become the property of the Authority and are transmitted to the Bidders solely for the purpose of preparation and the submission of a Bid in accordance herewith. Bidders are to treat all information as strictly confidential and shall not use it for any purpose other than for preparation and submission of their Bid. The provisions of this Clause 2.1.12 shall also apply *mutatis mutandis* to Bids and all other documents submitted by the Bidders, and the Authority will not return to the Bidders any Bid, document or any information provided along therewith.
- 2.1.13 This RFP is not transferable.
- 2.1.14 Any award of Concession pursuant to this RFP shall be subject to the terms of Bidding Documents.
- 2.1.15 The Authority reserves the right not to proceed with the Bidding Process at any time, without notice or liability, and to reject any Bid without assigning any reasons.

2.2 Eligibility of Bidders

- 2.2.1 For determining the eligibility of Bidders for their qualification hereunder, the following shall apply:
- (a) The Bidder may be a single entity or a group of entities (the "Consortium"), coming together to implement the Project. However, no Bidder applying individually or as a member of a Consortium, as the case may be, can be member of another Bidder. The term Bidder used herein would apply to both a single entity and a Consortium.
 - (b) A Bidder may be a natural person, private entity, government-owned entity or any combination of them with a formal intent to enter into an agreement or under an existing agreement to form a Consortium. A Consortium shall be eligible for consideration subject to the conditions set out in Clause 2.2.6 below.
 - (c) A Bidder shall not have a conflict of interest (the "Conflict of Interest") that affects the Bidding Process. Any Bidder found to have a Conflict of Interest shall be disqualified. In the event of disqualification, the Authority shall be entitled to forfeit and appropriate the Bid Security or Performance Security, as the case may be, as mutually agreed genuine pre-estimated loss and damage likely to be suffered and incurred by the Authority and not by way of penalty for, *inter alia*, the time, cost and effort of the Authority, including consideration of such Bidder's proposal (the "Damages"), without prejudice to any other right or ~~remedy that may be~~ available to the Authority under the Bidding Documents and/ or the Concession Agreement or otherwise. Without limiting the generality of the above, a Bidder shall be deemed to have a Conflict of Interest affecting the Bidding Process, if:
 - (i) the Bidder, its Member or Associate (or any constituent thereof) and any other Bidder, its Member or any Associate thereof (or any constituent thereof) have common controlling shareholders or other ownership interest; provided that this disqualification shall not apply in cases where the direct or indirect shareholding of a Bidder, its Member or an Associate thereof (or any shareholder thereof having a shareholding of more than 20% (twenty per cent) of the paid up and

subscribed share capital of such Bidder, Member or Associate, as the case may be) in the other Bidder, its Member or Associate is less than 20% (twenty per cent) of the subscribed and paid up equity share capital thereof; provided further that this disqualification shall not apply to any ownership in Airports Authority of India or by a bank, insurance company, pension fund, a public financial institution referred to in section 2(72) of the Companies Act, 2013.

For the purposes of this Clause 2.2.1 (c), indirect shareholding held through one or more intermediate persons shall be computed as follows: (aa) where any intermediary is controlled by a person through management control or otherwise, the entire shareholding held by such controlled intermediary in any other person (the "Subject Person") shall be taken into account for computing the shareholding of such controlling person in the Subject Person; and (bb) subject always to sub-clause (aa) above, where a person does not exercise control over an intermediary, which has shareholding in the Subject Person, the computation of indirect shareholding of such person in the Subject Person shall be undertaken on a proportionate basis; provided, however, that no such shareholding shall be reckoned under this sub-clause (bb) if the shareholding of such person in the intermediary is less than 26% (twenty six per cent) of the subscribed and paid up equity shareholding of such intermediary; or

- (ii) a constituent of such Bidder is also a constituent of another Bidder; or
 - (iii) such Bidder, or any Associate thereof receives or has received any direct or indirect subsidy, grant, concessional loan or subordinated debt from any other Bidder, or any Associate thereof or has provided any such subsidy, grant, concessional loan or subordinated debt to any other Bidder, its Member or any Associate thereof; or
 - (iv) such Bidder has the same legal representative for purposes of this Bid as any other Bidder; or
 - (v) such Bidder, or any Associate thereof has a relationship with another Bidder, or any Associate thereof, directly or through common third party/parties, that puts either or both of them in a position to have access to each other's information about, or to influence the Bid of either or each other; or
 - (vi) ~~such Bidder~~, or any Associate thereof has participated as a consultant to the Authority in the preparation of any documents, design or technical specifications of the Project.
- (d) Any Bidder shall be liable for disqualification and forfeiture of Bid Security if any ~~legal, financial or technical~~ legal, financial or technical adviser of the Authority in relation to the Project is engaged by the Bidder, its Member or any Associate thereof, as the case may be, in any manner for matters related to or incidental to the Project during the Bidding Process or subsequent to the (i) issue of the LOA or (ii) execution of the Concession Agreement. In the event any such adviser is engaged by the Selected Bidder or Concessionaire, as the case may be, after issue of the LOA or execution of the Concession Agreement for matters related or incidental to the Project, then

Copy of Resn. No. 03 (D-12)
of
Council's Ordinary Meeting
Dated 29/01/18

ITEM NO. 03 (D-12)

1. NAME OF THE SUBJECT

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

2. NAME OF THE DEPARTMENT

Finance Department

3. BRIEF HISTORY OF THE SUBJECT

- (a) As per provisions of Section 142 of NDMC Act, the Council is competent to enter into and perform contracts necessary for the purpose of the Act. Section 143 of the Act provides that every such contract shall be made by the Chairperson on behalf of the Council. Clause (c) of Section 143 further provides that no contract which will involve an expenditure exceeding rupees ten lakh or such higher amount as the Central Government may from time to time, fix, shall be made by the Chairperson unless the same is previously approved by the Council. Clause (d) further provides that every contract made by the Chairperson involving an expenditure exceeding rupees one lakh or the amount fixed by the Central Government in Clause (c) shall be reported to the Council within one month after the same has been made.
- (b) The limit of Rs 10 lakh as fixed by the statute was revised to Rs 50 lakh by Central Government under letter No. D-14011/15/2001-Delhi II dated 29th November 2002 and information noted by the Council vide Resolution No. 3 (xviii) dated 12.12.2003 (**Annexure-I, See pages 114 - 115**).
- (c) The Council vide Resolution No. 09 (D-6) dated 31.12.2008 resolved to increase of limit under Section 143 (C) of NDMC Act, 1994 from Rs 50 lakh to 200 lakh and to consider further increase up to Rs 400 lakh as and when the need is felt (Reiterated vide Resolution No. 07(D-02) dated 30.10.2012) (**Annexure-II, See pages 116 - 125**).
- (d) The powers were further enhanced to Rs one crore by Central Government vide F.No. 14011/51/2007/Delhi-II dated 25th May 2009 and the same was noted by the Council vide Resolution No. 10(D-01) dated 17.6.2009 (**Annexure -III, See page 126**).
- (e) Central Government vide letter F.No. 14011/51/2007-Delhi II dated 30th January 2013 and in supercession of earlier orders, enhanced the financial powers of Chairperson to Rs 2 crore and noted by the Council vide Resolution No. 03(D-04) dated 28.2.2013 (**Annexure-IV, See pages 127 - 131**).
- (f) Since Council had already accorded approval to approach Ministry of Home Affairs to enhance the powers of Chairperson up to Rs 400 lakh as and when the need is felt (**Annexure II**), the MHA was approached and the Central Government, in exercise of powers conferred by Clause (C) of Section 143 of NDMC Act, 1994 decided to enhance the financial powers of the Chairperson, NDMC in the matter of entering into a contract on behalf of the Council from existing Rs 2 crore to Rs 4 (four) crore with immediate effect, subject to the condition that in exercise of this enhanced power he shall ensure adherence of all relevant codal formalities/rules and the mechanism of seeking advice of Financial Advisor of the NDMC is also put in place as conveyed by Ministry of Home Affairs, GOI vide No. 14011/51/2007 - Delhi-II dated 11th January, 2018 (**Annexure-V, See page 132**).

4. DETAILED PROPOSAL ON THE SUBJECT

The decision of the Central Government enhancing powers of Chairperson to enter into contract from existing Rs.2 crore to Rs 4 (four) crore as mentioned at SL 3(f) above, may be noted to the Council for information.

5. FINANCIAL IMPLICATIONS OF THE PROPOSED SUBJECT

Nil

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

Not applicable

7. FINAL COMMENTS OF FINANCE DEPARTMENT ON THE SUBJECT WITH DIARY NUMBER & DATE

Not required, FD having initiated the proposal.

8. LEGAL IMPLICATION OF THE SUBJECT

Nil.

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

Resolution No. 09(D-06) dated 31.12.2008

Resolution No. 10(D-01) dated 17.06.2009

Resolution No. 07(D-02) dated 30.12.2012

Resolution No. 03(D-04) dated 28.02.2013

10. FINAL COMMENTS OF THE LAW DEPARTMENT ON THE SUBJECT

Nil.

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

Not applicable.

12. RECOMMENDATION

- (i) The decision of the Central Government in supersession of the Ministry's ~~letter of even number~~ dated 30.01.2013, for enhancing the financial powers of the Chairperson, NDMC, in the matter of entering into a contract on behalf of the Council from existing Rs 2 crore to Rs 4 (Four) crore with ~~immediate effect~~, subject to the condition that in exercise of this enhanced power he shall ensure adherence of all relevant codal formalities/rules and the mechanism of seeking advice of Financial Advisor of the NDMC is also put in place, as conveyed by the Ministry of Home Affairs, GOI vide No. 14011/51/2007-Delhi II dated 11th January, 2018 may be noted to the Council for information.

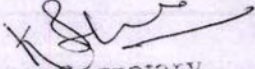
- (ii) The proposals to seek A/A-E/S of the Chairperson to the expenditure exceeding Rs 50 lakh and upto Rs 4 crore will be submitted in the Agenda format as per prevalent practice.

13. DRAFT RESOLUTION

Information noted.

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.

ANNEXURE
-19-114-
Most Immediate
Annexure-1
Government of India
Ministry of Home Affairs

North Block, New Delhi.
Dated - 29th November, 2002

To,

Shri Arun Baroka
Secretary
New Delhi Municipal Council,
Palika Kendra,
New Delhi.

Subject : Enhancement of financial powers of the Chairman, NDMC.

Sir,

Dir. (Coord)

I am directed to refer to NDMC's letter No. F.46/Dir(Coord.)/2001/41/Budget dated 28.02.2001 on the subject mentioned above and to say that the Central Government have, in exercise of powers conferred by Clause (c) of section 143 of "The New Delhi Municipal Council Act, 1994", decided to enhance the financial power of the Chairperson, New Delhi Municipal Council, in the matter of entering into a contract from Rs. 10 lakhs to Rs. 50 lakhs subject to the condition that he shall in the exercise of this enhanced power ensure that the relevant Codal formalities are strictly adhered to and an appropriate mechanism of seeking advice of the Finance Unit of the Council is put in place.

This issues with the concurrence of the Ministry of Finance (Department of Expenditure) vide their I.D. Note No: 1(46)/E.II(A)/2002 dated the 18th September, 2002.

Yours faithfully,

(AMITABH KUMAR)
DIRECTOR (DELHI)
TELE:3092696

Copy to:

1. Ministry of Finance, Deptt. of Expenditure, E-II (A)/Branch, w.r.t. their I.D. No-quoted above.
2. Fin.-I, MHA.

May kindly see at the date stage pce

(AMITABH KUMAR)
DIRECTOR (DELHI)
TELE:3092696

Chairperson

Copy of Reso. No. 3(xviii)
of
ITEM NO. 3 (xviii) Councils Ordinary Meeting
Dated 12-12-2003

ENHANCEMENT OF FINANCIAL POWERS OF THE CHAIRMAN,
NDMC, UNDER SECTION 143 (C) OF THE NDMC ACT, 1994.

The Council, in its Meeting No. 02/1997-98, had resolved that the Central Govt. may be moved for enhancement of powers of Chairperson, NDMC, u/s 143 (c) of NDMC Act, 1994 to the expenditure of Rs. 1 crore in each case. The Ministry of Home Affairs were accordingly requested for amendment of Section 143 of the NDMC Act 1994. The Ministry of Home Affairs, vide their letter No. U.14011/15/2001-Delhi-II, dated 29.11.2002 have conveyed that :-

"The Central Govt. have, in exercise of powers conferred by Clause (c) of Section 143 of 'The New Delhi Municipal Council Act, 1994', decided to enhance the financial power of the Chairperson, New Delhi Municipal Council, in the matter of entering into a contract from Rs.10 lakhs to Rs. 50 lakhs subject to the conditions that he shall in the exercise of this enhanced power ensure that the relevant Codal formalities are strictly adhered to and an appropriate mechanism of seeking advice of the Finance Unit of the Council is put in place."

A copy of the letter No. U.14011/15/2001-Delhi-II, dated 29.11.2002 (See page 72) is placed before the Council for information.

COUNCIL'S DECISION

Information noted
Mam Singh
For Secretary
New Delhi Municipal Council
Palika Kendra, New Delhi

To:
All WOD's

Name of the subject: Council, Govt. of N.D.M.C.

Dated 22.11.2002

Fixation of limit for entering into contract under Section 143(c) of NDMC Act, 1994.

Annexure - II

2. Name of the department : Finance Department

3. Brief history of the subject.

The Central Govt. in exercise of powers under Section 143(c) desired that Chairperson can enter into contract on behalf of the Council, up to Rs 50 lakh without previous approval of Council. Ministry of Home Affairs conveyed this in their letter-dated 29.11.2002. With the passage of time and requirement of Common Wealth Game 2010 and Projects being taken up under Jawahar Lal Nehru Urban Renewal Mission, the limit of Rs 50 lakh needs upward revision.

Administrative Approval & Expenditure Sanction for any scheme having estimated cost up to Rs 50 lakh is accorded by the Chairperson and beyond Rs 50 lakh, by the Council. Pursuant to the advice of LA, approval is now sought from the Council to permit Chairperson, NDMC to accord administrative approval & expenditure sanction in respect of the projects/schemes included in the Budget.

4. Detailed proposal on the subject.

- (i) As per provisions of Section 142 of the NDMC Act, the Council is competent to enter into and perform contracts necessary for the purposes of the Act. Section 143 provides that every such contract shall be made by the Chairperson on behalf of the Council. Clause (c) of section 143 further provides that no contract which will involve an expenditure exceeding rupees ten lakh or such higher amount as the Central Government may from time to time, fix, shall be made by the Chairperson unless the same is previously approved by the Council. Clauses (d) further provides that every contract made by the Chairperson involving an expenditure exceeding rupees one lakh or the amount fixed by the Central Government in Clause (c) shall be reported to the Council within one month after the same has been made.
- (ii) The statute thus provides that every contract of an amount exceeding rupees one lakh is either to be reported to the Council or approved by the Council
- (iii) The limit of rupees ten lakhs as fixed by the statute was revised to rupees fifty lakhs by the Central Government under letter no. D-14011/15/2001-Delhi-II dated 29th November 2002. Thus on date, all contracts involving an expenditure exceeding rupees one lakh and not exceeding rupees fifty lakhs are being reported to the Council and contracts involving an expenditure more than rupees fifty lakhs are placed before Council for prior approval.
- (iv) The volume of work in the NDMC is constantly on an increase. To meet the urgency of work, posts of Engineer-in-Chief and Director (Projects) have been created. They constantly coordinate with four chief Engineers and supervise the work of Civil and Electrical Department. With the increase in cost of material, almost all contracts involve an expenditure exceeding rupees fifty lakhs and require prior approval of Council. The Council also has pressing agenda items of



- 22 - 117 -

framing of Regulations and Byelaws. Prior approval of contracts thus gets delayed.

(v) The officer of the rank of ADG, CTWD, generally holds the post of Engineer-in-Chief. His financial powers for entering into contracts are above rupees four hundred lakhs. It is felt that to speed up the work and to meet the requirements of Commonwealth Games 2010 and Jawaharlal Nehru Urban Renewal Mission (JNNURM), the Central Government may be requested to increase, u/s 143(c), the limit of entering into contract from rupees fifty lakhs approved in 2002 to rupees two hundred lakhs. For this purpose, a reference was made to Ministry of Home Affairs, GOI, North Block, New Delhi vide letter dated D-80/PS/LA/07 dated 03.07.2007. Now, vide its letter No. 14011/51/2007-Delhi II dated 29.05.2008, Ministry of Home Affairs has desired a copy of the Resolution passed by the Council in respect of the above noted subject.

(vi) In a meeting held on 21.10.2008 in the Chamber of FA opinion of Law was that Section 143(c) of NDMC Act 1994 talks about entering into contract. It does not speak about powers in respect of according administrative approval & expenditure sanction to any project/scheme. It was thus viewed that A/A & E/S for all values should be with the Chairperson and enhancing the powers of Chairperson should be with respect to entering into contract only.

5. Financial implications of the proposed subject.
Nil

6. Implementation schedule with timelines for each stage including internal processing.
Not applicable.

7. Comments of the Finance Department on the subject with diary No. & Date.
Not required, FD having initiated the proposal.

8. Comments of the Department on comments of Finance Department.
Not required

9. Legal implication of the subject.
Legal Advisor has seen the case.

10. Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject.
Council vide its Reso. No. 4 (iii) of 7.05.1997 resolved that the Central Govt. may be moved for enhancement of powers of Chairperson under Section 143 (c) of NDMC Act 1994, to extent of Rs.1 crore in each case.

11. Comments of the Law department on the subject.
Already included in para 3 & 4 above.

12. Comments of the Department on the comments of Law Department.
Not required.

13. Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while proceeding the case.
Not required.

14. Recommendation.

In the light of detailed discussion in Para 4 of the preamble, it is recommended to the Council to resolve that: -

- i. the Central Government may fix the limit under Section 143(c) of NDMC Act 1994 at Rs 200 lakh up to which the Chairperson may enter into contract without previous approval of the Council and to inform all such cases to Council under Section 143(d) of the Act, and to consider further increase upto Rs.400 lakh, as and when the need is felt; and
- ii. where a project/scheme has been included in the Budget, Administrative approval & expenditure sanction in all such cases, irrespective of the value, can be accorded by the Chairperson

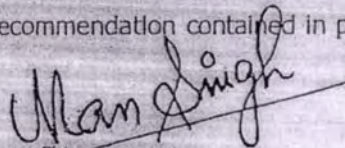
15. Draft Resolution.

- i. Resolved by the Council to recommend the increase of the limit under section 143 (c) of NDMC Act 1994 from Rs. 50 lakh to 200 lakh at present, which the Chairperson may enter into contract without previous approval of the Council and to inform all such cases to Council under section 143 (d) of the Act and to consider further increase upto Rs.400 lakh, as and when the need is felt ; and
- ii. where a project/scheme has been included in the Budget, Administrative approval & expenditure sanction in all such cases, irrespective of the value, can be accorded by the Chairperson

COUNCIL'S DECISION

Resolved by the Council to recommend the increase of the limit under section 143 (c) of NDMC Act 1994 from Rs. 50 lakh to 200 lakh at present, which the Chairperson may enter into contract without previous approval of the Council and to inform all such cases to the Council under section 143 (d) of the Act and to consider further increase upto Rs.400 lakh, as and when the need is felt.

It was further resolved to defer the recommendation contained in para 14 (ii) of the preamble.



For Secretary
New Delhi Municipal Council)
New Delhi.

ITEM NO. 07 (D-02)

01(D-02)

1. Name of the subject/project

30/10/2012

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

2. Name of the department/departments concerned

Finance Department.

3. Brief history of the subject/project

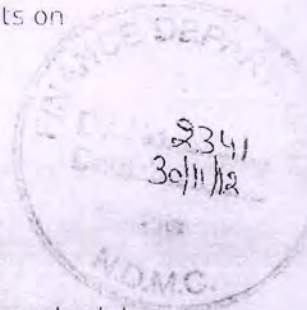
(a) As per provisions of Section 142 of the NDMC Act, the Council is competent to enter into and perform contracts necessary for the purpose of the Act. Section 143 provides that every such contract shall be made by the Chairperson on behalf of the Council. Clause (c) of section 143 further provides that no contract which will involve an expenditure exceeding rupees ten lakh or such higher amount as the Central Government may from time to time, fix, shall be made by the Chairperson unless the same is previously approved by the Council. Clause (d) further provides that every contract made by the Chairperson involving an expenditure exceeding rupees one lakh or the amount fixed by the Central Government in Clause (c) shall be reported to the Council within one month after the same has been made.

Mr. Finance.

(b) The limit of Rs.10lakh as fixed by the statute was revised to Rs.50lakh by the Central Government under letter No. D-14011/15/2001-Delhi-II dated 29th November 2002 and information noted by Council vide Resolution No.3 (xviii) dated 12.12.2003(Annexure -I, See pages 58 - 59).

(c) Council vide its resolution No. 9 (D-06) dated 31.12.2008 resolved to recommend the increase of the limit under section 143 (c) of NDMC Act from ₹.50 lakh to Rs.200 lakh at present, which the Chairperson may enter into contract, without previous approval of Council and to inform all such cases to the Council under section 143 (d) of the Act and to consider further increase up to ₹. 400 lakh as and when the need is felt (Annexure-II, See pages 60 - 62).

(d) The matter was forwarded to Govt. of India, Ministry of Home Affairs for approval. The Ministry vide letter no. F.No.14011/51/2007/Delhi-II dated 25th May 2009 (Annexure-II) has informed that Central Government has enhanced the powers of Chairperson NDMC in the matter of entering into a contact on behalf of the Council to ₹.1 Crore subject to the condition that he shall in exercise of this enhanced power ensure that the relevant codal formalities are strictly adhered and mechanism of seeking advice of the Financial Unit of Council is put in place (Annexure-III, See page 63).



29.11.12
Dy FA-II

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

Accordingly, at present the powers of Chairperson NDMC, in the matter of entering into a contract are upto Rs. 1 Crore. (Annexure -IV, See pages 64 - 66)

4. Detailed proposal on the subject/project

(a) The volume of work in the NDMC is constantly increasing with Council now also maintaining the Govt. colony parks which were earlier maintained by CPWD. NDMC has also started maintaining and developing the internal roads in all Government colonies which were earlier maintained by CPWD. These have led to substantial increase in volume of works of Civil, Horticulture and Electrical Departments. With the increase in cost of materials, many contracts involve an expenditure exceeding rupees one crore and therefore require prior approval of the Council. The limited sanction powers of Chairperson, at times, leads to delay as the Council holds monthly meetings. As approval of Council is required for administrative approval; expenditure sanction and for award of work, the progress of works is effected. Hence it is felt necessary to increase financial powers of Chairperson to ₹.200 lac.

b) Further the Government of NCT of Delhi vide order no. PA/DSF/Misc./2010-1/DSIV/2505-2515 dated 02.06.2011 (Annexure-III) has revised the delegated powers or sanction of capital works. The existing financial sanction powers of Administrative Secretary (as HOD) have been enhanced from upto Rs.85 lakhs to Rs.2 Crores (Annexure V, See pages 67 - 70).

c) In view of above, a reference was made to Ministry of Home Affairs, Govt. of India on 6th September, 2011, requesting the Central Government to increase, u/s 143 (c), for enhancement of powers of Chairperson, NDMC in the matter of entering into contract from ₹.1 crore (approved in 2009) to ₹.2 crore, as also resolved by the Council vide Resolution 9(D-06) dated 31.12.2008 (Annexure- VI, See pages 71 - 80).

Ministry of Home Affairs, vide their letter F.No.14011/51/07 - Delhi-II, dated 11th October, 2011, desired NDMC to forward details of number of cases involving expenditure of more than ₹.2 crore (Annexure -VII See page 81). Accordingly the details for the last five years i.e. w.e.f. from 2006-07 to 2010-11 were forwarded to the Ministry of Home Affairs, Govt. of India, which are also given below:-

Agenda placed before the Council :

Financial Year	Total no. of cases between Rs.1 to 2crore	Total no. of case more than Rs.2 crore
2006-07	39	30
2007-08	75	59
2008-09	76	100
2009-10	68	139
2010-11	23	54
Total	281	382

(e) It may be noticed from the above table that the number of cases involving more than ₹.1 crore has been increasing in each financial year. The proposal for enhancement of powers has been initiated looking into over all numbers of works executed during the period in question. In the year 2010-11, there were 23 cases of less than Rs.2Crore and 54 cases of more than Rs.2Crore. As the development and maintenance works are of continuous nature and further also looking into present scenario, public expectation, inflation rate etc., the number of cases of more than Rs.1Crore are likely to be increased in coming time and therefore, the proposed enhanced financial powers will ensure early execution & completion of works.

(f) The Ministry of Home Affairs, vide their letter dated 1st June, 2012 has requested to intimate as to how the present delegated powers of Chairperson, NDMC in respect of contracts, are not sufficient, keeping in view the enhancement / delegation made in May, 2009 and decrease in number of contracts involving amounts between ₹.1 crore to ₹.2 crore, since 2009 (Annexure-VIII, See page 82). A reply of the letter of the Ministry of Home Affairs has been sent (Annexure IX (See page 83)

(h) In view of facts and circumstances elaborated above, the case is placed before the Council for consideration and further directions in the matter.

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

Nil.

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

Not Applicable.

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

Not required, FD having initiating the proposal.

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

Not required

9. Legal implication of the subject/project

Nil.

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

Resolution No.09 (D-06) dated 31.12.2008.

Resolution No.10 (D-01) dated 17.06.2009.

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

The proposal is as per earlier approval of the Council and to inform the Council of information supplied to the Ministry of Home Affairs. It has no legal issue please.

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

No comments.

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

Not applicable.

4. Recommendation.

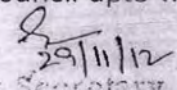
Information about action taken in the light of previous Resolutions of the Council may be noted to the Council and further that the Central Government may be requested for enhancement of powers of Chairperson, u/s 143 (c) of NDMC Act, in the matter of entering into contract from Rs.1 crore as approved in 2009 to Rs.2 crore in accordance with the mandate of the Council, already in place vide Reso. No. 9(D-06) dated 31.12.2008.

Draft Resolution

Information noted and further resolved by the Council that the Central Government may be requested to increase powers of Chairperson, NDMC, u/s 143 (c) of NDMC Act 1994, in respect of entering into contract from Rs.1 crore, approved in 2009, to Rs.2 crore.

COUNCIL'S DECISION

Information noted. Further Council reiterated its decision taken vide Resolution No.09 dated 31.12.2008, recommending enhancement of power of Chairperson, NDMC to enter into contract on behalf of Council upto ₹.400 lacs as and when the need is felt.


Secretary
New Delhi Municipal Council
New Delhi.

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

- ### 3. Brief History of the subject

At present, the powers of Chairperson, NDMC as enhanced by the Central Government and conveyed to NDMC vide letter dated 29.11.2002 in exercise of powers conferred by Clause (c) of Section 143 of NDMC Act, 1994 in the matter of entering into a contract are upto Rs 50 lakh. With the passage of time and requirement of Common Wealth Games 2010 and projects being taken under Jawahar Lal Nehru Urban Renewal Mission, Council vide its Resolution No. 09(D-6) of Ordinary meeting dated 31.12.2008 decided to recommend the increase of the limit under section 143(c) of NDMC Act 1994 from Rs 50 lakh to Rs 200 lakh and to consider further increase upto Rs.400 lakh, as and when the need is felt. Accordingly, Ministry of Home Affairs was approached in terms of section 143 (c) of NDMC Act 1994 vide Letter No: D/Finance/09/295 dated 5.2.2009 to enhance the powers of Chairperson to enter into contract on behalf of the Council in terms of Council's Resolution dated 31.12.2008.

(ii) The Ministry of Home Affairs, GOI vide F.No. 14011/51/2007-Delhi II dated 25.5.2009 has informed that the Central Government has enhanced the financial powers of the Chairperson, NDMC in the matter of entering into a contract on behalf of Council to Rs 1 crore subject to the condition that he shall in the exercise of this enhanced power ensure that the relevant codal formalities are strictly adhered and mechanism of seeking advice of the Financial Unit of Council is put in place.

4. Detailed proposal on the subject

The decision of the Central Government to increase the limit from Rs 50 lakh to Rs 1 crore as stated in para 3 above may be noted to the Council for information.

Financial implication of the proposed subject

NIL

245
244
-30- -29-
-65 -46 -124

6. Implementation schedule with timeliness for each stage including internal processing
Not applicable

7. Comments of the Finance Department on the subject with Diary No. & Date
Not required, FD having initiated the proposal.

8. Comments of the department on comments of Finance Department
Not required.

9. Legal implications of the subject
NIL

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

Council, vide its Resolution No. 09(D-6) of 31.12.08, recommended the increase of the limit under section 143 (c) of NDMC Act 1994 from Rs. 50 lakh to 200 lakh at present, which the Chairperson may enter into contract without previous approval of the Council and to inform all such cases to the Council under section 143 (d) of the Act and to consider further increase upto Rs.400 lakh, as and when the need is felt.

11. Comments of the Law Department on the subject
Not required.

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

13. ~~Certification by the department~~ that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case
Not required.

14. Recommendation

The decision of the Central Government for enhancing the limit from Rs. 50 lakh to Rs 1 crore, in the matter of entering into a contract on behalf of Council, subject to the condition that he shall in the exercise of this enhanced power ensure that the relevant codal formalities are strictly adhered to and mechanism of seeking

-30- -125-

advice of the Financial Unit of the Council is put in place, as conveyed by the Ministry of Home Affairs, GOI vide F.No. 14011/51/2007-Delhi II dated 25.5.09 may be noted to the Council for information.

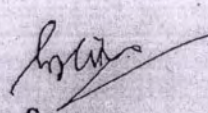
15. Draft Resolution

Contents of Para 14 above are noted for information.

COUNCIL'S DECISION

Information noted.

It was further resolved that proposals to seek A/A & E/S of the Chairman to the expenditure exceeding Rs.50 lakhs and upto Rs.1 Crore will be submitted on file in the same format in which agenda is submitted for Council's approval.


For Secretary
New Delhi Municipal Council
Palika Kendra, New Delhi

- 28 - 31 - 126 -

F.No.1401/15/2007-Delhi-I
Government of India
Ministry of Home Affairs

Annexure - III

North Block, New Delhi
Dated the 25th May, 2009

To

Shri Vikram Dev Dutt
Secretary,
New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi.

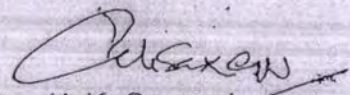
Subject: Enhancement of powers of Chairperson, NDMC to enter into contracts on behalf of the Council.

Sir,

I am directed to refer to the NDMC's letter No.D/Finance/09/295 dated the 5th February, 2009 on the subject mentioned above and to say that in supersession of this Ministry's letter No.U.14011/15/2001-Delhi-II dated the 29th November, 2002, the Central Government have, in exercise of powers conferred by Clause(c) of section 143 of the New Delhi Municipal Council Act, 1994, decided to enhance the financial powers of the Chairperson, New Delhi Municipal Council in the matter of entering into a contract on behalf of the Council to Rs.1 crore subject to the condition that he shall in the exercise of this enhanced power ensure that the relevant Codal formalities are strictly adhered to and mechanism of seeking advice of the Financial Unit of the Council is put in place.

2. This issue with the concurrence of the Ministry of Finance (Department of Expenditure) vide their I.D. Note No.1(11)/E.II(A)/2009 dated 20th April, 2009.

Yours faithfully,


(A.K. Saxena)
Director (Delhi)
Tel:23094387



55th Office

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26/5/09

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Add FA
28/5/09
Dy FA II

F.No.14011/51/2007-Delhi-II
Government of India
Ministry of Home Affairs

North Block, New Delhi
Dated the 30th January, 2013

To

Shri D.S. Pandit
Secretary,
New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi.

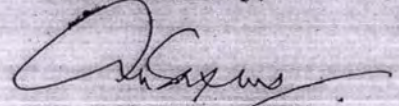
Subject: Enhancement of powers of Chairperson, NDMC to enter into contracts on behalf of the Council.

Sir,

I am directed to refer to NDMC's letter No.D-205/PS/Secy. dated 06.09.2011 on the subject cited above and to say that in supersession of this Ministry's letter of even number dated the 25th May, 2009, the Central Government have, in exercise of powers conferred by Clause(c) of section 143 of the New Delhi Municipal Council Act, 1994, decided to enhance the financial powers of the Chairperson, New Delhi Municipal Council in the matter of entering into a contract on behalf of the Council to Rs.2 (Two) crore subject to the condition that he/she shall in the exercise of this enhanced power ensure that the relevant Codal formalities are strictly adhered to and mechanism of seeking advice of the Financial Unit of the Council is put in place.

2. This issues with the concurrence of the Ministry of Finance (Department of Expenditure)'s I.D. Note No.1(11)/E.II(A)/2009 dated 20th April, 2012.

Yours faithfully,



(Dr. A.K. Saxena)
Joint Secretary (Delhi)
Tel:23094387

Secretary's Office

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Item no 09(D-04)
28/4/2013

1. Name of the subject/project

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

2. Name of the department/departments concerned

Finance Department.

3. Brief history of the subject/project

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

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

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

(iv) As the Council now is also maintaining the Govt. colony parks, developing the internal roads in all Government colonies which were earlier maintained by CPWD and besides other factors there became substantial increase in volume of works of Civil, Horticulture and Electrical Departments and further also looking into the fact that the Government of NCT of Delhi vide order no. PA/DSF/Misc./2010-11/DSIV/2505-2515 dated 02.06.2011 has revised the delegated powers for sanction of capital works, In this context

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a reference was made to Ministry of Home Affairs, Govt. of India on 6th September, 2011, requesting the Central Government to increase, u/s 143 (c), for enhancement of powers of Chairperson, NDMC in the matter of entering into contract from ₹1 crore (approved in 2009) to Rs2 crore, as also resolved by the Council vide Reso. No. 9(D-06) dated 31.12.2008.

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

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

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

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4. Detailed proposal on the subject/project

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

5. Financial implications of the proposed project/subject

Nil.

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

Not Applicable.

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

Not required, FD having initiating the proposal.

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

Not required

9. Legal implication of the subject/project

Nil.

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

Resolution No.09 (D-06) dated 31.12.2008.(Annexure-III)

Resolution No.10 (D-01) dated 17.06.2009. (Annexure-IV)

Resolution No. 07(D-02) dated 30.12.2012. (Annexure -V)

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

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

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

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

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

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

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

Not applicable

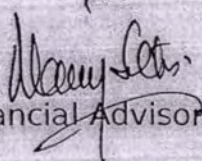
14. Recommendation.

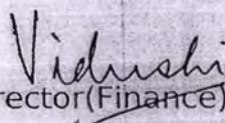
The following may be noted by the Council for information:

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

15. Draft Resolution

Information noted.


Financial Advisor 28/4/15.


Director (Finance)

NO. 39/PS/2018/18

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CN. 116232/2018/CF

Amexura - V

No.14011/51/2007-Delhi-II
Government of India
Ministry of Home Affairs

To

Dated the 11th January, 2018

The Chairman,
New Delhi Municipal Council,
Palika Kendra, Sansad Marg, New Delhi.

Subject --- Enhancement of powers of Chairperson NDMC to enter into contracts on behalf of the Council.

Sir,

I am directed to refer to the NDMC's letter No. D-178/Finance/17 dated 4-9-2017 on the above subject and to say that in supercession of this Ministry's letter of even number dated 30-1-2013, the Central Government have, in exercise of powers conferred by Clause(c) of Section 143 of NDMC Act, 1994, decided to enhance the financial powers of the Chairperson, NDMC, in the matter of entering into a contract on behalf of the Council from existing Rs.2 crore to Rs.4(Four) crore with immediate effect, subject to the condition that in exercise of this enhanced power he shall ensure adherence of all relevant codal formalities/rules and the mechanism of seeking advice of Financial Advisor of the NDMC is also put in place.

2. This issues with concurrence dated 27-12-2017 of AS&FA (MHA).

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Yours faithfully,

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11/1/2018

(R.K. Pandey)

Under Secretary (Delhi)
Telefax: 011-23094008

Discussed by Chairman:

*We may submit
before Council
for information.*

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2 FA (-B)

ITEM NO. 04 (A-32)

1	Name of Project	Name of Work: Construction, Installing/ Operating and Maintaining of ATMs and vending of water from Water ATMs at NDMC area (Phase-III) on PPP mode.
2	Name of the Department.	Civil Engineering, Public Health Circle, Water Supply Division.
3	Brief history of the Project.	<p>Considering the need for safe drinking water requirement at public places in NDMC area, potable water is proposed to be supplied to the consumer through his/her drinking bottle/ container or through paper glass (in selected public locations). This proposal will be essential for betterment of the urban environment within NDMC, as the usage of consumer's own bottle/ container would result in minimizing the high usage of plastic/ bottles for drinking water purposes. The water ATMs would also enable citizens/ visitors to access safe drinking water at various locations within NDMC area.</p> <p>To meet safe and potable drinking water for visitors mainly in commercial complex & parks, NDMC has decided to provide 118 nos. water ATMs in NDMC area.</p> <p>The work for installation of (17 nos. + 20 nos. = 37 nos.) Water ATMs is in progress. Based upon on the observations of the Council Members during that time, two cases of installation of Water ATMs are prepared and awarded as EPC mode.</p> <p>The scheme for installation of water ATM also launched by the Chairperson for implementation at the earliest.</p>
4	Detailed proposal on the subject/ project.	<p>Initially we had processed the case for Construction, Operation & Maintenance of Water ATMs on PPP mode, the tenders were invited but it was rejected (in Council Meeting on 17.08.2016) being single tender and further in Council Meeting dt. 03.11.2016, it was decided to go for EPC mode instead of PPP mode. Based upon the observations of the Council Members during that time, two cases of installation of Water ATMs are prepared and awarded as EPC contract.</p> <p>Now, it is being felt that the Operation & Maintenance of Water ATMs is practically not feasible to run with Departmental laboures. If we consider the overall expenditure on CAPAX & OPEX, then it will be about ₹ 5.0 lakhs each ATM as CAPAX and ₹ 3.9 lakhs p.a. as OPEX. Considering the above facts, it is further submitted that Council may be requested to re-consider its earlier decision and allow to run the Water ATMs on PPP mode with or without advertisement rights as revenue model.</p> <p>Concessionaire will have to do the installation of Water ATMs at 40 locations in NDMC area and</p>

		<p>provide operation and maintenance services on PPP mode. Safe drinking water with required parameters shall be provided with facility of dispensing and providing 300 ml. ₹ 1/- Eco friendly biodegradable paper glass (Min. 210 GSM) shall also be made available in water ATMs through coin vending machines as well as through RFID Card Reader System @ ₹ 1/- per glass, O&M and smooth working of coin vending/RFID Card Reader System and dispensing of paper glass shall be solely the responsibility of the concessioner under O&M contract.</p> <p>The concessionaire will have to quote rates on Revenue Sharing Method from COD for Construction, installing, Operating and Maintaining of Water ATMs for vending of water from Water ATMs in NDMC area for a period of ten years for operation and maintenance of machines on per month basis. Rate of water shall not be more than 300 ml @ ₹ 1/-, 500 ml @ ₹ 2/- and 1000ml @ ₹ 5/-.</p>
5	Financial implications of the proposal subject.	No
6	Implementation schedule with timelines for each stage Including internal processing.	Not Applicable
7	Final comments of the Finance Department on the subject with diary No. & date	Not Applicable
8	Legal implication of the Subject/Project	Nil
9	Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject	Nil
10	Final comments of the Law Department on the Subject/Project	Not Applicable
11	Certifications by the department that all Central Vigilance Commission (CVC) guideline have been followed while processing the case.	Certified that all CVC guidelines have been followed during processing the case.
12	Recommendation	<p>Considering the problems being faced for Operation & Maintenance of Existing Water ATMs installed on EPC mode, it is proposed that further 40 ATMs (Annexure -I, See pages 136 - 137) may be installed on PPP mode for installation, operation and maintenance for 10 years with the facility of dispensing 300 ml potable water through coin vending machine as well as through RFID card @ ₹ 1/- per glass of 300 ml., ₹ 2/- for 500 ml and ₹ 5/- for 1000 ml. the cost of glass (eco friendly biodegradable paper of 210 GSM) shall ₹ 1/- in</p>

		<p>addition to water charges.</p> <p>Submitted to Council for consideration and Administrative Approval to float the Rfp in anticipation of vetting of Council Agenda. The case shall again be put up to Council of acceptance of bid.</p>
13	Draft Resolution	<p>Council agree with the proposal for installation of 40 Water ATMs in NDMC area on PPP mode (Annexure – I, See pages 136 – 137) and after scrutiny the tender, it shall be placed before the Council for acceptance/ approval. RfP can be floated immediately in anticipation of vetting minutes of this meeting.</p>

COUNCIL'S DECISION

Deferred.

[Signature]
 For Secretary
 New Delhi Municipal Council
 New Delhi.

Revised (Amended) List of public places where Water ATMs (40) are to be installed

Sr. No.	Locations
1.	Near Ashoka Taxi Service, Janpath Road
2.	A-Block Pandara Road
3.	R P Road near Krishi Bhawan
4.	Opp. Kaka Nagar Mkt. Dr. Zakir Hussain Marg
5.	Jorbagh Road near Fire Station
6.	Subzi Mkt. Kautilya Marg
7.	Indira Gandhi Memorial, 1 Safdarjung Road, ND
8.	Basurkar Mkt. near Shop no. 21 Moti Bagh
9.	PTU at Chelmsford Road near entry of ND Railway Station Chelmsford Road
10.	Urinal Block at Chelmsford Road towards New Delhi Railway Station Entry
11.	Toilet Block at Ashok Road adjacent to P&T Building
12.	Toilet Block at Gole Market
13.	Toilet Block at Bangla Sahib Marg near Bangla Sweets
14.	Toilet Block at Bhai Veer Singh Sadan
15.	Toilet Block at Pandara Road Market (Right)
16.	Toilet Block at Main Mkt. Lodhi Road
17.	Toilet Block at Malcha Marg
18.	Opp. Balmiki Basti Mandir Marg
19.	Public toilet RML Hospital BKS Road
20.	Opp Bangla Shahib Gurudawara, BKS Road (Metro Station)
21.	Vivekanand Camp Part-II, Chanakya Puri, near Bapu Dham Service Centre
22.	J.J Cluster near NDMC water supply control room, kali Bari Marg
23.	J.J Cluster known as Harijan Basti, Anant Ram Dairy, Sector-XIII, R.K Puram
24.	Sanjay Camp Part-II Railway Camp Colony, Chanakya Puri, Iraq Embassy
25.	Road Radial No.2 - A-Block
26.	Road Radial No.2 - Middle Circle
27.	Panchkuan Road Radial - H-Block Corner
28.	Shankar Market Corner

29.	Road Radial No.6 – Middle Circle Junction M-Block
30.	Outer Circle near MTNL Office
31.	Road Radial No.7 - Corner M-Block
32.	Middle Circle/Open Courtyard N-Block
33.	Jantar Mantar Road near PTU (2 nos.)
34.	Janpath Market near Garbage Station behind Bank of Baroda
35.	Near Petrol Pumps (In front of Chanakya Mall)
36.	Sanchar Bhawan Metro Station
37.	Udyog Bhawan
38.	Shastri Bhawan
39.	Vidyut Bhawan, NDMC Office
40.	Opposite Birla Mandir

Copy of Reso. No. 05(B-16)
of
Council's Ordinary Meeting
Dated 29/01/18

ITEM NO. 05 (B-16)

1. Name of the subject/ Project

Preliminary Estimate for providing Electric Connection to J.J. Clusters in left out Jhuggies under D/N & D/S Division of NDMC Area.

2. Name of the Department/Departments concerned :

Electricity Department-I

3. Brief history of the subject/Project:

As per council resolution No. 11(B-8) dt. 28.09.05, it was resolved that electricity connection may be provided to each J.J. Cluster under NDMC area and accordingly, the individual temporary electric connection were provided for a short term by providing wooden-balli and sub-main in early cluster. These works had been executed by EE(C-III) division in 2007.

As recommended by the sub-committee of officers, the case was noted to the council and vide resolution No. 12(B-15) dt. 03.03.05 resolved as under:-

- (a) All J.J. cluster located in NDMC land should be relocated within six month and work on priority for which the said land was allocated should start within the year 2005-06.
- (b) In order to implement the policy to make NDMC slum free all land owning agencies where J.J. Clusters exists should be vigorously pursued to take up relocation of J.J. clusters.
- (c) Since relocation of J.J. Cluster is likely to take some time the electric deptt. should prepare a scheme for providing eclectic connection for a short-time.

But relocation of J.J. Cluster could not be completed by the concerned deptt. till date and the existing system have become out-dated and served its useful life so there is a need to improve the existing LT. Network in J.J. cluster of NDMC area.

As per court case writ petition (Civil) No. 328/1999 in the matter of power Union of India & others, and meeting held in the office of secretary NDMC, it has been decided to prepare the estimate for providing individual electric connection with energy-meter in each J.J. Cluster under NDMC area including the augmentation of LT network surrounding the J.J. Clusters.

Accordingly the P.E. for providing Electric connection to J.J. Clusters in D/N and D/S Division of NDMC area was approved by the Chairman vide item no. 20 (B-V) dt. 09.07/2014.

Subsequently, Commercial Deptt. sought approval in principle from the Chairman to provide meter in the leftout Jhuggies. Chairman, solicited AIP on dt. 18.10.2016. A survey report of the whole area was carried out by the field staff of Commercial Deptt. to identify the locations and a number of J.J. Dwelling units in the area has been prepared. The Survey Report/observation of the Commercial Deptt. on the basis of their inspection of the Jhuggies in various J.J. clusters are as under:

1. There are about 9174 Jhuggies in the whole NDMC area.
2. Out of total 9174 Jhuggies, only about 301 have been metered to whom electricity bills are being raised.

3. 1542 Jhuggies have been given connection by NDMC on flat rate of ₹ 175/- per month in compliance to the NDMC resolution No. 11(B-8) dt. 28.09.2005.
4. The balance 7331 Jhuggies are un-metered which need to be electrified and metered.
5. Electricity Deptt. has got approved an estimate no. E-23/2011-12/EEP for an amount of ₹ 1,43,74,600/- under the heading "providing temporary electric connection to J.J. Clusters in NDMC area". This work of electrifying and metering of 2591 Jhuggies is being executed by C-I Division under CE(E-II).

Thereafter a note was received in Planning Division to prepare Preliminary Estimate on leftout Jhuggies. Accordingly, the Preliminary Estimate amounting to ₹ 2,21,32,000/- for providing Electric Connection to J.J. Clusters in left out Jhuggies i.e. 4740 under D/N & D/S Division of NDMC Area.

4. Detailed proposal on the subject/project:

Dir. (Commercial) has informed that the anticipated revenue collection per year will be Rs. 6.69 Crore, if un-metered 7331 Jhuggies also metered while our expenditure on the estimate/work for providing electric connection and energy meter in left-out Jhuggies (i.e. 7331-2591= 4740) shall be appx. 2.5 Crore which is beneficial for NDMC as the work of providing energy meter and electrification in 2491nos. Jhuggies has either completed or nearby completion by EE(E) C-I Division. Commercial Deptt. has also solicited approval in principle from the Chairman to provide meter in the leftout Jhuggies.

In the estimate, provision to terminate new L.T. XLPE/PVC anti theft special hard cable service cable of sizes 10 sq. mm/6 sq.mm x 2C to be laid from the existing boxes to individual Jhugie. Provision of single phase energy meter& meter board has also been taken.

Accordingly, the Preliminary Estimate amounting to ₹ 2,21,32,000/- for providing Electric Connection to J.J. Clusters in left out Jhuggies i.e. 4740 under D/N & D/S Division of NDMC Area.

The estimate has been framed on basis of NDMC SIR, BSES approved rates, planning rates and Market Rates which are latest rate & proposed in the D.E by EE (C-I). The labour rates have been taken from the ATR for Annual Cable Laying rates.

The estimate is Chargeable to the Head: 76/412/40/0 "Providing Temporary Electric Connection to JJ Clusters in NDMC Area" for which suitable budget provision has been kept in R.E. 2017-18.

5. Financial implications of the proposed project/subject:

Financial Implications in the proposal is ₹ 2,21,32,000/-

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

Nine months

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

Finance Deptt. vide their dairy No. 1952/Finance dt. 06.10.2017 has concurred the proposal which is reproduced as under:

- 1) Finance Deptt. has already concurred in the Preliminary Estimate amounting to Rs. 2,56,97,000/- at Page-18/NDMC for providing Electric connection to J.J. Cluster in left out Jhuggies in NDMC area.

- 2) While forwarding the Preliminary Estimate to Chairman for according his approval to place the draft agendum before the council, Chairman has sought clarification at Page-22/NDMC that estimate covers the cost of the electrical infrastructure to be required for providing electric connection and the cost of the energy meter. It is true that we are going for AMI so the provision taken in the estimate for electronic meter is not required but the electrical infrastructure shall be required even for AMI meters. Chairman has also accorded AIP at Page-22/NDMC to delete the provision of meter in modified Preliminary Estimate amounting to Rs. 2,21,32,000/- after deleting the provision of single phase energy meter.
- 3) The status of metered /un-metered jhuggies have been mentioned by the department as under:-

Total nos. of jhuggies as reported by field staff of Commercial Deptt.	9174
Already metered Jhuggies	301
Jhuggies being charged at flat rates of ₹ 175/- per months	1542
Number of jhuggies unbilled /un-metered (9174-301-1542)	7331
Number of Jhuggies where has been awarded for electrification	2591
Left Out Jhuggies	4740
Anticipated revenue collection per year if un-metered 7331 Jhuggies also metered considering 0.5 KW per Jhuggies.	₹ 6.69 crores

- 4) FD has earlier observed a Page-14/NDMC that estimate needs to be prepared after surveying the sites, but department has stated that utmost care has been taken at the time of preparation of Preliminary Estimate, however the detailed estimate shall be prepared by executing division after through site survey.. Regarding preparation of estimate, department has assured that estimate is based on LAR/NDMC SIR rates and there is no any DSR/CPWD SR item sis involved, further, the estimate is not inflated in terms of rates & quantities.
- 5) In view of recommendation of the CE(E-I) & revised AIP of the Chairman at Page-22/NDMC, Finance Deptt. has no objection to the modified Preliminary Estimate amounting to Rs. 2,21,32,000/- (Rupees Two Crore Twenty One Lakh Thirty Two Thousand only) in suppression of earlier concurrence of Finance Deptt. for Rs. 2,56,32,000/- at page -17 & 18/NDMC for seeking approval of the Council. However, while submitting the case to the Competent Authority, department may ensure the followings:-
- Availability of funds under proposed CoA: 76-412-40-0 before incurring any liability since it is pre-requisite before execution of any work as per Section 2.1 of CPWD Works Manual.
 - ~~Quantities of this work~~ Quantities of this work have not been overlapped in any other work/contract.
 - Estimate would not require revised A/A & E/S as estimate has been prepared on average measurement basis.
 - Expenditure would not be proved as wasteful expenditure if any proposal is in pipeline for relocation of Jhuggies by MOUD or any other agency.
 - The proposal is not a part of Smart City Project/IPDS.

On the observations of Finance Deptt., the point wise clarifications are as under:

- Availability of funds will be ensured under proposed CoA : 76-412-40-0 before incurring any liability.
- It is certified that Quantities of this work have not been overlapped/considered in any other work.

- iii) Preliminary Estimate is prepared on the broad based average measurement; however, the actual amount of the estimate will be obtained after detailed measurements during preparation of detailed estimate. Thereafter, if required, revised A/A & E/S would be obtained, at the appropriate stage.
- iv) No record available regarding expenditure, if any proposal is in pipeline for relocation of Jhuggies by MOUD or any other agency.
- v) Yes, the proposal is not a part of Smart City Project.

8. Legal implication of the subject/project:

No legal implication is involved.

9. Details of previous Council Resolutions, existing law of Parliament and Assembly of the subject:

- (1) Council Reso. No. 11(B-8), dt. 28.09.2005
- (2) Council Reso. No. 20(B-V), dt. 09.07.2014

10. Final Comments of the Law department on the subject/ project:

Law Deptt. vide their dairy No. FR-4609/LD/17/ dt. 02.11.2017 has given their views as under:-

Perused the notings as well as the proposal in question. The department aims at providing the Electric connections to various J.J. Clusters in NDMC area based on the survey report of Enforcement Deptt. The administrative approval and expenditure sanctioned has already been obtained for the purpose of electrification. Based on the notings at page -22/NDMC of Chairman, revised AIP in super-session of earlier conference of Finance Deptt. for Rs. 2,56,97,000/- has been agreed upon and the modified Preliminary Estimate amounts to Rs. 2,21,32,000/-. This being purely a policy matter and an administrative decision is required to be taken by the Competent Authority in this respect and to be seen by the department concerned. The departments concerned, however, must ensure if there is any such parallel scheme already existing by any other Ministry/Department / Agency in respect of such electrification. Rest of the criterion are purely within the realm of the administrative policy ensured by the departments concerned.

On the observation of Law Deptt. following is clarified:

The Deptt. will ensure that there is no any such parallel scheme already existing by any other Ministry/Department / Agency in respect of such electrification.

11. Certificate by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case:

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

12. Recommendation:

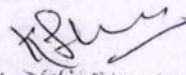
The Preliminary estimate amounting to ₹ 2,21,32,000/- may be placed before the council for according Administrative Approval and Expenditure Sanction for providing nos. Electric Connection to J.J. Clusters in left out Jhuggies i.e. 4740 nos. under D/N & D/S Division of NDMC Area. Approval may also be accorded to take further action in anticipation to confirmation of the minutes of Council Meeting.

13. Draft Resolution:

Resolved by the Council that Administrative Approval and Expenditure Sanction is accorded to the Preliminary Estimate amounting to ₹ 2,21,32,000/- for providing Electric Connection to J.J. Clusters in left out Jhuggies i.e. 4740 nos. under D/N & D/S Division of NDMC Area. Approval is also accorded to take further action in anticipation to confirmation of the minutes of Council Meeting.

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.

ITEM NO. 06 (B-17)

1.	Name of Subject /Project	Disposal of Iron Scrap, Aluminium Scrap, Brass Scrap, Copper Scrap, Aluminium unserviceable Cables & Caps. & Old Burnt Chokes Etc.
2.	Name of the Department/Department Concerned	Electricity Department-I
3.	Brief History of the Subject/Project:	Condemnation of unserviceable, Dismantled and scrapped material like fitting, poles, chokes, cables, fuses, Pillars etc., which Division receive during day to day maintenance of electrical system at sites and deposit in stores from time to time for further disposal. The Reserve Price of the proposed dismantled articles has been fixed as Rs.32,00,363/- (with item wise STA condition as applicable) as per the recommendation of Condemnation Sub-Committee.
4.	Detailed Proposal on the Subject/Project:	Duly constituted Condemnation Sub-Committee inspection the material and recommendation that dismantled Iron Scrap, Aluminium Scrap, Brass Scrap, Copper Scrap, Aluminium unserviceable cable & Caps. & Old Burnt Chokes etc lying at Vidyut Bhawan Store-II and are beyond economical repair. The Condemnation Sub-Committee has finalized then Reserve Price of said disposable items sas Rs.-32,00,363/-(with item wise STA condition as applicable).The material will be disposed off through e-auction by M/s MSTC Ltd.
5.	Financial Implication of the proposed Project/Subject:	Credit of Rs-32,00,363/-(with item wise STA condition as applicable) as per the recommendation of Condemnation Sub-Committee.
6.	Implementation Schedule with timelines for each stage including internal processing.	The details of the said disposable materials will be forwarded to M/s MSTC Ltd. to fix the date for its auction, immediately after approval of the Council.
7.	Final comments of the Finance Department on the subject with diary no. & date:	<p>Finance Department vide dairy no-719/Finance /R-Elect/12-04-17 has concurred in the proposal with the remarks as follows.</p> <p>1-Department has submitted the proposal for approval of survey report and reserve price of the unserviceable material lying in Electric Store-II, Vidyut Bhawan.</p> <p>2-Department has stated that old, unserviceable, life served material in form of scrap has been received by store Division and the same is required to be disposed .Concerned SE has recorded certification in Form CPWA-18 that martial proposed to be survey reported are really unserviceable after inspection of report.</p> <p>3-After inspection of the material at site, the Condemnation Sub-Committee has approved the reserve price of Rs.32,00,363/- at page-8/N.</p> <p>4-In view of recommendation of the Condemnation Sub-Committee at page-8/N, FD may have no objection to the survey report prepared by the department in r/o old & unserviceable material to be disposed off by way of e-auction through M/s MSTC and fixing the reserve price of</p>

		Rs.32,00,363/- , duly recommended by CE(E-I), for seeking approval of the competent authority. Further department is advised to dispose of the material at the earliest through e-auction to order to ensure that rates of scrap items taken are not varied/ changed due to time run in auction of the material.
8.	Legal Implication of the Subject/Project	No Legal implication involved.
9.	Details of previous Council Resolutions, existing law of Parliament and Assembly on the Subject.	----Nil----
10.	Final comments of the Law Department on the Subject/ Project.	Vide diary No.FR/133/CLA/17 dated 02.11.2017 has mentioned that "The report to condemnation committee stands approved by Finance deptt., No legal or pointed out by any of deptt. above present" be forwarded please.
11.	Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been following while processing the case:	All CVC guidelines have been followed while processing the case.
12.	Recommendation:	The case may be placed before the Council for consideration and approval of Reserve Price of Rs.32,00,363/- (with item wise STA condition as applicable) as per the recommendation of Condemnation Sub-Committee. Approval is also solicited to get the said dismantled material disposed through e-auction by M/s MSTC Ltd.
13.	Draft Resolution:	Council has resolved the approval for fixing a Reserve Price Rs.32,00,363/- (with item wise STA condition as applicable) as per the recommendation of Condemnation Sub-Committee. Approval is also solicited to get the said dismantled material disposed through e-auction by M/s MSTC Ltd.

COUNCIL'S DECISION

Deferred.


 For Secretary
New Delhi Municipal Council
New Delhi.

Copy of Reso. No. 07(B-18)
of
Council's Ordinary Meeting
Dated 29/01/18

ITEM NO. 07 (B-18)

1. Name of Work

Automatic Switch over system from one source to another source at 11KV Electric Supply System at various 11KV Electric Sub stations.

2. Name of the Department

Electricity Department-II

3. Brief history of the Proposal

In the meeting held on 02.08.2017 in Ministry of Power, chaired by Secretary (Power), when Chairman NDMC, and other Senior officials from NTPC, Ministry of Power etc were present, the matter concerning provision of automatic changeover switching of supply in critical installations and GOI buildings besides residences of VVIP's was discussed.

Accordingly following eight 11KV sub-stations, covering power supply to residences of Hon'ble Ministers & institutions of prime importance, were identified for providing Auto Changeover Switching System with due Approval-In-Principle of Chairman:-

1. ESS PMO via Dara Sikoh Road
2. ESS MEA Janpath
3. ESS Tuglak Crescent
4. ESS Akbar Lane
5. ESS 18 Akbar Road
6. ESS Krishna Menon Lane
7. ESS Nehru Tara Mandal
8. ESS Parliament Library

4. Detailed proposal on the subject

A preliminary estimate amounting to Rs 5,26,42,220/- has been prepared on the basis of latest & ~~lowest Market rates~~ for SITC of Automatic Switch over system from ~~one source to another source at 11KV Electric Supply System~~ in above eight 11KV Electric Sub stations. Following provisions are made in the preliminary estimate:-

- i) SITC of required Switchgears in all eight 11 KV Electric Sub-stations.
- ii) ~~Earthing in all eight~~ 11 KV Electric Sub-stations.
- iii) 11 KV cables and jointing kits.
- iv) Dismantling of existing Switch gears at all eight 11 KV Electric Sub-stations, etc.

The work shall be carried out by call of Tenders

5. Financial Implications

Rs. 5,26,42,220/- (Rupees Five Crore Twenty Six Lacs Forty Two Thousand Two Hundred Twenty only)

6. Implementation schedule

6 Months after award of work

7. Final Comments of the Finance Department

(Dated 13.10.2017)

Finance vide diary no. 2027/finance/R-Elect./ dated. 13.10.2017 has observed as under:

- 1 Proposal of the department is for installation of Automatic Switch over system at 08 (Eight) 11KV Sub-stations. Department has given justification in support of their proposal that:-
 - (i) A meeting was held on 02.08.2017 in the Ministry of Power chaired by Secretary (Power) on the matter relating "Making NDMC running on 100% renewable energy. In the meeting, matter concerning provision of automatic changeover switching of supply in critical installations and GOI buildings besides residences of VVIP's was discussed.
 - (ii) To make NDMC area 'Generator' free, such auto changeover switching provision shall be replicated in the Govt. buildings of importance, residences of VVIPs to minimize outage time and avoid dependency on standby DG set.
- 2 Department has identified followings 08(Eight) 11KV sub-stations for providing Auto Changeover Switching System:-
 - (i) ESS PMO via Dara Sikoh Road
 - (ii) ESS MEA Janpath
 - (iii) ESS Tuglak Crescent
 - (iv) ESS Akbar Lane
 - (v) ESS 18 Akbar Road
 - (vi) ESS Krishna Menon Lane
 - (vii) ESS Nehru Tara Mandal
 - (viii) ESS Parliament Library
- 3 AIP was obtained from Chairman at Page-1/N for this work.
- 4 ESS Akbar Lane & ESS Nehru Tara Mandal are covered under IPDS work.
- 5 This system has already been installed and commissioned in NDMC area at two places 11KV ESS Lok Nayak Bhawan and ESS Raja Bazar. In support of their performance, only copy of mail is placed which states that no defect has been observed in the last 2 and half month. Department has awarded the work of Automatic Switch Over system in Lok Nayak Bhawan at the cost of Rs. 49,98,589/- and ~~cost of awarded work~~ at Raja Bazar has not been brought on record.
- 6 ~~Department has prepared~~ the PE amounting to Rs. 5,26,42,220/- duly checked by Planning division & AO (E) and certified that lowest prevailing market rates have been adopted after surveying the market.
- 7 In view of recommending of the CE(E-II) to the proposed work, FD concur to the PE amounting to Rs. 5,26,42,220/- (Rupees Five Crore Twenty Six Lacs Forty Two Thousand Two Hundred Twenty Only) checked by Planning Division at Page-9/N & AO (E) at Page-10/N, for seeking approval of the Council. However, while submitting the case to the competent authority, department may bring on record the followings:-
 - (i) Source of fund for this project under the proposed CoA since it is pre-requisite before execution of any work as per Section 2.12 of CPWD Works Manual.
 - (ii) Satisfaction level of already installed two nos. automatic switchover system at ESS Lok Nayak Bhawan and ESS Raja Bazar may be brought on record including its up-time and down-time during operation period.

- (iii) Ensure proposal is technical viable and would not lead to wasteful expenditure if proposed work is executed in isolation of IPDS work.
- (iv) The department has stated that CAMC is included in estimate. The justification for inclusion of CAMC may be brought out while putting up the case for competent authority approval. It is seen from the file that no CAMC was included in the work already executed at ESS Raja Bazar and ESS Lok Nayak Bhawan.

Comments of the Department on comments of Finance Department

It is certified and ensured that:-

- i) Funds for the project have been earmarked in RE 2017-18 and B.E. 2018-19 against Chart of Account 81/412/40/0/31/2/230.
- ii) The two automatic changeover systems installed at ESS Lok Nayak Bhawan and ESS Raja Bazar are working satisfactorily and have not been down during their operation, till date.
- iii) The proposal is technically viable and would not lead to wasteful expenditure and is independent of IPDS work.
- iv) No CAMC has been considered after the defect liability period of one year.

8. Legal Implication of the subject

NIL

9. Details of previous Council Resolutions

Not Applicable.

10. Final Comments of the Law Department

This relates to the proposal of the department for installation of Automatic Switch Over System at 08 (Eight) 11KV Sub-stations. I have looked into the notings, the Preliminary Estimates including contingencies, funds earmarked for the project as well as the Draft Agenda. The Finance Department has concurred with the proposal. There is nothing to be examined from legal angle in the present matter & the Department may go ahead accordance with its proposal.

Comments of the Department on comments of Law Department

-NIL-

11. Certification by the department

It is certified that all CVC guidelines have been followed.

12. Recommendations of the Department

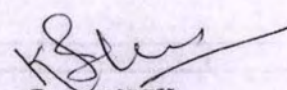
Preliminary ~~estimate amounting~~ to Rs. 5,26,42,220/- (Rupees Five Crore Twenty Six Lacs Forty Two Thousand Two Hundred Twenty only) for Automatic Switch over system from one source to another source at 11KV Electric Supply System at various 11KV Electric Sub stations may be placed before the Council to accord Administrative Approval (A/A) and Expenditure Sanction (E/S). Permission may also be accorded to take further action in anticipation to confirmation of the Minutes of Council Meeting.

13. Draft Resolution

Resolved by the Council that Administrative Approval and Expenditure Sanction is granted to the Preliminary estimate amounting to Rs. 5,26,42,220/- (Rupees Five Crore Twenty Six Lacs Forty Two Thousand Two Hundred Twenty only) for Automatic Switch over system from one source to another source at 11KV Electric Supply System at various 11KV Electric Sub-stations. Further, approval is accorded to take further action in anticipation to confirmation of the Minutes of Council Meeting.

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.

Canons Ordinary Meeting
 Dated... 29/6/18...

“Replacement of 33KV outdoor switchgear with indoor GIS switchgear at 33KV ESS Tilak Marg, 33KV ESS Nehru Park & augmentation of 33KV ESS Kidwai Nagar (West)”.

Electricity Department-II

33KV ESS at Nehru Park, Tilak Marg & Kidwai Nagar (West) in NDMC area are outdoor sub-stations & for their replacement with GIS switchgears estimates have been approved by Council as under:-

S.No	Name of Work	Resolution No.	Amount of A/A & E/S (₹)	Provision for Civil Part in A/A & E/S (₹)	Provision for Electrical Part in A/A & E/S (₹)
1	ESS Tilak Marg	15 (B-18) dated 31.01.2013	361.24 Lacs	59.71 Lacs	301.52 Lacs
2	ESS Nehru Park	14 (B-17) dated 31.01.2013	425.95 Lacs	43.05 Lacs	382.90 Lacs
3	ESS Kidwai Nagar (West)	05 (B-20) dated 28.02.2013	557.12 Lacs	164.31 Lacs	392.84 Lacs
Total A/A & E/S for above three works			₹ 1344.31 Lacs		

The sub-stations buildings for housing 33KV GIS equipments have since been completed and are ready at each location. Tenders for the works have been called and work is proposed for award in favour of L-I firm, as detailed in the proposal on the subject.

Considering the expenditure incurred on Civil work (CP/146), tendered rates of L-I Firm in this proposal for GIS switchgears & expenditure incurred till date on press publications, control wiring etc. the total expected expenditure (CP/147) shall be as under:-

S.No	Name of Work/ESS	Expenditure incurred till date by Electricity Department (₹)	Expenditure reported by Civil Engineering Deptt. (₹)	Expenditure to be incurred for 33 KV GIS, etc (₹)	Expenditure to be incurred for IEI work of ESS building (₹)	Total Expected Expenditure (₹)
1	ESS Tilak Marg	19,92,353.00	55,75,000.00	3,86,03,555.00	2,50,000.00	4,64,20,908.00
2	ESS Nehru Park	19,74,011.00	40,80,349.00	4,91,40,742.50	2,50,000.00	5,54,45,102.50
3	ESS Kidwai Nagar (West)	9,80,072.00	96,30,000.00	5,72,21,004.00	5,00,000.00	6,83,31,076.50
Total Expected Expenditure for above three works						17,01,97,087.00

As expected expenditure shall increase more than 10% of sanctioned A/A & E/S amount, therefore revised A/A & E/S is also being sought from ₹ 1344.31 lacs to ₹ 1701.97 lacs as detailed hereunder:-

- (i) To ₹ 464.20 Lacs from ₹ 361.24 Lacs for ESS Tilak Marg.
- (ii) To ₹ 554.45 Lacs from ₹ 425.95 Lacs for ESS Nehru Park.
- (iii) To ₹ 683.31 Lacs from ₹ 557.12 ESS Kidwai Nagar (West).

4. Detailed proposal on the subject

Online e-tenders for the subject work were invited after giving due publicity against tender ID no. 2017_NDMC_126551_1 and tender notice was published in leading newspapers. On the due date of opening i.e. 02.05.2017, offers from the following four firms were received in e-tendering:-

- (i) M/s ABB India Ltd.
- (ii) M/s Capital Elect Tech Pvt. Ltd.
- (iii) M/s Gepdec Infratech Ltd.
- (iv) M/s Larsen & Toubrou Ltd.

After scrutiny of documents of 1st cover, related to EMD and Integrity Pact the 2nd cover containing technical bid of four participating firms were opened on 04.05.2017. After scrutiny of technical bids by the "TEC", offers of two firms i.e. M/s Capital Electech Pvt. Ltd. & M/s Larsen & Toubrou Ltd. were found meeting the eligibility criteria of the NIT and their price bids were opened with due approval of competent authority on 02.11.2017. Position of both the participating firms emerged as under:-

Sr. No.	Name of the Firm	Quoted Rates	Position of the firm
1.	M/s Capital Electech Pvt. Ltd.	₹ 14,49,65,302/-	L-1 Firm
2.	M/s Larsen & Toubrou Ltd.	₹ 14,62,00,000/-	L-2 Firm

Since the rates quoted by the L-1 firm were 22.90% below the estimated cost and 13.787% below the justified cost, the case was processed to award the work to L-1 firm, M/s Capital Electech Pvt. Ltd. at their quoted rates ₹ 14,49,65,302/-.

Finance has seen the case and advised the department to process the case further for consideration of Council, subject to certification of conditions, which have been certified by the department.

5. Financial implications

- (i) ₹ 14,49,65,302/-. (Rupees Fourteen Crores Forty Nine Lacs Sixty Five Thousand ~~Three Hundred Two~~ only) for award of work.
- (ii) Revised A/A & E/S against three estimates detailed as given below:
 - (a) To ₹ 464.20 Lacs from ₹ 361.24 Lacs for ESS Tilak Marg.
 - (b) To ₹ 554.45 Lacs from ₹ 425.95 Lacs for ESS Nehru Park.
 - (c) To ₹ ~~683.31~~ Lacs from ₹ 557.12 Lacs for ESS Kidwai Nagar (West).

6. Implementation schedule

10 Months

7. Final Comments of the Finance Department

Finance Department has concurred the proposal/tender vide diary No. 2326/Finance dated 21.11.2017.

1. The instant proposal of the department is for acceptance of the lowest offer of technically suitable L-1 firm M/s Capital Electech Pvt. Ltd.
2. The expenditure on instant tender is chargeable the various approved estimates as well as A/A & E/S as detailed at check list of tender cases.
3. The extended validity of the offer is upto 29.11.2017 and the completion period of work is 10 months.
4. The department at NP-17 has stated that in response to call of tender, Four number of firms participated in the tender namely M/s ABB India Ltd, M/s Capital Electech Pvt. Ltd., M/s Gepdec Infratech Ltd. & M/s Larsen & Toubrou Ltd. As per minutes of TEC at NP/49 to 50, out of four firms only two firms were found eligible for opening of financial bid as per requirement of NIT. The department has brought on record the reasons of ineligibility of two firms i.e. M/s ABB India Ltd. & M/s Gepdec Infratech Ltd. at NP/49 to 50 i.e. Minutes of TEC.

The department has opened the financial bids of two technically qualified firms i.e. M/s Capital Electech & M/s Larsen & Toubrou Ltd., on 02.11.2017, after approval of CE (E-II) at NP-57. As per the comparative statement of financial bid placed M/s Capital Electech Pvt. Ltd has emerged lowest rates amounting to Rs. 14,49,65,302/-.

5. As per comparative statement to financial bid prepared placed at CP-24 to 30 (file no. 10) and scrutiny thereof is as under:-

Inter-se position	Name of the agency/firm	Tendered amount (₹)	% of tender amount with respect to estimated cost of ₹ 18,80,28,392/-
L-1	M/s Capital Electech Pvt. Ltd.	14,49,65,302/-	22.90 % below
L-2	M/s Larsen & Toubrou Ltd.	14,62,00,000/-	22.24% below

6. Detailed checking of the justified amount and tendered amount has been done by the EE (R&D) Planning and AO (E-I) at NP-61. CE (E-II) has recommended for acceptance of the L-1 tendered amounting Rs. 14,49,65,302/- quoted by M/s Capital Electech Pvt. Ltd. bringing on record quoted rates of L-1 are reasonable, justified are competitive being 13.787% below to justified cost prepared by the department in file no. 09.

Justified Cost (₹)	% above/below if Justified cost to estimated Cost of ₹ 18,80,28,392/-	% above/below of lowest Tendered Rates of ₹ 14,49,65,302/- to Justified cost
₹ 16,81,48,392/-	10.57% below	13.787 below

7. The rates is within the 5% of allowable variation as per provision of CPWD Works Manual 2014 under Section 20.4.3.2.
8. In view of above, FD concurs the proposal of the department for obtaining approval of competent authority for acceptance of the tender of L-1 firm i.e. M/s Capital Electech Pvt. Ltd. at the quoted rates of ₹ 14,49,65,302/- for the subject work which is 22.90% below to the estimated cost and 13.787% below the justified cost of the tender.
9. However, the department may attend the following points and to apprise to the competent authority while obtaining approval thereof :-

- (i) As per provision of CPWD Manual, justification should be prepared on prevailing market rates whereas, in the instant justification of the tender the department has prepared justification of most of items on the basis of last approved rates of dated 23/03/2017, 10/06/2017, 14/06/2016 as well as on the basis of rates taken in the P.E. also. The clarification for doing so may be brought on record ensuring that the rates for these items taken in the justification are not higher than the prevailing market rates.
- (ii) The department may bring on record the details of A/A & E/S with availability of funds in approved estimates as well as relevant chart of account.

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

- | S.No | Name of Work | Resolution No. | Amount of
A/A & E/S
(₹) | Provision for
Civil Part in
A/A & E/S
(₹) | Provision for
Electrical Part in
A/A & E/S (₹) |
|------|----------------------------|-------------------------------|-------------------------------|--|--|
| 1 | ESS Tilak Marg | 15 (B-18)
dated 31.01.2013 | 361.24
Lacs | 59.71 Lacs | 301.52 Lacs |
| 2 | ESS Nehru Park | 14 (B-17)
dated 31.01.2013 | 425.95
Lacs | 43.05 Lacs | 382.90 Lacs |
| 3 | ESS Kidwai
Nagar (West) | 05 (B-20)
dated 28.02.2013 | 557.12
Lacs | 164.31 Lacs | 392.84 Lacs |

Considering the expenditure incurred on Civil work (CP/146), tendered rates of L-I Firm in this proposal for GIS switchgears & expenditure incurred till date on press publications, control wiring etc. the total expected expenditure (CP/147) shall be as under:-

S.No	Name of Work/ESS	Expenditure incurred till date by Electricity Department (₹)	Expenditure reported by Civil Engineering Deptt. (₹)	Expenditure to be incurred for 33 KV GIS, etc (₹)	Expenditure to be incurred for IEI work of ESS building (₹)	Total Expected Expenditure (₹)
1	ESS Tilak Marg	19,92,353.00	55,75,000.00	3,86,03,555.00	2,50,000.00	4,64,20,908.00
2	ESS Nehru Park	19,74,011.00	40,80,349.00	4,91,40,742.50	2,50,000.00	5,54,45,102.50
3	ESS Kidwai Nagar (West)	9,80,072.00	96,30,000.00	5,72,21,004.00	5,00,000.00	6,83,31,076.50
Total Expected Expenditure for above three works						17,01,97,087.00

As expected expenditure shall increase more than 10% of sanctioned A/A & E/S amount, therefore revised A/A & E/S is also being sought from ₹ 1344.31 lacs to ₹ 1701.97 lacs as detailed hereunder:-

- (i) To ₹ 464.20 Lacs from ₹ 361.24 Lacs for ESS Tilak Marg.
- (ii) To ₹ 554.45 Lacs from ₹ 425.95 Lacs for ESS Nehru Park.
- (iii) To ₹ 683.31 Lacs from ₹ 557.12 ESS Kidwai Nagar (West).

Provisions of funds has been made against following Chart of Account (COA)

- (a) 81/490/90/12/101/22/216 for Tilak Marg
- (b) 81/490/90/12/101/24/216 for Nehru Park
- (c) 81/412/40/0/20/25/216 for Kidwai Nagar (West)
- (iii) M/s ABB Ltd. & M/s Gepdec Infratech Ltd. were not found meeting the eligibility criteria as per NIT and were declared as ineligible bidders by the TEC. Therefore, their price bids were not opened. Details of the same may be seen in Minutes of the Meeting of the "TEC" at NP/49 to 50.
- (iv) As per NIT Clause 38, if any further tax or levy or cess is imposed by statute, after the last stipulated date of the receipt of tender including extension if any and the contractor there upon necessary and properly pays such taxes/levys/cess, the contractor shall be reimbursed the amount so paid. The tenders were received before GST implication. Therefore, GST impact shall be considered accordingly as per provisions in NIT.
- (v) It is second call of tender for this work. Earlier, tenders for the work of "Replacement of 33KV outdoor switchgear with indoor GIS switchgear at 33KV ESS Tilak Marg, 33KV ESS Nehru Park & augmentation of 33KV ESS Kidwai Nagar (West)" were dropped as none of the participating firms was found eligible. Tenders were recalled after relaxing the NIT conditions.
- (vi) It is ensured that quality of work during its execution shall be as per terms conditions and specifications of NIT.
- (vii) It is ensured that this work is not the part of IPDS work.

9. Legal Implication of the subject

Nil

10. Details of previous Council Resolutions

Nil

11. Final Comments of the Law Department

Perused. The Draft Agenda pertains to awarding tenders to L-1 firm M/s Capital Electech Pvt. Ltd. for the replacement of 33KV outdoor switchgear with indoor GIS switchgear at 33KV ESS Tilak Marg, 33KV Nehru Park & augmentation of 33KV ESS Kidwai Nagar (West). I opine that there is no law point involved in the above captioned matter for consideration. However, it is advised that said tender shall be awarded strictly in conformity with CPWD Manual and CVC guidelines.

12. Comments of the Department on comments of Law Department

It is certified that tender shall be awarded strictly in conformity with CPWD Manual and CVC guidelines.

13. Certification by the department

It is certified that all CVC guidelines have been followed.

14. Recommendations of the Department

The case be placed before the council to award the work of "Replacement of 33KV outdoor switchgear with indoor GIS switchgear at 33KV ESS Tilak Marg, 33KV ESS Nehru Park & augmentation of 33KV ESS Kidwai Nagar (West)", to L-I firm M/s Capital Elect Tech Pvt. Ltd. at their quoted rates of ₹ 14,49,65,302/-. (Rupees Fourteen Crores Forty Nine Lacs Sixty Five Thousand Three Hundred Two only) on the terms and condition of NIT and revised A/A & E/S of for following three estimates is also being sought:

- (i) To ₹ 464.20 Lacs from ₹ 361.24 Lacs for ESS Tilak Marg.
- (ii) To ₹ 554.45 Lacs from ₹ 425.95 Lacs for ESS Nehru Park.
- (iii) To ₹ 683.31 Lacs from ₹ 557.12 ESS Kidwai Nagar (West).

Approval of Council is also sought to award the work to the L-I firm, in anticipation of the confirmation of Minutes of Council Meeting.

15. Draft Resolution

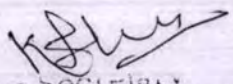
Approval of council is accorded to award the work of "Replacement of 33KV outdoor switchgear with indoor GIS switchgear at 33KV ESS Tilak Marg, 33KV ESS Nehru Park & augmentation of 33KV ESS Kidwai Nagar (West)", SH: SITC of 33 KV, SBB indoor type GIS switchgear board at Sub-stations Nehru Park, Tilak Marg and at 33KV ESS Kidwai Nagar (West) with allied equipment to L-I firm M/s Capital Elect Tech Pvt. Ltd. at their quoted rates of ₹ 14,49,65,302/-. (Rupees Fourteen Crores Forty Nine Lacs Sixty Five Thousand Three Hundred Two only) on the terms and condition of NIT and revised A/A & E/S for following three estimates is also being sought:

- (i) To ₹ 464.20 Lacs from ₹ 361.24 Lacs for ESS Tilak Marg.
- (ii) To ₹ 554.45 Lacs from ₹ 425.95 Lacs for ESS Nehru Park.
- (iii) To ₹ 683.31 Lacs from ₹ 557.12 ESS Kidwai Nagar (West).

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

COUNCIL'S DECISION

Deferred.


for Secretary
New Delhi Municipal Council
New Delhi.

Copy of Reso. No. 09(B-26)
of
Commons Ordinary Meeting
Dated 29/01/17

ITEM NO. 09 (B-20)

1. Name of the subject/project.

Strengthening of sub-transmission and distribution network under Integrated Power Development Scheme (IPDS) of Ministry of Power, Government of India.

2. Name of department.

Electricity Department-II.

3. Brief history of the subject/project.

To make the sub - transmission & distribution systems compatible to the requirement of smart grid and improve systems & processes for commercial, operation & billing in line with the requirement of "Smart Grid", NDMC under "Integrated Power Development Schemes" (IPDS), launched by Govt. of India (GOI), and policy circulated vide office memorandum no. 26/1/2014-APDRP dt. 03.12.2014, has undertaken a study of its sub-transmission & distribution network and identified core areas for improvement. Accordingly, a Detailed Project Report (DPR) amounting to ₹ 52870.09 lacs, based on inputs provided by Operation, Power, Commercial & IT Deptt on the specified format of PFC (Power Finance Corporation) was submitted to the Ministry of Power, through Ministry of Home Affairs for consideration & approval of the monitoring committee on IPDS. NDMC's DPR was "Approved-In-Principle", by the monitoring committee under IPDS, which was ex-post facto approved by council vide resolution no. 17(B-05) dtd. 28/8/2015 (Annexure 'A', See pages 166 - 173) for submission of DPR under IPDS for Strengthening of sub-transmission and distribution network including metering & IT enablement for consideration of the Empowered monitoring committee in Ministry of Power, GOI.

In the same resolution council also approved Expenditure sanction (E/S) of Rs 211.480 Crores, being the non-grant (40%) portion in the work of strengthening of Sub-transmission & Distribution Network including metering & IT enablement in NDMC under Integrated Power Development Scheme (IPDS), to be funded by NDMC, from its own resources.

As per approval of council, revised DPR amounting to Rs.505.12Cr was submitted to Ministry of Power, Gol under IPDS vide letter no. D-377/CE(E-II) dt. 27/11/2015.

Subsequently, on the basis of revised DPR, Power Finance Corporation (PFC), the nodal ~~agency of IPDS~~ conveyed NDMC vide letter no 02:16: IPDS: NDMC: DELHI: 042003 dated 22.09.2016 (Annexure 'B', See pages 174 - 177) that IPDS Monitoring Committee of MoP/Gol, in its 7th meeting held on 28th April 2016 has considered NDMC's project proposals and approved Rs 196.92 Cr as the project cost for NDMC area of Delhi.

Details of approvals are as under:-

- a) Approved DPR Cost for NDMC area is Rs 196.92 Crore
- b) Govt. of India (Gol) Grant of Rs. 118.15 Crore (60% of sl. No. a)
- c) Govt. of India (Gol) Grant for Project Management Agency Rs. 0.98 Crs (0.5% of sl. No. a)
- d) Total Grant= Rs. 119.13 Crore (sl. No. b + sl. No. c)

4. Detailed proposal on the subject/project.

- To execute IPDS work, NDMC appointed M/s WAPCOS Limited (A Govt. of India Undertaking) as Project Design & Management Agency (PDMA) for implementation of SMART Grid Infrastructure including Enhancing of Existing Network in NDMC Power Distribution Area.
- During a meeting held in the department, PDMA, WAPCOS Ltd, proposed to get the work executed in packages in consideration with scope of work in DPR. The proposal of PDMA, WAPCOS Ltd was as under:-
 - a) Strengthening of Sub transmission and Distribution Network (Funded by Ministry of Power)
 - b) Laying HT and LT cable (Non Funded part Distribution Network).
 - c) Smart metering/ AMI up to head and system (HES) (Non Funded part)
 - d) IT enablement of Distribution system including technology infusion and other (Non Funded part).
- Accordingly, approval was obtained from Chairperson to execute IPDS work for funded (excluding roof top solar) & non funded parts of DPR separately.
"The funded part of the IPDS work comprising of "Strengthening of Sub Transmission And Distribution Network Under Integrated Power Development Scheme (IPDS) Of Ministry Of Power, Government Of India" (excluding roof top solar) was considered as a single package in this work".
- For the first package, M/s WAPCOS Limited submitted a detailed estimate for the work of strengthening of Sub Transmission And Distribution Network Under Integrated Power Development Scheme (IPDS) Of Ministry Of Power , Government Of India amounting to Rs. 185,44,20,070/-.The breakup of detailed estimate was as under:-

Gross Amount of the DE = Rs. 194, 67,02,833
 Credit Amount Rs (-) = Rs. 9, 22,82,763/-

Net Detailed Estimate = Rs. 185,44,20,070/-

- Bidding document was also seen by Power Finance Corporation and given consent to float bidding documents vide letter no. 02:10IPDS:Delhi: NDMC/44944 dated 12/01/2017.
- Accordingly, ~~e-tenders~~ tenders in two cover system, (Part-I containing pre qualification criteria and selection of sub vendors for supply of equipments during the execution of work) and Part -II (price bid) for the above work were invited on 30.01.2017 with wide publicity, with following details:-

Date of release of e-Tender	:- 30/01/2017
Estimate cost	:- Rs. 185,44,20,070/-
EMD Amount	:- Rs. 3,70,88,401/-
Date and time for Pre-bid meeting	:- 14/02/2017 at 11:00 AM, in NDMC Council Room, 3rd floor, Palika Kendra, New Delhi-110001
Last date/time for receipt of Bid	:- 28/02/2017 at 3:30PM

Date/Time for opening of Bid

:- 28/02/2017 at 4:00 PM

- The above information was also apprised to Council vide Resolution No. 06 (B-27) dated 06.03.2017 (Annexure 'C', See pages 178 – 179)
- On due date and time pre bid meeting was held, participants were apprised of the scope of work and query raised were discussed deliberated and clarified, thereafter three corrigendum were issued. Accordingly, the last date of submission of bid was also extended upto 05/04/2017.
- On the due date of opening i.e 05/04/2017, offers were received from the following six firms namely :-
 - (i) M/s Indure Pvt. Ltd.
 - (ii) M/s A2Z Infra Engineering Ltd.
 - (iii) M/s JSP Projects Private Ltd.
 - (iv) M/s Siemens Ltd.
 - (v) M/s Larson & Toubro Ltd.
 - (vi) M/s IL&FS Engineering & Construction Company Ltd.
- The bids were opened in presence of officials from NDMC, WAPCOS Ltd. (PDMA) along with the representative of bidders.
- PDMA, M/s Wapcos vide letter no. WAPT/T&D/NDMC/2017/264 dt16/6/2017 submitted final bid evaluation report of six bidders which was also examined by IPDS division & with due approval of Chairman the matter was referred to the Standing Technical Evaluation Sub Committee comprising of CE(E-II), SE(E-I), SE(E-II), SE(E-IV), Rep. of Law Department, Rep. of Finance Department and EE(IPDS) for ascertaining the eligibility of participating firms as per the terms and conditions of NIT. Dir (Finance) was also associated in the meeting of TEC.
- Total six meeting of Technical Evaluation Sub Committee were held in the matter.
 - 1st TEC meeting was held on dtd. 06/07/2017
 - 2nd TEC meeting was held on dtd. 25/07/2017
 - 3rd TEC meeting was held on dtd. 09/08/2017, further continued on 10/08/2017 and 11/08/2017
 - 4th TEC meeting was held on dtd. 20/09/2017
 - 5th TEC meeting was held on dtd. 04/10/2017
 - 6th ~~TEC meeting was held~~ on dtd. 03/11/2017
- On the basis of decision taken in the 3rd TEC meeting, opinion of Additional Solicitor General (ASG) and IEM were also obtained.
- In the 4th TEC meeting on the basis of recommendations of consultant, examination by the Independent External Monitor (IEM) and advice of Additional Solicitor General of India (ASGI), Technical Evaluation Committee (TEC) recommended that, M/s JSP Projects Pvt. Ltd., M/s A2Z Infra Engineering Ltd., M/s IL&FS Engineering & Construction Company Ltd. & M/s Indure Pvt. Ltd. are not

eligible for further technical evaluation and following two firms became eligible for further technical evaluation:-

- (i) M/s Larson & Toubro Ltd.
 - (ii) M/s Siemens Ltd.
- However, during intervening period, one of the bidder M/s JSP Projects Pvt. Ltd., moved a writ petition in the Hon'ble High Court of Delhi, challenging the anonymous complaint received in the deptt. against it. On the basis of writ petition file by M/s JSP Projects Pvt. Ltd. the Hon'ble High Court of Delhi has passed an order on 27.09.2017, directing that the tender process may be continued with by NDMC but the final tender may not be awarded till the next date of hearing.
 - The hearing fixed for 6/11/2017 was further scheduled on 27/11/2017 and is again rescheduled for 09/01/2018 in the Hon'ble High Court.
 - However, in compliance to the directions of the Hon'ble High Court given in the 1st hearing held on 27/09/2017, department continued with the tender process and reached the stage for opening of financial bids of two eligible bidders namely M/s Siemens and M/s L&T. Accordingly, the case was put up to Chairman to accord following approval:-
 - (i) *The bidders namely M/s A2Z Infra Engineering Ltd, M/s Indure Pvt Ltd. & M/s IL&FS Engineering and construction company Ltd. would be informed of their ineligibility & disqualification with respect to terms and conditions of the bid document.*
 - (ii) *Since eligibility of M/s JSP Projects Pvt Ltd. is subject to outcome of the court case in the Hon'ble High Court of Delhi, in the matter M/s JSP Project Pvt Ltd. Vs NDMC, scheduled for hearing on 29.11.2017, the firm would be informed accordingly at the relevant time as per time direction of hon'ble court.*
 - (iii) *M/s Siemens and M/s L&T Ltd, the two qualified bidders would be informed of their eligibility with respect to the terms & conditions of bid documents and these qualified bidders would be asked to be present during opening of price bids. They would also be informed that the L-1 bidder be decided only after final orders of the Hon'ble high court of Delhi in the matter M/s JSP project pvt. Vs NDMC.*
 - (iv) *Price bids of the two qualified bidder, M/s Siemens Ltd. & M/s Larson & Toubro Ltd., would be opened thereafter.*
 - (v) *Deptt. would ensure that validity extension of the EMD submitted by M/s IL&FS & M/s JSP project Pvt. Ltd. remain valid till finalization of the tender, to ensure compliance of the term & conditions of the bid documents & court order, respectively.*
 - Price bids of the two qualified bidders were opened on 22/11/2017. The quoted price of the two eligible firms are as under :-

S.NO.	BIDDER NAME	AMOUNT (Rs.)
1	Larsen & Toubro Limited	180,39,21,442.19 (L-I)
2	Siemens Ltd.	225,36,21,494.61 (L-II)

- The quoted rate of M/s Larsen & Toubro Limited(L-I bidder) amounting to Rs. 1803921442.19/- are found 2.72% below from the estimate amount of Rs.185,44,20,070/- and 15.34% below from the justified amount of Rs.213,08,98,533/-. The justification of rate is based on prevailing market rate, considering GST, amounting to Rs. 213,13,36,338/- has been prepared.
- The rates quoted by M/s Larsen & Toubro Limited (L-1 bidder) are reasonable, competitive and justified as per prevailing market rate.

- The case has been examined by EE(R&D/Plg) and A.O (E-II).
- Considering these development, NDMC filed application for early hearing of case and direction for awarding the tender to the lowest bidder at the earliest possible, accordingly case was listed on 12/12/2017 in the Hon'ble Delhi High Court. The Hon'ble court has allowed the application filed by the NDMC and passed orders, reproduced as hereunder:-

"These submission of the petitioners do no prima facie have any weight in the light of the minutes of the meeting of the IEM dated 11-09-2017 followed by the minutes of the meeting of the Technical Evaluation sub-committee dated 20.9.2017 both of which had noted the disqualification of the petitioner on merits.

Noting the urgency in the matter, this court vacates the interim direction contained in the order dated 27.09.2017, the respondent may award the tender as per its rules to the successful bidder.

Application disposed of."

- Further, a Letter vide no. JSP/NDMC/Tender/131217 dtd. 13/12/17 in original is received on 15/12/17 in IPDS Division from M/s JSP Projects Private Ltd., informing therein that information to the firm from Govt. e-procurement portal has been received informing that the bid of the firm for the subject cited tender has been rejected during technical evaluation by the duly constituted committee for the reason disqualified in technical evaluation. Further requested that amount of Rs. 3,70,88,401/= submitted as bid security vide Demand Draft No. 067619 may be released to the firm.

The Case was accordingly submitted for the concurrence of Finance Department & Finance Department concurred the proposal for seeking approval of Chairman/Council.

5. Financial implications of the proposed project/subject.

₹ 180,39,21,442/- (Rupees One hundred Eighty Crores Thirty Nine Lacs Twenty One Thousand Four Hundred Forty Two Only).

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

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

Diary No. 2497/Finance/R-Elect. dated 26/12/2017.

1. The proposal of the department is for acceptance of the tender of L-1 firm M/s Larsen & Toubro Limited at the tendered amount of Rs. 180,39,21,442/- which is 2.72% below the EC of Rs. 185,44,20,070/- and 15.34% below the justified cost of Rs. 213,08,98,533/- for the above captioned work.
2. Council vide Resolution no. 17(B-05) dated 28.8.2015 accorded administrative approval amounting to Rs.528.7009 Crore under IPDS and also accorded Expenditure sanction of Rs. 211.480 Crores for the work.
3. The department has recoded that Power Finance Corporation (PFC), the nodal agency of IPDS conveyed NDMC vide letter dated 22.09.2016 that IPDS Monitoring Committee of MOP/GOI in its 7th meeting held on 28th April 2016 has considered NDMC's projects proposal and approved Rs. 196.92 Cr as the project cost for NDMC area of Delhi. Total grant will be Rs. 119.13 crores but no share of fund (grant) is received from PFC as on date.
4. To execute IPDS work, NDMC appointed M/s WAPCOS Limited (A Govt. of India Undertaking) as Project, Design & Monitoring Agency(PDMA) for

implementation of Smart Grid Infrastructure including enhancing of existing network in NDMC Power Distribution Area.

5. The department has also brought on record the followings :-
 - a. Bidding document with detailed estimate was prepared by Consultant M/s WAPCOS which was also examined by the department. Further Bidding document stated to be seen by Power Finance Corporation (PFC) and given consent to float bidding documents vide letter dated 12.01.2017 placed at Page-277/C of detailed estimate file. The deptt. at page 219/N has certified that bid documents have been prepared in accordance with the guidelines of MoP, GOI.
 - b. Reserve price of dismantled article was fixed by the Condemnation Sub-Committee from Page-10-13/N.
 - c. The completion period of the work is 24 months.
6. Technical Sanction to the detailed estimate prepared for Rs. 194,67,02,833/- (Gross) and Rs. 185,44,20,070/- (Net) was accorded by CE(E-II) at Page-33/N.
7. M/s WAPCOS who was appointed PDMA consultant for IPDS project work in NDMC submitted bid documents for calling tenders for the subject work. After due examination of the bid documents by the department and with the approval of Chairman at page-34/N, e-tender were invited with wide publicity in newspapers also.
8. On the due date of opening on 05.04.2017, offers were received from the following six firms namely :-
 - (i) M/s Indure Pvt. Ltd.
 - (ii) M/s A2Z Infra Engineers Ltd
 - (iii) M/s JSP Projects Pvt. Ltd.
 - (iv) M/s Siemens Ltd.
 - (v) M/s Larson & Toubro Ltd.
 - (vi) M/s IL&FS Engineering & Construction Company Ltd.

The bid documents of all the six firm were handed over to Consultant WAPCOS and consultant submitted the final bid evaluation report on 16.06.2017 to EE(IPDS).
9. Chairman approved the technical evaluation sub-committee for evaluation of bids at Page-106/N.
10. M/s WAPCOS had initially disqualified the two firms namely M/s Indure Pvt. Ltd. and M/s A2Z Infra Engineering Ltd. in terms of eligibility provision of the approved NIT/RfP which was examined by the department also.
11. On the basis of decisions taken in the 3rd TEC meeting (placed at Page-122-134/N), approvals of Chairman, for opinion of Additional Solicitor General (ASG) (Page-793-802/CP) and opinion of IEM opinion (Page-883-887/CP) at file No. 4(3) were obtained.
12. On the basis of recommendation of the Consultant, WAPCOS duly checked by department and examination by the IEM and advice of Additional Solicitor General of India (ASGI), TEC recommended at Page-152 to 156/N that M/s JSP Projects Pvt. Ltd. and M/s IL&FS Engineering and Construction Company Ltd.

were not found eligible for further technical evaluation and following two firms were found eligible for further technical evaluation :-

1. M/s Larson & Toubro Ltd.
2. M/s Siemens Ltd.
13. During the intervening period, one the bidder M/s JSP Projects Pvt. Ltd. moved a writ petition in the Hon'ble High Court of Delhi, challenging the anonymous complaint received in the department against it. On the basis of writ petition filed by M/s JSP Projects Pvt. Ltd. the Hon'ble High Court of Delhi has passed an order on 27.09.2017, placed in the file at Page-952 to 953/CP, directing that the tender process may be continued with by NDMC but the final tender may not be awarded till the next date of hearing. Further, the Hon'ble High Court, after listening arguments of respondent and petitioner, passed and order dated 12.12.2017 that the respondent may award the tender as per its rules to the successful bidder. (Page-1171 -1174/CP),
14. With the approval of Chairman at Page-183/N, the price bid of technical qualified firm M/s Siemens Ltd. and M/s L&T Ltd. were opened on 22.11.2017. The quoted rates of two firms are as under :-

Inter-se Position	Name of firm	Quote rates (in Rs.)
L-1	M/s Larsen & Toubro Limited	180,39,21,442.19
L-2	M/s Siemens Ltd	225,36,21,494.61

15. The financial position of the quoted rates of technically suitable L-1, recommended by the department after duly examination and detailed checking by the Planning Division (R&D) and Consultant WAPCOS, for acceptance as under:

Estimated Rates (Rs)	Tendered Amount (Rs)	%age above/below Estimated Cost
185,44,20,070/-	180,39,21,442/-	2.72% below EC
Justified Cost (Rs)	% above/below Estimated Cost	Tender rates are above/below Justified cost
213,08,98,533/-	14.908% above EC	15.344% below justified cost.

16. Justification of rates were worked out by the Consultant M/s WAPCOS which was checked and securitized by the department as well as their Planning Division (R&D) at Page 198/N and 204/N.
17. The department has certified that justification has been prepared as per codal provision and no extra factor has been considered in the justification which may inflate the justification to the extent giving any undue benefit to L-1 firm and further certified that no additional factor beyond codal provision has been loaded in the analysis of rates/justification.
18. CE(E-II) has forwarded the case for concurrence to award of work to L-1 bidder M/s Larsen & Toubro Limited at its quote rates.
19. Department has certified at Page-218/N that the quoted rates of L-1 firm are reasonable, competitive and justified as per prevailing market rates.
20. As per Section 20.4.3.2 of CPWD Works Manual, variation upto 5% over the justified rates may be ignored and in this case, quoted rates of L-1 firm are

15.34% below the justified cost worked out and checked by the department as well as Consultant M/s WAPCOS.

21. The quoted rates of L-1 firm are within the codal provision of Section 20.4.3.2 of CPWD Works Manual. FD concur in the proposal of the department for acceptance of the tender of L-1 firm M/s Larsen & Toubro Limited at the tendered amount of Rs. 180,39,21,442/- (inclusive of GST) which is 2.72% below the EC of Rs. 185,44,20,070/- and 15.34% below the justified cost of Rs. 213,08,98,533/- as checked by Electrical Planning Division and Consultant M/s WAPCOS duly recommended by CE(E-II), for obtaining approval of the Council. However, while submitting the case to the competent authority, department may ensure the followings :-
 - A. Since no funds have yet been received from M/s Power Finance Corporation (PFC) under IPDS, department may expedite for realization of funds from PFC at the earliest and ensure that funds are received to meet out the liabilities.
 - B. Rates are reasonable w.r.t. similar nature of work in other concerns.
 - C. Ensure that items to be executed in this work have not been taken in any other works/contract.
 - D. The status of revised DPR may be brought on record in terms of Council resolution vide no. 17(B-05) dated 28.8.2015
 - E. Views of Law Department may be obtained with regard to Court case.

Reply of department to the observations of Finance Department.

The Finance Department vide note dt.26/12/2017, as per observation appearing in the note on 221-224 has concurred the proposal of the department to award the work of "Strengthening of sub-transmission and distribution network under Integrated Power Development Scheme (IPDS) of Ministry of Power, Government of India" to L-1 bidder M/s Larsen & Toubro Limited amounting to Rs.180,39,21,442/- and further advised for compliance of certain conditions mentioned at Sr no. 'A' to 'E' in point no 21, which are clarified as under:-

- A. Power Finance Corporation has sent the revised draft agreement through email on dt 19/12/2017 to be signed between PFC and NDMC. The same has been sent to Finance Deptt. of NDMC for concurrence. The process for realization of funds shall take place after approval of draft agreement from competent authority and thereafter signing of agreement between PFC and NDMC.
- B. Department certifies that the rates of L-1 firm M/s L&T Ltd are reasonable, justified as per current market trends of rates. The justification of rates has been prepared as per provision of CPWD Works Manual. However, the rates cannot be compared with similar nature of work in other concerns as quantum of work as well as specifications of equipments to be installed vary from Project to Project.
- C. It is ensured that the items to be executed in this work have not been taken in any other works / contract.
- D. After approval of Chairman, NDMC [CP-1212 of correspondence file 4(4)] revised DPR amounting to Rs.505.12Cr was submitted to Ministry of Power, Gol under IPDS vide letter no. D-377/CE(E-II) dt. 27/11/2015 [CP-1213-1214 of correspondence file 4(4)]. On the basis of revised DPR Power Finance Corporation (PFC), the nodal agency of IPDS conveyed NDMC vide letter no 02:16: IPDS: NDMC: DELHI: 042003 dated 22.09.2016, that IPDS Monitoring Committee of MoP/Gol, in its 7th meeting held on 28th April 2016

has considered NDMC's project proposals and approved Rs 196.92 Cr as the project cost for NDMC area of Delhi. (enclosed at annexure 'B' in the correspondence file 4(1) at page (ix-xii)/CP).

The status of revised DPR shall also be brought on record in terms of council resolution vide no. 17(B-05) dated 28/08/2015, while placing the case before council for approval of award of work to M/s Larsen & Toubro Limited.

- E. Details of court case shall be brought in the note while forwarding the agenda for the comments and view of Law Department. However, with respect to para 13 on N/P-222 in the note of Finance Department, it is further added that M/s JSP Projects Pvt. Ltd has submitted a request letter in the division seeking release EMD[CP-1181 of correspondence file 4(4)]. Further on dt 26/12/2017 another letter[CP-1207 of correspondence file 4(4)] has been received from M/s JSP Project Pvt. Ltd. wherein firm has requested that:-

"Sir, we will withdraw our writ petition pending in Hon'ble Delhi High Court before the next hearing date as the court are closed due to winter holidays.

We also do accept the decision taken by NDMC of price bid opening and will not raise any objection in future."

Draft agendum duly incorporating the observations of Finance Department, has also been seen by F.A (Financial Adviser) on 27.12.2017.

8. Legal implication of the subject/project.

NIL, however comments of Law deptt. are detailed at Sr. No.10 of the agenda.

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

Resolution No. 17 (B-05) dated 28.08.2015.

Resolution No. 06 (B-27) dated 06.03.2017.

10. Final Comments of the Law department on the subject/project.

Dy. No. FR-333/CLA/17 dt. 05.01.2018

Pursuant to the observations of Finance Department appears at S.No.-21 E, page-224/N for views of Law Department w.r.t. Court case, the agenda to Award the work of strengthening of sub-transmission and distribution network under Integrated Power Development Scheme (IPDS) of Ministry of Power, Govt. of India to M/s. Larsen & Toubro Ltd (L&T) at the quoted rates has been referred by Electricity Department to Law Deptt. for comments.

At the outset, it is important to mention that before referring the agenda to Law Deptt., the Electricity Deptt. itself specified at S.No. 8 of the agenda that "no legal implications on the subject" whereas at S.No.10 of the agenda the department sought final comments of the Law Deptt. on the subject. The Electricity department may take note of this.

However, having examined the agenda placed in the file in the light of the observations of Finance Deptt., it is observed that one of the bidder company / firm namely M/s. JSP Projects Pvt. Ltd., has approached Hon'ble High Court of Delhi by filing a writ petition. Hon'ble High Court in the said writ petition vide its order dated 27.09.2017 granted interim direction. Later on Hon'ble High Court vide its order dated 12.12.2017 vacated the interim direction/ order with the direction that respondent NDMC may award the tender as per its rules to the successful bidder and post the matter for hearing on 09.01.2018.

Since Hon'ble High Court has vacated the interim order as aforesaid, Law Department is of the view that the department may proceed further for awarding the work to L-1 firm/ company as per rules. No other legal issue appears to be involved in the agenda. Needless to say the department shall ensure the correctness of facts & figures and guidelines etc. on the subject.

Reply of department to the observations of Law Department.

Observation noted and department certifies the correctness of facts, figures & guidelines etc. on the subject.

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

Certified that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.

12. Recommendations.

The case may be placed before council for approval of the following:-

- (A) i. The work of "Strengthening of sub-transmission and distribution network under Integrated Power Development Scheme (IPDS) of Ministry of Power, Government of India" be awarded to M/s L & T Ltd. (Larsen & Toubro Limited), the L-1 bidder, at their quoted rates, amounting to ₹ 180,39,21,442/- (Rupees One Hundred Eighty Crore Thirty Nine Lakh Twenty One Thousand Four Hundred Forty Two only) inclusive of all taxes and duties and at the terms and conditions

- ii. Approval of council is also sought to place the work order on M/s L & T Ltd. (Larsen & Toubro Limited), in anticipation of the confirmation of minutes of the council meeting.

- (B) Council is also informed that the revised DPR amounting to Rs.505.12 Cr was submitted to Ministry of Power, GoI under IPDS vide letter no. D-377/CE(E-II) dt. 27/11/2015 & Power Finance Corporation (PFC), the nodal agency of IPDS has informed that IPDS Monitoring Committee of MoP/GoI, in its 7th meeting held on 28th April 2016 has considered NDMC's project proposals and approved ₹ 196.92 Cr as the project cost for NDMC area of Delhi.

Details of approvals are as under:-

- a) Approved DPR Cost for NDMC area is ₹ 196.92 Crore
- b) Govt. of India (Gol) Grant of ₹ 118.15 Crore (60% of sl. No. a)
- c) Govt. of India (Gol) Grant for Project Management Agency Rs. 0.98 Crs (0.5% of sl. No. a)
- d) Total Grant= ₹ 119.13 Crore (sl. No. b + sl. No. c)

13. Draft Resolution

- (A)
 - i. Resolved by the Council that the work of "Strengthening of sub-transmission and distribution network under Integrated Power Development Scheme (IPDS) of Ministry of Power, Government of India" is awarded to M/s L & T Ltd. (Larsen & Toubro Limited), the L-1 bidder at their quoted rates, amounting to ₹.180, 39, 21,442/- (Rupees One Hundred Eighty Crore Thirty Nine Lakh Twenty One Thousand Four Hundred Forty Two only) inclusive of all taxes and duties and at the terms and conditions of NIT.
 - ii. Approval of Council is also accorded to place the work order on M/s. Larsen & Toubro Limited, in anticipation of the confirmation of the minutes of the council meeting.
- (B) Information noted.

COUNCIL'S DECISION

Deferred.


New Delhi Municipal Council
New Delhi.

ITEM NO. 17 (B-05)

CE (E-II)

1. Name of the subject/project.

Smart utility Road Map for NDMC - "Submission of Detailed Project Report for Strengthening of Sub-transmission & Distribution Network including Metering & IT enablement under Integrated Power Development Scheme (IPDS)", of Ministry of Power, Government of India.

2. Name of department.

Electricity Department-II

3. Brief history of the subject/project.

To introduce the concept of smart grid & speedy execution of pending works in the distribution network, in the existing Electricity Infrastructure in NDMC, it is observed that sub-transmission system of 66 & 33 KV in NDMC supply network has already been strengthened & made SCADA compatible through M/s PGCIL (Power Grid Corporation of India Ltd.). There is adequate capacity in the system, capable of meeting future projected demand of 600 MVA by year 2020 thus no major overhauling is needed at this Voltage level. However 11 KV, HT & LT distribution systems upto the consumer premises, need strengthening & revamping which is also highlighted in the Y.P. Singh committee report on "Road Map for Revamping Electrical in NDMC" submitted in the year 2007.

Considering that during the intervening period not only the load demand has increased but also with the introduction of smart grid/ metering concepts, requirements of revamping & strengthening of the distribution system need to be looked afresh.

To make NDMC sub - transmission & distribution system compatible to the requirement of smart grid, the SCADA facilities of other utilities in Delhi, who had done considerable work in their sub-transmission & distribution network by integrating technologies in improving the overall performance of system in terms of lowering losses and improving reliability were visited by NDMC team. The NDMC team is of the view that there is a need in improving its systems & processes for commercial operation & billing in line with the requirement of "Smart Grid".

Govt. of India (GOI) through Ministry of Power (MOP) has launched IPDS with the following schemes:-

- i) Strengthening of sub transmission and distribution networks in the urban areas

R-6764/CEE-II
08/09/15

- ii) Metering of distribution transformers/ feeders/ consumers in the urban areas.
- iii) IT enablement of distribution sector and strengthening of distribution network, as per CCEA approval dt. 21.06.2013 for completion of the targets laid down under R-APDRP for 12th and 13th Plans carrying forward the approved outlay for R-AAPDRP to IPDS

The scheme covers works relating to strengthening of sub-transmission & distribution system, including provision of solar panels, metering of distribution transformers/ feeders/ consumers in the urban areas and IT enablement of distribution sector. All Discoms including private sector Discoms & State Power Departments are eligible for financial assistance under the scheme. The Discoms are to assess the need for strengthening the urban distribution and formulate bankable Detailed Project Reports (DPR) for coverage under the scheme.

Since IPDS guidelines are concerning improvement of transmission & distribution network with specific funds allocation to state utilities, it was a considered view that a Detailed Project Report (DPR), on the specified format of PFC (Power Finance Corporation) be submitted to the Ministry of Power, detailing the scheme & requirement of funds under IPDS.

M/s Rural Electrification Corporation (REC) a Navratna, Central Public Sector Enterprises, under Ministry of Power, GOI, focusing on facilitating the power utilities in the areas of operation related to power distribution sector by providing expertise, conducted a study of NDMC distribution system. In the report, prepared in consultation with NDMC, besides identifying focused areas for improving effectiveness of resources and adopting State-of-Art technologies, recent scheme launched by the Govt. of India for "Electricity distribution sector in urban and semi urban areas" under "Integrated Power Development Schemes (IPDS)" was considered. It was decided that NDMC may approach Ministry of Power (MOP) through Ministry of Home Affairs (MHA) detailing the scheme and requirement of funds under IPDS.

4. Detailed proposal on the subject/project.

Considering the financial outlay for Delhi under IPDS, based on the minimum quantity of life served equipments, on inputs provided by Operation, Power, Commercial & IT deptt., a Detailed Project Report (DPR) amounting to ₹. 52870.09 Lacs, covering following schemes in the work were prepared (Annexure Separate Booklet):-

Priority	Scheme	Value Proposed (₹) in Lacs
(i)	Strengthening of Sub-transmission and Distribution network.	24424
(ii)	Smart Metering / AMI	7096.83
(iii)	IT enablement of distribution system including Technology infusion & others.	21349.26
	Total	52870.09

- As the meeting of Empowered Monitoring Committee, Ministry of Power (MOP) on IPDS was scheduled on 06.08.2015, the Detailed Project Report (DPR) was submitted to Ministry of Home Affairs (MHA) vide letter no. D-174/PS/Secy/2015 dt. 03.08.2015 informing that the Detailed Project Report (DPR) for execution of "Advance Metering Infrastructure" (AMI) and strengthening of Distribution network, covering all relevant details and cost estimates based on DERC Cost Data Book rates, NDMC approved rates & current market rates has been prepared. It was also submitted that the scheme would be implemented through REC, a public sector, undertaking of Govt. of India, Ministry of Power. Rural Electrification Corporation Ltd. (REC), a Govt. of India undertaking would be assigned the above work under IPDS on a "Turn Key" basis, to ensure compliance of codal provisions and relevant guidelines of the Govt. of India in project execution through transparent and competitive bidding. Ministry of Home Affairs, being the controlling ministry of NDMC, was requested to forward the DPR with endorsement to Ministry of Power, Govt. of India, for consideration and approval of the Empowered Monitoring Committee for project scrutiny under IPDS. NDMC's DPR was forwarded by the Ministry of Home Affairs to the Ministry of Power, vide letter no. F-no.14011/32/2015- Delhi-II dt.05.08.2015, for consideration by the Ministry of Power (MOP), being the nodal ministry for IPDS.
- Power Finance Corporation (PFC), the nodal agency for operationalization and implementation of the scheme under the overall guidance of Ministry of Power, besides suggesting certain improvement in the DPR also made a presentation on NDMC's DPR for consideration under IPDS before the Empowered Monitoring Committee on IPDS in Ministry of Power, in the meeting held on 06.08.2015. After deliberations, Monitoring Committee Approved-In-Principle, the DPR within the proposed value of Rs. 528.70 Crores.

Suggestions of PFC, concerning DPR, listed below, were discussed in the meeting held in the chamber of Chairman on 25.08.2015, & decision taken to revise the DPR accordingly.

- I. Distribution Reforms Committee & District Electricity Committee
- II. Signing of Tripartite/Bipartite agreement
- III. AT & C losses & loss trajectory up to 2021-22
- IV. Funding pattern
- V. Gap assessment of the functionalities developed by M/s Vyamtech in IT & OT Infrastructure

The revised DPR shall be submitted to council in due course of time.

5. Financial implications of the proposed project/subject.

The estimated cost of work in DPR is ₹ 528.70 Crores. The proposed funding pattern is as under:-

- G.O.I Grant	- 60% (₹. 317.22 Cr.)
- NDMC contribution	- 40% (₹. 211.48 Cr.)

In case NDMC achieves implementation milestones as per IPDS guidelines, there is a provision of maximum 15% additional grant. Therefore if the project is implemented as per schedule, NDMC would be entitled for additional 15% grant. In such scenario the NDMC contribution would reduce to 25% (₹ 132.16 Cr only).

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

Eighteen months from the date of award to the Rural Electrification Corporation Ltd. (REC).

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

Dy. No. 1976/Finance dt. 28.08.2015

- i. As far as the Draft Agendum for Transmission Distribution Report Committee and District Electricity Committee is concerned, there is no financial implications as such and administrative decision is to be taken.
- (II) Regarding the proposal in Draft Agendum No.2 above, Finance Department suggest the Department to also take cognizance of the following points while placing the Agenda before the Council:-
 - 1) The total cost of the project has been estimated as ₹ 528.70 crore. As per record, the Govt. of India will fund 60% (₹ 317.22 crore) and NDMC to bear 40% (₹ 211.48 crore) of the cost of the Project. The Department has proposed to bear the NDMC share of the cost from the internal resources of NDMC. A cost plus benefit analysis of the project needs to worked out

and should be part of the project report. It is further advised that Deptt. may also work out and bring on record the year wise allocation of fund required for the project so that the commitment of NDMC fund is considerably spread out.

- 2) The modalities of fund transfer to be made to the selected Company which is awarded as turn key project may also be worked out and brought on record.
The department may also bring on record as to how they will ensure timely release of funds from Govt. of India so that there is availability of adequate fund during execution of work.
- 3) The funding as described under fund disbursement guidelines Chapter -IV for IPDS states that additional grant to the tune of 50% of total loan/own fund (30%) i.e. 15% shall be disbursed by the Govt. of India on achievement of laid down prescribed milestone. The Department may ensure and plan the activities to achieve this additional grant so that there is no burden on NDMC reserves.
- 4) In the recommendations, it is observed that the project is to be implemented on turn key basis through Rural Electrification Corporation (REC), Govt. of India Undertaking stating that they are having adequate experience and expertise in the field. The guidelines of IPDC issued by Ministry of Power, it inter-alia described under mode of implication on page 7 that the turn key contract shall be awarded by concerned utility i.e. REC in this case through e-tendering with the prescribed procurement policy, standard bidding documents and technical specifications being circulated separately by Nodal Agencies.
- 5) It appears from perusal of record that various works/schemes under the Instant proposal would have been covered/executed under Y.P. Singh Committee report and the work regarding IT modules awarded to M/s. Vayantech. The Department may ensure that there is no overlapping/duplication of schemes under the Instant project.
- 6) In the guidelines issued by Ministry of Power vide para 8 at Annexure 1, there is a list of items not eligible to be covered under this scheme. The Department may bring on record whether there is any such item. If so, the details along with financial implication may be brought on record.

(This issues with the approval of F.A.)

Department's Clarifications:-

Para II(1) The cost plus benefit analysis of the project would be worked out and made a part of the "Revised Detailed Project Report", which would be submitted to Council in due course of time. Further the year wise allocation of funds required for the project, to spread out the commitment on NDMC funds, shall also be placed before the council along with the revised DPR in due course of time.

Para II(2) The modalities of the fund transfer to the selected company, which is awarded "Turn Key" project, shall be finalized in consultation with finance & approval of the competent authority.

For timely release of funds from GOL, the progress of execution of work shall be communicated to the nodal agency for IPDS & Ministry of Power (MOP) regularly.

Para II(3) Department in close co-ordination with Commercial, Power & IT department would make all out efforts & plan the activities to achieve the defined milestones as per IPDS guidelines for becoming eligible for additional grant of 15% to minimize burden on NDMC reserves.

Para II(4) Advice of Finance is noted and REC would be advised to award the "Turn Key" contract through e-tendering with the prescribed procurement policy, standard bidding documents and technical specifications circulated by nodal agency, if any.

Para II(5) Power, Commercial & IT department would ensure that there is no overlapping & duplicity of items already covered in modules, awarded to M/s Vaymatech & Electricity Department would also ensure that old/outlived substation equipments, not covered in Y.P Singh Committee Report, are a part of Detailed Project Report.

Para II(6) The Detailed Project Report has been submitted to Power Finance Corporation who is the nodal agency on IPDS in Ministry of Power (MOP). The revised DPR would also be submitted to PFC, who would examine the proposal, as per IPDS Guidelines.

8. Legal implication of the subject/project.

--Nil--

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

--Nil--

10. Final Comments of the Law department on the subject/project.

There are no legal issues at this stage. The DPR is prepared as per the guidelines on IPDS. Comments of Law Deptt. may be treated as Nil at this stage.

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

Certified that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.

12. Recommendation,

The case may be placed before the Council for approval of the following:-

- (A) The Council being the 'Distribution Reforms Committee' & 'District Electricity Committee' recommends the DPR for the work of Strengthening of Sub-transmission & Distribution Network including Metering & IT enablement in NDMC under Integrated Power Development Scheme (IPDS) for approval of monitoring committee, in Ministry of Power (MOP) through Ministry of Home Affairs (MHA).
- (B) 1x Post facto Administrative Approval (A/A) of the Council for submission of DPR amounting to ₹ 528.7009 Crores under IPDS for Strengthening of sub-transmission and distribution network including metering & IT enablement, for consideration of the Empowered Monitoring Committee in Ministry of Power, GOI, in the meeting held on 06.08.2015 through Ministry of Home Affairs (MHA).
- (C) Rural Electrification Corporation (REC), a Navratna, Central Public Sector Enterprises, under Ministry of Power, GOI, having adequate experience and expertise in the field to be assigned execution of above work under IPDS on a "Turn Key" basis, complying opdal provisions and relevant guidelines of the GOI in project execution through transparent and competitive bidding as recommended by the High Level Committee in NDMC for this work & authorize Chairman, NDMC, to sign the agreement with Rural Electrification Corporation (REC).
- (D) Expenditure sanction (E/S) of ₹. 211.480 Crores, being the non-grant (40%) portion in the work of Strengthening of Sub-transmission & Distribution Network including Metering & IT enablement in NDMC under Integrated Power Development Scheme (IPDS), to be funded by NDMC, from its own resources.
- (E) To delegate the authority with Chairman, NDMC to appoint a *Project Management Agency (PMA)* for assisting NDMC in Project Management, ensuring timely implementation of the project, as per the guidelines for implementation of IPDS. A/A & E/S of Council on the financial implications shall be taken in due course of time.
- (F) Based upon PFC's observation & further ground trotting an updated/revised "Detailed Project Report" (DPR) be submitted to Council in due course of time.

9. Draft Resolution

Approval of Council is accorded to the following:-

- (A) The Council being the 'Distribution Reforms Committee' & 'District Electricity Committee' recommends the DPR for the work of Strengthening of Sub-transmission & Distribution Network including Metering & IT enablement in NDMC under Integrated Power Development Scheme (IPDS) for approval of monitoring committee, in Ministry of Power (MOP) through Ministry of Home Affairs (MHA).
- (B) Ex-Post facto Administrative Approval (A/A) of the Council for submission of DPR amounting to ₹ 528.7009 Crores under IPDS for Strengthening of sub-transmission and distribution network including metering & IT enablement, for consideration of the Empowered Monitoring Committee in Ministry of Power, GOI, in the meeting held on 06.08.2015 through Ministry of Home Affairs (MHA).
- (C) Rural Electrification Corporation (REC), a Navratna, Central Public Sector Enterprises, under Ministry of Power, GOI, having adequate experience and expertise in the field to be assigned execution of above work under IPDS on a "Turn Key" basis, complying codal provisions and relevant guidelines of the GOI in project execution through transparent and competitive bidding as recommended by the High Level Committee in NDMC for this work & authorized Chairman, NDMC to sign the agreement with Rural Electrification Corporation (REC).
- (D) Expenditure sanction (E/S) of ₹. 211.480 Crores, being the non-grant (40%) portion in the work of Strengthening of Sub-transmission & Distribution Network including Metering & IT enablement in NDMC under Integrated Power Development Scheme (IPDS), to be funded by NDMC, from its own resources.
- (E) To delegate the authority with Chairman, NDMC to appoint a *Project Management Agency* ~~Agency~~ to assist NDMC in Project Management, ensuring timely implementation of the project, as per the guidelines for implementation of IPDS. A/A & E/S of Council on the financial implications shall be taken in due course of time.
- (F) Based upon PFC's observation & further ground trotting an updated/revised "Detailed Project Report" (DPR) be submitted to Council in due course of time.

COUNCIL'S DECISION

Approved.

07/09/15
For Secretary

Muzrai Municipal Council

पावर फाइनेंस कॉर्पोरेशन लिमिटेड
POWER FINANCE CORPORATION LTD.
(भारत सरकार का उपक्रम) (A Govt. of India Undertaking)
(आई.एस.ओ. 9001:2008 प्रमाणित) (ISO 9001:2008 Certified)

No.02:16:IPDS:NDMC:DELHI:042003

Date: 22nd September 2016

To,

The Secretary,
New Delhi Municipal Council (NDMC)
Rajika Kendra, Sansad Marg,
New Delhi-110001

Sub: Financial assistance to New Delhi Municipal Council (NDMC) for implementation of project under Integrated Power Development Scheme (IPDS) of Govt. of India in the State of Delhi (Grant No. 02251001)

Sir,

This has reference to letter No. D-377/CEE-II dated 27.11.2015 from NDMC regarding financial assistance under IPDS scheme. In this regard, we are pleased to convey that IPDS Monitoring Committee of MoP/Govt. in its 7th meeting held on 28th April 2016, has considered your Project proposals and approved Rs. 196.92 Cr as project cost for NDMC area of Delhi. Details of approvals are as below:-

1. Approved DPR Cost for NDMC area is Rs. 196.92 Crore
2. Govt. of India (GoI) Grant of Rs. 118.15 Crore (60% of sl.no. 1).
3. Govt. of India (GoI) Grant for Project Management Agency Rs. 0.98 Crs (0.5 % of sl.no. 1).
4. Total Grant = Rs. 119.13 Crore (sl.no. 2 + sl.no. 3).
5. Projects to be implemented on turnkey basis as informed by NDMC vide above mentioned letter.

Project area wise details enclosed at Annexure-I

The sanctioned DPRs have been uploaded on IPDS web-portal (www.apdrp.gov.in). Utility is requested to submit signed copy of the sanctioned DPR on all pages, alongwith acceptance letter.

The grant amount shall be released through PFC Nodal Agency as per IPDS guidelines as amended from time to time and as per the terms and conditions of Tripartite Agreement.

Projects completion dates as per IPDS guidelines shall be 21-03-2019 (viz. 30 months from date of sanction letter). The closing date for drawl of grant shall be 21-03-2020 (i.e. one year from project completion date) or any other date as decided by Monitoring Committee. Expenditure incurred after the sanction letter date shall only be eligible for Grant utilisation.

The approval of projects and Gol Grant shall be subject to IPDS guidelines and Tripartite Agreement executed to be executed between PFC as the Nodal Agency on behalf of Ministry of Power, NDMC and NDMC on behalf of Ministry of Home Affairs (MHA). This sanction letter will form part of the Tripartite Agreement.

Release of Gol Grant funds shall be further subject to the terms and conditions of Chapter-IV of IPDS guidelines (Funds Disbursement Guidelines). Extracts of terms and conditions of Funds Disbursement Guideline enclosed at Annexure-IV.

We request you to communicate your acceptance to the above approved project cost and Gol Grant component on the terms and conditions at the earliest in format at Annexure-II within 15 days from the date of issue of this sanction letter.

List of Documents required and Extracts of terms and conditions for funds disbursement (Ref Chapter-IV of IPDS Guidelines) is enclosed at Annexure-III & IV respectively.

Your kind attention is invited to Chapter IV Para 15 of the IPDS guidelines, which reads as under:-

15 Pre Closure/Recall of Grant:

15.1 In case the utility fails to submit the Project Completion Certificate within a period of one year from the approved project completion date (approved by Monitoring Committee), or not completed project within project completion date due to poor progress, the Nodal Agency shall send a team suo moto to assess the works and expenditure and submit its recommendation to the Monitoring Committee for closure and also refund of excess grant by utility if any released against the project.

~~15.2 In case the utility fails to award the project within nine months of release of first tranche of grant component viz. 10% the project will be deemed as closed/cancelled and the grant component released shall be refunded by the utility within three months.~~

Modified Clause 15.2 (as approved by IPDS Monitoring Committee in its 6th meeting held on 10.12.2015)

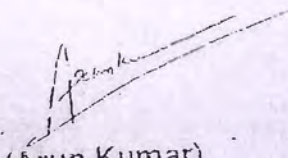
15.2 In case the utility fails to award the sanctioned projects upto Three months after finalization of rate contracts by Committee B or Nine months from release of 1st tranche of grant component by PFC to Utility, whichever is later, the project will be deemed as closed/cancelled and the grant component released shall be refunded by the utility within three months.

15.3 In case the utility fails to refund the grant as in above cases, the Nodal Agency has the right to adjust the already released grant against future releases of

grant pertaining to other approved projects under the scheme. If there are no such eligible future releases, the same shall be adjusted against the Central Plan Assistance by Govt. of India.

Thanking you.

Yours faithfully,
for POWER FINANCE CORPORATION LTD.


(Arun Kumar)
Nodal Officer IPDS-Delhi

Encl: as above

Copy for information to:

- i. Director (Distribution), Ministry of Power, Shram Shakti Bhavan, Rafi Marg, New Delhi-110001
- ii. Joint Secretary (UT), Government of India, Ministry of Home Affairs, North Block, New Delhi-110001.
- iii. Chief Engineer (Electrical-II), New Delhi Municipal Council (NDMC), Room No. 1706, Palika Kendra, Sansad Marg, New Delhi-110001.

Internal in PFC:

- i. ED(L&D) PFC Ltd.
- ii. GM (IPDS) PFC Ltd.
- iii. GM (Disb.) PFC Ltd.

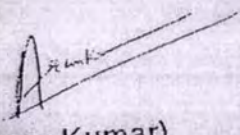
Annexure-I

A) Approved DPR Cost and Government of India (Gol) Grant

S. No.	Grant Number	Name of Project Area	Towns covered		Approved DPR Cost (Rs. Crs)	Gol Grant on approved DPR Cost (Rs. Crs)
			No.	Names		
1	02251001	NDMC area	1	New Delhi (NDMC area)	196.92	118.15

B) Gol Grant sanctioned for Project Management Agency for above projects
(Grant No 02250001): Rs.0.98 crore

Total Gol Grant sanctioned for above projects [A+B] Rs.119.13 Crs.


(Arun Kumar)
Nodal Officer IPDS-Delhi

Electricity Department-III

Annexure - C

Subject:- Implementation of Smart Grid Infrastructure Including Enhancing Of Existing Network in NDMC Power Distribution Area

Sub Head:- Strengthening of sub-transmission and distribution network under integrated power development scheme (IPDS) of Ministry of Power, Government of India".

1. Council vide resolution no 17 (B-05) dated 28/08/2015 accorded Ex-Post facto Administrative approval (A/A) for submission of DPR amounting to Rs. 528.7009 Crores under IPDS for strengthening of sub-transmission and distribution network including metering & IT enablement for consideration of the Empowered Monitoring Committee in Ministry of Power GOI, in the meeting held on 06.08.2015 through Ministry of Home Affairs (MHA).
2. Vide the same resolution council also approved Expenditure sanction (E/S) of Rs. 211.480 Crores, being the non-grant (40%) portion in the work of strengthening of Sub-transmission & Distribution Network including metering & IT enablement in NDMC under Integrated Power Development Scheme (IPDS), to be funded by NDMC, from its own resources.
3. Power Finance Corporation (PFC), the nodal agency of IPDS conveyed NDMC vide letter no 02:16: IPDS: NDMC: DELHI: 042003 dated 22.09.2016 that IPDS Monitoring Committee of MoP/GOI, in its 7th meeting held on 28th April 2016 has considered NDMC's project proposals and approved Rs 196.92 Cr as the project cost for NDMC area of Delhi. Details of approvals are as under:-
 - a) Approved DPR Cost for NDMC area is Rs 196.92 Crore
 - b) Govt. of India (GoI) Grant of Rs. 118.15 Crore (60% of sl. No. 1)
 - c) Govt. of India (GoI) Grant for Project Management Agency Rs. 0.98 Crs (0.5% of sl. No. 1)
 - d) Total Grant= Rs. 119.13 Crore (sl. No. 2 + sl. No. 3)
4. To execute IPDS work NDMC appointed M/s WAPCOS Limited (A Govt. of India Undertaking) as Project Design & Management Agency (PDMA) for implementation of SMART Grid Infrastructure including Enhancing of Existing Network in NDMC Power Distribution Area.

Based on the proposal submitted by WAPCOS and recommendation of the department, the Chairman has accorded approval on dtd. 25/1/17 for the detailed estimate amounting to Rs. 185,44,20,070/- and Draft NIT for the work of "Strengthening of sub-transmission and distribution network under integrated power development scheme (IPDS) of Ministry of Power, Government of India" with direction "to inform council also".

Accordingly, e-procurement tender notice was uploaded on website <https://govtprocurement.delhi.gov.in> and www.ndmc.gov.in on dated 30/01/2017. The e-procurement tender notice was also published on dtd. 01/2/17 in following newspaper:-

1. Hindustan Times- English (All India Edition)

2. Economic Times - English (All India edition)

3. Navbharat Times- Hindi (NCR region)

The details of e-procurement tender notice are as follows:-

Tender ID :- 2017_NDMC_122688_1
Date of release of e-Tender :- 30/01/2017
Estimate cost :- Rs. 185,44,20,070/-
EMD Amount :- Rs. 3,70,88,401/-
Date and time for Pre-bid meeting :- 14/02/2017 at 11:00 AM, in NDMC
Council Room, 3rd floor, Palika Kendra, New Delhi-110001.
Last date/time for receipt of Bid :- 28/02/2017 at 3:30PM
Date/Time for opening of Bid :- 28/02/2017 at 4:00 PM
The pre bid meeting was held on dtd. 14/2/17 and quarries received from the firms have been evaluated and corrigendum is being issued accordingly. The last date of submission of bid has been extended from 28/2/2017 to 20/3/2017.

The case is placed before Council for above information.

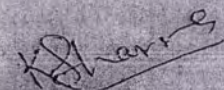
Draft Resolution

Information noted.

COUNCIL'S DECISION

Information noted.

The Council resolved to direct the concerned Department to complete the project in a time-bound manner.


Secretary
New Delhi Municipal Council
Palika Kendra, New Delhi

Copy of Resn. No. 10 (M-01)
of
Council's Ordinary Meeting
Dated 24-01-18

ITEM NO. 10 (M-01)

1. **Name of the subject/project:**
Mid Day Meal scheme for NDMC/Navyug/Aided schools
2. **Name of the department/departments concerned:**
Education Department
3. **Brief history of the subject/project:**

3.1 National Programme of Nutritional support to Primary Education commonly known as the Mid Day Meal scheme was launched as a centrally sponsored scheme on 15th Aug, 1995. The objective of the scheme was to boost universalization of Primary Education by increasing enrolment, attendance, retention and learning level of the children especially those belonging to the lower section of the society and to improve Nutritional status of the children.

3.2 NDMC implemented the scheme in August 2003 and 60 schools out of 82 schools were covered in the year 2003-04. The scheme was fully implemented in the month of September 2004 in all the NDMC, NDMC Aided, Balwari & Navyug Schools run by the Navyug School Educational Society, a fully funded Society of the NDMC. Since then NDMC is providing cooked mid day meal in all Schools up to Class V through NGOs/Caterers. NDMC extended the benefit of mid day meal scheme up to class XII in the year 2007-08.

3.3. On the lines of GNCTD, the MDM are supplied through the NGOs/VOs selected through the tendering process. At present, Iskcon Food Relief Foundation & M/s Manjeet Caterer are supplying cooked mid day meal in 48 schools (Sr. Sec. 20 + Sec. 08 + Middle 01 + Pry. 16 + Nur. 3).

The Details of the 48 schools are as under:

S.no.	School Category	Total No. of School
	NDMC Schools	
1	Sr. Sec.	13
2	Sec.	7
3	Middle	1
4	Primary	10
5	Nursery	3
	Total NDMC Schools	34
6	Aided Schools	3
7	Navyug Schools	11
	Grand TOTAL	48

3. 4. As per concurrence of the Council Resolution No.03(M-01) dated 24-07-2015, NDMC is providing cooked mid day meal from nursery to class XII in all NDMC/NDMC Aided/ Navyug Schools through two suppliers namely M/s Manjeet Caterer and Iskcon Food Relief Foundation. Their agreement of supply of cooked Mid Day Meal to NDMC School was entered in 2012-13 for a period of three years which has expired on 31.05.2016 i.e. Academic session 2015-16. The term is being extended with the approval of the Competent Authority. The last extension was approved by the Council for a period of six months and upto 31.12.2017.

3.5. As per the Agreement, the supplier is supplying hot cooked meal per child per day as per the following rate/nutritive value/weight of the cooked meal based on the rates formulated under guidelines issued by Ministry of Human Resources Development and communicated by Deputy Director of Education (MDM), GNCT of Delhi vide O. M. No. DE.23 (487) MDM/2014-15/2061-82 dated 18-01-2016 from 1st to VIIIth. However NDMC has been supplying foods from Nursery to XIth and hence the rates for Nursery have been calculated at par with Primary and for Secondary & Sr. Secondary, the rates has been calculated on the basis of subsidy on supply of wheat and rice.

The details of rate, nutritive value and approx weight of the cooked food are as under:

Category of the students	Rate per day per child	Requisite Nutritive value	Approx. Weight of cooked meal
Nursery	Rs.4.13	450 calories 10 Gms. Protein	250 Gms. to 300 Gms.
Primary	Rs.4.13 with 100 gms. of free grain subsidy i.e. wheat/rice	450 calories 20 gms. protein	300 Gms.
Middle	Rs.6.18/- with 150 gms. of free grain subsidy i.e. wheat/rice	700 calories 20 gms. protein	350 Gms.
Sec. & Sr. Sec.	Rs.7.40/-	700 calories 20 gms. protein	350 Gms.

3.6 Since the terms of the existing suppliers are ending on 31.12.2017, a supplier will have to be selected for supply of the cooked food in our NDMC schools for a period of three years for the session 2017-20. The work of the Mid Day Meal will be assigned for the year 2017-20 with a stipulation that the contract would be initially for a period of one year i.e. 2017- 2018 and it will be further extended for the year 2018-19 & 2019-20, if the performance is found satisfactory.

3.7 Accordingly a RFP document was prepared for the purpose keeping in view the MORHD and GNCTD guidelines on the subject.

3.8 **Terms and Conditions for supply of the MDM:** The detailed terms and conditions for supply of the cooked MDM have been mentioned in detail at Para 11-42 of the RFP. However, as per the RFP document, the broad terms and conditions for supply of the MDM are as under:

i. The selected supplier shall supply the meal in a sealed container and unseal the container in the presence of the Head of the school/Members of the school committee before the distribution of the cooked meal in tiffin box/disposable plates of good quality.

ii. The Supplier will lift the wheat/rice quota from the fair price shop/FCI Godown on the basis of allocations of quota made by the Govt. of India/NDMC.

iii. The supplier shall furnish a monthly report to NDMC on liftment and utilization of food grains, number of schools and children covered for onward transmission to the State Government/Central Government.

iv. The supply will be made w.e.f. January, 2018 on all days the school is open.

v. The supplier shall supply the following item of the cooked meal.

a. **Wheat based items:**

- i. Atta & Besan Puri with Alloo curry/or mixed vegetables.
- ii. Atta Poori with chhole (mashed vegetables added to the gravy).
- iii. Suji Halwa with chhole/Veg. Dalia

b. Rice based items:

- i. Rice Chhole with mashed vegetables added to the gravy.
- ii. Rice with sambhar /Daal (with vegetables added to the gravy).
- iii. Rice with Kadhi (with vegetables added to the gravy).
- iv. Rice Pulao with Vegetable.

3.9 Health and Hygiene

i. The service provider NGOs/Caterer/others who will be assigned the job of supplying mid day meal in NDMC schools shall supply the meal in the sealed container and unseal the container in the presence of the Head of the school/Members of the school committee before the distribution of the cooked meal in Tiffin box/disposal plates of good quality.

ii. Health Department, NDMC will monitor the quality and hygiene of food supplied to the school children by deputing Doctors/Dietician.

iii. Committee comprising of Head of the Institution/HM, a domestic science teacher/science background teacher and a Parent Teachers Association member/residential welfare member of the area will supervise the scheme and head of the school will ensure that the food supplied by the supplier is in accordance to the prescribed norms as mentioned in para 3.5

iv. The cooked food will be tasted by the members of the committee and the concerned class teachers before the distribution among the children.

3.10 Monitoring & Checking of cooked food supplied for Mid Day Meal Scheme

i. Parents preferably Mothers are made a formal member of the existing school level monitoring committee. Modified committee meets at least four times a year to review/assess implementation of the programme.

ii. The committee members shall visit the kitchens of the suppliers. The programme of visit shall be decided by the Head of school. Observations made during visits shall be informed to the supplier as early as possible. In case of any adverse observations, HQs shall be informed immediately. Every school shall have complaint/ suggestion register.

iii. In order to minimize any irregularity and for proper monitoring and accountability all the schools under the jurisdiction of NDMC have been divided into 8 zones and Nodal officers have been appointed to monitor the scheme in each zone.

iv. Parent Teachers Association shall be requested to make sure at least one parent by rotation should be present to check and taste the meal. A register shall be maintained by the Head of the school on which the entries of (i) Name of the parents (ii) Name of the students (iii) Class of the students (iv). Address & (v) Remarks for each date with signature of the parents shall be maintained.

v. To have an idea of impact of mid day meal on the Health of the children a regular Health checkup through the Doctors have already been started in all NDMC and Navyug Schools.

vi The supply of cooked meal will contain 8-12 gms of protein and 300 calories as prescribed in table of para-3.5 for each category or as specified by the Ministry of HRD /GNCTD from time to time. The Council has right to get the sample tested from kitchen of suppliers /school from any recognized Lab. at its own cost. In case deviation is found more than 5% in the preparations /specification and the supply is otherwise fit for consumption the bill of such supply claimed by the supplier shall be deducted proportionately. In case the variation is found in five or more than five samples, the council has right to discontinue the supply without any further reference and action, as deemed fit, will be initiated against the supplier.

4. Financial implications of the proposed project/subject:

i. Total estimated expenditure for mid day meal for the financial year 2017-18 is Rs. 270.50 Lacs only. It is also pertinent to mention here that the GNCT of Delhi has been sanctioning grant for Mid-day Meal for all the NDMC, NDMC Aided schools for Primary & Upper-Primary classes i.e. class Ist to VIIIth including Navyug Schools. Govt. also reimburses the cost of food grain, transportation cook cum helper honorarium/Gas subsidy as per norms/order issued by Ministry of HRD.

ii. There is total budget provision of Rs. 270.50 Lacs under Mid Day Meal Scheme for schools of NDMC and NSES under Head of account 2604015 & 2308027 in plan and non plan respectively for the year 2017-2018. Therefore there is sufficient budget provision to meet the estimated expenditure of Rs. 270.50 lacs for implementing the Scheme. Out of Rs 270.50 lakh, Rs. 193.45 lakh is under Plan Head to meet the expenditure from class I to class VIII and Rs. 77.05 lakh is under Non-Plan Head for meeting the expenditure for Nursery, IX to XII classes which will be borne by NDMC under the Non- Plan Head.

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

Mid Day Meal Scheme is an ongoing scheme and the meal is provided to the students on all school working days. The said proposal is for the Year 2017-2020. However, the work will be awarded on year to year basis based on performance of the supplier.

6. Detailed proposal on subject:-

6.1 After obtaining the approval of the Finance and expenditure sanction of Rs.270.50 lacs for providing Mid Day meal in NDMC/NDMC Aided/Navyug Schools and for publishing RFP for the purpose, RFP was published in the newspapers and e-portal of the GNCTD on 01/03/2017.

6.2 In response to the RFP dt.01/03/2017, a total of 10 applicants applied to supply the Mid Day meal in NDMC/Navyug schools for the academic session 2017-20.

6.3 The applications of the 10 applicants were opened on 10/04/2017 in the presence of the Director (Edn.), Accounts Officer (Edn.), Deputy Education Officer(G), Deputy Education Officer(B) and Assistant Education Officer(MMS) and the detailed comparative sheet was prepared as per the requirement of the Annexure-IV of the RFP to further evaluate the application.

6.4 Thereafter a meeting of the Selection Sub-Committee comprising of MOH, Dir.(Edn.), Dir.(Finance), Dir.(Welfare), AO(Edn.), DEO(G), DEO(B) & AEO(MMS) was held on 19/05/17. During the meeting, the financial capability, experience for Mid Day meal supply, man power of the organization, size of the kitchen, distance from the NDMC Headquarter etc. were examined by the selection sub-committee.

The committee recommended objective criteria for evaluation of all 10 Mid Day Meal suppliers after physical verification of their kitchen.

6.5 Based on the recommendation of the selection sub-committee, the kitchen of all the 10 applicants were physically inspected by the members/representatives of the Selection Sub-Committee on 13/06/17 to 15/06/17. The details of the kitchen of all 10 applicants are as under:-

S.No.	Name of the Firm &Address	Kitchen Address
1	Ghanshyam Sewa Samiti Plot No.39, Gurudwara Babe Nanki Ji Compound Mob. 9873881038, 9654397266, 9250410087	Plot No.39, Gurudwara Babe Nanki Ji Compound, Dilshad Garden Delhi 110095
2	Om Prakash Aggarwal Sewa Samiti 3/14, Shiv Mkt., Khichripur, Delhi - 110091 Mob. 9868238430, 9868238426	A-12, KH. No. 12/2 Main Sewadham Road Mandoli Delhi 110093
3	Paras Agro Society B-23, Gali No.5, Johripur Extn., Delhi- 110094 Mob. 8750726205	A-1, Arya Machine compound, Nr. Community Centre, Gokal Pur, Delhi- 94
4	Rewards F-30, East Jyoti Nagar Delhi- 110093 Mob. 9810272897 9868159118	Kh. No. 732/2, Burari, Delhi 110084
5	Manjeet Caterer A-1-103, Lajpat Nagar, New Delhi 110024 Mb. 9212874266/9999057004	Plot No. 268, Behind Aplo Hospital Vill. Jasola, New Delhi
6	Isckon Food Relief Foundation Alli Village, Opp. Comm. Centre, Mathura Road., New Delhi 110076 Mb. 9680197400, 9718135232	Kh. No. 284, Opposite Community Centre Ali Vihar, New Delhi
7	Vishwa Karma Edn. & Charitable Society 3654 Mori Gate Delhi- 110006 Mob. 9871139681/9278968187	Gali No. 12, Main road Waziarabad Village Delhi
8	Surya Charitable & Welfare Society (R) 231, Budhpur Village, G.T. Karnal Road Delhi- 110036 Mob. 011-65277603/ 9212118200/9811228574	231, Budhpur Village, Tata, G.T. Karnal Road Delhi- 110036
9	Centre For National Development Initiative (CNDI) H-58, Basement, Kalkaji, New Delhi 110019	Kh. 647 Rangpuri Extn., A Block, Rangpuri, New Delhi 110037

	Ph. 011-49092340	
10	Jay Gee Humanitarian Society 325, SFS Flats, Hauz Khas Apartment, New Delhi Mob. 9811417306,8882999946	Kh. NO. 343, Sultan Pur Vill., M.G. Road South Delhi 110030

The details of the evaluation of marks and Kitchen inspection reports are attached as per Annexure- I and Annexure -II (See pages 594 – 599) respectively.

6.6 During the visits, the sub-committee inspected the size of the kitchen, facilities available, man power, the stores, the automatic system, the washing area, the cleanliness of the entire kitchen premises and the cleanliness of the man power, accessibility of the kitchen from the main road, the distance from the NDMC Headquarter etc.

Based on the visits, the selection sub-committee found 02 suppliers suitable out of the 10 applicants and have recommended that the work for providing Mid Day Meal in NDMC/ NDMC Aided /Navyug schools may be awarded to the following 02 suppliers:-

S. No.	Name of suppliers and address	Kitchen address	Proposed allocation of schools
1	Iskon Food Relief Foundation Ali Village Opp. Comm. Center Mathura Rd., N.D. 76 Mb. 9680197400,9718135232	Ali Vihar, Ali Village, Community Centre, Sarita Vihar, New Delhi (Existing) Mr. Sanjay Tikku Director	Zone V- VIII
2	Manjeet Caterer A-1-103 Lajpat Ngr. N.D.110024 Mb.9212874266/9999057004	Plot No. 268, Jasola Village Behind Apollo Hospital (Existing) Mr. Kuldeep Singh, President	Zone I – IV (and evening schools)

6.7 The RFP is valid for 03 years of above approved suppliers. However, work will be awarded on year to year basis on the performance of the suppliers.

7. **Comments of Finance Department:** The proposal was submitted to the Finance Department. Finance Department has concurred into the proposal stating as under:-

1. Availability of funds under the concerned Head of A/c may be ensured.
2. Correctness of information, data and computation may be ensured and certified.
3. The supply of procurement shall be received strictly as per terms and conditions of the approved NIT.
4. The ~~Inspection Report~~ placed in the file and recommendation of Sub Committee at P-175/11 and P-132/11 required to be signed by the representative of MOH and Director (Welfare) at designated placed marked by the Department.
5. The Draft Agenda may also be vetted from the law Department in the light of NDMC Act, 1994.
6. Finance Department has already concurred A/A & E/S amounting to Rs. 270.5 lakhs and Draft Agenda on 27-09-2017 and 13-10-2017 respectively.
On Scrutiny of the documents, no such approvals / notings of Finance Department and Council Resolution have been found in the file. The same may be linked with the case and status of final approval of A/A & E/S and Draft Agenda on 27-09-2017 & 13-10-2017 may be brought on record.
7. The Department is advised to place in file web publication documents for record.

8. **Comments of Education Department on comments of Finance department:**

1. Sufficient funds are available in Head of Account- 2604015(Plan) and 2308027(Non Plan) for the year 2017-2018.

2. It is certified that all the information, data and computation are correct.
3. The user department has ensured that the supply of the procurement shall be received as per terms and conditions of the approved NIT.
4. Needful has been done.
5. Needful has been done.
6. The department has submitted a proposal for administrative approval and expenditure sanction of the Council for Rs. 270.5 lakhs for supply of Mid Day Meal to the students of NDMC and Navyug Schools observed by the Finance Department.
7. All the annexure have been verified and signed by the Director (Edn.)

9. Legal implication of the subject/project:

No legal issue is involved in this matter.

10. Comments of the Law Department on the Subject/ Project.

The Law department has concurred to the proposal with their comments that no legal issue is involved in this matter.

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

- i) Resolutions No. 16(M-1) dated 02-07-04
- ii) Resolution No. 12(M-2) dated 27-04-05
- iii) Resolution No. 13(M-3) dated 19-05-06
- iv) Resolution No. 10(M-1) dated 18-07-07
- v) Resolution No. 06(M-3) dated 16-07-08
- vi) Resolution No. 06(M-01) dated 15-04-2009
- vii) Resolution No. 05(M-01) dated 21-07-2010
- viii) Resolution No-14 (M-02) 20-04-2011
- ix) Resolution No. 02(M-03) dated 27-09-2012
- x) Resolution No. 03(M-01) dated 24-07-2015

12. Details of previous Council Resolutions: Council vide its Resolution No. 15(M-10) dated 16.01.2017 resolved as under:

The Council resolved to reject the Department's proposal and to direct the Department to float fresh Expression of interest.

The Council further resolved to direct the Department to contact mid-day meal suppliers, who are catering mid-day meals in North Delhi Municipal Corporation, South North Delhi Municipal Corporation, East Delhi Municipal Corporation, schools and State run schools and encourage them to participate in the fresh bid for Expression of Interest for wider participation.

The Council ~~also resolved that~~ the existing scheme may be extended for six months as an interim measure, or till the selection of vendor through tender, whichever is earlier.

13. Certificate that all CVC Guidelines on the subject have been followed:

It is certified that all CVC guidelines have been followed during processing of the proposal and it will be ensured during the implementation of the Mid Day Meal Scheme.

14. Proposal:-

The Council vide Reso. No. 09(M-03) dated 27.06.2016 has approved the supply of Mid Day Meal for the session 2016-2017. Subsequently Vide Reso. No. 15(M-1) dated 16.01.2017 has approved the supply of Mid Day Meal for a period of 06 months which is going to expire on 31.12.2017. Therefore, the following proposal is submitted before the Council for according approval:

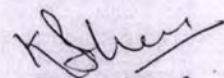
- i) To accept the recommendations of the Selection Sub-committee dated 21.05.2017 and award the work for Mid Day meal supply to eligible suppliers i.e. M/s Iskon

Food Relief Foundation and M/s Manjeet Caterer for a period of three years i.e. 2017-2018, 2018-2019 and 2019-2020 as per the rates and terms and conditions approved by Ministry of Human Resources Development from time

- ii) The RFP in respect of these two suppliers will be valid for 2017-18, 2018-19 and up to academic session 2019-20. However, work will be awarded on year to year basis on the performance of the suppliers.
 - iii) To grant approval for supply of Mid Day Meal to M/s Iskon Food Relief Foundation and M/s Manjeet Caterer for a period from 01.01.2018 to 31.05.2018.
15. **Resolution of the Council:-**The Council resolved as under:
- i) Resolved by the Council to accept the recommendations of the Selection Sub-committee dated 21.05.2017 and award the work for Mid Day meal supply to eligible suppliers i.e. M/s Iskon Food Relief Foundation and M/s Manjeet Caterer for a period of three years i.e. 2017-2018, 2018-2019 and 2019-2020 as per the rates and terms and conditions approved by Ministry of Human Resources Development from time to time.
 - ii) Resolved by the Council that the RFP in respect of these two suppliers will be valid for 2017-18, 2018-19 and up to academic session 2019-20. However, work will be awarded on year to year basis on the performance of the suppliers.
 - iii) Resolved by the Council to grant approval for supply of Mid Day Meal to existing Mid Day Meal supplier M/s Iskon Food Relief Foundation and M/s Manjeet Caterer for a period from 01.01.2018 to 31.05.2018.

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi,

Annexure-I

NEW DELHI MUNICIPAL COUNCIL
EDUCATION DEPARTMENT

Marking Scheme as per norms (Approved by Sub Committee)

Annexure-I

2017-2018

S. N o.	Name of the Supplier	Experience of MDM Supply				Turnover per year					Distance from NDMC Area			Kitchen Size (Sq. Yard)				No. of Worker working				Total
		0-3 yrs.	Above 3-6 yrs.	Above 6-10 yrs.	Above 10 yrs.	Up to 40 Lac	Above 40 to 60 Lac	Above 60 to 2 Cr.	Above 2 to 5 Cr.	Above 5 cr.	0-5 Km.	Above 5-10 Km.	Above 10 Km.	0-500	501-750	751-1000	1001-1500	1-50	51-75	76-100	Above 100	
	MARKS	04	10	20	30	04	06	10	15	20	20	10	05	05	08	12	15	02	05	10	15	100
1	Ghanshyam Sewa Samiti Plot No.39, Gurudwara Babe Nanki Ji Compound, Dilshad Garden, Delhi Mob. 9873881038, 9654397266, 9250410087			20					15				05	05				02				47
2	Surya Charitable & Welfare Society (R) 231, Budhpur Village, G.T. Karnal Road, Delhi 110036 Mob. 011-65277603/921211820 0				30					20			05			12		02				69
3	Vishwa Karma Edn. & Charitable Socieity 3654 Mori Gate Delhi 110006		NOT SUBMITTED				06						05		08			02				21
4	Centre For National Development Initiative (CNDI) H-58, Basement, Kalkaji, New Delhi 110019 Ph. 011-49092340			20			06						05		08			02				41
5	Om Prakash Aggarwal Sewa Samiti 3/14, Shiv Mkt., Khichripur, Delhi - 110091 Mob. 9868238430.				30		06						05	05				02				48

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AO(MMS)

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AAO(Fin.)
AFA

[Signature]
DEO(A)

[Signature]
DEO(G)

[Signature]

Annexure-I

S. N o.	Name of the Supplier	Experience of MDM Supply				Turnover per year					Distance from NDMC Area			Kitchen Size (Sq. Yard)				No. of Worker working				Total	
		0-3 yrs.	Above 3-6 yrs.	Above 6-10 yrs.	Above 10 yrs.	Up to 40 Lac	Above 40 to 60 Lac	Above 60 to 2 Cr.	Above 2 to 5 Cr.	Above 5 cr.	0-5 Km.	Above 5-10 Km.	Above 10 Km.	0-500	501-750	751-1000	1001-1500	1-50	51-75	76-100	Above 100		
	MARKS	04	10	20	30	04	06	10	15	20	20	10	05	05	08	12	15	02	05	10	15	100	
6	Manjeet Caterer A-1-103 Lajpat Ngr. N.D.110024 Mb. 9212874266/9999057 004				30			10					05			12					15	72	
7	REWARDS F-30, East Jyoti Nagar Delhi 93 Mob. 9810272897 9868159118				30			10					05		08							15	68
8	Iskon Food Relief Foundation Alli Village Opp. Comm. Center Mathura Rd., N.D. 76 Mb. 9680197400. 9718135232				30					20			05				15				15	85	
9	Jay Gee Humanitarian Society 325, SFS Flats, Hauz Khas Apartment, New Delhi Mob. 9811417306,8882999 946			20						20			05		08			02					55
10	Paras Agro Society B-23, Gali No.5, Johripur Extn., Delhi 110094 Mob. 8750726205		10						15				05	05				02					35

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AEO(MMS)

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AAO(Fin.)
APA

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DEO(A)

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DEO(G)

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S.No.	Name of the Firm & Address	Name & Address of Proprietor/ Chairman/etc.	Infrastructure of kitchen & other details	Remarks of the committee
1	Ghanshyam Sewa Samiti Plot No.39, Gurudwara Babe Nanki Ji Compound Mob. 9873881038, 9654397266, 9250410087	Mr. Lal Chand Jain, President B-1/2 Satish Jain Complex Main Loni road Jawahar Nagar Delhi <u>Kitchen Add:</u> Plot No.39, Gurudwara Babe Nanki Ji Compound, Dilshad Garden Delhi 110095	Area <u>500</u> Sq.yard. Present Status: <u>Established</u> State of mechanization : <u>Ready to supply</u> Washing facilities: <u>Satisfactory</u> Storage capacity : <u>Sufficient</u> Availability of water: <u>Available</u> Distance from main Road: <u>0.500</u> Km. Ability of transportation /distribute system System : <u>Available</u> Having Manpower: <u>25 No.</u> Past Experience of Mid day meal supply: <u>10 Years</u> Cleanliness : <u>Satisfactory</u>	Distance from NDMC Head Office to Kitchen approx 15-17Km. 2. Since the schools are closed during inspection therefore kitchen of MDM supplier are not working during inspection and doesn't indicate the actual manpower under CCH working. The number of workers detail are taken from the documents submitted by the bidders.
2	Om Prakash Aggarwal Sewa Samiti 3/14, Shiv Mkt., Khichripur, Delhi - 110091 Mob. 9868238430, 9868238426	Sh. Vivek Aggarwal, President 3/14 Shiv Market, Khichripur, Delhi 110091 <u>Kitchen Add:</u> A-12, KH. No. 12/2 Main Sewadham Road Mandoli Delhi 110093	Area <u>500</u> Sq.yard. Present Status: <u>Not Established</u> State of mechanization <u>Not Established</u> Washing facilities: <u>N/A</u> Storage capacity : <u>Sufficient</u> Availability of water: <u>Available</u> Distance from main Road: <u>5</u> Km. Ability of transportation /distribute system System : <u>Available</u> Having Manpower: <u>25No.</u> Past Experience of Mid day meal supply: <u>12 years</u> Cleanliness : <u>Satisfactory</u>	Distance from NDMC Head Office to Kitchen approx 30 Km. 2. At present not supplied at MDM in Delhi 3. Since the schools are closed during inspection therefore kitchen of MDM supplier are not working during inspection and doesn't indicate the actual manpower under CCH working. The number of workers detail are taken from the documents submitted by the bidders.
3	Paras Agro Society B-23, Gali No.5, Johripur Extn., Delhi- 110094 Mob. 8750726205	Ankush Jain Gali NO. 5, Johripur extn., Delhi 94 <u>Kitchen Add:</u> A-1, Arya Machine compound, Nr. Community Centre, Gokal Pur, Delhi- 94	Area <u>425</u> Sq.yard. Present Status: <u>Established</u> State of mechanization <u>Established</u> Washing facilities: <u>Satisfactory</u> Storage capacity : <u>Under construction</u> Availability of water: <u>Available</u> Distance from main Road: <u>0.500</u> Km. Ability of transportation /distribute system System : <u>Available</u> Having Manpower: <u>18 No.</u> Past Experience of Mid day	Distance from NDMC Head Office to Kitchen approx 26 Km. 2. Since the schools are closed during inspection therefore kitchen of MDM supplier are not working during inspection and doesn't indicate the actual manpower under CCH working. The

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Dhe (A)

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A.P. (MMS)

meal supply: 06 years
Cleanliness : Not cleaned

number of
workers-detail are
taken from the
documents
submitted by the
bidders.

597-

4

Rewards
F-30, East Jyoti Nagar
Delhi- 110093

Mob. 9810272897
9868159118

Satish Kumar
F-30, East Jyoti
Nagar, Delhi-93

Kitchen Add:
Kh. No. 732/2,
Burari, Delhi
110084

Area 580 Sq.yard.
Present Status: Ready to
supply
State of mechanization :
Well equipment
Washing facilities: Good
Storage capacity : Sufficient
Availability of water:
Available
Distance from main Road:
3 Km.
Ability of transportation
/distribute system System :
Available
Having Manpower: 105 No.
Past Experience of Mid day
meal supply: 12 Years
Cleanliness : Satisfactory

Distance from
NDMC Head
Office to Kitchen
approx 28 Km.
2. Since the
schools are closed
during inspection
therefore kitchen
of MDM supplier
are not working
during inspection
and doesn't
indicate the actual
manpower under
CCH working. The
number of
workers detail are
taken from the
documents
submitted by the
bidders.

5

Manjeet Caterer
A-1-103, Lajpat Nagar,
New Delhi 110024

Mb.
9212874266/999905700
4

Kuldeep Singh
Plot No. 268,
Behind Aplo
Hospital Vill. Jasola,
New Delhi

Kitchen Add:
Plot No. 268,
Behind Aplo
Hospital Vill. Jasola,
New Delhi

Area 760 Sq.yard.
Present Status: Currently
Supply in NDMC schools
State of mechanization
Semi Auto Kitchen
Washing facilities: Available
Storage capacity : Sufficient
Availability of water:
Available
Distance from main Road:
1.5 Km.
Ability of transportation
/distribute system System :
Available
Having Manpower: 120 No.
Past Experience of Mid day
meal supply: 14 Years
Cleanliness : Good

Distance from
NDMC Head
Office to Kitchen
approx 16 Km.
2. Since the
schools are closed
during inspection
therefore kitchen
of MDM supplier
are not working
during inspection
and doesn't
indicate the actual
manpower under
CCH working. The
number of
workers detail are
taken from the
documents
submitted by the
bidders.

6

Isckon Food Relief
Foundation
Alli Village, Opp. Comm.
Centre,
Mathura Road., New
Delhi 110076

Mb. 9680197400,
9718135232

Sanjeet Kumar
Sharma
Kh. No. 284,
Opposite
Community Centre
Ali Vihar, New Delhi

Kitchen Add:
Kh. No. 284,
Opposite
Community Centre
Ali Vihar, New Delhi

Area 2135 Sq.yard.
Present Status: Currently
supply in NDMC schools
State of mechanization :
Well equipment
Washing facilities: Good
Storage capacity : Sufficient
Availability of water:
Available
Distance from main Road:
4.5 Km.
Ability of transportation
/distribute system System :
Available
Having Manpower: 145 No.
Past Experience of Mid day
meal supply: 12 Years
Cleanliness : Good

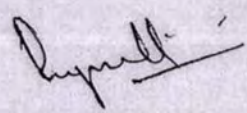
Distance from
NDMC Head
Office to Kitchen
approx 20 Km.
2. Since the
schools are closed
during inspection
therefore, kitchen
of MDM supplier
are not working
during inspection
and doesn't
indicate the actual
manpower under
CCH working. The
number of
workers detail are
taken from the
documents
submitted by the
bidders.

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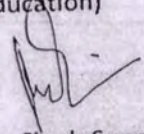
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7	<p>Vishwa Karma Edn. & Charitable Society 3654 Mori Gate Delhi- 110006</p> <p>Mob. 9871139681/927896818</p>	<p>R.K. Sharma, Manager</p> <p>3654, Mori Gate Delhi 110006</p> <p><u>Kitchen Add:</u> Gali No. 12, Main road Waziarabad Village Delhi</p>	<p>Area <u>550</u> Sq.yard. Present Status: <u>Not Running</u> State of mechanization : <u>Under construction</u> Washing facilities: <u>N/A</u> Storage capacity : <u>Under construction</u> Availability of water: No Distance from main Road: <u>01</u> Km. Ability of transportation /distribute system System : <u>NA</u> Having Manpower: <u>15 No.</u> Past Experience of Mid day meal supply: <u>06 Years</u> Cleanliness : <u>Satisfactory</u></p>	<p>Distance from NDMC Head Office to Kitchen approx 27 Km.</p> <p>2. Since the schools are closed during inspection therefore kitchen of MDM supplier are not working during inspection and doesn't indicate the actual manpower under CCH working. The number of workers detail are taken from the documents submitted by the bidders.</p>
8	<p>Surya Cheritable & Welfare Society (R) 231, Budhpur Village, G.T. Karnal Road Delhi- 110036</p> <p>Mob. 011- 65277603/9212118200 9811228574</p>	<p>R. K. Sharma, President</p> <p>2155, outer Line, Kingsway camp, Delhi</p> <p><u>Kitchen Add:</u> 231, Budhpur Village, Tata, G.T. Karnal Road Delhi- 110036</p>	<p>Area <u>1000</u> Sq.yard. Present Status: <u>Ready to supply</u> State of mechanization : <u>Well equipment</u> Washing facilities: <u>Available</u> Storage capacity : <u>Sufficient</u> Availability of water: <u>Available</u> Distance from main Road: <u>On Main Road</u> Ability of transportation /distribute system System : <u>Available</u> Having Manpower: <u>40 No.</u> Past Experience of Mid day meal supply: <u>13 Years</u> Cleanliness : <u>Satisfactory</u></p>	<p>Distance from NDMC Head Office to Kitchen approx 35Km.</p> <p>2. Since the schools are closed during inspection therefore kitchen of MDM supplier are not working during inspection and doesn't indicate the actual manpower under CCH working. The number of workers detail are taken from the documents submitted by the bidders.</p>
9	<p>Centre for National Development Initiative (CNDI) H-58, Basement, Kalkaji, New Delhi 110019</p> <p>Ph. 011-49092340</p>	<p>Akhilesh Kumar, Gen. Secretary</p> <p>Chamber No. 12, Satpura Tower, Kaushambi, Gaziabad, U.P</p> <p><u>Kitchen Add:</u> Kh. 647 Rangpuri Extn., A Block, Rangpuri, New Delhi 110037</p>	<p>Area <u>560</u> Sq.yard. Present Status: <u>Under construction</u> State of mechanization : <u>Not established</u> Washing facilities: <u>N/A</u> Storage capacity : <u>N/A</u> Availability of water: <u>N/A</u> Distance from main Road: <u>02</u> Km. Ability of transportation /distribute system System : <u>NA</u> Having Manpower: <u>10 No.</u> Past Experience of Mid day meal supply: <u>12 Years</u> Cleanliness : <u>Satisfactory</u></p>	<p>Distance from NDMC Head Office to Kitchen approx 26 Km.</p> <p>2. At present not supplied at MDM in Delhi</p> <p>3. Since the schools are closed during inspection therefore kitchen of MDM supplier are not working during inspection and doesn't indicate the actual manpower under CCH working. The</p>

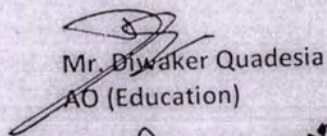
10	<p>Jay Gee Humanitarian Society</p> <p>325, SFS Flats, Hauz Khas Apartment, New Delhi</p> <p>Mob. 9811417306, 8882999946</p>	<p>G.A Perena, Secretary</p> <p>325, SFS Flat Hauz Khas Appt. New Delhi</p> <p><u>Kitchen Add:</u></p> <p>Kh. NO. 343, Sultan Pur Vill., M.G. Road South Delhi 110030</p>	<p>Area 700 Sq.yard.</p> <p>Present Status: <u>Ready to supply</u></p> <p>State of mechanization : <u>Well equipment</u></p> <p>Washing facilities: <u>Available</u></p> <p>Storage capacity : <u>Sufficient</u></p> <p>Availability of water: <u>Available</u></p> <p>Distance from main Road: <u>0.500 Km.</u></p> <p>Ability of transportation /distribute system System : <u>Available</u></p> <p>Having Manpower: <u>42</u></p> <p>Past Experience of Mid day meal supply: <u>09 Years</u></p> <p>Cleanliness : <u>Satisfactory</u></p>	<p>Distance from NDMC Head Office to Kitchen approx 20 Km.</p> <p>2. Since the schools are closed during inspection therefore kitchen of MDM supplier are not working during inspection and doesn't indicate the actual manpower under CCH working. The number of workers detail are taken from the documents submitted by the bidders.</p>
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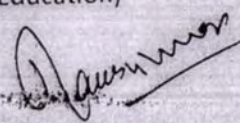
Mr. R.P. Gupta
Director (Education)



Mr. Omveer Singh, Supervisor
Rep. Of Director(Welfare)

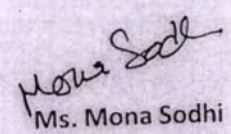


Mr. Diwaker Quadesia
AO (Education)



Mr. Rakesh Kumar
DEO(G)

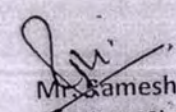
Mr. S Basu
CSI (Rep. Of MOH)



Ms. Mona Sodhi
AAO
Rep. Of Director(Finance)



Mr. Vijay Pal
DEO(B)



Mr. Bamesh Chander
AEO(MMS)



ITEM NO. 11 (M-02)

Copy of Reso. No. 11 (M-02)
of
Council's Ordinary Meeting
Dated 29/01/18

1. Name of the subject/project:
Mid day meal scheme for NDMC/Navyug/Aided Schools.
2. Name of the department/departments concerned:
Education Department.
3. Brief history of the subject/project:

3.1 National Programme of Nutritional support to Primary Education commonly known as the Mid Day Meal scheme was launched as a centrally sponsored Scheme on 15th Aug.1995. The objective of the scheme was to boost universalization of Primary Education by increasing enrolment, attendance, retention and learning level of the children especially those belonging to the lower section of the society and to improve Nutritional status of the children.

3.2 NDMC implemented the scheme in August 2003 and 60 schools out of 82 schools were covered in the year 2003-04. The scheme was fully implemented in the month of September 2004 in all the NDMC, NDMC Aided & Navyug Schools run by the Navyug School Educational Society, a fully funded Society of the NDMC. Since then NDMC is providing cooked mid day meal in all Schools up to Class V through NGOs/Caterers. NDMC extended the benefit of mid-day meal scheme up to class XII in the year 2007-08. Since 2016-17, two suppliers Iskcon Food Relief Foundation & M/s Manjeet Caterer are supplying mid-day meal in all NDMC, NDMC Aided & Navyug Schools.

3.3 On the lines of GNCTD, the MDM are supplied through the NGOs/VOs selected through the tendering process. At present, Iskcon Food Relief Foundation & M/s Manjeet Caterer are supplying cooked mid day meal in 48 schools (Sr. Sec. 20 + Sec. 08 + Middle 01 + Pry. 16 + Nur. 3). The Details of the 48 schools are as under:

S.no.	School Category	Total No. of School
	NDMC Schools	
1	Sr. Sec.	13
2	Sec.	7
3	Middle	1
4	Primary	10
5	Nursery	3
	Total NDMC Schools	34
6	Aided Schools	3
7	Navyug Schools	11
	Grand TOTAL	48

3.4. As per the Agreement, the supplier is supplying hot cooked meal per child per day as per the rate/Nutritive value/weight of the cooked meal based on the rates formulated by guidelines of Ministry of HRD and communicated by DDE(MDM), GNCT of Delhi vide O. M. No. DE.23(487)MDM/2014-15/2061-82 dated 18-01-2016 from 1st to VIII. However, NDMC has been supplying foods from Nursery to XIIth and hence the rates for Nursery

has been calculated at par with Primary and for Secondary & Sr. Secondary, the rates have been calculated on the basis of subsidy on supply of wheat and rice. The details of rate, nutritive value and approx weight of the cooked food are as under:

Category of the students	Rate per day per child (in Rupees)	Requisite Nutritive value	Approx. Weight of cooked meal
Nursery	Rs. 4.13	450 calories 10 Gms. Protein	250 Gms. to 300 Gms.
Primary	Rs.4.13 with 100 gms. of free grain subsidy i.e. wheat/rice	450 calories 12 gms. protein	300 Gms.
Middle	Rs.6.18 with 150 gms. of free grain subsidy i.e. wheat/rice	700 calories 20 gms. protein	350 Gms.
Sec. & Sr. Sec.	Rs. 7.40	700 calories 20 gms. protein	350 Gms.

4. Detailed proposal on the Subject:

4.1 For the session 2017-18, 1st July 2017 to 31st May 2018 (before summer vacation), the Department has proposed the details of the estimated expenditure for implementing the scheme as under:-

Table (A) Estimated Expenditure:-

Sr. No	Class	Tentative Enrollment (Approx)	Rats / meal Per Child (in Rs.)	No. of Days	Total (in Rs)
1	Primary	12570	4.13	200	10382820
2	Upper Primary	6632	6.18	200	8197152
3	Nursery	2698	4.13	200	2228548
4	Sec Sr. Secondary	5002	7.40	200	7402960
Grand Total Rs.					28211480

Table (B) Estimated expenditure on the basis of the average attendance (i.e.80%).

Sr. No	Scheme	Classes	Total Estimate (in Rupees)	Total Estimate (in Rupees)
1	Plan	Primary	10382820	8306256 (80%)
2	Plan	Upper Primary	8197152	6557721.60 (80%)
3	Plan	Food Grain payment to FCI (Pry.)	628500	628500
4	Plan	Food Grain payment to FCI (U. Pry.)	497400	497400
5	Plan	Transportation Pry. & U. Pry.	@Rs.75/- per Quintal	337725
6	Plan	Transport for using vehicle for inspection of MDM	@Rs. 35100 p.m.*11	421200
7	Plan	Cook Cum Helper	2596000	2596000
TOTAL (Plan)				19344802.60
8	Non Plan	Nursery	2228548	1782838.40 (80%)
9	Non Plan	Secondary & Sr. Secondary	7402960	5922368 (80%)
TOTAL (Non Plan)				7705206.4
Grand Total Rs.				27050009

4.2 Terms and Conditions for supply of the MDM: The detailed terms and conditions for supply of the cooked MDM are as under:

- i. The selected supplier shall supply the meal in a sealed container and unseal the container in the presence of the Head of the school/Members of the school committee before the distribution of the cooked meal in tiffin box/disposable plates of good quality.
- ii. The Supplier will lift the wheat/rice quota from the fair price shop/FCI Godown on the basis of allocations of quota made by the Govt. of India/NDMC.
- iii. The supplier shall furnish a monthly report to NDMC on liftment and utilization of foodgrains, number of schools and children covered for onward transmission to the State Government/Central Government.
- iv. The supplier shall supply the following item of the cooked meal as follows:
 - a. **Wheat based items:**
 - i. Atta & Besan Puri with Alloo curry/or mixed vegetables.
 - ii. Atta Poori with chhole (mashed vegetables added to the gravy).
 - iii. Suji Halwa with chhole.
 - b. **Rice based items:**
 - i. Rice Chhole with mashed vegetables added to the gravy.
 - ii. Rice with sambhar /Daal (with vegetables added to the gravy).
 - iii. Rice with Kadhi (with vegetables added to the gravy).
 - iv. Rice Pulao with Vegetable.

5. Financial implications of the proposed project/subject:

i. Total estimated expenditure for supply of the mid day meal for the financial year 2017-18 is Rs. 270.5 Lacs only. It is also pertinent to mention here that the GNCT of Delhi has been sanctioning grant for Mid-day Meal for all the NDMC, NDMC Aided schools for Primary & Upper-Primary classes i.e. class Ist to VIIIth including Navyug Schools. GNCTD also reimburses the cost of food grain, transportation cook cum helper honorarium/Gas subsidy as per norms/order issued by Ministry of HRD. However, NDMC bears the cost for supply of MDM to the students of Nursery & class IX to XII under Non Plan Head of the NDMC budget.

ii. There is total budget provision of Rs. 270.5 Lacs under Mid Day Meal Scheme for schools of NDMC and NSES under Head of account 2604015 & 2308027 in plan and non plan respectively for the year 2017-2018. Therefore there is sufficient budget provision to meet the ~~estimated expenditure~~ of Rs. 270.5 Lacs for implementing the Scheme. Out of Rs 270.5 Lacs, ~~Rs. 193.45 Lacs~~ is under Plan Head to meet the expenditure from class I to class VIII which will be borne by the GNCTD under Plan Head and Rs. 77.05 is under Non-Plan Head for meeting the expenditure for Nursery, IX to XII classes which will be borne by NDMC under the Non- Plan Head.

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

Mid Day Meal Scheme is an ongoing scheme and the meal is provided to the students on all the school working days. The present proposal is for the Year 2017-18 beginning 1st July 2017 to closer of academic session 2017-18 i.e. upto 31-05-2018.

7. Comments of Finance Department:

7.1 The instant proposal relates with the concurrence of estimated expenditure of Rs.270.5 Lacs (Rs.193.45 Lacs Plan and 77.05 Lacs Non Plan) for the Academic session 2017-18, for smooth supply of mid day meal in NDMC/NDMC Aided and Navyug School

children and also towards the payment of cooking cost, cost of food grain, Management monitoring & Evaluation, Transportation, Cook cum Helper etc. on actual basis as per the prescribed policy approved by Govt. of India and as per enhanced prevailing rates from time to time as per norms of Ministry of HRD.

7.2 Copy of policy approved by Govt. of India and latest rates issued by Ministry of HRD and calculation thereof checked and verified by concerned AO.

7.3 Department has worked out the estimated cost as per the details given below :-

Table (A) Estimated Expenditure

S.No	Class	Tentative Enrolment (Approx)	Rates/Meal Per child (in Rs.)	No. of Days	Total (in Rs.)
1	Primary	12570	4.13	200	1,03,82,820.00
2	Upper Primary	6632	6.18	200	81,97,152.00
3	Nursery	2698	4.13	200	22,28,548.00
4	Sec. Sr. Secondary	5002	7.40	200	74,02,960.00
Grand Total Rs.					2,82,11,480.00

Table (B) Estimated expenditure on the basis of the average attendance (i.e 80%)

S.No	Scheme	Classes	Total Estimate (in Rupees)	80% of Total Estimate (in Rupees)
1	Plan	Primary	1,03,82,820.00	83,06,256.00 (80%)
2	Plan	Upper Primary	81,97,152.00	65,57,721.60 (80%)
3	Plan	Food Grain payment to FCI (Pry.)	628500.00	628500.00
4	Plan	Food Grain payment to FCI (U.Pry.)	497400.00	497400.00
5	Plan	Transportation Pry. & U.Pry	@ Rs.75/- per quintal	337725.00
6	Plan	Transport for using vehicle for Inspection of MDM	@ Rs.35100/- P.M. * 11	421200.00
7	Plan	Cook Cum Helper	2596000.00	2596000.00
Total Plan			19344802.60	
8	Non Plan	Nursery	22,28,548.00	17,82,838.40 (80%)
9	Non Plan	Secondary & Sr. Secondary	74,02,960.00	59,22,368 (80%)
Total (Non Plan)			7705206.40	
Grand Total Rs.			27050009.00	

7.4 In view of ~~prepage~~, ~~FD~~ has no objection in the proposal of the department and concur in the estimate ~~amounting to~~ Rs.270.5 Lacs (Rs.193.45 Lacs Plan and 77.05 Lacs Non Plan) for the Academic session 2017-18, for smooth supply of mid day meal in NDMC/NDMC Aided and Navyug School children and also towards the payment of cooking cost, cost of food grain, Management monitoring & Evaluation, Transportation, Cook cum Helper etc. on actual basis as per the prescribed policy approved by Govt. of India and as per enhanced prevailing rates from time to time as per norms of Ministry of HRD. However following may be brought on record, while submitting the case to competent authority department:-

- Reasons along with justification of processing the case, after a lapse of almost half year.
- Availability of funds.
- Correctness of information, data and computation.

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

- i. The previous approvals are obtained on the basis of Academic year which is up to May 2017 and not on the basis of financial year. Moreover there is a short delay for the period of 3-4 months because processing selection and awarding of new Mid Day Meal Supplier.
- ii. In this regard it is submitted that the sufficient funds are available in the Head of Accounts 2604015 (Plan), 2308027 (Non Plan) for the year 2017-2018.
- iii. The information and computation has been checked and verified by AO and authenticate by Director (Edn.).

9. Legal implication of the subject/project:

No legal issue is involved in this matter.

10. Comments of the Law Department on the Subject/ Project.

No legal implications are involved in this case, however the department is ensure that the facts and figures mentioned therein are as per approval of the competent authority, rather to ensure that the agenda items to be placed before the council fulfills their purpose and CVC guidelines have been adhered to.

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

(i) Resolutions No. 16(M-1) dated 02-07-04

(ii) Resolutions 12(M-2) dated 27-04-05

(iii) Resolutions 13(M-3) dated 19-05-06

(iv) Resolutions 10(M-1) dated 18-07-07

V) Resolutions No. 06(M-3) dated 16-07-08

Vi) Resolution No. 06(M-01) dated 15-04-2009

Vii) Resolution No. 05(M-01) dated 21-07-2010

Viii) Resolution No-14 (M-02) 20-04-2011

IX) Resolution No. 02(M-03) dated 27-09-2012

X) Resolution No. 03(M-01) dated 24-07-2015

XI) Resolution No. 09(M-03) dated 27-06-2016

12. Certificate that all CVC Guidelines on the subject have been followed:

It is certified that all CVC guidelines have been followed during processing of the proposal and it will be ensured during the implementation of the Mid Day Meal Scheme.

13. Recommendations:

The following ~~proposal is submitted before~~ proposal is submitted before the council for according approval:

- i. Administrative Approval and Expenditure sanction of the Council is solicited for incurring an expenditure of Rs.270.5 Lacs (Rs. 193.45 Lacs under Plan Head and Rs. 77.05 Lacs under Non-Plan Head) for supply of MDM in NDMC NDMC/NDMC Aided/ Navyug Schools for the Academic year 2017-18 (01-07-2017 to 31-05-2018). The amount under Plan Head will be received from Govt. of NCT as Grant on actual expenditure basis as per prescribed policy approved by MHRD Govt. of India and as per enhanced/prevaling rates for cook cum helper, honorarium, cost of food grain, transportation, Gas subsidy, Management Monitoring Evaluation from time to time as per

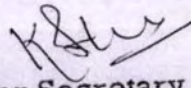
norms of Ministry of HRD and as per enrollment of the student in NDMC/NDMC Aided/Navyug Schools. The expenditure under Non Plan head will be borne by NDMC.

14. Draft Resolution:

- i. Resolved by the Council to accord approval to Expenditure sanction of the Council is solicited for incurring an expenditure of Rs.270.5 Lacs (Rs. 193.45 Lacs under Plan Head and Rs. 77.05 Lacs under Non-Plan Head) for supply of MDM in NDMC/NDMC Aided/ Navyug Schools for the Academic year 2017-18 (01-07-2017 to 31-05-2018). The amount under Plan Head will be received from Govt. of NCT as Grant on actual expenditure basis as per prescribed policy approved by MHRD Govt. of India and as per enhanced prevailing rates for cook cum helper, honorarium, cost of food grain, transportation, Gas subsidy, MME from time to time as per norms of Ministry of HRD and as per enrollment of the student in NDMC/NDMC Aided/Navyug Schools.
- ii. Resolved by the Council that the Department may take action as per the above resolution in anticipation of the confirmation of the minutes by the Council.

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.

ITEM NO. 12 (G-05)

Copy of Resn. No. 12 (G-05)
of
Committee Ordinary Meeting
Dated 29/01/18

1. Name of the subject:

Procurement of Short Term Interim Power upto June'2018 extendable for next 04 months, long term 250MW Solar Power to be commissioned by NTPC, replacement of existing 125MW long term thermal power agreement with the 125MW bio-gas power at the existing terms & conditions and rate decided by High Empowered Steering Committee and procurement of day ahead power from Teesta-III through M/s PTC India Ltd. at the exchange rates + 10 Paise/ unit for making NDMC 100% RE Powered Smart City by 30.11.2017.

2. Name of the Department:

Power Department

3. Brief History of the subject:

Secretary Power, Ministry of Power, Govt. of India called a meeting on dated 15.07.2017, minutes of the meeting are placed at **Annexure-I (See pages 199 - 204)**. Secretary Power mentioned that Hon'ble Minister of Power, Govt. of India desires NDMC to be a smart city using 100% renewable energy. It was similar to vision of Chairman NDMC as recorded in the minutes of meeting dt. 01.06.17 at Raj Niwas which was chaired by Hon'ble LG on Solar Power Development in Delhi Minutes of the meeting are placed at **Annexure-II (See pages 205 - 212)**.

At present power scenario in NDMC area i.e. supply & demand of power, fluctuation of electric demand depending on summer, winter and day & night, average power purchase cost, solar rooftop deployment and commitment of NDMC towards green power for which NDMC is purchasing roughly 1600MUs yearly to feed its consumers with average cost as Rs. 4.83/unit, out of which 85% is sources from various long term PPAs of NTPC & PPCL remaining 15% demand is met through power exchange on day ahead basis through cheaper power. The transmission charges @55 paisa/unit is also payable towards transmission charges. During FY 16-17 actual expenditure incurred on power procurement is Rs. 837cr. Details placed at **annexure-III (See pages 213 - 214)**.

4. Detail proposal of subject:

In order to achieve the objective for making NDMC 100% Renewable energy powered smart city by 30.11.2017. High Empowered Steering Committee constituted with the approval of competent authority under the Chairmanship of Secretary of Ministry of New & Renewable Energy, Govt. of India with the following members:-

- a. Chairperson, NDMC
- b. Jt. Secy. (Solar), MNRE
- c. Jt. Secy. (Hydro), MoP
- d. Jt. Secy. (Urban development)
- e. Dr. Ashok Jhunjhunwala, Sr. Advisor to Hon'ble MoS(I/C)

for Power, Coal, NRE & Mines.

- f. Chairperson, NTPC
- g. CMD, Powergrid
- h. MD, SECI
- i. MD, EESL
- j. Sh. R.N. Nayak, Ex-CMD, PGCIL

The committee was constituted vide office order no. 32/4/2017-GSP dt. 24.07.2017 placed at **annexure-IV (see page 215)**. Accordingly, High Empowered Steering Committee held the following meetings

- Ist meeting dt. 28.07.17 MoM **Annexure-V**
- IInd meeting dt. 04.08.17 MoM **Annexure-VI**
- IIIrd meeting dt. 16.08.17 MoM **Annexure-VII**
- Ivth meeting dt. 07.09.17 MoM **Annexure-VIII**
- Vth meeting dt. 20.09.17 MoM **Annexure-IX**
- Vith meeting dt. 06.10.17 MoM **Annexure-X**
- VIIth meeting dt. 18.10.17 MoM **Annexure-XI**

(See pages 216 - 253)

The gist of meetings is that NDMC will sign long term PPA with:-

- (i).NTPC for 250MW Solar power, Kadappa project or from the source which is cheaper. The rate of solar power from Kadappa is Rs. 3.15 paisa/unit+7paisa professional fees to NTPC.
- (ii).The existing PPA with NTPC for 125MW of Thermal power from ~~Dadri Thermal-I~~ will be replaced 125MW bio-gas power from Dadri. The tentative rates of bio-gas power are on and above 60paisa/unit energy cost of Dadri Thermal.
- (iii).Teesta power-III. Govt. of Sikkim for 125MW @Rs. 4.77/unit which may reduced to Rs. 4.00/unit on implementation of new policy by MOP.
- (iv)Interim arrangement of short term power through e-bidding at deep portal in lieu of (i) above.

5. Financial implication of the proposal

The power purchase cost on the basis of expenditure incurred during 2017-18 upto October 2017 is Rs.5.58 / unit and Rs.5.44/ unit during the period till long term solar plant is commissioned and Rs.5.17/ unit on commissioning of Rs.5.17/ unit. Since the power purchase cost is reducing therefore no additional financial implication.

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

As per the minutes of the meeting dt.18.10.2017 it was decided that the target should be to make NDMC area 100% clean energy using gas for balancing in the first phase by 30.11.2017 & subsequently would be 100% RE Power later on.

7. Comments of the Finance Department on the subject

The Finance Deptt. when concurring the proposal advised that while placing the case before the Council the department may bring on record the following:

- a) If there is any modification/ changes in the existing terms & conditions and rates etc. in respect of replacement of existing 125MW long term PPA with 125MW long term biog-gas Power of NTPC Dadri Thermal-I.
- b) The department may also apprise the Council about the quoted/ negotiated rates (of difference sources) proposed for acceptance in the instant proposal.
- c) All Minutes of Meetings held in Ministry of Renewable Energy Government of India as mentioned at page 15/N at annexure 1 to 8 may also be made part of the agendum
- d) The department may also bring on record the present status and timelines with regard to part II of Phase I regarding replacement of interim short term with long term Solar Powers.
- e) Information with regard to scope of work etc. during Phase-II.

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

- (a) There is no change of Terms & Condition except the change of per unit rate for supply of green power against the supply of 125MW conventional power.
- (b) (Placed at Annexure-XII, see page 254)
- (c) Enclosed.
- (d) The Power Purchase Agreement(PPA) is to be signed between NDMC & NTPC/ NVVN and the stipulated date of COD in RFP is 13 months after signing the PPA.
- e) As per MOM dt.18.10.2017, MOP representative informed that:
 "since the approval of Hydro Policy is pending, it may not be possible to reduce the offered price of Hydro power from Teesta project. Further, the Hydro Policy, if approved, may not be effective retrospectively. It was

resolved to examine whether a short term power purchase agreement could be executed with Teesta Project authorities at a rate acceptable to NDMC as currently Teesta project may be selling power below such rate in the exchange”.

Therefore, matter is being taken up with Govt. of Sikkim for Teesta-III Power.

9. Final views of the Finance Department.

- Concurred.

10. Legal implications of the subject

Law Department observed that Clause 28 of the draft Agreement specifically provides for the Forum, in case in differences or disputes arise between the parties. The Forum has to be in accordance with the provisions under the Electricity Act 2003. While in respect of any dispute pertaining to tariff, jurisdiction lies with the Appropriate Commission or the quasi Judicial Body constituted for the purpose. Moreover, the contractual terms are to be in terms of the law laid down in Fateh Chand Vs Bal Kishan Dass (decided on 15 January 1963 by Hon'ble Apex Court).

11. Details of the previous Council resolutions, existing Law Of Parliament and Assembly on the subject.

Resolution No. 22(G-01) dated 17.06.2009 & Resolution No. 08(G-01) dated 20.04.2011 respectively for procurement of 50MW power from PPCL-II plant & 100MW power from PPCL-III plant. Resolution No. 19 (G-09) regarding appointment of agency to manage bulk power supply allocated to NDMC and Resolution No.09(G-02) Client Membership at the power exchange platform through M/s PTC India Ltd.

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

Agreed.

13. Final view of Law Department (wherever necessary)

Not necessary.

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

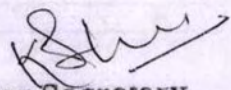
Department have followed all the Central Vigilance Commission (CVC) Guidelines while processing the case.

15. Recommendations

The case is laid before Council for making NDMC 100% Renewable Energy Powered Smart City to accord the approval for acceptance of long term 250MW solar power @ ₹ 3.14/- unit derived by NTPC through e-RA after signing the long term Power Purchase Agreement (PPA) as vetted by Law Deptt., NDMC.

COUNCIL'S DECISION

Deferred.

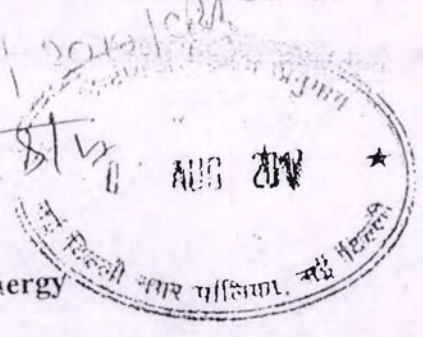

For Secretary
New Delhi Municipal Council
New Delhi.

Annexure - I

C/27912/2015/1024
3/8/17

8/8/17

No.32/4/2017-GSP
Government of India
Ministry of New and Renewable Energy



Dated: 24th July 2017

OFFICE MEMORANDUM

Subject: **Minutes of the meeting held in Ministry of Power on 15th July 2017 to make NDMC 100% Renewable Energy Power - reg.**

The undersigned is directed to refer to the above mentioned subject and to enclose a copy of the minutes of the meeting held under the chairmanship of Secretary, Ministry of Power, on 15th July 2017 to make NDMC 100% Renewable Energy Power, for information and further necessary action.

Chairman
Secy
PSI

Sanjay Karndhar
(Sanjay Karndhar)
Scientist-C
(Tel: 24362288)

Des (Power) To

- (a) Chairperson, NDMC
- (b) Joint Secretary(Solar), MNRE
- (c) Joint Secretary (Hydro), MoP
- (d) ~~Joint Secretary~~, Ministry of Urban Development,
- (e) Dr.Ashok Jhunjunwala, Sr.Adviser to Honourable MoS(I/C) for Power, Coal, NRE & Mines.
- (f) ~~Chairperson~~, NTPC
- (g) CMD, Powergrid
- (h) MD, SECI
- (i) MD, EESL
- (j) Shri R.N.Nayak, Ex-CMD, PGCIL

Copy for information: APS to Honourable MoS/ PPS to Secretary (Power)/PPS to Secretary, MoUD/ PPS to Secretary, MNRE

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Minutes of the meeting held under the chairmanship of Secretary (Power), GoI at Conference Room, 2nd Floor, Shram Shakti Bhawan, New Delhi on 15th July 2017.

1. Secretary, Ministry of Power, Government of India (GoI) took a meeting at Conference Room, 2nd Floor, Shram Shakti Bhawan, New Delhi at 11:00 a.m. on 15th July 2017 to discuss the issues to make NDMC a ULB running on 100% renewable energy, and other related issues thereon, and developing electric charging facility and deployment of electric vehicles in NDMC..
2. At the outset, Secretary, Ministry of Power mentioned that Hon'ble Minister of Power, GoI desires NDMC to be a smart city using 100% renewable energy. He informed the importance of provisioning of electric vehicles charging facility in New Delhi and deploying the fleet of electric vehicles. Secretary (MNRE) further added that all these important measures should be completed by 30th November 2017.
3. Chairman, NDMC, subsequently, outlined the present power scenario in NDMC area i.e. supply and demand of power, fluctuation of electric demand depending on summer & winter and day & night, average power purchase cost, solar rooftop deployment and commitment of NDMC towards green power. He informed that NDMC is purchasing roughly 1600 MUs yearly to feed its consumers with average cost as Rs. 4.83 per unit, out of which 85 % is sources from various long term PPAs of NTPC and PPCL. He gave out various efforts that NDMC is taking towards provisioning of charging facility in collaboration with Central PUSs and efforts of NDMC for procurement of electric vehicles. Existing power consumption pattern in NDMC area is bell-curved indicating peak power consumption during mid-day (noon) hours. Peak power consumption is about 405MW.
4. Shri R. N. Nayak, Ex-CMD, PGCIL presented the technical view point for sourcing 100% renewable power for NDMC and suggested that the base load of NDMC is roughly around 175 MW and should be from stable supply source and extra power on top of the base load could be from solar, wind, waste to energy etc. He, however, suggested that such arrangements would remove the NDMC's cheaper option of obtaining power from exchange on day-ahead basis. In totality, he was of the opinion that being a small utility with maximum power demand

around 400+ MW, turning this into completely renewable based utility is possible.

5. CMD, NTPC explained that they are having plans for generation of solar power to the tune of 200-250 MW, which will come in a years' time. He further informed that they are coming up with a bio-mass based power plant at Dadri, which is likely to be commissioned by next six months' time.

6. Advisor MNRE suggested that there are certain big solar plants like Bhadla II, which can be attempted to be allocated to NDMC for supplying solar power to NDMC. During the discussion for requirement of large solar power by the 30th November 2017 for NDMC, Chairman, NTPC agreed to attempt to provide 250MW renewal power to NDMC by next three months' time. Discussions led to the decision that hydro power could be viable alternative to gas for providing base power of around 200MW. JS (Hydro), Ministry of Power agreed that there would be no difficulty in meeting this much power from hydro power plants and could be arranged.

7. Secretary MNRE expressed that complete rooftop potential in NDMC area has not yet been fully exploited and NDMC should take up some smart solar projects like slant smart panels and smart walls. Chairman, NDMC informed that they have taken up solar road in its Head Quarter, solar tree and solar Bus Queue Shelter (BQS) and as far as solar wall is concerned, NDMC has already commissioned 3.1 MW solar power on its buildings and will be ready to take up such projects on GoI buildings roof tops.

8. Secretary, Power asked about the development in smart grid and smart metering in NDMC area. In response, Chairman, NDMC intimated that the tender for ~~distribution system~~ strengthening and cabling are floated and selection of developer will be finalized very soon. He further informed that the tender for Automated Metering Infrastructure (AMI) in NDMC area is ready and would be floated by month's end. In the subsequent discussion, Secretary Power suggested that EESL is also working on a different model for smart metering and NDMC may also take inputs from EESL and PGCIL in this regard. Secretary Power agreed for taking up Department of Telecommunications (DoT) the matter regarding allocation of separate spectrum for utilities like power, gas and water at reasonable price.

9. Secretary Power suggested that the new technology for large scale storage of electricity by the distribution company should be explored. NDMC and NTPC should collaborate in this effect to make it happen. Chairman NTPC explained that they are committed such arrangements and are ready to install such facilities in NDMC area but sufficient space is required for the purpose. Chairman NDMC informed that they are ready to offer space at appropriate locations and the equipment should be brought by NTPC.

10. After detailed deliberations, following was agreed upon:

(i) **Renewal Energy in NDMC**

- a. NDMC shall be made a city using 100% renewal energy;
- b. around 450 MW renewal power will be provided to the NDMC by the concerned agencies, out of which 200 MW will be from Hydro power projects and rest 250 MW will be from Solar power projects. Any increase in power demand in NDMC in future will be met proportionately from Hydro and Solar power projects appropriately;
- c. existing four PPAs for 450MW of NDMC with NTPC [Badarpur Thermal Power Project (CGS) (125 MW)] and Dadri Thermal I Project (CGS) (125 MW)] and Pragati Power Corporation Ltd. [I (SGS) (100 MW) and III (SGS) (100 MW)] will be examined to make NDMC a city running on 100% renewal energy;
- d. NTPC and SECI will take all necessary action to provide 200MW Hydro power and 250 MW Solar power respectively to NDMC. New PPAs to be entered into by NDMC for the same;
- e. NTPC alongwith NDMC to work upon decentralized storage of electricity in NDMC area initially for 50MW power. NDMC to provide space and civil works, and NTPC to provide technology and equipments;
- f. In case, any financial assistance is required, NDMC may approach ~~Government of India~~ for the same.

(ii) **Electrical Vehicles**

- a. Central PSUs to expedite process for procurement of 1000 electrical vehicles;
- b. NDMC to access its requirements for electrical vehicles and give it to these Central PSUs so that these vehicles may be procured by Central PSUs on behalf of NDMC;

(iii) **Solar Power in NDMC area**

- a. NDMC to access the potential of roof top solar power on Government buildings in NDMC area;
- b. NDMC to approach L&DO, Ministry of Urban Development for deciding lease rent to be paid by NDMC to L&DO for using roofs of GoI buildings for installation of its solar power panels;
- c. one Solar Road is to be developed by NDMC on Pilot basis in NDMC area;
- d. all Bus Queue Shelters be equipped with Solar power panels, wherever feasible as per the availability of sunlight;
- e. Facade Solar Panels (solar wall) be considered by NDMC on its buildings, and such panels may be installed on one NDMC building on Pilot basis in cooperation with SECI.

(iv) **Task Force**

A High Empowered Steering Committee be constituted under chairpersonship of Secretary, MNRE by the MNRE consisting of the following members:

- (a) Chairperson, NDMC
- (b) Joint Secretary(Solar), MNRE
- (c) Joint Secretary (Hydro), MoP
- (d) Joint Secretary, Ministry of Urban Development
- (e) Dr.Ashok Jhunjunwala, Sr.Adviser to Hon'ble MoS(I/C) for Power, Coal, NRE & Mines.
- (f) Chairperson, NTPC
- (g) CMD, Powergrid
- (h) MD, SECI
- (i) MD, EESL
- (j) Shri R.N.Nayak, Ex-CMD, PGCIL

(v) **Timelines**

All the above-mentioned work shall be completed before 30th November 2017

11. The meeting ended with a vote of thanks to Chair.

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No. 32/4/2017-GSP
Government of India
Ministry of New & Renewable Energy
(Grid Solar Power Division)

Block-14, C.G.O. Complex
Lodi Road, New Delhi- 110003

Dated: 27th July 2017

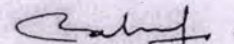
MEETING NOTICE

Subject: Meeting of High Empowered Steering Committee to make NDMC 100% Renewable Energy Powered- Reg.

Reference is invited to this Ministry's Office Order (copy enclosed) of even no. regarding constitution of a High Empowered Steering Committee to make NDMC 100% Renewable Energy Powered.

2. The undersigned is directed to convey that the first meeting of the above mentioned High Empowered Steering Committee, under the chairmanship of Shri Anand Kumar, Secretary, Ministry of New & Renewable Energy (MNRE), is scheduled to be held on 28th July, 2017 (Friday) at 2:00 p.m. in Secretary Chamber, First Floor, Ministry of New & Renewable Energy, Block-14, C.G.O. Complex, Lodhi Road, New Delhi - 110003.

3. The addressees are requested to kindly make it convenient to attend the meeting. A line of confirmation regarding the participation in the said meeting will be highly appreciated.



(Rahul Rawat)

Scientist 'B'

Email: rahul.mnre@nic.in

Tel: 011-24360707; Extn. No. 2017

To

1. Shri Naresh Kumar, Chairman, New Delhi Municipal Council (NDMC), (NDMC Head Office), Palika Kendra, Parliament Street, New Delhi-110001, Tel: 011- 23743579, Email: chairperson@ndmc.gov.in
2. Shri J. N. Swain, Joint Secretary (Solar), Ministry of New & Renewable Energy, Block 14, CGO Complex, Lodi Road, New Delhi-110003, Email: swainjn@ias.nic.in
3. Ms. Archana Agrawal, Joint Secretary (Hydro), Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi, Tel: 011- 23714009, Email: archana.a@gov.in
4. Shri Dharmendra, Joint Secretary, Ministry of Housing and Urban Affairs, Nirman Bhawan, Maulana Azad Road, New Delhi-110011, Tel: 011-23062826, Fax: 011-23062898, Email: jslw-mud@nic.in
5. Dr. Ashok Jhunjunwala, Sr. Adviser to Hon'ble MoS(I/C) for Power, Coal, NRE & Mines, Email: ashok@tenet.res.in
6. Shri Gurdeep Singh, Chairman & Managing Director, NTPC Ltd., NTPC Bhawan, ~~Scope Complex~~, 7, Institutional Area, Lodhi Road, New Delhi- 110003, Tel: +91-11-24360044, 24361199, Fax: +91-11-24363050, Email: cmd@ntpc.co.in
7. Shri I. S. Jha, CMD, Power Grid Corporation of India Limited (PGCIL), B-9, Qutab Institutional Area, Katwaria Sarai, New Delhi-110016, Email: cmd@powergridindia.com, Tel: +91 124 2571800, 2571900, Fax: +91 124 2571990
8. Dr. Ashvini Kumar, Managing Director, Solar Energy Corporation of India, 1st Floor, D-3, A Wing, Religare Building, District Centre, Saket, New Delhi-110 017, Tel: 011-71989201, Fax: 71989235, Email: ashvinikr@seci.gov.in
9. Shri Saurabh Kumar, Managing Director, Energy Efficiency Services Limited (EESL), 4th & 5th Floor, IWA Building, A-13, Sector-1, Noida - 201301, Uttar Pradesh, Tel: 0120-4908000, Fax: 0120-4908099, Email: skumar@eesl.co.in
10. Shri R. N. Nayak, Ex-CMD, Power Grid Corporation of India Limited (PGCIL), Email: rnnayak1955@gmail.com

Copy for information:

1. PPS to Secretary, MNRE/ PPS to Secretary, MoP/ PPS to Secretary, MoHUA

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Annexure - II
PUC

DEPARTMENT OF POWER, GOVT. OF NCT OF DELHI,
8th Level, 'B' Wing, Delhi Secretariat,
I.P. Estate New Delhi

No. F.11/(09)/2017/Power/1917

Dated: 13.07.2017

**MINUTES OF MEETING HELD ON 1st JUNE 2017 at 3 PM AT RAJ NIWAS CHAIRED
BY HON'BLE LG DELHI ON SOLAR POWER DEVELOPMENT IN DELHI**

A meeting on solar power development in Delhi was held on 1st June 2017 at 3:00 PM at Raj Niwas chaired by Hon'ble LG Delhi.

At the outset, Secretary Power gave a presentation on solar power development scenario in Delhi.

The highlights are as under:

1. Delhi Solar Policy notified in Sept, 2016 aims at 1 GW by 2020 & 2 GW by 2025, in line with the Govt of India plan for 175 GW of power from renewable sources out of which 100 GW has to come from Solar by 2022. Delhi Solar Policy has some unique features e.g.
 - a. Virtual Net Metering whereby all energy produced by a collectively owned solar system will be fed into the grid through an energy meter and the exported energy as recorded by that meter will be pro rata credited in the electricity bill of each participating consumer on the basis of beneficial ownership. Virtual Net-metering regulation is expected to be finalized soon.
 - b. Group Net Metering whereby the surplus energy exported to the grid from a solar plant at the location of solar plant can be adjusted in any other (one or more) electricity service connection(s) of the consumer within the NCT of Delhi, provided these connections are in the same DISCOM territory. Group Net-metering regulation is expected to be finalized soon
 - c. Generation Based Incentive for 3 years
 - d. Mandatory deployment of Solar PV Plants on Government / Public buildings
 - e. Solar plants up to 200 KWp are exempted from certification by Electrical inspector
 - f. For economies of scale, role of tendering & implementation assigned to Indraprastha Power Generation Company Ltd (IPGCL)
2. Delhi has Net Meter Regulation for Renewable Energy-2014 in place. As per the regulation, ~~the net meter~~ net meter accounts for normal grid electricity coming from Grid and subtracts solar electricity going into grid from the premises and consumer gets electricity bill based on the net off.
3. As per the National Tariff Policy 2016 of the Government of India, the Solar component of the ~~Renewable Purchase~~ Renewable Purchase Obligation (RPO) is to be increased by each regulator along ~~a trajectory to reach 8% by 2022~~ DERC till date has notified Solar RPO till 2018-19, which is at a low value at 0.45% and DISCOMs are presently complying against this target. This would need to be increased by the DERC in line with the NTP-2016 and to coincide with the Delhi Government's own target as per DSP-2016.

4. Because of relatively lower DNI (Daily Normal Irradiation, a measure of intensity of sunshine) and less land available, setting up of large solar parks within Delhi is not very attractive compared to the following two options.
 - a. To purchase solar power from more irradiation intensive (higher DNI) states like Rajasthan & Madhya Pradesh in view of the availability of cheaper power from there and the ongoing waiver of interstate transmission charges. Already DISCOMs and big users such as DMRC are entering into PPAs with Solar park Developers in such states.
 - b. To source 75% requirement as desired in Solar policy from Delhi by aggressively developing Grid Connected Rooftop Solar power. This is an attractive option because, while the power from solar parks has to compete with the average power purchase price, mainly of coal fired thermal plants, rooftop solar directly enters the distribution network, at a cost which compares favourably with the retail price of power, creating savings for the consumer and also giving relief to the discom during high peak times in summer during the day.
5. A cumulative capacity of 52.78 MW SPV plants is installed in Delhi till 30.4.2017.
6. There are basically two models in which SPV's are installed :
 - a. **CAPEX Model:** When the Grid Connected Rooftop Solar PV Power Plant is built, owned and maintained by the consumer by investing upfront capital, it is called CAPEX business model.
 - b. **RESCO Model:** When Renewable Energy Service Company (RESCO) or 3rd party built, owned and maintains the solar system and provides services to the consumers, it is called RESCO or 3rd Party business model. It is suitable for large establishments/ Govt buildings, as the onus of healthy maintenance of the system lies with the Developer who earns through sale of solar electricity.
7. The state Nodal Agency (SNA) ie EEREM Centre has got approval from MNRE for the following projects:
 - a. 08 MW in Oct'2014 with a timeline up to Mar'2016. MNRE has further kindly agreed to extend the time for commissioning this capacity till September 2017. This sanction comes with an explicit subsidy of 30%, which will not be available in future MNRE scheme and therefore should be taken full advantage of. Key buildings where net metered Solar installations have already been done are Delhi Technical University, Dwarka Court, Netaji Subhash Institute of Technology and ~~General DTC Depots~~.

Other Departments where EEREM has been persistently following up have been hesitating in finalising their decision, mainly due to doubts on the wording of the Power Purchase Agreement (PPA). The PPA is as circulated by the Ministry of New and Renewable Energy after due vetting by the Department of Legal Affairs, Ministry of Law & Justice and Department of ~~Expenditure~~, Ministry of Finance, Govt. In all other states, PPAs are being signed on this format.

- b. 84 MW for domestic and social sectors: In this MNRE sanction, 30% subsidy is available. The sanction is valid till 31st March 2018. Vendor empanelment has very recently been finalised by IPGCL through tendering and the same has been uploaded on the website of EEREM Centre. Power Dept. has invited applications from interested consumers and has twice published advertisement in leading English and Hindi newspapers.
8. New sanctions for Govt buildings/ Institution would be given by MNRE under an Incentive scheme which provides up to 25% subsidy but requires strict adherence to the time line. However, in view of falling SPV prices and the large savings through net metering, it is still extremely attractive to put together a fresh proposal for sanction of capacity to MNRE by aggregating requirements from Departments where there is huge scope for installation, such as School Education, Health, the High Court and District Courts, etc.
 9. Concluding her presentation, Secretary Power requested for intervention of Hon'ble LG for speedy installation of solar power in Delhi, in particular for deployment on Govt buildings, and for adoption of Model Power Purchase Agreement (PPA).
 10. CMD, DTC described the appreciable saving in electricity bills consequent upon solar installations through RESCO model. He further added that DTC has already given their consent for installations in all DTC depots.
 11. Commissioner SDMC informed that SDMC has a 10 acres land chunk in Faridabad and 140 acres in Delhi where ground mounted Solar installations can be planned.
 12. EDMC informed that they have submitted a list of 10 buildings to Power Dept., which are being studied for technical feasibility.
 13. Registrar General, Delhi High Court, mentioned about discussions with IPGCL for Saket Court and Tis Hazari Court and requested to make a feasibility study of Delhi High court.
 14. Member DERC mentioned that the Commission was fully committed to the development of solar power as envisaged by the Government and was giving all required regulatory support for the same.
 - 15. Chairman NDMC informed that NDMC intended to become a 100% solar city over the next few years through purchase of power from high potential states such as Rajasthan and MP. NTPC had given them an offer in this respect which was under examination.
 - 16. Secretary Power requested that any such proposal may keep the State Load Despatch Centre in the picture since the onus of balancing such large scale solar power as well as ~~the issue of~~ existing PPAs would fall on them. Chairman NDMC agreed for the same.
 - 17. Chairman NDMC also requested Member DERC that there should be a policy defining a rental rate for small households so that an aggregator could combine the demand and scale up the installations.
 18. ~~Member DERC~~ informed that this was basically an administrative, not a regulator matter, in which ~~DERC~~ had no role.
 19. Secretary Power informed that, while the issue of aggregating small capacities was indeed a very salient one, the concept of roof rental came with gross metering as in t

Ahmedabad model, which had not been repeated by any other state and was now superseded by the net metering mechanism which offered better accountability as well as convenience to consumers.

Hon'ble LG directed as follows:

20. Power Deptt would once again follow up with all high potential Govt Depts including those present as well as with DDA and Delhi Police to expeditiously utilise the existing MNRE sanction and to prepare a larger fresh proposal for seeking further sanction from MNRE. For this purpose, Power Deptt. would clearly spell out the advantages and savings, the facilitation offered by EEREM/ IPGCL, and the information required for following up with each Department through a common format.
21. Power Deptt. and the discoms would undertake aggressive publicity and awareness campaigns to educate the general public on the subject. Apart from newspaper advertisements, innovative ways could include the distribution of pamphlets by discoms along with the electricity bills.
22. High potential private buildings such as malls, colleges etc. would also be pursued for solar installation.
23. The exact capacity installation figures would be once again verified with data from the discoms as well as from government agencies such as CPWD which may have made installations not reported to EEREM.
24. All Departments and Government Agencies would fully explore all possibilities of installing solar power and would undertake the same with the facilitation offered by EEREM/ IPGCL. In view of the clear vetting already conducted on the model PPA by the Government of India, it may be adopted without further delay.
25. Chief Secretary would regularly monitor the progress in the above.
26. A follow up meeting at the level of Hon'ble LG would be called around 20th June 2017.

The meeting ended with a vote of thanks to the Chair.

A K Jha
12/07/17

Executive Officer (EEREM)

10.

1. Registrar General, Hon'ble Delhi High Court, New Delhi-110001
2. Pr. Secretary (Home), Govt. of NCT of Delhi, 8th Level, Delhi Secretariat, New Delhi
3. Vice Chairman, Delhi Development Authority, Vikas Sadan, New Delhi-110023.
4. Commissioner of Police, POLICE HEAD QUARTERS, M.S.O. BUILDING, I.P. ESTATE, NEW DELHI - 110002
5. Pr. Secretary (PWD), Govt. of NCT of Delhi, 5th Level, B-Wing, Delhi Secretariat, New Delhi-110002
6. Delhi Electricity Regulatory Commission, Viniyamak Bhavan, C- Block, Shivalik, Malviya Nagar New Delhi -110017
7. Managing Director, Delhi State Indl. & Infrastructure Development Corporation Ltd. (DSIIDC), N-36, Bombay Life Building, Connaught Circus, New Delhi
8. Pr. Secretary (Law, Justice & LA), Govt. of NCT of Delhi, 8th Level, Delhi Secretariat, New Delhi
9. Secretary (Health and Family Welfare), 9th Level, Delhi Secretariat, IP Estate, New Delhi-110002
10. Chairman, New Delhi Municipal Council, Palika Kendra, New Delhi
11. Secretary-Cum- Commissioner (Transport), Govt. of NCT of Delhi, 5/9 Under Hill Road, Delhi-110054
12. Director General (Prisons), Head Quarter, Central Jail, Tihar, New Delhi - 110064
13. Commissioner, South Delhi Municipal Corporation, Civic Centre, Minto Road, New Delhi
14. Commissioner, North Delhi Municipal Corporation, Civic Centre, Minto Road, New Delhi
15. Commissioner, East Delhi Municipal Corporation, 419, Udyog Sadan, Patparganj Indl. Area, Delhi
16. Chairman & Managing Director, Delhi Transport Corporation, IP Estate, New Delhi
17. Director, Directorate of Higher Education, B-Wing, 5 Sham Nath Marg, Civil Lines, Delhi-110054
18. Director, Directorate of Education, Old Secretariat, Near Vidhan Sabha, Civil Lines, New Delhi, Delhi 110054
19. Director (Technical), Indraprastha Power Generation Co. Ltd., Himadri, Rajghat Power House, New Delhi
20. Vice Chancellor, Delhi University, University Enclave, Delhi, 110007
21. CEO TPDDL
22. CEO BRPL
23. CEO BYPL

Copy for kind information:

1. Special Secretary to Hon'ble Lieutenant Governor, Delhi, 6, Raj Niwas Marg, Civil Lines, New Delhi, Delhi 110054.
2. OSD to Hon'ble Power Minister: For kind information please, with request to Hon'ble ~~Power Minister~~ to attend the meeting
3. ~~SO to Chief Secretary~~: For kind information please, with request to Chief Secretary to attend the meeting
4. PS to Secretary (Power): For kind information please, with request to Secretary (Power) to attend the meeting

ATTENDANCE SHEET

Sub: Meeting to discuss solar power development in Delhi.

Date: 01.06.2017

Time: 3.00 pm

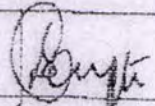
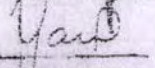

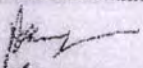


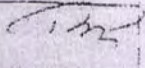


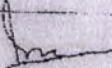

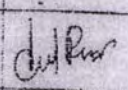

SL. NO.	NAME OF OFFICER	DESIGNATION & DEPARTMENT	TELEPHONE NUMBER	E-MAIL ID	SIGNATURE
1	C.S.				
2	Ramesh kumar Sharma	R.G. High Comp. 3 Bach	23357985	rgdhe-wc-in	[Signature]
3	Ramesh Chandra	Registrar, Delhi High Court	9910390934	rgdhe-wc-in	[Signature]
4	Pawan Singh	Asst. Secy (Gen)	2339244	Slawc-in	[Signature]
5	Ashwani Kumar	In. Secy (Gen)	9810652383	pspud@nic.in	[Signature]
6	B.P. Singh	Member, DERC	9650990898	member2@ derc.gov.in	[Signature]
7	K.R. Meena	CMD DSI, DC	8800504856	dsec@dm rediffmail.com	[Signature]
8	Sandeep Kumar	CMD DTC	9825678400	cmd-dtc @nic.in	[Signature]
9	Ankur NTS	Secretary KFW	8800589001	ankur@ ntc	[Signature]
10	Jatinder Kumar	Director (T) IPSEL	9958901234	jkumar190@ yahoo.co.in	[Signature]
11	SUGATA MUKHERJEE	Ho. (Solar) TPDDL	9971395275	Sugata.mukherjee @tatapower-ltd.com	[Signature]
12	H. N. N. N.	ED (CS) LDC	9995555555	hazijwa-niyas@ nic	[Signature]
13	Jitendra Nalwais	Head (Renewable) BS&S Yamuna Power Ltd.	8467857222	jitendra. nalwais@ bs&s.co.in	[Signature]

ATTENDANCE SHEET

Sub: Meeting to discuss solar power development in Delhi.

Date: 01.06.2017

Time: 3.00 pm

SL NO.	NAME OF OFFICER	DESIGNATION & DEPARTMENT	TELEPHONE NUMBER	E-MAIL ID	SIGNATURE
14.	Saunhya	Dir, Edu	9811419728		
15.	Virek Pandey	Addl. Commr	858880207		
16.	Rimothar	Commissioner CDMC	9999992363		
17.	Praveen Gupta	Commissioner N. DMC			
18.	Nareh Kumar Chauran	N. DMC			
19.	Praveen Kumar	Joint Section Delhi High Court	9811419727		
20.	Anil K. Sharma	SE (Elect) NORTH DMC	9717788562		
21.	R.K. NAGPAL	GM (T) Comd + S. Sec	9717698202		
22.	Hakender Singh	EDCTariff DERC	991039477		
23.	S. K. Sinha	DGM (SO) SLDC	9339533673		
24.	V. K. Gupta	C.G.M. DTC	8744073066		
25.	Asad Praveg	ED (T) Power	9999533786		
26.	Vinod Bhatia	DGM - BYPL	971776264		

2. referred
Under Review
3. Not referred
in 1 week

13/07/2017

Zimbra

chairperson@ndmc.gov.in

MOM of 1st june' 2017 meeting at Raj Niwas chaired by Hon'ble LG on Solar power development in Delhi

From : ASHOK KUMAR JHA <akjhasundhara@gmail.com>

Thu, Jul 13, 2017 01:05 PM

Subject : MOM of 1st june' 2017 meeting at Raj Niwas chaired by Hon'ble LG on Solar power development in Delhi

1 attachment

To : cmd dtc <cmd_dtc@yahoo.com>, secyderc@nic.in, rg dhc <rg.dhc@nic.in>, md@dsiidc.org, chairperson@ndmc.gov.in, commtpt@nic.in, Commissioner-Sdmc@mcd.gov.in, commissioner-ndmc@mcd.gov.in, commissionerndmc@gmail.com, slaw@nic.in, pspwd@nic.in, pspower@nic.in, md dtc <md_dtc@yahoo.com>, pshealth@nic.in, ADMIN EDUCATION <dtehedu@gmail.com>, diredu@nic.in, vc@du.ac.in, md office <md.office@tatapower-ddl.com>, ceo sectt <ceo.sectt@relianceada.com>, J Kumar <jkumar190@yahoo.co.in>, dgtihar@nic.in, astolg delhi <astolg.delhi@nic.in>

CNO 73408/2017/CP

Dear Sir/ Madam,

May kindly find attached copy of 1st June' 2017 meeting at Raj Niwas chaired by Hon'ble LG on Solar power development in Delhi for your kind information and perusal please.

Regards,

A K Jha, Executive Officer

Energy Efficiency & Renewable Energy Management Center

Power Department, Delhi Secretariat

Govt. of NCT of Delhi

Mob: 9717694790

MOM of 01.06.2017 meeting at Raj Niwas chaired by HON'BLE LG on Solar Power 13072017.pdf

4 MB

for n/a pl.

14/7

Chairman
Secy
Cmde

14/7

Cmde

Commercial
14/7

BB (SUDC)

14/7

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Actual purchases 2016-17

Month	NFC	PPCL	PGCIL (POC)	PGCIL	IPGCL	DTL	PTCL	BRPL	TATA Power	BYEL	Mittal Processors	Ombudsman	GE(U) Electric Supply	DERC Secy	Axis Bank	Advertisement Others	Gross Total	minus expenditure	Sale of Surplus power (-)	Net Total
APR	307747484	90599790	11471780	77367	0	61051115	42001254	0	0	0	23145701	0	0	100000	0	0	536194491	0	45302084	490892407
MAY	45337431	301718096	22038686	73381	0	7148862	31620726	0	0	0	0	0	0	0	0	0	875537182	0	41146460	834390722
JUN	370306218	312851622	41434886	89023	0	6139247	81041580	1985991	25322	1076	0	0	92448	0	0	0	873947413	0	708812	873238601
JUL	360254355	312005762	19818934	89023	0	6175345	58855596	0	0	0	0	228066	0	0	0	0	806407081	3761579	4111378	798534124
AUG	395720947	308920936	22828463	89054	0	6067460	93173307	326753	23816	1240	0	0	0	0	0	0	877161976	0	522851	876639125
SEP	347098552	300306383	22287358	8431	0	1922895	133891876	0	0	0	14426876	0	0	0	1998	0	871004369	13736		870990633
OCT	36034721	231728309	34693794	8463	0	1033150	61245458	0	0	0	0	0	0	0	0	8043	745811938	674749	8498714	736638475
NOV	357219133	199407190	13922605	13854	0	260976	83283982	1514293	77032	7910	0	0	1448	0	0	0	705138423	88225	25728755	679321443
DEC	173384341	291713710	27793332	119164	0	222637	58885660	27128639	10130488	3009097	6854996	0	796493	0	217148	0	649155705		32164087	616991618
JAN	102939653	333528474	19375994	8431	0	1071741	107667071	0	269893	0	0	0	0	0	0	0	614921257		41928938	572992319
FEB	155145884	281697817	19527581	8431	0	1871181	51748354	0	531434	0	0	0	59771	0	0	0	520650453	14523497	19689576.00	485437380
MAR	168962868	231703695	29357988	384163	0	2003409	87147143	0	69295	0	0	0	0	0	207084	0	560715645	4746550	22229112	533739983
2017	3557751587	3196181784	284551401	1888785	0	614888018	890562007	30955676	11127280	3019323	44227573	228066	950160	100000	426230	8043	8636645933	23808336	242030767	8370806830

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Annexure - III

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Actual power purchases 2017-18

Month	NTPC	PPCL	PGCIL (POC)	PGCIL	IPGCL	DTL	PTO Ltd	BRPL	TATA Power	BYPL	Mithi Processors	Ombudsman	GE(U) Electric Supply	SHRESHTA Communication	POSCO NRILO	DERC Secy	Axis Bank	Advertisement/ Others	Gross Total	minus expenditure	Sale of Surplus power (-)	Net Total
APR	155542104	242460201	19517242	68431	0	105995	59618738	0	0	0	0	0	0	0	0	0	0	0	522512711	1590	3762258	518748863
MAY	396553983	277471895	25201064	68431	0	1718483	210533408	0	255565	0	0	274138	40210	0	0	0	0	0	966117177	930653	16278213	948908311
JUN	409356868	207887296	24143954	68431	0	1766487	277893198	1285578	0	290588	0	0	0	0	0	100000	0	0	968782400	0	115920544	852861856
JUL	0	218668056	25145144	68431	0	15712	150665549	0	206032	0	0	0	74442	0	0	0	0	0	443243366	0	27563635	415739531
AUG	339637325	294129028	24504583	68431	0	147861	44650792	0	0	0	0	0	0	2141368	192329	0	0	0	744971717	77994921	122118132	544858664
SEP	375007751	384315957	24564936	92022		111371	565381566		175696			146830							1405196129	18817		140517312
OCT	306223571	358660845	31802523			117514	43298447												772902900			772902900
NOV																			0			0
DEC																			0			0
JAN																			0			0
FEB																			0			0
MAR																			0			0
2018	1982321602	1983593278	174979446	424177	0	31173423	1352041698	1285578	637293	290588	0	420968	114652	2141368	192329	100000	0	0	5823726400	78945981	285532982	5459197437

No.32/4/2017-GSP
Government of India
Ministry of New and Renewable Energy

Dated: 24th July 2017

OFFICE ORDER

Subject: Constitution of High Empowered Steering Committee to make NDMC
100% Renewable Energy Powered – reg.

The Ministry of New & Renewable Energy would be holding REINVEST 2017 from 7 to 9 December 2017. To mark the event, it has been decided that by 30th November 2017, NDMC area be made 100% Renewable Energy Powered. In order to achieve the said objective, the following Committee is constituted with the approval of the Competent Authority under the chairmanship of Secretary, Ministry of New & Renewable Energy with following members:

- (a) Chairperson, NDMC
- (b) Joint Secretary(Solar), MNRE
- (c) Joint Secretary (Hydro), MoP
- (d) Joint Secretary, Ministry of Urban Development
- (e) Dr.Ashok Jhunjunwala, Sr.Adviser to Hon'ble MoS(I/C) for Power, Coal, NRE & Mines.
- (f) Chairperson, NTPC
- (g) CMD, Powergrid
- (h) MD, SECI
- (i) MD, EESL
- (j) Shri R.N.Nayak, Ex-CMD, PGCIL



(Sanjay Karnadhar)
Scientist-C
(Tel: 24362288)

To

All concerned.

Copy for information: APS to Honourable MoS/ PPS to Secretary (Power)/PPS to Secretary, MoUD/ PPS to Secretary, MNRE

No. 32/4/2017-GSP
Government of India
Ministry of New & Renewable Energy
(Grid Solar Power Division)

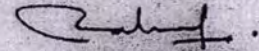
Block-14, C.G.O. Complex
Lodi Road, New Delhi - 110003.
Dated: 2nd August, 2017

OFFICE MEMORANDUM

Subject: Minutes of Meeting of High Empowered Steering Committee to make NDMC 100% Renewable Energy Powered held on 28th July, 2017 (Friday) in MNRE-Reg.

The undersigned is directed to forward the minutes of meeting of the above mentioned High Empowered Steering Committee held under the chairmanship of Secretary, Ministry of New & Renewable Energy (MNRE), on 28th July, 2017 (Friday) at 2:00 p.m. in Conference Room, First Floor, Ministry of New & Renewable Energy, Block-14, C.G.O. Complex, Lodhi Road, New Delhi - 110003.

2. This issues with the approval of JS (Solar), MNRE.



(Rahul Rawat)
Scientist 'B'

Email: rahul.mnre@nic.in
Tel: 011-24360707; Extn. No. 2017

To
As per attached list

Copy for information:

PPS to Secretary, MNRE/ PPS to Secretary, MoP/ PPS to Secretary, MoHUA

Solar Wall

10. SECI informed that around 150 kW capacity of Solar Panel were found for N building as Solar Wall. Secretary, MNRE has directed to make a 3 member team consisting of SECI, NDMC and EESL to re-assess the capacity and plan for solar wall on N building. Ms. Chanchal Yadav, Secretary, NDMC was directed to coordinate in this regard.

Renewable Energy Museum

11. After detailed discussion, it has been decided that a Renewable Energy Museum Stop Information Centre may be developed by SECI, EESL and NTPC along-with NDMC setting up a society with the seed funding from PSUs. NDMC informed that they already identified 2000 sqm plot which can be used for this proposed RE museum.

Solar Road and Bus Queue Shelters

12. NDMC will develop a solar road on pilot basis in NDMC campus and will assess feasibility of solar projects on Bus Queue Shelters.

13. The Committee will meet on every Friday at 2:00 PM in MNRE.

The meeting ended with the vote of thanks to chair

Annexure**List of Participants****MNRE**

- | | | |
|----|----------------------|---------------------|
| 1. | Shri Anand Kumar | Secretary, MNRE |
| 2. | Shri J. N. Swain | JS, MNRE |
| 3. | Shri Ruchin Gupta | DS, MNRE |
| 4. | Shri Sanjay Karndhar | Scientist 'C', MNRE |
| 5. | Shri Rahul Rawat | Scientist 'B', MNRE |

NDMC

- | | | |
|-----|--------------------|-----------------|
| 6. | Shri Naresh Kumar | Chairman, NDMC |
| 7. | Ms. Chanchal Yadav | Secretary, NDMC |
| 8. | Shri A. A. Tazir | Director, NDMC |
| 9. | Shri Madan Pal | EE SLDC, NDMC |
| 10. | Shri A. K. Joshi | NDMC |

MoP

- | | | |
|-----|---------------------|---------|
| 11. | Ms. Archana Agrawal | JS, MoP |
| 12. | Ms. Renuka | MoP |

EESL

- | | | |
|-----|--------------------|----------|
| 13. | Shri Sourabh Kumar | MD, EESL |
|-----|--------------------|----------|

PGCIL

- | | | |
|-----|------------------------------|------------|
| 14. | Shri I. S. Jha | CMD, PGCIL |
| 15. | Shri Hemendra Agrawal | PGCIL |
| 16. | Shri S. Victor P. Selvakumar | PGCIL |

NTPC

- | | | |
|-----|-------------------|------------------------|
| 17. | Shri Manoj Mathur | GM(comm), NTPC |
| 18. | Shri A. K. Gupta | Director, (comm), NTPC |
| 19. | Shri Aseem Jain | NTPC |

SECI

- | | | |
|-----|-----------------|-----------|
| 20. | Shri R. K. Jain | AGM, SECI |
|-----|-----------------|-----------|

Others

- | | | |
|-----|------------------|---------------|
| 21. | Shri R. N. Nayak | Ex-CMD, PGCIL |
|-----|------------------|---------------|

J. 32/4/2017-GSP
Government of India
Ministry of New & Renewable Energy
(Grid Solar Power Division)

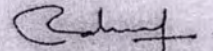
Block-14, C.G.O. Complex
Lodi Road, New Delhi - 110003.
Dated: 11th August, 2017

OFFICE MEMORANDUM

Subject: Minutes of Meeting of High Empowered Steering Committee to make NDMC
100% Renewable Energy Powered held on 4th August, 2017 (Friday) in
MNRE- Reg.

The undersigned is directed to forward the minutes of meeting of the above mentioned High Empowered Steering Committee held under the chairmanship of Secretary, Ministry of New & Renewable Energy (MNRE), on 4th August, 2017 (Friday) at 3:00 p.m. in Conference Room, First Floor, Ministry of New & Renewable Energy, Block-14, C.G.O. Complex, Lodhi Road, New Delhi - 110003.

2. This issues with the approval of Joint Secretary (Solar), MNRE.



(Rahul Rawat)
Scientist 'B'

Email: rahul.mnre@nic.in
Tel: 011-24360707; Extn. No. 2017

To
As per attached list

Copy for information:
PPS to Secretary, MNRE/ PPS to Secretary, MoP/ PPS to Secretary, MoHUA

- 21 -

Minutes of the Meeting of High Empowered Steering Committee to make NDMC 100% Renewable Energy Powered held under the chairmanship of Secretary (MNRE), GoI on 4th August, 2017

1. The meeting of High Empowered Steering Committee to make NDMC 100% Renewable Energy Powered was held under the chairmanship of Secretary (MNRE), GoI on 4th August, 2017, at 3:00 p.m in Conference Room, 2nd Floor, Block 14, CGO Complex, Lodi Road, New Delhi. The status of work assigned to NDMC, MoP, NTPC, EESL and SECI during the last meetings has been reviewed. List of participants is given in **annexure**.

200 MW Hydro Power

2. JS (Hydro), MoP informed that 200 MW capacity of firm Hydro power for 24hours/ 7 days has been identified and can be offered at an average rate of Rs. 5.54 per unit to NDMC by 30th November, 2017.

250 MW Solar Power

3. NTPC informed that the NIT of 250 MW Solar project has been issued on 31st July, 2017 and supply of power from this plant is scheduled for 1st December, 2017. Further, it was informed that while setting up of 250 MW solar plant is the main objective, in case of any slippage in the deadline, other options of sourcing solar power are also being firmed up as below:-

- i. Purchase of power from 250 MW Solar power project being set up in Kadappa Solar Park, Andhra Pradesh.
- ii. If commissioning of this project sets delayed, for the interim period, Solar Power will be procured from Andhra Pradesh is ready to provide solar power @ Rs. 5.60 per unit.

Energy Storage and Electric Vehicle

4. It has been decided that a pilot energy storage project of 50MWh will be set up under this initiative. Secretary, MNRE directed EESL to issue NIT for 1000 Electric vehicles. It was also directed that a sub-committee headed by Prof. Ashok Jhunjhunwala, Principal Advisor to MoS (I/C) for Power, Coal, NRE & Mines and comprising of NTPC, PGCIL, NDMC and EESL be formed to finalise:

- i. energy storage project in NDMC area.
- ii. the methodology and process for procuring Electric Vehicle and vehicle charging/swapping station

EESL (Shri Bhawanjeet Singh) will coordinate the sub-committee.

125 MW Biomass Power

5. NTPC informed that the pellet based power plant of 84 MW capacity will be operational from December 2017 while the NIT for briquette plant will be issued by 14th

August, 2017. NTPC assured that the power from 125 MW biomass power plant will be supplied to NDMC with an additional cost of about Rs. 0.65 per unit by 1st December, 2017.

Solar Rooftop

6. NDMC informed that potential of 150 kW flexible solar PV at Tal Katora stadium and 3.1 MW of Solar PV on rooftops of Embassy buildings have been estimated on the basis of preliminary assessment.

7. Representative from Land and Development Office (L&DO), Ministry of Housing and Urban Affairs, informed that they are ready for providing rooftop of govt. buildings with a token amount of Rs. 1 per unit. It was directed that a subcommittee comprising of L&DO, NDMC and SECI be formed to decide the token amount/opportunity cost to be given to L&DO for solar rooftop projects on govt. buildings. It was further directed that the MoHUA may consider rooftops of govt. buildings for solar PV rooftop systems at token amount.

Solar Wall

8. During last meeting, Secretary, MNRE has directed to make a 3 member team consisting of SECI, NDMC and EESL to re-assess the capacity and plan for solar wall on NDMC building. NDMC informed that the team has re-assessed the potential and found that an estimated capacity of 150kW Solar PV is feasible on the wall of NDMC building as proposed by SECI.

Solar Road and Bus Queue Shelters

9. NDMC was directed to expedite the implementation of Solar Road and Solar power plants on Bus Queue shelters.

Annexure

List of Participants

MNRE

1. Shri Anand Kumar
2. Shri Praveen Kumar
3. Shri Ashok Jhunjhunwala

4. Shri Ruchin Gupta
5. Shri Sanjay Kamdhar
6. Shri Rahul Rawat

NDMC

7. Shri Naresh Kumar
8. Ms. Chanchal Yadav
9. Shri A. A. Tazir
10. Shri Madan Pal

MoP

11. Ms. Archana Agrawal
12. Ms. Renuka

MoHUA

13. Shri Anupam Mishra
14. Shri S. K. Babbar

EESL

15. Shri Bhawanjeet Singh
16. Shri Rajneesh Rana
17. Shri Amit Kumar Bharadwaj

PGCIL

18. Shri Hemendra Agrawal
19. Shri Rajesh Kumar

NTPC

20. Shri A. K. Gupta
21. Shri Manoj Mathur
22. Shri Surinder Raina

SECI

23. Shri R. K. Jain

CEL

24. Dr. Nalin Shinghal
25. Shri Atul Bhargava

NHPC

26. Shri Ratish Kumar
27. Shri M. K. Mittal

Others

28. Shri R. N. Nayak

Secretary, MNRE
 Additional Secretary, MNRE
 Principal Advisor to MoS (I/C) for Power, Coal,
 NRE & Mines
 Deputy Secretary, MNRE
 Scientist 'C', MNRE
 Scientist 'B', MNRE

Chairman, NDMC
 Secretary, NDMC
 Director, NDMC
 EE SLDC, NDMC

Joint Secretary, MoP
 Director, MoP

Economic Adviser, MoHUA
 Dy. L&DO, MoHUA

EESL

EESL

EESL

DGM, PGCIL
 AGM, PGCIL

Director (comm), NTPC
 GM (comm), NTPC
 GM (RE), NTPC

AGM, SECI

CMD, CEL
 GM (SPV Mktg), CEL

CMD, NHPC
 DF, NHPC

Ex-CMD, PGCIL

rediffmail

Mailbox of madanpalndmc

Subject: Minutes of Meeting of High Empowered Steering Committee to make NDMC 100% Renewable Energy Powered held on 04th August, 2017 (Friday) in MNRE- Reg.

From: Rahul Rawat <rahul.mnre@gov.in> on Fri, 11 Aug 2017 13:45:13

To: chairperson@ndmc.gov.in, swainjn@ias.nic.in, archana.a@gov.in, jslw-mud@nic.in, ashok jhunjhunwala <ashok@tenet.res.in>, cmd@ntpc.co.in, cmd@powergridindia.com, skumar@eesl.co.in, rnnayak1955@gmail.com, director.commercial@ndmc.gov.in, madanpalndmc@rediffmail.com, secretary@ndmc.gov.in, renuka.k@nic.in, isjha@powergridindia.com, hem@powergridindia.com, victor@powergridindia.com, aseemjain@ntpc.co.in, ak Gupta07@ntpc.co.in, manojmathur1961@gmail.com, agmsolar@seci.co.in, rajeshkumar@powergridindia.com, suriderraina@ntpc.co.in, cmd@celindia.co.in, atul.bhargava@celindia.co.in, rana@eesl.co.in, abharadwaj@eesl.co.in

Cc: secy-mnre <secy-mnre@nic.in>, Secretary Power <secy-power@nic.in>, RAJIV GAUBA <secyurban@nic.in>, MNRE RuchinGupta DS <ruchin.gupta@gov.in>, Sanjay Karndhar <karndhar.sg@nic.in>, selvakumar@ireda.in

1 attachment(s) - MoM_4th_August_2017.pdf (2.39MB)

Sir/Madam

The undersigned is directed to forward the minutes of meeting of the above mentioned High Empowered Steering Committee held under the chairmanship of Secretary, Ministry of New & Renewable Energy (MNRE), on 4th August, 2017 (Friday) at 3:00 p.m. in Conference Room, First Floor, Ministry of New & Renewable Energy, Block-14, C.G.O. Complex, Lodhi Road, New Delhi - 110003.

2. This issues with the approval of Joint Secretary (Solar), MNRE.

With Best Regards
Rahul Rawat
Scientist 'B'

Ministry of New and Renewable Energy (Govt. of India)
C.G.O. Complex, Lodi Road,
New Delhi-110003



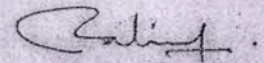
No. 32/4/2017-GSP
Government of India
Ministry of New & Renewable Energy
(Grid Solar Power Division)

Block-14, C.G.O. Complex
Lodi Road, New Delhi - 110003
Dated: 30th August, 2017

OFFICE MEMORANDUM

Subject: Minutes of Meeting taken by Hon'ble Minister of State (I/C) for Power, Coal, NRE and Mines for making NDMC 100% RE powered on 16th August, 2017 at Hotel Ashoka, New Delhi- Reg.

The undersigned is directed to forward the minutes of meeting of the above mentioned meeting held under the chairmanship of Hon'ble Minister of State (I/C) for Power, Coal, NRE and Mines on 16th August, 2017 at Hotel Ashoka, New Delhi to discuss the issues to make NDMC 100% renewable energy powered.



(Rahul Rawat)

Scientist 'B'

Email: rahul.mnre@nic.in

Tel: 011-24360707; Extn. No. 2017

To

As per attached list

Copy for information:

Addl. PS to Hon'ble MoS (I/C)/ PPS to Secretary, MNRE/ PPS to Secretary, MoP/
PPS to Secretary, MoHUA

Minutes of Meeting taken by Hon'ble Minister of State (I/C) for Power, Coal, NRE and Mines for making NDMC 100% RE powered on 16th August, 2017 at Hotel Ashoka, New Delhi.

1. A meeting was held under the chairmanship of Hon'ble Minister of State (I/C) for Power, Coal, NRE and Mines on 16th August, 2017 at Hotel Ashoka, New Delhi to discuss the issues to make NDMC 100% renewable energy powered. List of participants is given in Annexure.

Electric Vehicles

2. EESL informed that NIT for 10,000 electric vehicles (EVs), including 1000 EV in the 1st phase for NDMC, and 3000 chargers, including 250 AC & 50 DC chargers as 1st phase for NDMC, has already been issued.

3. It was suggested that the specifications of cars to be procured should be categorised in 3 categories, so that these vehicles can cater to varied demand of the Government.

4. It was emphasized that the EESL should ensure that the specifications of tender should be such that they do not favour a single company or bidder and that a healthy participation can be encouraged. It was further suggested that the specifications of the tender should be thoroughly vetted by independent experts for ensuring fair and transparent competition.

5. On the issue of fair and transparent EV procurement, the present structure of import duties was inquired. EESL informed that presently, the basic Custom Duty is around 20% on EVs. It was agreed that the MNRE will approach Ministry of Finance to waive off for the 1st phase of procurement.

6. It was suggested that the charging stations should be installed on State and National Highways, Petrol Pumps and Parking Lots of Govt. offices and Municipal Bodies of NCR. The detailed locations shall be finalised in coordination with NDMC.

200 MW Hydro Power

7. It was observed that, considering the long term purchase avenue provided by NDMC and in light of new guidelines, the offered price of ₹ 4.77 per unit by Teesta 3 power plant needs to be reconsidered and should be brought down below ₹ 4 per unit to make it viable for NDMC to buy it. CMD, NHPC and Ministry of Power were directed to explore the possibilities in this regard.

250 MW Solar Power

8. While it was appreciated that, in the long term, solar power at around ₹ 3.15 per unit would be made available to NDMC from Kadappa Solar Park in Andhra Pradesh, the suggested power of around ₹ 5.5 per unit by NTPC, as interim measure, was not found to be acceptable. NTPC was directed to explore all avenues to ensure that the cost of Solar Power in the interim is less than ₹ 3.5 per unit.

Existing PPAs

9. Secretary Power, Govt. of Delhi emphasized that there would be fixed charge of ₹ 150 crore per annum for the two gas based plants supplying power to NDMC under the existing PPAs. It was agreed that the commitments under the existing PPAs would continue to be honoured, and that, the savings on account of relatively cheap renewable power will be able to accommodate this added cost. The suggestion of Secretary Power, Govt. of Delhi for having tolling of gas would help in avoiding the fixed cost. The Hon'ble Minister of State (I/C) directed CMD, NTPC to examine this suggestion

Energy Storage

10. It was agreed that the 50MWh energy storage pilot project will be setup with 50% support from MNRE and 50% support from NDMC. The tenders in this regard will be issued immediately. However, it was suggested that the space for the installation of project may be explored outside the NDMC area where the land cost is relatively cheaper.

Solar Rooftop and Wall

11. Hon'ble MoS (I/C) for Power, Coal, NRE and Mines appreciated the work done so far with regard to potential assessment and implementation of Solar Rooftop System and the idea of Solar Wall. It was suggested that some new technologies such as flexible SPV modules may also be explored for Solar Wall.

Renewable Energy Museum

12. Hon'ble MoS (I/C) for Power, Coal, NRE and Mines appreciated the idea of a Renewable Energy Museum to be established on the premises of now defunct Rajghat Thermal Power Plant proposed by Secretary Power, Govt. of Delhi. It was agreed that it would be a great idea to showcase the journey of NDMC, from thermal power to Renewable Power, by the way of this Renewable Energy Museum. Govt. of India, through MNRE, will fund this museum which will be made available for inauguration by the end of November, 2017.

Centre of Excellence

13. Charman, NDMC suggested that the NDMC and SECI propose to come up with a Centre of Excellence for skill development in which requisite land has been identified. Hon'ble MoS (I/C) for Power, Coal, NRE and Mines appreciated the idea and suggested that there should be some National level competition for architectural design of such centre.

The meeting ended with the vote of thanks to chair.

List of Participants

MNRE

- | | | |
|----|--------------------|-----------------------|
| 1. | Shri Anand Kumar | Secretary, MNRE |
| 2. | Shri Praveen Kumar | AS, MNRE |
| 3. | Shri J. N. Swain | JS, MNRE and MD, SECI |
| 4. | Shri Ruchin Gupta | DS, MNRE |

NDMC

- | | | |
|----|-------------------|----------------|
| 5. | Shri Naresh Kumar | Chairman, NDMC |
| 6. | Shri A. A. Tazir | Director, NDMC |

MoP

- | | | |
|----|--------------------|---------|
| 7. | Shri Anirudh Kumar | JS, MoP |
|----|--------------------|---------|

Govt. of Delhi

- | | | |
|----|------------------|-----------------|
| 8. | Ms. Varsha Joshi | Secretary Power |
|----|------------------|-----------------|

EESL

- | | | |
|----|--------------------|----------|
| 9. | Shri Sourabh Kumar | MD, EESL |
|----|--------------------|----------|

NHPC

- | | | |
|-----|-------------------|-----------|
| 10. | Shri Ratish Kumar | CMD, NHPC |
|-----|-------------------|-----------|

NTPC

- | | | |
|-----|--------------------|------------------------|
| 11. | Shri Gurdeep Singh | CMD, NTPC |
| 12. | Shri A. K. Gupta | Director (comm.), NTPC |

Teesta Urja Limited

- | | | |
|-----|--------------------------|-------------------------|
| 13. | Shri Shiv Kumar Aggarwal | MD, Teesta Urja Limited |
|-----|--------------------------|-------------------------|

- 134 -
- 229 -
- 43 -
No. 32
Government of India
Ministry of New & Renewable Energy
(Grid Solar Power Division)

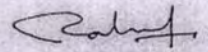
Annexure - VIII
Block-14, C.G.O. Complex
Lodi Road, New Delhi - 110003.
Dated: 14th September, 2017

OFFICE MEMORANDUM

Subject: Minutes of Meeting held on the Issues/Action Points related to make NDMC and Varanasi 100% Renewable Energy Powered on 07th September, 2017-Reg

The undersigned is directed to forward the minutes of meeting of the above mentioned meeting held under the chairmanship of under the chairmanship of Secretary, Ministry of New & Renewable Energy (MNRE), on 07th September, 2017 (Thursday) at 3:00 p.m. in Conference Room, First Floor, Ministry of New & Renewable Energy. Block-14, C.G.O. Complex, Lodhi Road, New Delhi - 110003.

2. This issues with the approval of Secretary, MNRE.



(Rahul Rawat)

Scientist 'B'

Email: rahul.mnre@nic.in

Tel: 011-24360707; Extn. No. 2017

To
As per attached list

Copy for information:
PPS to Secretary, MNRE/ PPS to Secretary, MoP/ PPS to Secretary, MoHUA
PPS to Additional Secretary, MNRE

45

Minutes of Meeting held on the Issues/Action Points related to make NDMC and
Varanasi 100% Renewable Energy Powered on 07th September, 2017

A meeting on the Issues/Action Points related to make NDMC and Varanasi 100% Renewable Energy Powered under the chairmanship of under the chairmanship of Secretary, Ministry of New & Renewable Energy (MNRE), on 07th September, 2017 (Thursday) at 3:00 p.m. in Conference Room, First Floor, Ministry of New & Renewable Energy, Block-14, C.G.O. Complex, Lodhi Road, New Delhi - 110003. List of participants is given in annexure.

After reviewing the progress and detailed discussions on the issues, following action points have been given:

I. To make NDMC 100% Renewable Energy Powered

Sr. No.	Action Point	Timelines	Responsible Organisation
1.	200 MW Hydro: MoP to give a firm cost of Power.	20.09.2017	MoP
2.	250 MW Solar: NDMC has retendered for interim Power from power exchange. Bids to be opened on 14.09.2017.	14.09.2017	NDMC/ NTPC

Action Point	Timelines	Responsible Organisation
Electric Vehicles: Bids to be opened on 26.09.2017. 1 st phase of 500 Cars are expected to be procured by 30.09.2017. EESL was directed that the tender modalities should favour maximum competition.	26.09.2017	EESL
MNRE will approach Ministry of Finance to waive off the basic Custom Duty for the 1st phase of procurement of Electric Vehicles.	20.09.2017	MNRE
4. Charging Stations: NIT has been issued. Locations are to be finalized by 20.09.2017	20.09.2017	EESL/NDMC
5. Renewable Museum: NDMC to send proposal to MNRE.	20.09.2017	NDMC
6. Energy Storage: It has been decided that the energy storage system of 50 MWh capacity is to be installed at Nehru Park in NDMC Area. NTPC to issue NIT by 09.09.2017	09.09.2017	NTPC
7. Existing PPAs: NTPC to examine the tolling of gas that could help in avoiding the fixed cost.	20.09.2017	NTPC
8. Centre for Excellence: NDMC may finalize the architectural design of Centre of Excellence for skill development	20.09.2017	NDMC

Make Varanasi 100% Renewable Energy Powered

Action Point	Timelines	Responsible Organisation
550 MW Solar Power: NITs to be issued for 250 MW by NTPC, 50MW by SECI and 250 MW (Private Developers) by SECI	15.09.2017	NTPC/ SECI
2. Solar Rooftop Systems: SECI to explore the possibility of any further Solar RTS in BHU, M.G. Kashi Vidyapith, Sampurnanand Sanskrit Vishwavidyalaya. Government and institutional buildings .	30.09.2017	SECI
3. Airport: 600kW capacity of Solar Power plant has already been installed at Varanasi Airport. AS, MNRE to follow up with AAI for the possibility of more solar power installation at Varanasi Airport.	20.09.2017	MNRE
4. Waste to Energy: VDA to submit proposal to MNRE for Waste to Energy Project. NTPC/NPTI may coordinate with VDA in this regard.	20.09.2017	VDA/ NTPC/ NPTI

The meeting ended with vote of thanks to the chair.

Annexure

. of Participants

MNRE

1. Shri Anand Kumar Secretary, MNRE
2. Shri Praveen Kumar Additional Secretary, MNRE
3. Shri J. N. Swain Joint Secretary, MNRE
4. Shri Bhanu Pratap Yadav Joint Secretary, MNRE
5. Shri Ruchin Gupta Deputy Secretary, MNRE
6. Shri Sanjay Karndhar Scientist 'C', MNRE
7. Shri Rahul Rawat Scientist 'B', MNRE

NDMC

8. Shri Naresh Kumar Chairman, NDMC
9. Shri A. A. Tazir Director, NDMC
10. Shri Madan Pal EE SLDC, NDMC
11. Shri A. K. Joshi NDMC
12. Shri Suresh NDMC

MoP

13. Shri Abhijit Phukon Director, MoP

MoHUA

14. Shri Raj Kumar Under Secretary, MoHUA

CEA

15. Shri Pankaj Batra Member (Planning), CEA

Dept. of Power, Govt. of NCT of Delhi

16. Shri A. K. Jha Executive Officer
17. Shri H. Vyas SLDC, Delhi

EESL

18. Shri D. G. Salpekar G.M. (Tech.) EESL
19. Shri Rajneesh Rana EESL

PGCIL

20. Shri Hemendra Agrawal DGM, PGCIL

NTPC

21. Shri A. K. Gupta Director (comm), NTPC
22. Shri Surinder Raina Executive Director, NTPC
23. Shri Manoj Mathur GM (comm), NTPC

SECI

24. Shri Ramesh Kumar K G.M., SECI
25. Shri C. K. Singh SECI

NVVN

26. Shri A. K. Garg CEO, NVVN

NPTI

27. Prof. R. K. Pandey DG, NPTI

Varanasi Development Authority

28. Shri Vishal Singh Secretary, VDA

Others

29. Shri R. N. Nayak Ex-CMD, PGCIL

No. 32/4/2017-G
Government of India
Ministry of New & Renewable Energy
(Grid Solar Power Division)

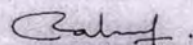
Block-14, C.G.O. Complex
Lodi Road, New Delhi - 110003.
Dated: 12th September, 2017

MEETING NOTICE

Subject: Combined Meeting for Issues/Action Points related to make NDMC and Varanasi 100% Renewable Energy Powered- Reg.

The undersigned is directed to convey that a Combined Meeting for Issues/Action Points related to make NDMC Area and Varanasi City 100% Renewable Energy Powered, under the chairmanship of Shri Anand Kumar, Secretary, Ministry of New & Renewable Energy (MNRE), is scheduled to be held on 20th September, 2017 (Wednesday) at 3:00 p.m. in 105, Conference Room, First Floor, Ministry of New & Renewable Energy, Block-14, C.G.O. Complex, Lodhi Road, New Delhi - 110003.

2. The addressees are requested to kindly make it convenient to attend the meeting. A line of confirmation regarding the participation in the said meeting will be highly appreciated.



(Rahul Rawat)
Scientist 'B'

Email: rahul.mnre@gov.in
Tel: 011-24360707, Extn. No. 2017

To

As per list (Annexure I)

Copy for information:

1. PPS to Secretary, MNRE/ PPS to Secretary, MoP/ PPS to Secretary, MoHUA
2. PPS to Additional Secretary, MNRE

List of Addressees

NDMC related issues

1. Shri Naresh Kumar, Chairman, New Delhi Municipal Council (NDMC), (NDMC Head Office), Palika Kendra, Parliament Street, New Delhi-110001, Tel: 011- 23743579, Email: chairperson@ndmc.gov.in
2. Shri J. N. Swain, Joint Secretary (Solar), Ministry of New & Renewable Energy, Managing Director, Solar Energy Corporation of India, Block 14, CGO Complex, Lodi Road, New Delhi-110003, Email: swainjn@ias.nic.in
3. Ms. Archana Agrawal, Joint Secretary (Hydro), Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi, Tel: 011- 23714009, Email: archana.a@gov.in
4. Shri Dharmendra, Joint Secretary, Ministry of Housing and Urban Affairs, Nirman Bhawan, Maulana Azad Road, New Delhi-110011, Tel: 011-23062826, Fax: 011-23062898, Email: jslw-mud@nic.in
5. Dr. Ashok Jhunjunwala, Sr. Adviser to Hon'ble MoS(I/C) for Power, Coal, NRE & Mines, Email: ashok@tenet.res.in
6. Dr. P. C. Maithani, Adviser, Ministry of New & Renewable Energy, Block 14, CGO Complex, Lodi Road, New Delhi-110003, Email: pcmaithani@nic.in
7. Ms. Varsha Joshi, Secretary Power, Department of Power, Government of NCT of Delhi, Email: pspower@nic.in
8. Shri Gurdeep Singh, Chairman & Managing Director, NTPC Ltd., NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi- 110003, Tel: +91-11-24360044, 24361199, Fax: +91-11-24363050, Email : cmd@ntpc.co.in
9. Shri I. S. Jha, CMD, Power Grid Corporation of India Limited (PGCIL), B-9, Qutab Institutional Area, Katwaria Sarai, New Delhi-110016, Email: cmd@powergridindia.com, Tel: +91 124 2571800 , 2571900, Fax: +91 124 2571990
10. Shri Saurabh Kumar, Managing Director, Energy Efficiency Services Limited (EESL), 4th & 5th Floor, IWAI Building, A-13, Sector-1, Noida – 201301, Uttar Pradesh. Ph : 0120-4908000, Fax: 0120-4908099, Email: skumar@eesl.co.in
11. Shri R. N. Nayak, Ex-CMD, Power Grid Corporation of India Limited (PGCIL), Email: rnnayak1955@gmail.com
12. Dr. Nalin Shinghal, Chairman & Managing Director, Central Electronics Limited, 4, Industrial Area, Sahibabad - 201010 (U.P.) cmd@celindia.co.in

Varanasi related issues

1. Shri Nitin Ramesh Gokaran, Divisional Commissioner, Varanasi Mandal, Varanasi-221005, Uttar Pradesh; Email: commvar@up.nic.in
2. Shri Alok Kumar, Chairman, UPPCL, Shakti Bhawan 14 Ashok Marg, Lucknow, UP Email: cmd@uppl.org
3. Shri Pankaj Batra, Member Planning, Central Electricity Authority, Email: pan_batra@hotmail.com
4. Shri Nitin Bansal, Municipal Commissioner, Municipal Corporation of Varanasi, Email: nagarnigamvns@gmail.com
5. Shri Vishal Singh, Secretary, Varanasi Development Authority, Raja Udai Pratap Marg, Panna Lal Park, Varanasi. Email: vdavaranasi@gmail.com, vdavc@satyam.net.in
6. Sri Atul Nigam, MD, PUVVNL Vidyut Nagar, Hydel Colony, Bhikharipur PO DLW, Varanasi; Email: mdpurvanchalvvn@gmail.com
7. Ms. Sangeeta Singh, Director, UPNEDA, Email: dirupneda@gmail.com
8. Prof. R. K. Pandey, Director General, National Power Training Institute (NPTI), Email: dg.npti@gov.in

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No. 32/4/2017-GSP
Government of India
Ministry of New & Renewable Energy
(Grid Solar Power Division)

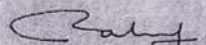
Block-14, C.G.O. Complex
Lodi Road, New Delhi - 110003.
Dated: 10th October, 2017

OFFICE MEMORANDUM

**Subject: Minutes of Meeting held on the Issues/Action Points related to make NDMC
and Varanasi 100% Renewable Energy Powered on 20th September, 2017-Reg**

The undersigned is directed to forward the minutes of meeting of the above mentioned meeting held under the chairmanship of under the chairmanship of Secretary, Ministry of New & Renewable Energy (MNRE), on 20th September, 2017 (Wednesday) at 3:00 p.m. in Conference Room, First Floor, Ministry of New & Renewable Energy, Block-14, C.G.O. Complex, Lodhi Road, New Delhi - 110003.

2. This issues with the approval of Secretary, MNRE.



(Rahul Rawat)
Scientist 'B'

Email: rahul.mnre@nic.in
Tel: 011-24360707; Extn. No. 2017

To
As per attached list

Copy for information:

PPS to Secretary, MNRE/ PPS to Secretary, MoP/ PPS to Secretary, MoHUA
PPS to Additional Secretary, MNRE

64 -142 2237

Minutes of Meeting held on the Issues/Action Points related to make NDMC and Varanasi 100% Renewable Energy Powered on 20th September, 2017

A meeting on the Issues/Action Points related to make NDMC and Varanasi 100% Renewable Energy Powered was held under the chairmanship of Secretary, Ministry of New & Renewable Energy (MNRE), on 20th September, 2017 (Wednesday) at 3:00 p.m. in Conference Room, First Floor, Ministry of New & Renewable Energy, Block-14, C.G.O. Complex, Lodhi Road, New Delhi - 110003. List of participants is given in annexure.

After reviewing the progress and detailed discussions on the issues, following action points have emerged:

I. To make NDMC 100% Renewable Energy Powered

Sr. No.	Action Point	Timelines	Responsible Organisation
1.	200 MW Hydro: MoP to give a <u>firm</u> cost of <u>Power</u> . A DO letter in this regard from Secretary, MNRE to Secretary, MoP for cost of power around Rs. 4 per unit in order to make it viable for NDMC to buy it.	29.09.2017	MoP MNRE

Sr. No.	Action Point	Timelines	Responsible Organisation
2.	<p>250 MW Solar</p> <p>(i) Interim Power: NDMC has informed that only one bid of Rs. 4.82 has been received for interim Power. NDMC was directed to finalize the issue at the earliest.</p> <p>(ii) Long Term Power: NTPC has informed that bids for 250 MW Solar Plant by NTPC would be opened on 22.09.2017</p>	<p>29.09.2017</p> <p>22.09.2017</p>	<p>NDMC</p> <p>NTPC</p>
3.	<p>Existing PPAs: Tolling of gas was proposed by Govt of NCT of Delhi to offset the burden of fixed charges for Pragati-I and III to NDMC and was earlier decided that MoP/ NTPC would examine it. MNRE may take up the matter with MoP and Secretary Power, Govt. of Delhi in this regard to solve the issue.</p>	<p>29.09.2017</p>	<p>MNRE/MoP</p>

Sr. No.	Action Point	Timelines	Responsible Organisation
4.	<p>Electric Vehicles: Bids to be opened on 28.09.2017. EESL was directed that the 1st phase of 500 Cars, to be procured should be made available to the Ministries/Organizations by 30.11.2017.</p>	28.09.2017	EESL
	<p>EESL informed that requisition of 123 EVs has been received. EESL was directed that details of remaining Ministries/ Organisation, from which requisition has not come, to be submitted to MNRE, which would send a reminder to the Ministries for the same.</p>	29.09.2017	EESL
	<p>EESL was directed to ensure the compatibility of EVs for inter-operability and submit the clarification to MNRE in this regard.</p>	20.09.2017	EESL
5.	<p>Charging Stations: EESL was directed to finalize the location of charging stations in consultation with NDMC.</p>	29.09.2017	EESL/NDMC
6.	<p>Renewable Museum: NDMC to send proposal to MNRE.</p>	29.09.2017	NDMC

No.	Action Point	Timelines	Responsible Organisation
7.	Energy Storage: NDMC to give consent letter to NTPC for setting up of 50MWh energy storage to be installed at Nehru Park in NDMC Area and owned by NDMC.	20.09.2017	NDMC
	NTPC to issue NIT at the earliest.	29.09.2017	NTPC
	NDMC to submit proposal to MNRE for financial support.	29.09.2017	NDMC
8.	Centre for Excellence: NDMC informed that the architectural design of Centre of Excellence for skill development has been finalized. NDMC was directed to expedite the issuance of tender.	29.09.2017	NDMC
9.	Solar Street Lights: NDMC informed that the solar street lights have been installed at Janpath crossing and Rajendra Prasad Marg. NDMC was directed to explore the possibility of such lights near Taj Palace, Sardar Patel Marg, since an event related to RE-Invest may be organized in this area.	29.09.2017	NDMC

To make Varanasi 100% Renewable Energy Powered

Sr. No.	Action Point	Timelines	Responsible Organisation
1.	<p>550 MW Solar Power: UPNEDA has given consent of tariff of Rs. 3.50 or below and informed that they will prefer tariff based competitive bidding rather than cost plus MoU route, in CPSU ownership route.</p> <p>(i) NTPC: NTPC was directed to explore the possibility of tariff based bidding. NTPC was directed to work out the feasibility of same on their land and intimate the same to MNRE by 21.09.2017.</p> <p>(ii) SECI: SECI has already issued NIT for 275 MW. through tariff based bidding. SECI was directed to expedite the issuance of tender for balance of 50 MW Solar Power Plant at BHU.</p>	<p>21.09.2017</p> <p>29.09.2017</p>	<p>NTPC</p> <p>SECI</p>
2.	<p>Solar Rooftop Systems: SECI informed that the survey for Solar RTS has been completed for Sampurnanand Sanskrit Vishwavidyalaya and is in progress for M.G. Kashi Vidyapith. The implementation would be on RESCO mode under their existing scheme. District Administration to extend help to SECI for getting these PPA signed.</p>	29.09.2017	SECI/ Secretary VDA

3.	Airport: 600kW capacity of Solar Power plat has already been installed at Varanasi Airport. Further, the potential of 3.5 MW land based Solar plant on net metering mode is available at Airport. Since, there is cap of 2 MW for net metering projects, Airport Authority of India (AAI) was directed to file petition to UPERC for exemption in the cap. UPNEDA will assist them in this process.	29.09.2017	AAI/ UPNEDA
4.	Waste to Energy: VDA to submit proposal to MNRE for Waste to Energy Project at the earliest.	29.09.2017	VDA

The meeting ended with vote of thanks to the chair.

Annexure

List of Participants

MNRE		
1.	Shri Anand Kumar	Secretary, MNRE
2.	Shri Praveen Kumar	Additional Secretary, MNRE
3.	Dr. Ashok Jhunjhunwala	Principal Advisor to MoS (I/C) for Power, Coal, NRE & Mines
4.	Shri J. N. Swain	Joint Secretary, MNRE
5.	Dr. P. C. Maithani	Adviser, MNRE
6.	Shri Ruchin Gupta	Deputy Secretary, MNRE
7.	Shri Sanjay Kamdhar	Scientist 'C', MNRE
8.	Shri Rahul Rawat	Scientist 'B', MNRE
9.	Shri Vijay Kumar Bharti	Scientist 'B', MNRE
NDMC		
10.	Ms. Chanchal Yadav	Secretary, NDMC
11.	Shri A. A. Tazir	Director, NDMC
12.	Shri A. K. Joshi	NDMC
13.	Shri Madan Pal	NDMC
14.	Shri Chaman Lal	NDMC
MoP		
15.	Shri Abhijit Phukon	Director, MoP
MoHUA		
16.	Shri Prem Prakash	Under Secretary, MoHUA
EESL		
17.	Shri D. G. Salpekar	G.M. (Tech.) EESL
18.	Shri A. Khan	EESL
PGCIL		
19.	Shri Sanjeev Singh	ED, PGCIL
20.	Shri Hemendra Agrawal	DGM, PGCIL
NTPC		
21.	Shri Surinder Raina	Executive Director, NTPC
22.	Shri Manoj Mathur	GM (comm.), NTPC
23.	Shri Pramod Kumar	NTPC
SECI		
24.	Shri Ramesh Kumar K	G.M., SECI
UPNEDA		
25.	Ms. Sangeeta Singh	Director, UPNEDA
26.	Shri P. P. Singh	UPNEDA
CEL		
27.	Shri Nalin Shinghal	CMD, CEL
28.	Shri Atul Bhargava	CEL
Airport Authority of India		
29.	Shri Anil Kumar Rai	Airport Director, Varanasi Airport
30.	Shri B. P. S. Gaur	AAI

rediffmail

Mailbox of madanpalndmc

Subject: Fwd: Action Taken Report on the Minutes of Meeting taken by Hon'ble Minister of State (I/C) for Power, Coal, NRE and Mines for making NDMC 100% RE powered on 16th August, 2017 at Hotel Ashoka, New Delhi- Reg.

From: Rahul Rawat <rahul.mnre@gov.in> on Fri, 01 Sep 2017 12:16:44

To: director.commercial@ndmc.gov.in, madanpalndmc@rediffmail.com, secretary@ndmc.gov.in, aseemjain@ntpc.co.in, ak Gupta07@ntpc.co.in, suriderraina@ntpc.co.in, rana@eesl.co.in, abharadwaj@eesl.co.in

2 attachment(s) - MoM_16th_August_2017.pdf (3.01MB) , O.M_for_ATR_on_MoM_dated_16.08.2017.pdf (778.19KB)

Sir/Madam
Kindly refer to the trailing mail.

----- Original Message -----

From: "Rahul Rawat" <rahul.mnre@gov.in>

Date: Sep 1, 2017 12:13:05 PM

Subject: Action Taken Report on the Minutes of Meeting taken by Hon'ble Minister of State (I/C) for Power, Coal, NRE and Mines for making NDMC 100% RE powered on 16th August, 2017 at Hotel Ashoka, New Delhi- Reg.

To: chairperson@ndmc.gov.in, archana.a@gov.in, cmd@ntpc.co.in, skumar@eesl.co.in, ratishkumar@nhpc.nic.in

Cc: Secretary MNRE <secy-mnre@nic.in>, MNRE Addl. Secretary <as.mnre@gov.in>, JN Swain <swainjn@ias.nic.in>, MNRE RuchinGupta DS <ruchin.gupta@gov.in>, Sanjay Karndhar <karndhar.sg@nic.in>

The undersigned is directed to forward the minutes of the above mentioned meeting and to request the Action Taken Report (ATR) on the action points as mapped under:

Concerned Ministry/ Organization	Action Point(s)
EESL	Para no. 2,3, 4 & 6
MoP	Para no. 7
NHPC	Para no. 7
NTPC	Para no. 8, 9, 10
NDMC	Para no. 11, 12, 13

2. It is requested that the pointwise ATR on the above mentioned Minutes of Meeting may kindly be sent to the undersigned at rahul.mnre@gov.in with a copy to karndhar.sg@nic.in at the earliest.

Encl: As above

The scanned O.M. and MoM is attached herewith.

--
With Best Regards
Rahul Rawat
Scientist 'B'
Ministry of New and Renewable Energy (Govt. of India)
C.G.O. Complex, Lodi Road,
New Delhi-110003

--
With Best Regards
Rahul Rawat
Scientist 'B'
Ministry of New and Renewable Energy (Govt. of India)
C.G.O. Complex, Lodi Road,
New Delhi-110003

rediffmail

Mailbox of madanpalndmc

Subject: Combined Meeting for Issues/Action Points related to make NDMC and Varanasi 100% Renewable Energy Powered on 20th September, 2017 (Wednesday) at 3:00 p.m.- Reg.

From: Rahul Rawat <rahul.mnre@gov.in> on Tue, 12 Sep 2017 10:17:45

To: chairperson@ndmc.gov.in, swainjn@ias.nic.in, archana.a@gov.in, jslw-mud@nic.in, ashok.jhunjhunwala <ashok@terrametres.in>, cmd@ntpc.co.in, cmd@powergridindia.com, skumar@eesl.co.in, rnnayak1955@gmail.com, director.commercial@ndmc.gov.in, madanlalndmc@rediffmail.com, secretary@ndmc.gov.in, renuka.k@nic.in, isjha@powergridindia.com, hem@powergridindia.com, victor@powergridindia.com, aseemjain@ntpc.co.in, ak Gupta07@ntpc.co.in, manojmathur1961@gmail.com, agmsolar@secl.co.in, ce2.elect@ndmc.gov.in, SECI <corporate@secl.co.in>, PC Maitani <pcmaitani@nic.in>, cmd@celindia.co.in, mdpurvanchalvvn@gmail.com, dirupneda@gmail.com, nagarnigamvns@gmail.com, commvar@up.nic.in, cmd@uppcl.org, vdavaranasi@gmail.com, vdavc@satyam.net.in, pspower@nic.in, Varsha Joshi <varsha.joshi@nic.in>, Pankaj Batra <pan_batra@nic.in>, pan_batra@hotmail.com, madanpalndmc@rediffmail.com

Cc: secy-mnre <secy-mnre@nic.in>, Secretary Power <secy-power@nic.in>, RAJIV GAUBA <secyurban@nic.in>, "MNRE Addl. Secretary" <as.mnre@gov.in>, BP Yadav <yadavbp@cag.gov.in>, JK Jethani <jethani.jk@nic.in>, MNRE RuchinGupta DS <ruchin.gupta@gov.in>, Sanjay Karndhar <karndhar.sg@nic.in>

1 attachment(s) - Meeting_notice.pdf (1.51MB)

Sir/ Madam

The undersigned is directed to convey that a Combined Meeting for Issues/Action Points related to make NDMC Area and Varanasi City 100% Renewable Energy Powered, under the chairmanship of Shri Anand Kumar, Secretary, Ministry of New & Renewable Energy (MNRE), is scheduled to be held on **20th September, 2017 (Wednesday) at 3:00 p.m.** in 105, Conference Room, First Floor, Ministry of New & Renewable Energy, Block-14, C.G.O. Complex, Lodhi Road, New Delhi - 110003.

2. The addressees are requested to kindly make it convenient to attend the meeting. A line of confirmation regarding the participation in the said meeting will be highly appreciated.

A scanned copy of this meeting notice is also attached with this email.

With Best Regards
Rahul Rawat
Scientist 'B'
Ministry of New and Renewable Energy (Govt. of India)
C.G.O. Complex, Lodi Road,
New Delhi-110003

-151- -246-
75
No. 32/4/2017-GSP-Part (2)

Government of India
Ministry of New & Renewable Energy
(Grid Solar Power Division)

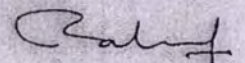
Annexure - ~~XX~~ X
Block-14, C.G.O. Complex
Lodi Road, New Delhi - 110003.
Dated: 13th October, 2017

OFFICE MEMORANDUM

Subject: Minutes of the Meeting on the issues related to make NDMC 100% Renewable Energy Powered held under the chairmanship of Secretary, MNRE on 6th October, 2017-Reg.

The undersigned is directed to forward the minutes of meeting of the above mentioned meeting held under the chairmanship of Secretary, Ministry of New & Renewable Energy (MNRE), on 6th October, 2017 at 12:00 p.m. in Conference Room, First Floor, Ministry of New & Renewable Energy, Block-14, C.G.O. Complex, Lodhi Road, New Delhi - 110003.

2. This issues with the approval of Secretary, MNRE.



(Rahul Rawat)

Scientist 'B'

Email: rahul.mnre@nic.in

Tel: 011-24360707; Extn. No. 2017

To

As per attached list

Copy for ~~information~~

PPS to Secretary, MNRE/ PPS to Secretary, MoP/ PPS to Secretary, MoHUA

PPS to Additional Secretary, MNRE

Minutes of the Meeting on the issues related to make NDMC 100% Renewable Energy Powered held under the chairmanship of Secretary, MNRE on 6th October, 2017

A meeting on the issues related to make NDMC 100% Renewable Energy Powered was held under the chairmanship of Secretary, MNRE on 6th October, 2017, at 12:00 p.m. in Conference Room, 2nd Floor, Block 14, CGO Complex, Lodi Road, New Delhi. List of participants is given in annexure.

Annexure A

Sr. No.	Action Point	Timelines	Responsible Organisation
1.	<p>250 MW Solar Power</p> <p>NTPC informed that the bids for 250 MW solar project for NDMC would be finalized soon and alternatively, offered power from Kadapa Solar project at the rate of Rs. 3.22 per unit.</p> <p>Based on the discovered rate of new solar project, NDMC would take decision on the procurement of Solar Power from new solar project or Kadapa Solar Project.</p>	20.10.2017	NDMC
2.	<p>Energy Storage</p> <p>It has been decided that the energy storage project of 50MWh will be setup with 50% support from MNRE and 50% from NDMC and owned by NDMC.</p> <p>NTPC was directed to issue the tender at the earliest without waiting for consent from NDMC. NTPC agreed that they will not charge any consultancy or other charges for the implementation of said project.</p> <p>NDMC was directed to submit detailed proposal to MNRE for financial support.</p>	20.10.2017	NDMC/ NTPC

Annexure

List of Participants

MNRE

- | | | |
|----|-------------------|------------------------|
| 1. | Shri Anand Kumar | Secretary, MNRE |
| 2. | Shri Ruchin Gupta | Deputy Secretary, MNRE |
| 3. | Shri Rahul Rawat | Scientist 'B', MNRE |

NDMC

- | | | |
|----|--------------------|-----------------|
| 4. | Ms. Chanchal Yadav | Secretary, NDMC |
| 5. | Shri A. A. Tazir | Director, NDMC |
| 6. | Shri Madan Pal | NDMC |

NTPC

- | | | |
|-----|----------------------|-------------------|
| 7. | Shri Gurdeep Singh | CMD, NTPC |
| 8. | Shri Manoj Mathur | GM (comml.), NTPC |
| 9. | Shri Aseem Jain | GM (RE-CS), NTPC |
| 10. | Shri Mohit Bhargava | NTPC |
| 11. | Shri S. P. Kesarwani | NTPC |
| 12. | Shri E. P. Rao | NTPC |

rediffmail

Mailbox of madanpalndmc

Subject: Fwd: Combined Meeting for Issues/Action Points related to make NDMC and Varanasi 100% Renewable Energy Powered- Reg.

From: Rahul Rawat <rahul.mnre@gov.in> on Wed, 06 Sep 2017 14:07:37

To: madanpalndmc@rediffmail.com

1 attachment(s) - Meeting_Notice_7th_September_2017.pdf (3.38MB)

----- Original Message -----

From: "Rahul Rawat" <rahul.mnre@gov.in>

Date: Sep 6, 2017 12:57:12 PM

Subject: Combined Meeting for Issues/Action Points related to make NDMC and Varanasi 100% Renewable Energy Powered- Reg.

To: chairperson@ndmc.gov.in, swainjn@ias.nic.in, archana.a@gov.in, jslw-mud@nic.in, ashok.jhunjhunwala<ashok@tenet.res.in>, cmd@ntpc.co.in, cmd@powergridindia.com, skumar@eesl.co.in, mnayak1955@gmail.com, director.commercial@ndmc.gov.in, madanpalndmc@rediffmail.com, secretary@ndmc.gov.in, renuka.k@nic.in, isha@powergridindia.com, hem@powergridindia.com, victor@powergridindia.com, aseemjain@ntpc.co.in, ak Gupta07@ntpc.co.in, mianojmathur1961@gmail.com, agmsolar@seci.co.in, ce2.elect@ndmc.gov.in, SECI <corporate@seci.co.in>, PC Maithani <pcmaithani@nic.in>, cmd@celindia.co.in, mdpurvanchalvnl@gmail.com, dirupneda@gmail.com, nagarnigamvns@gmail.com, commvar@up.nic.in, cmd@uppccl.org, vdavaranasi@gmail.com, vdavc@satyam.net.in, dg@teri.res.in, pnc@teri.res.in, pspower@nic.in
Cc: secy-mnre <secy-mnre@nic.in>, Secretary Power <secy-power@nic.in>, RAJIV GAUBA <secyurban@nic.in>, MNRE Addl. Secretary <as.mnre@gov.in>, MNRE RuchinGupta DS <ruchin.gupta@gov.in>, Sanjay Karndhar <karndhar.sg@nic.in>

Sir/Madam

The undersigned is directed to convey that a series of discussions have been held on the issue related to make NDMC and Varanasi 100% Renewable Energy Powered and to forward a list containing Issues/Action Points identified along with the responsible Organization/ Department (Annexure I).

2. The next meeting on the above mentioned subject, under the chairmanship of Shri Anand Kumar, Secretary, Ministry of New & Renewable Energy (MNRE), is scheduled to be held on 07th September, 2017 (Thursday) at 3:00 p.m. in 105, Conference Room, First Floor, Ministry of New & Renewable Energy, Block-14, C.G.O. Complex, Lodi Road, New Delhi - 110003.

3. The addressees are requested to kindly make it convenient to attend the meeting along with the latest status of the Issues/ Action Points. A line of confirmation regarding the participation in the said meeting will be highly appreciated. The soft copy of latest status of the Issues/ Action Points may kindly be sent to this ministry at rahul.mnre@gov.in.

The scanned copy of the Meeting notice is attached.

With Best Regards
Rahul Rawat
Scientist 'B'
Ministry of New and Renewable Energy (Govt. of India)
C.G.O. Complex, Lodi Road,
New Delhi-110003

With Best Regards
Rahul Rawat
Scientist 'B'
Ministry of New and Renewable Energy (Govt. of India)
C.G.O. Complex, Lodi Road,
New Delhi-110003

No. 32/4/2017-GSP
Government of India
Ministry of New & Renewable Energy
(Grid Solar Power Division)

Block-14, C.G.O. Complex
Lodi Road, New Delhi - 110003.

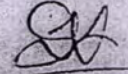
Dated: 23rd October, 2017

OFFICE MEMORANDUM

Subject: Minutes of Meeting held on the Issues/Action Points related to make NDMC and Varanasi 100% Renewable Energy Powered on 18th October, 2017-Reg

The undersigned is directed to forward the minutes of meeting of the above mentioned meeting held under the chairmanship of Secretary, Ministry of New & Renewable Energy (MNRE), on 18th October, 2017 (Wednesday) at 12:30 p.m. in Conference Room, First Floor, Ministry of New & Renewable Energy, Block-14, C.G.O. Complex, Lodhi Road, New Delhi - 110003, for information and further necessary action, if any.

2. This issues with the approval of Secretary, MNRE.



(Sanjay Karndhar)
Scientist 'C'

Email: karndhar.sg@nic.in
Tel: 011-24360707; Extn. No. 2125

To
As per attached list

Copy for information:

1. ~~PPS to Secretary, MNRE~~ PPS to Secretary, MoP/ PPS to Secretary, MoHUA
2. PPS to Additional Secretary, MNRE

Minutes of Meeting held on the Issues/Action Points related to make NDMC and Varanasi 100% Renewable Energy Powered on 18th October, 2017

A meeting on the Issues/Action Points related to make NDMC and Varanasi 100% Renewable Energy Powered was held under the chairmanship of Secretary, Ministry of New & Renewable Energy (MNRE), on 18th October, 2017 (Wednesday) at 12:30 p.m. in Conference Room, First Floor, Ministry of New & Renewable Energy, Block-14, C.G.O. Complex, Lodhi Road, New Delhi - 110003. List of participants is given in **Annexure**.

2. In light of the fact that there was problem in procuring hydro power at affordable rates in the immediate horizon, it was decided that the target should be to make NDMC area powered by 100% clean energy (using gas for balancing) in the first phase by 30th November, 2017 and subsequently, would be 100% RE powered later on.

3. After reviewing the progress and detailed discussions on the issues, following action points have emerged:

I. To make NDMC 100% Renewable Energy Powered

Sr. No.	Action Point	Timelines	Responsible Organisation
1.	200 MW Hydro: MoP representative informed that since the approval of Hydro Policy is pending, it may not be possible to reduce the offered price of Hydro power from Teesta project. Further, the Hydro Policy, if approved, may not be effective retrospectively. It was resolved to examine whether a short term power purchase agreement could be executed with Teesta Project authorities at a rate acceptable to NDMC as currently Teesta project may be selling power below such rate in the exchange.	--	MoP
2.	250 MW Solar (i) <u>Interim Power:</u> NDMC was directed to expedite the finalization of the interim power at the earliest.	--	NDMC
	(ii) <u>Long Term Power:</u> NTPC was directed to finalize the bid for 250 MW Solar Plant for supply to NDMC at the earliest.	--	NTPC
3.	Existing PPAs: NDMC informed that the financial implication of the existing PPAs is about Rs. 175 Crore/year. NTPC also made it clear that tolling of gas would not be a feasible option, since it would be merely tolling of taxes, with UP higher having higher taxes.	--	

Sr. No.	Action Point	Timelines	Responsible Organisation
4.	Electric Vehicles: EESL informed that the electric cars would be procured by 15 th November, 2017 and it was proposed that they may be launched in the event of ISA.	--	EESL
5.	Charging Stations: EESL was directed to ensure the installation of charging stations for 1 st phase of procurement of electric cars.	--	EESL/NDMC
6.	Energy Storage: NDMC was directed to give consent letter to NTPC for issuing NIT for setting up of 50MWh energy storage in NDMC Area at the earliest. NTPC was directed to issue NIT at the earliest.	27.10.2017	NDMC/NTPC
	NDMC was directed to expedite the submission of proposal to MNRE for financial support.	27.10.2017	NDMC
7.	Centre for Excellence: NDMC informed that the land has been finalized and architectural design of Centre of Excellence for skill development has been approved. It was proposed to be setup as a joint venture of NDMC, EESL, NTPC and SECI. It was informed that EESL has given its consent for the same. SECI and NTPC were directed to give their in-principle consent at the earliest.	25.10.2017	NDMC

II. To make Varanasi 100% Renewable Energy Powered

Sr. No.	Action Point	Timelines	Responsible Organisation
1.	550 MW Solar Power: (i) NTPC: NTPC informed that they have issued the NIT.	--	NTPC
	(ii) SECI: SECI informed that there are some land related issues like land rent/lease, etc. for 50 MW Solar Power Plant at BHU. SECI was directed to expedite resolution of the issue and the issuance of tender.	15.11.2017	SECI

The meeting ended with vote of thanks to the chair.

AnnexureList of Participants

MNRE	
1. Shri Anand Kumar	Secretary, MNRE
2. Shri Praveen Kumar	Additional Secretary, MNRE
3. Dr. Ashok Jhunjhunwala	Professor, IIT Madras
4. Shri J. N. Swain	Joint Secretary, MNRE
5. Shri Ruchin Gupta	Deputy Secretary, MNRE
6. Shri Sanjay Karndhar	Scientist 'C', MNRE
7. Shri Rahul Rawat	Scientist 'B', MNRE
NDMC	
8. Shri Naresh Kumar	Chairman, NDMC
9. Shri A. A. Tazir	Director, NDMC
10. Shri A. K. Joshi	NDMC
11. Shri Madan Pal	NDMC
12. Shri Chaman Lal	NDMC
MoP	
13. Shri Abhijit Phukon	Director, MoP
MoHUA	
14. Shri Prem Prakash	Under Secretary, MoHUA
CEA	
15. Shri Pankaj Batra	Member (Planning) CEA
EESL	
16. Shri Sourabh Kumar	MD, EESL
17. Shri D. G. Salpekar	G.M. (Tech.) EESL
18. Shri A. Khan	EESL
NTPC	
19. Shri A. K. Gupta	Director (Comml), NTPC
20. Shri Surinder Raina	Executive Director, NTPC
21. Shri Manoj Mathur	GM (comm.), NTPC
SECI	
22. Shri Ramesh Kumar K	G.M., SECI
UPNEDA	
23. Shri P. P. Singh	UPNEDA
Power Deptt. Govt. of NCT of Delhi	
24. Shri A. K. Jha	GNCTD
CPWD	
25. Shri S. S. Gang	CPWD

Annexure - XII

Source-wise and slot-wise rates e-RA and negotiated rates put-up
for acceptance.

Month	Requisitioned Quantum (MW)	Source	Quantum offered (MW)	e-RA Price (Rs/kWh)	Revised Price (Rs/kWh)	Wt. Av. Rate (Rs/kWh)
Nov- 2017	100	Sneha Kinetic Power Project Pvt. Ltd. (SKPPPL)	30	4.70	4.70	4.77
		Andhra Pradesh Power Coordination Committee (APPCC)	100	4.80	4.80	
Dec- 2017	100	SKPPPL	30	4.70	4.70	4.77
		APPCC	100	4.80	4.80	
Jan- 2018	125	SKPPPL	20	4.77	4.70	4.77
		APPCC	125	4.78	4.78	
Feb- 2018	150	APPCC	150	4.80	4.80	4.80
March- 2018	150	SKPPPL	35	4.77	4.70	4.76
		APPCC	150	4.78	4.78	
Apr- 2018	250	APPCC	50	4.80	4.80	5.35
		SKPPPL	40	5.20	5.20	
		Magpie J&K	10	5.49	5.49	
		Teesta Urja Ltd.	50	6.00	6.00	
May- 2018	250	AD Hydro Power Ltd. (ADHPL)	20	4.77	4.70	4.82
		APPCC	200	4.78	4.78	
		SKPPPL	40	5.20	5.20	
June- 2018	250	ADHPL	20	4.77	4.70	4.77
		APPCC	250	4.78	4.78	
					Average Rate	4.85

ITEM NO. 13 (T-03)

1. Name of Project :-

Annual Estimate for Repair and Operation of NDMC vehicles for the year 2017-18 of Auto Workshop, LBN.

2. Name of Department :-

Transport Department, NDMC Auto Workshop, LBN.

3. Brief History of the Project :-

Purchase of spare parts, batteries, tyres, tubes flaps, lubricants and repair works from authorized dealers/Workshop etc. as well as purchase of diesel from M/s.I.O.C.L. and petrol from M/s. H.P.C.L. on advance payment as per rate applicable from time to time for NDMC vehicles.

4. Detailed proposal on the subject/project :-

Approval for Annual Estimate of Auto Workshop for Rs.4,57,00,000/- for the financial year 2017-18.

S.No.	Description of Items	Sanctioned estimate during 2016-17	Proposed estimate during 2017-18
1.	Purchase of spare parts	Rs. 12,50,000/-	Rs. 16,50,000/-
2.	Purchase of batteries	Rs. 04,98,270/-	Rs. 05,00,000/-
3.	Purchase of tyres, tubes & flaps	Rs. 18,99,150/-	Rs. 15,00,000/-
4.	Purchase of HSD, Petrol and lubricants	Rs.2,38,65,450/-	Rs.2,85,50,000/-
5.	Work from Authorized dealers [Work Order]	Rs. 13,50,000/-	Rs. 15,00,000/-
6.	Payment of Muster Roll	Rs. 04,10,000/-	Rs. 04,00,000/-
7.	Purchase of tools and plant	Rs. 01,50,000/-	Rs. 03,00,000/-
8.	Other charges i.e. imprest and court cases	Rs. 01,70,000/-	Rs. 05,00,000/-
9.	Supply, Installation and operation of GPS devices in NDMC vehicles.	Rs. 06,55,500/-	Rs. 06,00,000/-
10.	Payments towards Insurance of vehicles	-----	Rs. 22,00,000/-
	Total	Rs.3,02,48,370/-	Rs.3,77,00,000
		Last year liabilities	Rs. 80,00,000/-
	Grand Total	Rs.3,02,48,370/-	Rs.4,57,00,000/-

5. Financial implications of the proposal :-

~~Rs.4,57,00,000/-~~

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

Annual Estimate for Repair and Operation of NDMC vehicles for the year 2017-18 of Auto Workshop, LBN. will be implemented from 01.04.2017 to 31.03.2018.

7. Comments of the Finance Deptt. on the subject with Diary No. & Date :-

Finance Deptt. has approved the proposal vide Diary No.2218/Finance/2017 dated 16.11.2017 with remarks that " F.D. concurs the proposal of the Department to submit the Annual Estimate for repair and maintenance of NDMC vehicles during 2017-18 amounting to Rs.457 lakhs as recommended by the Director(Transport) for approval of Competent Authority i.e. Council."

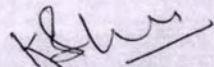
8. Legal implication of the subject :-

No Legal implication.

9. Certifications by the Deptt. that all Central Vigilance Commission[CVC] guidelines have been followed while processing the case :-
All CVC guidelines shall be followed.
10. Final comments of the Law Deptt. :-
Since no legal implication is involved hence not applicable.
11. Details of previous Council Resolution :-
The Annual Estimate of Auto Workshop for the year 2016-17 was resolved by the Council vide Item No.14(T-03) dated 03.11.2016.
12. Recommendation :-
Annual Estimate for Repair and Operation of NDMC vehicles for the year 2017-18 of Auto Workshop, LBN may be approved by the Council, NDMC for an amount of Rs.4,57,00,000/-.
13. Draft Resolution :-
Annual Estimate for Repair and Operation of NDMC vehicles for the year 2017-18 of Auto Workshop, LBN approved for an amount of Rs.4,57,00,000/- [Rupees Four Crore Fifty Seven Lakh only].

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.

ITEM NO. 14 (G-06)

1 Name Of Subject:

Revision of hire charges & Cancellation Policy of all venues under event management department.

2 Name of Department:

Event Management Department

3 Brief History of the subject and proposal in Brief:

A single window for booking- one dedicated wing for event management has been established with the name Event Management Department. The Event Management Department is looking after the bookings of following venues:

- a. Talkatora Indoor Stadium
- b. Talkatora Cricket Ground
- c. Surtal Open Air Theatre, Talkatora garden
- d. Shivaji Stadium
- e. Amphitheatre, Central Park
- f. Nehru Park
- g. Lodhi Garden
- h. Convention Centre
- i. Palika Park
- j. Children Park. India Gate

The User Charges of the different Venues changes from time to time. In some venues User Charges is to be increased as the same has not increased from a long time. There is no existing policy for Refund of booking charges due to Cancellation of the booking in all venues except Talkatora indoor stadium and Shivaji Stadium.

4 Detail Proposal on the subject:

Following proposals is being proposed for change of User charges & Cancellation Policy.

(A.) Talkatora Indoor Stadium

	Existing charges as per Resolution No. 04(K-03) dated 14-01-2011 for category A,B,C (Flag 'A')	Proposed
User charges	15000/- applicable for Category 'A' for sports only	20000/-
	50000/- applicable for Category 'B' for School Annual Day Function only.	50000/- (no change)
	125000/- applicable for Category 'C' for all other activities/functions	125000/- (no change)
Air Condition charges	30000/- (for Category 'A' & 'B')	50000/- for all categories
	50000/- (for Category 'C')	
Air Circulation charges	10000/- (for Category 'A' & 'B')	20000/- for all categories
	15000/- (for Category 'C')	
Advertisement charges	10000/- (for Category 'A', 'B' & C)	20000/- for all categories
	7500/- (for Category 'A')	65000/- for all categories

Security Deposit	25000/- (for Category 'B')	
	62500/- (for Category 'C')	

(B.) Sur Taal Open Air Theatre, Talkatora Garden

	Existing charges	Proposed
user charges	Resolution No. 08(M-03), dt. 28/10/2015 (Edn.Dept.)	Rs. 5000/-
	School Annual Day Rs. 5000/-(Flag 'B')	No change
	Resolution No.05(P-01) dated 28/08/2015 (PR Dept.) (Flag 'C')	Rs.10,000/-**
	For Cultural Function Rs. 80,000/-	
	For Shooting charges Rs. 2,00,000/-	No change
Existing Security Deposit	School Annual Day 5000/-	10000/- all categories
	For Cultural Function 40000/-	
	For Shooting charges 100000/-	

****Note :** The booking charges of Surtal Open Air Theatre are very high & due to this number of bookings for this venue are very less. Also this venue is not popular among booking parties as approach to this venue is not near the main road. So this venue is very much underutilized. To popularize this venue booking charges need to be brought down.

(C.) Talkatora Cricket Ground

	Category of Booking	Existing user charges As per Resolution No.05 (P-01) dated 28/08/2015 (PR Dept.) (Flag 'D')	Proposed
User charges	Talkatora Cricket Ground (if booked by Government /Social organization/ Sports clubs	4,000/-	5000/-
	Talkatora Cricket Ground (for corporate and private sector)	20,000/-	10,000/-**
Flood Light Charges	Talkatora Cricket Ground (for day & night matches) – flood light charges	NA	2000/- per hour besides User Charges
Advertisement Charges	For All Categories	NA	5000/- per day
Existing Security Deposit	Talkatora Cricket Ground (if booked by Government/Social organization/Sports clubs	2000/-	10000/- for both category
	Talkatora Cricket Ground (for corporate and private sector)	20000/-	

- In addition to above charges Rs.600/- per day is also being levied currently as groundsman charges for maintenance of Cricket ground/pitch.

**** Note:** To reduce under utilization of Talkatora Cricket Ground & popularize the venue, the rates need to be reduced.

(D.) Shivaji Stadium

Particulars		Existing user charges as per Resolution Item No. 10(M-01) dated 24-04-2014	Proposed
User charges	User charges without gate money(inclusive of Room Charges)	2000/- per day	5000/- per day
	User charges with Gate money(inclusive of Room Charges)	5000/- per day	15000/- per day
Advertisement charges	For inner side	2500/-	4000/-
	Outside Display of Advertisement	Nil	6000/-
Floodlight charges	Per hour charges	5000/-	6000/-
Security Deposit		10000/-	50000/-

(E.) CENTRAL PARK/NEHRU PARK:

Name of the Park	Permitted Functions/Activities	Proposed Rates (per Day) (in Rupees)	
		Charges	Shooting Charges
Central Park Nehru Park	a. Govt. Functions, Social & Cultural shows relating to music, culture, health, art & craft, education.	Booking:80,000/- Security:40,000/-	Booking:2,00,000/ Security:1,00,000/-
	b. Yoga Camps. c. Film Shooting. d. Ideas/Analysis programme by Media Groups.	(no change)	(no change)

(F.) PALIKA PARK

NDMC ~~has developed~~ a new park name as Palika Park above Palika Parking which is being booked for cultural programmes in line with booking of Central Park at the same rates of Central Park i.e. Rs. 80000/- as User Charges plus Service Tax. However booking of Palika Park is not preferred as compared to Central Park. So booking of Palika Park is done in very small numbers as parties always option for Central Park. So it is proposed that rates of Palika Park be kept less than that of Central Park to attract prospective consumers to book this venue more & more so as to popularize it.

Name of the Park	Permitted Functions/Activities	Proposed Rates (per Day) (in Rupees)	
		Charges	Shooting Charges
Palika Park	a. Govt. Functions, Social & Cultural shows relating to music, culture, health, art & craft, education. b. Yoga Camps c. Film Shooting. d. Ideas/Analysis programme by Media Groups.	Booking:40,000/- Security:10,000/-	Booking:2,00,000/ Security:1,00,000/-

(G.) LODHI GARDEN:

Name of the Park	Permitted Functions/Activities	Proposed Rates (per Day) (in Rupees)	
		Charges	Shooting Charges
LODHI GARDEN	a) Open air Yoga Camps. b) Film Shooting.	Booking:80,000/- Security:40,000/- (no change)	Booking:2,00,000/ Security:1,00,000/- (no change)

(H.) Baba Kharak Singh Marg(State Emporia Complex):

In order to promote traditional art & craft, food & cuisine festival the space opposite State Emporia Complex is sought from NDMC by different State & Central Govt. & Various Departments. The User Charges for this space is proposed as under:-

Name of the Venue	Permitted Functions/Activities	Proposed Rates (per Day) (in Rupees)
Space opp. State Emporia Complex along with Mosque, Baba Kharak Singh Marg	a. Art & Craft Mela. b. Govt. Functions, Cultural shows relating to music, culture, health, art & craft, education, c. Open air yoga etc. d. Film Shooting. e. Ideas/Analysis programme by Media Groups.	Booking: 25,000/- (per day) along with parking lot charges as defined by Director (enforcement) if parking lot is required. Security :50,000/-

(I.) Amphitheatre, Children's Park, India Gate

NDMC has developed an Amphitheatre, Activity Room in Children's Park, India Gate to promote various activities related to Art & Craft, Music, Culture, Health & Education for Children.

The User Charges for this Venue is proposed as under:-

Name of the Venue	Permitted Functions/Activities	Proposed Rates (per Day) (in Rupees)
Amphitheatre, Children's Park, India Gate	Art & Craft, Music, Culture, Health, Storytelling, Workshop Education for Children	User charges : Rs. 2,500/- Security:10,000/-
Activity Room, Children's Park, India Gate	Art & Craft, Music, Culture, Health, Storytelling, Workshop Education for Children	User charges : Rs. 2,500/- Security:10,000/-

(J) Park at Shivaji Stadium:- NDMC has developed a Park in Shivaji Stadium in-front of main gate which may be booked as per following details:-

Name of the Park	Permitted Functions/Activities	Proposed Rates (per Day) (in Rupees)
Palika Park	a. Govt. Functions, Social & Cultural Shows Relating To Music, Culture, Health, Art & Craft, Education etc. b. Yoga Camps c. Food Festival. d. Ideas/Analysis Programme / Seminar/AGM etc.	Booking:20,000/- Security:10,000/-

(K) Cancellation/Prepointment/Postponement Policy:-

At present the Cancellation policy is only applicable at Talkatora Indoor & Shivaji Stadium as per Resolution No. 02(K.02), Flag 'E' dated 07/10/2013 & Resolution Item No. 10(M-01) dated 24-04-2014. Flag 'F' Now a revised Cancellation policy is proposed for all booking venues(i.e. Convention Centre, Central Park, Palika Park, Nehru Park, Lodhi Garden, Amphitheatre at children park, Shivaji Stadium, Talkatora Indoor Stadium, Talkatora Cricket Ground & Surtal Open Air Theatre) is as per details given below:-

S.N	Time Period of receipt of cancellation request Before Date of Booking	Proposed Forfeiture Charges due to cancellation/prepointment/postponement.	
		GST Charges	Of User Charges
1.	More than 30 days	100%	25%
2.	21 -30 days	100%	50%
3.	10-20 days	100%	75%
4.	Less than 10 days	100%	100%(No Refund)
5.	Cancellation by NDMC	If due to any reason including security reasons, the booking of any venue is cancelled by NDMC then the alternate available date will be offered to the user & if not available or it is not accepted by the user for the venue, 100% refund for user charges, security deposit & electric consumption charges (A/c cooling) shall be made & the GST will be claimed directly by the booking parties from Service Tax Department on their own level.	

(L) To cater the request of parties to book venues on concessional basis on social, national, cultural grounds a committee consisting of following members is proposed:-

1. Financial Advisor, NDMC
2. Secretary, NDMC
3. Director (Event Management)

(M) Other Conditions:-In addition to existing and above modified terms the following conditions are also applicable:-

- 1) In case where User/Booking Charges of the Venue are Waived Off, 25% of User/Booking Charges of the Corresponding Venue be charged as Cleaning Charges from the party.

- 2) In case of cancellation/preponement/postponement no charges will be deducted from Electricity Charges, advt. charges, AC charges & Security Charges.
- 3) Power on Relaxation of changes vests with Chairman, NDMC.
- 4) No food festival/stalls are allowed in the Central Park, Palika Park, Nehru Park, Lodhi Garden.
- 5) Venues be booked free of cost in case of NDMC functions.
- 6) All applicable taxes would be levied on booking charges of the venue.
- 7) Shooting charge for film shooting on roads/markets/other location of NDMC area rates are similar to that of parks that is Rs. 2,00,000/- (+Taxes) per location per day.

5. Financial Implication of the proposed subject/project:-

The Council has been in receipt of Revenues from Booking Charges in respect of venues in past years. If the rates are revised the revenues on this account will be changed. Revenue on this account depends purely on number of bookings. Therefore, no fixed implication can be worked on.

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

As and when approved by the Council.

7. Comments of the finance department on the subject :-

Finance Department has concurred the proposal with following comments:-

- I. Wide publicity to be given in order to augment the scope of revenue/booking of these venues.
- II. Provision of online booking/online receiving of payment/refund of these venues.
- III. Ensuring timely collection of GST along with the user charges.
- IV. This requires approval of the Council.

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

- I. Publicity would be given to maximize revenue generation/booking of venues.
- II. Provision of online booking/online receiving of payment/refund of these venues is being made.
- III. Timely collection of GST along with the user charges is ensured.
- IV. Agenda would be placed before the Council for approval.

9. Legal implication of the subject:-

No Legal Implications.

10. Details of previous Council Resolution are existing law of Parliament and Assembly on the subject.

S.No	Particulars	Resolution No. & Date	Resolution No. & Date
1.	Central Park	No.12(P-01) dated 26.02.2014	No. 05 (P-01) dated 28.08.2015
2.	Lodhi Garden	No.12(P-01) dated 26.02.2014	No. 05 (P-01) dated 28.08.2015
3.	Nehru Park	No.12(P-01) dated 26.02.2014	No. 05 (P-01) dated 28.08.2015
4.	Talkatora Cricket Ground	No.12(P-01) dated 26.02.2014	No. 05 (P-01) dated 28.08.2015

5.	Talkatora Indoor Stadium	Rates approved by the Council vide Resol. No. 17(K-1) dated 19-05-2006(flag-'D')	Rates approved by the Council vide Resol. No.04(K-02) dated 4.01.2011 (Flag -'E')
6.	Surtal Open Air Theatre	No. 05(P-01) dated 28.08.2015	No.08(M-03) dated 28.10.2015
7.	Shivaji Stadium	No. 03(XX-VII) dated 28.01.2002	No.10(M-01) dated 30.04.2014

11. Comments of the law department on the subject :-

Booking party must be informed in writing the Category of booking at the time of booking to avoid any litigation.

12. Comments of the department on the comments of Law department:-

Booking party is informed clearly the category of booking in the Demand Letter issued to the party.

13. Certificate regarding CVC guideline :-

Not Applicable.

14. Recommendation:-

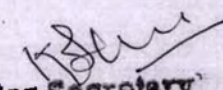
The charges as proposed in Column 3 of Para 4 above are recommended for approval of the Council and to charge the same in anticipation of confirmation of the minutes of Council Meeting.

15. Draft Resolution:

Resolved to approve the proposal as proposed in para 4 of the agenda. Further resolved that the modified terms and conditions are also adopted.

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.

Copy of Reso. No. 15 (A-33)
of
Ordinary Meeting
Dated 24/01/18

ITEM NO. 15 (A-33)

1. Name of the subject/Project:

Name of Work :- S/R of Roads in NDMC area during 2016-17.

Sub-Head :- Resurfacing of round about and T junctions in the jurisdiction of R-V division.

2. Name of the Department

Civil Engineering Department, Roads-V Division.

3. Brief History of the Project

Approval in principal for resurfacing of roundabouts and T-Junctions in jurisdiction of R-V division has been accorded by the Chairperson, NDMC amounting to Rs.3,12,41,500 /- after checking of estimate by the Planning Division and Finance Department A/A & E/S amounting to Rs.2,61,71,000/-.

As desired by CE(C-I) an inspection by the council members notice dt. 19.04.17 was issued for inspection roundabouts, T-Junctions and lanes in the jurisdiction of R-V division. These roundabouts and T-Junctions have outlived their useful life. The existing surface is worn out at some places. Longitudinal and transverse cracks have been developed. Therefore, it is felt necessary to relaying the surface with stone matrix as NGT has banned mastic asphalt in NCT of Delhi.

Following Roundabouts were taken in the estimate and their date of last resurfacing are given as under:

S.No.	Round About	Date of last resurfacing	Useful life
1.	Rafi Marg O-Circus (Rotary No. 45) (Stone matrix)	12.01.2012.	5 Years
2.	Red Cross Sansad Marg (Rotary No. 46) (mastic)	01.03.2009	8 Years
3.	GRG, Talkatora, Pt. Pant Marg (Rotary No. 47) (mastic)	18.04.2009	8 Years
4.	Pt. Pant Marg – Church Road (Rotary No. 48) (mastic)	18.04.2009	8 Years
5.	R.M.L. (Rotary No. 49) (Stone matrix)	12.01.2012	5 Years
6.	Mandir Marg – Shankar Road (Rotary No. 51) (Stone matrix)	18.04.2009	8 Years
7.	Gole Market (Rotary No. 52) (Stone matrix)	23.05.2007	8 Years

The Representative of Chief Minister office, Hon'ble council members Sh .B.S. Bhati and Sh. Abdul Raseed Ansari alongwith CE(C-I), Undersigned, AE-IV (R-V) and JE in-charge had inspected the site on 28.04.17 and agreed with the proposal (Copy of signed inspection note by Hon'ble council members is enclosed)

4. Detailed proposal on the subject/project

- i) Re-surfacing of roundabouts and T-junctions in jurisdiction of R-V division by stone matrix.

5. Financial Implications of the Proposal

The Financial Implications is the scheme works out to Rs.2,61,71,000/-.

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

PE will be approved	--	January, 2018.
DE & NIT	--	February, 2018
Award of work	--	April, 2018
Completion of work	--	Eight Months

7. Final Comments of the Finance Department on the subject with diary No. & date

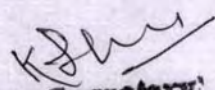
- i) P.E. amounting to Rs 2,61,71,000/- based on DSR 2016/Market Rates has been prepared for accord of A/A & E/S from Competent Authority, i.e. Council Component of EPF, ESI and Contingency has been considered while framing the proposal.
- ii) The Committee of Council Members conducted site inspection 28.04.2017 and noticed longitudinal as well as transverse cracks developed on most of the area. The surface was worn out at many locations and it was decided that surfacing is required (inspection note placed at Flag 'Z'). Chairman accorded 'in principle approval' for Rs 3.12 crore at NP-5.
- iii) The Department initially proposed part execution of work at roundabouts and T Junction but considering the advice of Planning that this will result in uneven surface and will affect the riding quality, the Department got the proposal reviewed from Council Members and has now proposed to provide new stone mastic asphalt layer in whole area instead of patches (NP-12)
- iv) The date of last surfacing of the proposed roundabouts is brought out at NP-13 and ranges from 23.05.2007 to 12.01.2012. As may be seen from NP-8, the Department has stated that it has been decided, not to consult CRRI but to adopt CRRI Suggested treatment to adopt SMA as substitute to mastic treatment, mastic being banned by NGT (copy of letter of CRRI placed at Flag 'X').
- v) The scope of work includes dismantling the existing bituminous surface, applying tack coat with bitumen emulsion R.S. type @ 0.25 kg/Sq.m providing laying stone matrix asphalt with PMB-40 and providing & applying thermoplastic Paint 2.5mm thick on seven nos roundabouts (NP-15)
- vi) Layout plans of the roundabout have been added for reference. Planning ~~has examined the~~ proposed to be charged to 21-412-40-20. Detailed ~~Project report~~ has been prepared and is placed opp file.
- vii) The Department has ensured and certified that (i) the specifications have been proposed considering the specified traffic density on these ~~roundabouts~~ (ii) North Specification have been followed while preparing the estimate (iii) the defect liability period in R/o roundabouts where resurfacing has been proposed is over and (iv) the estimate is based on actual requirement (v) The adequacy of funds will be ensured before incurring any liability.
- viii) Finance department concurs with the proposed P.E amounting to Rs. 2,61,71,000/- (Rupees Two Crore Sixty One Lakh and seventy one

Thousand only) as recommended by chief Engineer. May submit the P.E for consideration and approval of the competent authority i.e. Council.

- ix) The department is advised to ensure adequacy of funds before incurring any liability
- As advised by the Finance Deptt., it is ensured and certified that :
- (i) the specifications have been proposed considering the specified traffic density on these roundabouts
 - (ii) Morth Specification have been followed while preparing the estimate
 - (iii) the defect liability period in R/o round abouts where resurfacing has been proposed is over
 - (iv) the estimate is based on actual requirement
 - (v) The adequacy of funds will be ensured before incurring any liability.
8. Legal implication of the Subject/Project
N.A.
9. Details of previous Council resolutions, existing Law of Parliament and Assembly on the Subject.
N.A.
10. Final Comments of law Department on the subject/project
N.A.
11. Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.
Certified that all CVC guidelines have been followed.
12. Recommendations
- The case is placed before the Council for consideration and accord of Administrative Approval and Expenditure Sanction of Rs. 2,61,71,000/- for the work of "S/R of Roads in NDMC area during 2016-17. S.H.: Resurfacing of round about and T junctions in the jurisdiction of R-V division."
13. Draft Resolution

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.

Copy of Reso. No. 16 (E-06)
of
Council's Ordinary Meeting
Dated 29/01/18

ITEM NO. 16 (E-06)

1. Name of the Subject/Project:

Selection of Service Provider for "Establishment, Operation and Maintenance of CT Scan & MRI Centre at Charak Palika Hospital, Moti Bagh, New Delhi" under PPP model-Award of work thereof.

2. Name of the Department: Department of Medical Services.

3. Brief History of the Subject/Project:

No CT/MRI facilities are available in NDMC till date. Accordingly, case was noted to the Council with the proposal that the CT/MRI will be got installed on PPP basis at Charak Palika Hospital, Moti Bagh, New Delhi. The cost of the machine and other allied expenses will be borne by the private partner whereas the public partner (NDMC) will provide only the space for installation of machine. The private partner will offer the discount money to NDMC on the prescribed Non-NABH rates prevailing time to time. This will generate revenue to NDMC. The public at large will be benefited as the private partner will charge Non-NABH CGHS rates from them. Further, the NDMC employees will also be benefitted with this facility on the said rates on credit basis.

Council vide its Reso. No. 13 (E-16) dated 03/11/2016 decided with regard to Establishing, Maintaining and Operating CT/MRI Centre at Charak Palika Hospital, Moti Bagh-I, New Delhi Based on PPP Model, as under:

"The Council resolved to accord approval for installation of CT/MRI machine at Charak Palika Hospital, Moti Bagh, New Delhi under PPP model as proposed in the agenda item. The cost of the machine, electricity, operations & maintenance and other allied expenses shall be borne by the private partner. NDMC will provide only the requisite built-up area for installation of machine. The private partner will charge Non-NABH CGHS rates, as applicable from time-to-time, from public for CT/MRI facilities. The private partner will offer the discount on the prescribed Non-NABH rates, prevailing time to time, and pay the discount amount to NDMC regularly."

4. Detailed proposal on the subject/project:

As per the decision of the Council Reso. No. 13 (E-16) dated 03/11/2016 RFP was floated inviting tenders for Establishment, Maintenance and Operation of CT/MRI Centre at Charak Palika Hospital, Moti Bagh-I, New Delhi based on PPP Model.

- i) This is the 3rd call of tenders. In the 1st call no offer was received. In 2nd Call single Bidder was found technically ineligible.
- ii) The broad terms and conditions for award of work are abstracted as under: -

- (a) New Delhi Municipal Council (NDMC) intends to set up CT Scan & MRI Centre at Charak Palika Hospital, Moti Bagh, New Delhi under Public Private Partnership (PPP) model. The Bidder shall provide complete solution, including the required hardware, software, databases, manpower, medical items, non-medical items, Third Party Utilities, etc. and installation, testing, commissioning, warranty, annual maintenance required, guaranteed uptime etc. for a period of Nine Years.
- (b) The Bidder (**Service Provider**), shall establish well equipped CT Scan and MRI Centre, with all required facilities, in the specified space and building to be provided by the NDMC at Charak Palika Hospital, Moti Bagh. The technical specifications of CT Scan & MRI Scan in detail are attached as Annexure XI & XII to RFP. The Machines shall be new and not refurbished one, with minimum life guarantee of smooth operation of at least 9 (Nine) Years. The Service Provider, will procure all equipments, material, hire qualified consultants and required manpower and provide round the Clock CT Scan & MRI Services as per the terms and conditions of this RFP. The Service Provider will be responsible for procurement, operation and maintenance of all the equipments and other required medical and non medical items including all back-up services for the unit at his own cost to ensure an un-interrupted service i.e. zero down time in service.
- (c) The objective is to provide the CT Scan & MRI facilities to the NDMC employees/retired employees and their dependents and General Public through a private service provider on Public-Private Partnership basis as per the terms and conditions contained in this RFP.
- (d) Service Provider Agreement shall be for a period of nine years from the date of issuance of letter of acceptance. This will not include six months of implementation period. The Service Provider Agreement is non-renewal and will expire with efflux of time.
- (e) On expiry of the Service Provider Agreement, the Service Provider will take ~~away all the equipments~~ and consumables that are under its ownership, without disturbing the physical infrastructure provided by the Public Partner (NDMC) and hand over the possession of the location to Public Partner (NDMC) after ~~restoring it~~ in the same status in which it was handed over to them, within the stipulated period as provided under Clause 8.4 xxvii) of the RFP.
- (f) Maximum time for completion and commissioning of CT Scan & MRI Centre by the Service Provider shall be six (6) months from the date of issuance of letter of acceptance.
- (g) After the expiry of six months from the date of signing of the agreement, penalty of Rs.25,000/- (Rs. Twenty Five Thousand) per week will be imposed

on the Service Provider for delay in commencement of the project for maximum three months and shall be paid by the Service Provider to the Public Partner (NDMC). After three months of penalty period, the Performance Security will be forfeited in favour of Public Partner (NDMC) and agreement shall be terminated by the Public Partner.

- (h) Service Partner (NDMC) assured the Bidders as per the terms and conditions of the RFP that there shall be compulsory referral from all NDMC dispensaries and hospitals to the PPP set up CT & MRI Centre at Charak Palika Hospital and all kind of patient leakages to outside market shall be prevented. Service Partner (NDMC) shall discontinue any ongoing rate contracts with all the private empanelled Diagnostic Centres with NDMC providing CT/MRI Scan facility once CT & MRI PPP centre is established at Charak Palika hospital. In case of urgency, emergency and Indoor Patients at NDMC private empanelled Hospitals, the beneficiaries of NDMC's Lib. MHS shall be permitted to avail CT/MRI facility provided by such respective NDMC private empanelled Hospitals. Further, in case of OPD Patients of NDMC, Lib. MHS, such Patients shall compulsorily avail the facility of the CT/MRI Scan from the CT Scan & MRI Scan Centre proposed to be established under the present contract and not from the respective NDMC private empanelled Hospitals. However, Senior Citizen beneficiaries of NDMC's, Lib. MHS residing in the NCR like Faridabad, Gurugram, Sahibabad, Ghaziabad, Meerut etc. shall have option to get the CT Scan & MRI Scan facility from the NDMC's empanelled Hospitals or empanelled diagnostic Labs. Apart from the exceptions mentioned as above, if any beneficiaries of Lib. MHS undertakes CT/MRI facilities outside the proposed Centre at CPH then such beneficiaries will be reimbursed CT Scan and MRI Scan diagnostic charges equivalent to payment to be made to the Service Provider under the present contract i.e. 7.50 % (Seven Point fifty percent) discount (less) on the prevailing CGHS Non-NABL/Non-NABH investigation rates applicable for Delhi-NCR Circle.
- (i) ~~The electricity and water~~ charges (at commercial rates) shall be paid by the Service Provider on actual billing basis. The arrangements of electricity and water, if available as central supply may be made available by the public partner (NDMC) (at commercial rates) on payment basis.
- (j) The Service Provider shall submit the bill for the amount to be claimed from NDMC (Non-NABL/Non-NABH CGHS rates applicable for Delhi-NCR Circle – along with discount percentage offered by service provider) in lieu of cashless CT Scan & MRI facilities provided to NDMC's Beneficiaries covered under the LMHS.

- (k) The Service Provider shall calculate the amount to be paid by it to the public Partner (NDMC) (to be calculated on the basis of discount percentage offered by the Service Provider to the Public Partner) in respect of Non-NABL/Non-NABH CGHS charges applicable for Delhi-NCR Circle collected by Service Provider from General Public and transfer the said amount to the NDMC through RTGS/NEFT before 10th of the subsequent month.
- (l) The service provider has the option to get the Centre NABH accredited within a period of 3 years of operation of the Centre. On getting the Centre NABH accredited the quoted discount rate (in percentage) on the prevailing CGHS rates for NABH CT Scan and MRI procedures/services for Delhi NCR circle shall be applicable (as long as the Centre is NABH accredited) (as approved by the Chairman, NDMC to the response to pre-bid meeting, on page 4/N dated 13/6/17.).
- (m) Service Partner (NDMC) assured the Bidders as provided in the terms and conditions of the RFP, that no competitive facility (PPP or Govt.) should come up at Charak Palika Hospital premises for the tenure of the agreement. In case the PPP set up achieves its maximum capacity, Service Provider shall be given first right of refusal for setting up another machine.
- iii) Synopsis of 3rd Call are as under:
- Sale of Tender documents 03.08.2017 to 24.08.2017.
 - On-Line submission of Bids upto 24.8.2017 till 4.00 P.M.
 - Approval of Chairman, NDMC dated 15/9/17 on page 17/N for opening of Financial Bid.
- iv) In the 3rd call the Discount Rate in percentage offered by technically eligible firm M/s Anshu Hospitals Limited is as under: -

Bid Particulars	Discount Rate in percentage (upto two decimal points)
Discount rate (in percentage) (upto two decimal points) on the prevailing CGHS <u>non-NABL/Non-NABH</u> Investigation rates for all types of CT Scan & MRI procedures/services Applicable for <u>Delhi-NCR Circle</u> .	3.33%

- v) Chairman, NDMC vide his orders dated 22/9/17 has approved for conducting negotiations with H-1 Bidder, M/s Anshu Hospitals Limited to explore the possibility of obtaining enhancement of the discount rates, on the prevailing CGHS non-NABL/non-NABH Investigations rates for all types of CT Scan & MRI Procedures/services Applicable for Delhi-NCR Circle by Committee comprising of Secretary, F.A., Director (MS) and Director (A/Cs).

- vi) M/s Anshu Hospitals Limited was called for negotiations vide letter No. Dir.(A/Cs)/2183/D/2017 dated 11th Oct., 2017. Negotiations were held on 12th Oct., 2017, wherein after lot of persuasion and deliberation, the authorized representative of M/s Anshu Hospitals Limited agreed to give its negotiated discount rates as under:

Bid Particulars	Negotiated discount rate in percentage
Discount rate (in percentage) (upto two decimal points) on the prevailing CGHS <u>non-NABL/NON NABH</u> Investigation rates for all types of CT Scan & MRI procedures/services Applicable for Delhi-NCR Circle.	7.50%

vii) **Committee Deliberations/Recommendations:**

The deliberations/recommendations of the Sub-Committee constituted by the Chairman, NDMC vide his orders dated 22/9/17, are as under: -

- (I) **Trend of available awarded works of similar nature in other Organizations: -**
Scope of work: Development, Operation and Maintenance of Radiology Imaging Diagnostic Centres on PPP Basis.

S. No.	Name of Hospital	Discount percentage at which the work was awarded.
1.	Civil Hospital, Yamunanagar i) CT Scans	Deducting 5.51% Discount on CGHS, Chandigarh Rates for non-NABH accredited hospitals/ Centres.
2.	District Hospital, Bhiwani in Haryana i) MRI Scans ii) CT Scans	Deducting 2.10% Discount on CGHS, Chandigarh Rates for non-NABH accredited hospitals/ Centres. Deducting 7.50% Discount on CGHS, Chandigarh Rates for non-NABH accredited hospitals/ Centres.
3.	District Hospital, Bhiwani in Haryana i) CT Scans	Deducting 5.10% Discount on CGHS, Chandigarh Rates for non-NABH accredited hospitals/ Centres.
4.	ESI Hospital & ODC (EZ), Joka, Kolkata. Discount rate offered on all type CT Scan by the Service Provider	3.5 % on prevailing CGHS rates.
5.	Sports Injury Centre, Safdarjung Hospital, New Dehi. Commission (Percentage) the agency had quoted in tender for CT/MRI to be offered to Sports Injury Centre, Safdarjung Hospital.	26% (Twenty Six Percent) on CGHS approved rates.

- (II) As per the information placed on record, Deptt. also tried to ascertain the trend of rates received by ESIC for award of similar nature of works under PPP Model. Most of the ESIC Hospitals intimated that such type of work pertains to HQ, Delhi. The only information received from ESI Hospital & ODC (EZ), Joka Kolkata has been taken in the trend of rates, as above. Regarding trend of awarded work pertaining to ESIC, Delhi, it was conveyed by Dr. Aseem Logani, Dy. Medical Commissioner, ESIC Headquarters that all the offers received were not found technical eligible and hence the financial offers were not opened.
- (III) Further, as per the information/copy of e.mail placed on record, Deptt. has also contacted Dean of Gandhi Medical College (Hamidia Hospital), Bhopal on Phone No. 917554050000 to ascertain the trend of the awarded work under PPP Model. Deptt. has informed that Dean of Gandhi Medical College, stated that they are at the stage of inviting tenders and no such similar work has been awarded by them.
- (IV) During deliberation, it was seen that the average of the awarded works of similar nature, as per the trend available on record, works out to 4.74%. The committee perused the trend of available discount rate of awarded works of similar nature in other organizations as mentioned in Para (II) sub clause (1) above. It was observed that discount rate ranges from 2.10% to 7.50%. The average as per the above trends comes to 4.74% discount on CGHS rates for non NABH.
- (V) The Committee observed that Sports Injury Centre, Safdarjung Hospital has awarded work @ of 26% of CT/MRI for CGHS and Non-CGHS Patients. The period of contract is 10 years. It was observed that NDMC had written a letter to Safdarjung Hospital Sports Injury Centre dated 01-11-2017 to enquire as to whether CGHS Non-NABL/Non-NABH or NABL/NABH rates are applicable for City Scan and MRI at their Centre in the Hospital. Sports Injury Centre, Safdarjung Hospital has replied vide letter No.5-73-SIC/SJH/NDMC/2017 dated 06-11-2017 that there was no separate NABL/Non-NABL CGHS rates in 2010 when the work was awarded. They have further attached a copy of rates of various radiology investigations being done by their concessionaire, M/s. Mahajan Imaging. The Committee verified the rate list with the prevailing CGHS NABL/NABH rates applicable for NCR Delhi Circle. It was observed that the concessionaire at SIC, Safdarjung Hospital was charging prevailing CGHS NABL/NABH rates. The Committee perused the comparable CGHS rates for non NABL/NABH rates and NABH/NABL rates placed at pages 342 to 345/C. It was observed by the Committee that the NABH/NABL rates were 15.80% higher than the non NABL/non-NABH rates.
- (VI) When the negotiated discount percentage of 7.50% offered by M/s. Anshu Hospital Ltd. is compared with the accepted rate of 26% at SIC, Safdarjung

Hospital, seen that it is 18.50% lower. However, the rates applicable at SIC Safdarjung Hospital are NABH/NABL rate as compared to Non-NABH/Non-NABL in case of NDMC. Therefore, the difference of 15.80% between NABH/NABL and NABL/NABH rates needs to be added to the discount percentage rate of 7.50% offered by M/s. Anshu Hospitals Ltd., which works to $7.50 + 15.80 = 23.30\%$. This rate is 2.70% lower than the discount percentage of 26% in case of SIC, Safdarjung Hospital.

(VII) The committee observed that the discount percentage of 26% in case of Sports Injury Centre, Safdarjung Hospital may be due to various factors like: -

- a) As confirmed by Sports Injury Centre, Safdarjung Hospital, New Delhi vide their letter No.5-73-SIC/SJH/NDMC/2017 dated 31-10-2017, the concessionaire, M/s. Mahajan Imaging Pvt. Ltd. was provided by them duly constructed and fully furnished air-conditioned space, conformity to all regulatory conditions and Government regulations. The electricity bills are being paid by SIC.
- b) The centre catering to the needs of Safdarjung Hospital and AIIMS thereby having a higher footfall of patients.
- c) The centre is also have a locational advantage viz.a.viz. is faced in the hospital area and Ring Road.
- d) The rates charged by the centre is CGHS NABH/NABL rates.
- e) Sports Injury Centre is catering not only the need of MRI/CT Scan of its own Centre but also of Safdarjung Hospital and also of AIIMS Patients. As such User density is very high.
- f) It is located on Ring Road and is ideal from Commercial Point of view as the Centre is accessible to public at large through DTC Bus Route and adjoining Metro Station.
- g) Therefore, the discount of 7.5% quoted by M/s Anshu Hospital Limited for non NABL/NABH rates seems to be reasonable and justifiable when compared with discount percentage of awarded work of Safdarjung Hospital for NABH/NABL rates.

(VIII) ~~The committee noted~~ that trends of awarded work of similar nature and observed that the average rate comes to 4.74% whereas the negotiated rate quoted by M/s Anshu Hospital Limited is 7.50% which is 2.76 % higher than ~~average rates. Further~~ on seeing the trends of rates, it is seen that the highest discount percentage rate quoted is 7.50% which is at par with discount rate offered by M/s Anshu Hospital Limited during negotiation.

(IX) Recommendations of the Sub-Committee: -

In view of position detailed above, the Sub-Committee recommended to accept the revised negotiated offer of Anshu Hospitals Limited for the work Selection of

Service Provider for "Establishment, Operation and Maintenance of CT Scan & MRI Centre at Charak Palika Hospital, Moti Bagh, New Delhi" under PPP model offering discount rate of 7.50% (Seven point five zero percent) on the prevailing CGHS non-NABL/Non-NABH Investigation rates for all types of CT Scan & MRI procedures/services applicable in Delhi-NCR Circle valid throughout the contract period of 9 (Nine) years.

5. Financial implications of the proposed project:

The private partner will offer the discount money to NDMC on the prescribed Non-NABH rates prevailing time to time. This will generate revenue to NDMC. The public at large will be benefited as the private partner will charge Non-NABH CGHS rates from them. Further, the NDMC employees will also be benefitted with this facility on the said rates on credit basis.

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

Service Provider Agreement shall be for a period of nine years. This will not include six months implementation period. The Service Provider Agreement is non-renewal and will expire with efflux of time.

7. Comments of finance department on the subject with diary no. and date: The case has been seen by the Finance Deptt. vide Diary No. 2279/Finance/R.Secy. dated 16/11/17 and concurred the Deptt.'s proposal, with the observations: -

"In view of the justifications/clarifications given by the Sub-Committee, Finance Deptt. concurs in the proposal of the Department for acceptance of the revised negotiated offer of M/s Anshu Hospitals Ltd. for the work "Establishment, Operation and Maintenance of CT Scan & MRI Centre at Charak Palika Hospital, Moti Bagh, New Delhi" under PPP model offering discount rate of 7.50% (Seven point five zero percent) on the prevailing CGHS non-NABL/Non-NABH Investigation rates for all types of CT Scan & MRI procedures/services applicable in Delhi-NCR Circle valid throughout the contract period of 9 (Nine) years on the terms and conditions in the RFP."

8. Comments of department on the comments of finance department: Finance Deptt. has concurred the Deptt.'s proposal, hence no comments.

9. Legal implication of the subject/project:

The proposal does not involve any legal implication.

10. Details of previous council resolution on the subject:

1. Council Resolution No. 30 (E-16) dated 03.11.2016, approved in principle for installation of CT/MRI machine at Charak Palika Hospital, Moti Bagh, New Delhi under PPP model.

11. Comments of Law Department on the subject:

The case has been seen by the Law Deptt. vide Ref. No. fD-4998/LD/17 dated 02/01/18 and observed as under:

"However, having gone through the contents of the draft agenda from the legal point of view, it appears that no legal issue is involved. The issues involved in the said agenda are primarily the subject matter of the Finance Deptt. and user department. The department may ensure the correctness of facts and figures and guidelines etc. on the subject.

12. Comments of the department on the comments of law department:

The case has already been examined by the Finance Deptt. and user department and their suggestions have already been taken care of. The correctness of facts and figures and guidelines etc. on the subject has been ensured.

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

All necessary guidelines of CVC would be followed while processing for deposit of funds in public securities.

14. Recommendations:

The case is placed before the Council for award of work of Selection of Service Provider for "Establishment, Operation and Maintenance of CT Scan & MRI Centre at Charak Palika Hospital, Moti Bagh, New Delhi" under PPP model to M/s Anshu Hospitals Limited at their revised negotiated offer, offering discount rate of 7.50% (Seven point five zero percent) on the prevailing CGHS non-NABL/Non-NABH Investigation rates for all types of CT Scan & MRI procedures/services applicable in Delhi-NCR Circle valid throughout the contract period of 9 (Nine) years and approval of the terms and conditions provided in the RFP specifically as brought out in the para 4 (2) of the preamble of the draft agendum.

COUNCIL'S DECISION

Deferred.

For Secretary
New Delhi Municipal Council)
New Delhi.

Copy of Reso. No. 17(A-34)
of
Council's Ordinary Meeting
Dated 24.01.18

ITEM NO. 17 (A-34)

1. NAME OF THE PROJECT:-

Construction of JPN Library at Mandir Marg, New Delhi.

2. NAME OF THE DEPARTMENT CONCERNED:-

Civil Engineering Department (Zone-II).

3. BRIEF HISTORY OF THE PROJECT:-

The Ministry of Culture has requested the NDMC for Construction of Jai Prakash Narayan Library on Udyan Marg opposite Birla Mandir. Accordingly the NDMC has submitted a conceptual report in year 2014 amounting to Rs. 3.5 Crores to them, wherein the Ministry of Culture has committed that a sum of Rs. 2.00 Crores can be provided by the way of transfer of funds from CPWD and balance amount of Rs. 1.5 Crore will have to be born by NDMC from its own resources vide their letter D.O. No. 4-4/2002/JPN-Spl Cell dt. 05.05.2015 (Annexure-I, See page 281). Later on the CPWD has transferred Rs. 2,16,07,000/- in NDMC vide their letter no. 54(deposit work/EE/H-Div/511 dt. 08.02.2016 (Annexure-II, See page 282).

The Architectural drawings were prepared by the Chief Architect department since FAR has increased in Revised Stipulation in MPD-2021, the cost of utility works out to 6.25 Crores. Ministry of Culture was again requested to release additional funds for which the Ministry has shown their inability to release further funds vide their letter no. 4-14/2002-Spl Cell dt. 03.08.2017 (Annexure-III, See page 283).

The Architect department was requested to issue drawings. Architect department vide their letter no. D-317-18/CA/HA/Design dt. 21.09.2017 has issued Architectural drawings based on the Architectural drawings was Preliminary Estimate was prepared. The funds for the same will be sought in RE-2017-18 & BE-2018-19 against the COA 82-412-40-0-123.

4. DETAILED PROPOSAL OF THE PROJECT:

The Architecture Department has prepared the architectural drawings vide Job No. 399 & Drawing No. 1148-55 dated 11.05.2017 and Job No. 419 & Drawing No. 1238-1245 dt. 21.09.2017.

The Preliminary Estimate for amounting to Rs. 6,25,57,200/- has been prepared on PAR 2012 with 1% cost Index + 3% contingencies +7% departmental charges and 18.11% amount of 25% cost for ESI & EPF. The Estimate duly checked by planning has been sent to finance department for their concurrence. The Finance Department vide their diary no. 2398/Finance/R-Civil dt. 06.12.2017 has concurred the proposal.

Sr. No.	Floor	Area	Purpose
1.	Ground Floor	490.38 sqm.	Multipurpose Hall
2.	1 st Floor	490.38 sqm.	Library
3.	2 nd Floor	490.38 sqm.	Library.
	Total Floor Area	1471.14 sqm.	

SALIENT FEATURES

The proposed JPN Library in comprises of G+2 RCC frame structure with lift including a multipurpose hall at ground floor and Library halls at first & second floor with toilet facilities for ladies, gents at each floor & for physically challenged person separately at Ground Floor.

5. FINANCIAL IMPLICATIONS OF THE PROJECT:

Rs. 6,25,57,200/-.

6. IMPLEMENTATION SCHEDULE WITH TIME LIMIT

15 months after award of work.

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT

Finance Department vide their no. 2398/Finance/R-Civil dt. 06.12.2017, has concurred the Preliminary Estimate amounting to Rs. 6,25,57,200/- as under: -

1. PE amounting to Rs.6,25,57,200/- has been prepared and submitted for examination prior to accord of A/A & E/S from Competent Authority i.e. Council.
2. The record reveals that Ministry of Culture vide letter dt. 26.12.2014 (and reminders dated 19.01.2015 and 08.02.2015) requested NDMC for construction of Jayaprakash Narayan Library on Udyan Marg opposite Birla Mandir (copies of letters not available on record, only a mention of the same in D.O. No. 4-4/2002/JPN-Spl. Cell dt. 05.05.2015 of Ministry of Culture). The Ministry vide its letter dt. 05.05.2015 clarified that in response to conceptual report amounting to Rs.3.50 crore submitted by NDMC vide letter dated 26.01.2014, a sum of Rs.2.00 crore only can be provided by way of transfer of funds from CPWD as the commemoration period of birth centenary of Lok Nayak Jayaprakash Narayan concluded on 11.10.2003 and the Ministry will not be able to release any additional funds. The balance of Rs.1.50 crore will have to be borne by NDMC from its own resources. Later, CPWD transferred a sum

of Rs.2,16,07,000/- as unspent amount in NDMC on 08.02.2016 at the request of Ministry of Culture in r/o execution of subject work.

3. The department has brought out that the construction of Library is within the premises of Navyug Sr. Secondary School, Mandir Marg which belongs to NDMC and the proposed work is not a deposit work (NP-22). NDMC vide its letter dated 05.07.2017 requested Ministry of Culture to sanction the balance amount of Rs.5,30,73,000/- (PE amount Rs.7,46,79,000/- minus already received amount of Rs.2,16,07,000/-), but the Ministry vide its letter dated 03.08.2017 (Flag 'B') has shown inability to release any additional fund for the proposed construction stating that Chairman, NDMC has already accepted the decision of the Ministry vide letter dated 15.06.2015 (Flag 'A').
4. Certain modifications were made in the PE citing meeting in the Chamber of Chairman on 04.09.2017. The PE amount is stated to have been reduced from Rs.9,03,09,000/- to Rs.6,25,57,200/- against received amount of Rs.2,16,07,000/-. Since the department has also placed on record letter dated 03.08.2017 (F/B) from Ministry of Culture showing inability to release any further funds, this implies that NDMC is to bear the expenditure to the tune of Rs.4.10 crore (approx.)
5. The approximate break up of various components of the PE is as under:

Rs.379.00 lakh	Structure (Item No. 14)
Rs.18.40 lakh	Fire Fighting works (Item No. 5-6)
Rs.32.60 lakh	Service connections (Item No. 7-8)
Rs.121.00 lakh	Electrical works (Item No. 9-13, 23-25)
Rs.25.00 lakh	Others (Item No. 14-22)
Rs.49.55 lakh	(Contingency, Cost Index, EPF, ESI)
6. Chairman accorded 'In Principle Approval' to execution of subject work at NP-28.
7. Detailed Project Report is placed in the file at Flag 'C'. Drawings have been ~~issued by Architect Department~~ issued by Architect Department. Planning has examined the proposal at NP-20/21. The expenditure is proposed to be charged to 82-412-40-0-123.
8. Keeping in view the above, FD concurs with PE amounting to Rs.6,25,57,200/- as recommended by Chief Engineer for consideration of Competent Authority i.e. Council, subject to the following:
 - (i) The Department is advised to ensure adequacy of funds at all times and liability in excess of or prior to allocation of funds should not be committed.

- (ii) The Department is advised to bring on record due justification for delay and cost escalation from earlier Rs. 3.5 crore intimated through conceptual report on 26.01.2014, to proposed estimate expenditure of Rs. 6.25 crore and non commencement of work despite receipt of Rs. 2.16 core in 2015.
- (iii) The modified estimate may be shown to Electricity & Fire Departments to ensure correctness of items taken in r/o electricity & fire components.
- (iv) It may be ensured & certified that the estimate is not inflated in terms of quantities and amount.

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

- (i) The funds for the same will be sought in RE-2017-18 & BE-2018-19 against the COA 82-412-40-0-123.
- (ii) The Ministry of Culture vide their letter no. D.O. No. 4-4/2002/JPN-Spl Cell dt. 05.05.2015(Annexure-I) has categorically denied for excess funds. Moreover due to change in stipulation of MPD-2021 more FAR is achieved and hence cost is increased.
- (iii) The Electric and Fire department have forwarded their approved estimate which was incorporated in the Preliminary Estimate.
- (iv) It is ensured & certified that the estimate is no inflated in terms of quantities and amount.

9. LEGAL IMPLICATION OF THE PROJECT/SUBJECT:

Nil

10. DETAILS OF PREVIOUS COUNCIL RESOULTIONS EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THIS SUBJECT:

Nil

11. COMMENTS OF THE LAW DEPARTMENT ON THIS PROJECT:

Having gone through the contents of the draft agenda from legal point of view, it appears that no legal issue is involved. The issues involved in the said agenda are primarily the subject matter of the Finance Department and the user department. The department may ensure the correctness of facts and figures and guidelines etc. on the subject.

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

No comments in view of comments of Law Department.

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

Certified that all Central Vigilance Commission Guidelines have been followed.

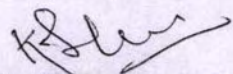
14. RECOMMENDATIONS:

The case is placed before the council for approval of

- (a) Accord Administrative Approval & Expenditure Sanctioned for Rs. 6,25,57,200/-.
- (b) Accord A/A & E/S for Rs.6,25,57,200/- and balance the expenditure amounting to Rs.4.1 Crore (approx.) from NDMC own funds for construction of JPN Library.
- (c) Permission may be granted to take further action in anticipation of the confirmation of the minutes.

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.

-186-

-221-

Annexure-I

Pramo
Jo. Secretary



GOVERNMENT OF INDIA
MINISTRY OF CULTURE
NEW DELHI-110 001

D.O. No. 4-4/2002/JPN-Spl Cell

05th May, 2015

Dear Dharam Lal ji,

May I invite your attention to the Ministry's letter of even number dated 26.12.2014 (copy enclosed) and reminders dated 19.01.2015 and 08.02.2015 regarding construction of Lok Nayak Jayaprakash Narayan Library on Udyan Marg opposite Birla Mandir, New Delhi? A sum of Rs.2.00 crore has been released to CPWD for construction of Library.

This Ministry had earlier received a brief conceptual report vide NDMC letter No. CA/Design/D/163-166 dated 26.01.2014 alongwith an approximate cost estimate of RS 3.50 crore for construction of Library.

The commemoration period of birth centenary of Lok Nayak Jayaprakash Narayan concluded on 11.10.2003. Therefore, a sum of RS 2.00 crore can only be provided by the Ministry to NDMC for the proposed construction by way of getting the funds transferred from CPWD to NDMC. This Ministry will not be able to release any additional funds for the proposed construction and the balance of RS 1.50 crore will have to be borne by NDMC from its own resources. In addition, the cost of books, infrastructure, staff etc., in the library also needs to be borne by the NDMC in accordance with the decision of the sub-committee.

I would request you to kindly look into the above proposal and convey approval of the NDMC, New Delhi so that the approved proposal for the construction of the Library can be considered further in the Ministry of Culture.

Regards,

Yours sincerely,

Pramod Jain

(Pramod Jain)

Shri Dharam Pal, IAS
Chairman
New Delhi Municipal Council
Palika Kendra
New Delhi 110001



सूचना का
अधिकार

Room No. 334 A, C-Wing, Shastri Bhawan, New Delhi-110 001

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भारत सरकार - II
केन्द्रीय लोक निर्माण विभाग
एच-मंडल



मुख्यालय - कांस्यारक इमिडिओ, 8 पंडित मन्मथ मारी, नई दिल्ली

दूरभाष 23327220, 23715433, फैक्स 23327220 ई-मेल: celh_div@yahoo.com

संख्या: 54 (Deposit work)/का0अभि0/एच मं0 / 5/1
सेवा में,

दिनांक: 05/12/16

The Secretary,
New Delhi Municipal Council,
Palika Kendra, Sansad marg,
New Delhi-110001.

विषय: Transfer of deposit amount of Rs. 2,16,07,000/- to New Delhi Municipal Council regarding

संदर्भ: (i) Letter no. 4-14/2002 Spl Cell dated 15-01-2015 written by Deputy Secretary to Govt. of India, Ministry of Culture, Special Cell, Vigyan Bhawan Annex, New Delhi.

(ii) This office letter No. 54 (Deposit work)/का0अभि0/एच मं0 /125, दिनांक: 12/01/2016.

(iii) Name of Work: Construction of Tourist Complex cum Lok Nayak Jai Prakash Narayan Public Library By CPWD for Ministry of Tourism (Opposite Birla Mandir Mandir Marg, New Delhi.)

Please refer above cited letter of Ministry of Culture, vide which they have instructed to transfer the deposit amount of the above work to Secretary, NDMC.

Hence please find enclosed the Cheque No. 872817 amounting to Rs. 2,16,07,000/- (Rs. Two Crores sixteen Lacs and seven Thousand Only) in favour of Secretary, NDMC, New Delhi for the above work.

Encl: Cheque No. 872817 Dated 30.01.2016

आपका ध्यान आकर्षित करने के लिए

कार्यवाही के लिए

आपका ध्यान आकर्षित करने के लिए

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Annexure - III
No. 4 14/2002-Spl.Cell
Government of India
Ministry of Culture
(Special Cell)

Vigyan Bhawan Annexe,
New Delhi, 3rd August, 2017

To
Er. R. K. Bhatia,
Executive Engineer (Spl. Project),
NDMC, G.Floor,
New Building Vidyut Bhawan,
Dr. Abdul Kalam Road,
New Delhi-110011

Subject: Construction of JPN Library at Mandir Marg, New Delhi- regarding.

Sir,

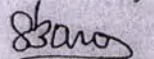
I am directed to refer to your letter No. D/96973/EE/SP dated 05/07/2017 on the subject cited above and to say that this Ministry has already informed vide letter of even number dated 05.05.2015 of the decision of this Ministry regarding its inability to release any additional funds for the proposed construction. The decision was accepted by the Chairperson, NDMC vide your letter No. 378/DCA(N)/15 dated 15th June, 2015.

R/955/EE/SP)
09-8-17

AE-IV

Rn
9/8/17.

Yours faithfully


08.08.17

(Suman Bara)

Under Secretary to the Government of India

☎ 011-23022337

Copy of Reso. No. 18 (B-21)
of
Council's Ordinary Meeting
Dated 29/01/18

ITEM NO. 18 (B-21)

1. **Name of the Project:**

Request for Proposal for "Selection of a Concessionaire for supply, installation and maintenance of Smart Street light Poles having provisions of Wi-Fi, Smart Warm LED Street Light, CCTV camera, and environmental sensors Phase-II in left out NDMC area"- In-principle approval.

2. **Name of the Department concerned:-**

Electrical Engineering Department (Zone-I)

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

NDMC has been one of the first city to initiate Smart City projects which inter-alia include city-wide wi-fi services in the Connaught Place and Khan Market area, Multi-tier automatic parking system at Sarojini Nagar and Baba Kharak Singh Marg, a multi utility (Service corridor) duct of about 1.2 km in the Connaught Place area and e-governance initiatives such as on-line payments for electricity-water bills, property taxes and other online services such as citizen complaint centers, hospital data of birth and death, electricity water connections. NDMC is also taking big strides in moving to mobile platform for rendering citizen service.

NDMC has been selected by the Ministry of Urban Development (MoUD), Government of India as one of the first 20 Smart Cities under the Smart City Mission.

The main objective of this project is to provide state of art services to our citizens which are as under:-

- A City Wi-Fi services
- B City Surveillance
- C Upgradation of street lights into Energy efficient and Smart LED lighting.
- D Air Quality parameters.

To achieve the goal, NDMC had invited the RFP two times for selection of the concessionaire to provide these services in lieu of right over existing electric pole (18500 pole approximately) for installation of telecom equipment to enable multiple telecom services and the use of right of way for laying the optical fibre for Telecom services for the concession period of fifteen (15) years. The concessionaire was to replace all the street lights, provide city wide free Wi-Fi for 20 minutes, CCTV, MPLS network, Integrated Command and Control Centre but no response received both times.

Thereafter it was decided to install fifty five smart poles in CP and five adjacent roads to provide above mentioned services. The work is under progress and twenty five such poles already installed. Now, it has been decided to obtain AIP for installation of six hundred twenty five such poles to provide the services in rest of the NDMC area.

4. Detailed proposal of the Project:-

- This project consists of installation of six hundred twenty five Smart Street lighting poles on various roads/localities in NDMC area as approved/directed by NDMC to create infrastructure to enable multiple telecom services based on Wi-Fi/2G/3G/4G/RF/Next Gen, to be utilized by multiple service providers having valid license from Department of Telecommunication (DoT), Government of India on non-discriminatory basis on fair market price. It will help to drive intelligent sensor-based Internet of Thing (IoT) innovations in transportation, utilities, public safety. NDMC will not charge for giving permission to use Right of Way to lay the fibre however it is responsibility of the Concessionaire to restore the roads/footpaths cut by them with the same/better material. In lieu of it, the Concessionaire will provide the following services to NDMC free of cost alongwith the Concessionaire fee.
- The Concessionaire will Design, Develop, Implement, Manage Operations & Maintenance the complete solution at its own cost.

(a) Citywide Wi-Fi Services:-

Wi-Fi to be provided to the public shall be free of cost @ speed of five Mbps with a minimum throughput of one Mbps for atleast 250 MB data per day subject to five GB data per month per user throughout the concession period. The applicant can generate revenue through online advertisement while providing free Wi-Fi to public without hindering the free Wi-Fi service and also through paid Wi-Fi services after free time.

The concessionaire will install AP's additionally to provide free Wi-Fi in the residential area as per direction of NDMC.

(b) Smart Lighting solution with Smart connectivity to CCC

The Concessionaire will install Smart Warm LED luminaries with individual controller on these smart street light poles to remotely on/off and monitoring of these LEDs. The total comprehensive warranty for replacement of these LED luminaries is for throughout the concession period of twelve years [excluding implementation period of one year]. During this period, the Concessionaire has to provide the replacement of all defective LED luminaries and other equipments related to LED luminaries.

(C) CCTV Based Surveillance

The Concessionaire will install PTZ IP based camera on these Smart street light poles as per specifications defined in the RFP document. The feed of the camera will be stored in the local data storage for CCTV in NDMC premises (built up space for keeping servers of local data storage of data will be provided by NDMC free of cost) so that the same can be seen anytime and anywhere. The camera feed will be stored for 30 days and @ 15 frames per second at 2 Megapixel resolutions.

One IP based PTZ camera and one nos. box cameras per Smart Pole (one camera on the same pole and other camera on other existing poles at traffic junctions or any other required locations).

(d) Environmental monitoring sensors

The concessionaire has to install the sensors for monitoring of the parameters like Temperature, Humidity, CO, CO₂, NO₂, SO₂, PM₁₀, PM_{2.5}. Each set of all these sensors will be installed on a group of three smart street light poles, and these sensors shall provide and send online data of these parameters to one central location so that the same can be display on NDMC 311 app. API for integrating such data with NDMC App 311 shall be provided by the concessionaire. LED Outdoor Panels will be installed by the concessionaire for online display of these parameters at the locations provided by the NDMC. No advertisement will be allowed on these digital / LED panels. The Concessionaire has to install the Outdoor LED Screens at designated places at the cost of the Concessionaire. Details of such places will be provided by the NDMC to the concessionaire. Necessary API to integrate the data from the environmental sensors with the (i) NDMC 311 App (running at present), and (ii) NDMC's Command and Control System (proposed to be set-up in future) will be provided by the Concessionaire.

(e) To provide four pairs of fibre to connect following;

All NDMC schools, Dispensaries, Polyclinic & Hospitals, Service Centers, and NDMC offices to bring the camera feed and other data @ 100 Mbps to NDMC proposed command and control centre or at any central location decided by NDMC.

(f) To provide LED screens of size 10'x6' (P6) – 25 Nos.

(g) Concession Fee

The Concessionaire shall pay lump-sum amount quoted in the bid which will be increased by 7% annually on compounded basis as the monthly concession fee to the NDMC subject to a minimum of Rs.2500/- per pole per month. Such minimum concession fee will be increased @ 7% every year on annual compounding basis.

5. FINANCIAL IMPLICATIONS OF THE PROJECT:

No investment by NDMC (PPP Project).

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

Inviting of tender: within 30 days

Award of work: 3 Months

Completion: twelve months from the date of award of work

7.(a) FINAL COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT WITH DIARY NUMBER & DATE.

7.(b) COMMENTS OF THE DEPARMTNET ON THE COMMENTS OF THE FINANCE DEPTT.

8. LEGAL IMPLICATION OF THE SUBJECT/PROJECT:

No legal implication.

9. DETAILS OF PREVIOUS COUNCIL RESOLUTIONS, EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THIS SUBJECT:

Council agenda no. 05(A-03) dated 24.04.2016.

10. FINAL COMMENTS OF THE LAW DEPARTMENT ON THE SUBJECT/PROJECT:

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

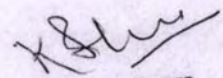
It is certified that all Central Vigilance Commission (CVC) guidelines will be followed while processing the case.

12. RECOMMENDATIONS:

The case is placed before the Council for according approval in principal to the proposal to call RFP for "Selection of a Concessionaire for supply, installation and maintenance of Smart Street light Poles having provisions of Wi-Fi, Smart Warm LED Street Light, CCTV camera, and environmental sensors Phase-II in left-out NDMC area".

13. DRAFT RESOLUTION:COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council }
New Delhi.

ITEM NO. 19 (E-07)

1. **Subject:** Cancellation of rate contract of Syp. Galcal of M/s Galpha Laboratories Ltd. under the rate contract for procurement of Allopathic Medicines for a period of one year from the date of approval of the council.

2. **Name of the Department:** Medical Services

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

Medical care through its hospitals, dispensaries and MCWCs is an obligatory function of the council under section 11 of NDMC Act 1994. All basic and essential medicines required by these institutions for the treatment of patients are provided free of cost by NDMC. A sum of ₹ 675 lakhs has been allocated by the council under head of account 35/230.80.47 in the budgetary estimates for the year 2016-17 for this purpose.

The department had registered/empanelled 42 firms for three years vide council's resolution no. 06 (E-4) dated 27.06.2016 (Annexure 'A' See pages 291 - 295). The supply orders are placed every quarter (or in between if the need so arises) to the firms, approved for the specified drug, at a rate approved in the rate contract, strictly following the inventory management instruction, as resolved by the council resolution no.26(E-6) dated 19.12.2007 (Annexure 'B' See pages 296 - 297).

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

Administrative Approval and Expenditure Sanction amounting to ₹ 675 lakh was accorded by the council vide reso. No. 32 (E-11) dated 25.07.2016.

Online tenders through e-procurement system in respect of the list of drugs finalized by the purchase sub-committee were invited from the empanelled firms as per the drug procurement policy of NDMC. 39 (thirty nine) out of the 42 (forty two) firms empanelled with NDMC participated in the tender process. One firm i.e. M/s Nova Nordisk India Ltd. has been rejected due to technical reasons by APSC members i.e. non submission of D-VAT certificate. A comparative statement of the rates quoted for each and every salt/preparation by these participating firms was drawn up and the firm which quoted the lowest (L1) rate for the particular salt/preparation has been recommended for approval. It is pertinent to mention that inadvertently Syp. Galcal of M/s Galpha Laboratories Ltd. was labelled as L1 in comparative statement. Hence first supply order for the same was issued to the firm i.e. M/s Galpha Laboratories Ltd. for supply of 2500 nos. of Syp. Galcal. However the firm M/s Galpha Laboratories Ltd. showed its inability to supply the same. Subsequently, the 1st supply order of M/s Galpha Laboratories Ltd. for Syp. Galcal was cancelled. Further in 2nd supply the order for Syp. Galcal from M/s Galpha Laboratories Ltd. was not placed thereby rectifying the error.

5. **Financial Implications of the proposed Project:** Nil.

6. **Comments of the Finance Department on the subject:** NA

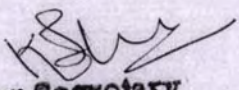
7. **Comments of the Department on Comments of Finance:** NA

8. Legal Implications of the Subject: Nil
9. Details of previous council resolution, Existing Law of Parliament and Assembly on the subject:
 - (i) Resolution No. 06 (E-04) dated 27.06.2016 regarding registration of pharmaceutical firms for procurement of allopathic medicines for three (03) years w.e.f. 01.04.2016 /date of resolution of the Council to 31.03.2019.
 - (ii) Council Resolution No. 01 (E-19) dated 20.02.2017
 - (iii) Resolution No. 32 (E-11) dated 25.07.2016 for A/A & E/S of ₹ 675 lakh for entering into a rate contract for purchase of Allopathic Medicines for a period of one year through e-tender process.
10. Comments of the Law Department of the subject/project: Nil
11. Comments of the Department on the Comments of the Law Department: Nil
12. Certification by the Department that all Central Vigilance Commission (CVC) Guidelines have been followed while processing the case: It is certified that all the CVC guidelines have been followed.
13. Recommendation: Cancellation of Syp. Galcal of M/s Galpha Laboratories Ltd. for rate contract.

(For kind information of Council)

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.

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Annexure - 'A'

ITEM NO.: _____

Item no. 03 (E-03)
16/08/2017

1. **Name of the Subject/Project:** Administrative Approval & Expenditure Sanction of ₹ 675 Lacs for procurement of Allopathic Medicines for the year 2017-18.
2. **Name of the Department/Departments concerned:** Medical Services.
3. **Brief History of the subject/Project:** NDMC provides medical care including issue of medicines to NDMC employee, their dependent and general public from any where visiting the hospital free of cost. A sum of ₹ 675 Lakh has been allocated under Head of A/C 35/230/80/47 in the budgetary proposal for the year 2017-18 (BE) for the procurement of allopathic Medicines. The medicines are procured from:-
 - i) From the registered firms with NDMC at the rates approved under the Rate Contract by placing supply orders every quarter.
 - ii) From Kendriya Bhandar especially the medicines required by the employees and their dependents which are not in stock in the Central Medical Store.
 - iii) From the open market by calling quotations, especially the life saving vital drugs required in emergent cases which are not under the rate contract with the firms registered with NDMC.
4. **Detailed proposal on the subject/project:** This is a proposal for Administrative Approval & Expenditure Sanction of the budgeted amount of ₹ 675 Lacs for the procurement of Allopathic Medicines during the financial year 2017-18. A sum of ₹ 675 Lacs has been allocated under the Head of A/C 230/80/47 (**vide budget book 2017-18, Volume – I, page no. 281**) in the budgetary proposal for the year 2017-18 (BE) ~~for procurement of Allopathic Medicines~~ for the financial year 2017-18. A sum of ₹ 477.80 Lakh was spent on the purchase of Allopathic Medicines during the year 2016-17.

In addition, the Department will have to make emergent purchases of medicines upto ₹ 2 Lacs per month from M/s. Kendriya Bhandar to discharge its obligations of medical care towards its employees.

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It will not be out of place to mention that the department placed the order in March' 2017 for procurement of medicines under the approved rate contract which is valid upto 19.02.2018. It is specifically submitted that in the NIT for the year 2016-17, some inadvertent and non-existent composition error occurred in the generic names of medicines beside the typographical mistakes. These errors were rectified by the APSC and accordingly, after necessary corrections the supply of allopathic medicine was received and accepted in Central Medical Store. In the same order 14 number of allopathic medicines procured were branded for which one time relaxation was accorded by the Competent Authority, NDMC.

The consumption of various medicines during the year 2016-17 along with stock position as on 31.03.2017 has been documented in **(Annexure-I)**.

Logistic Management is the function of Medical Department as per council resolution no. 26 (E), dt: 19/12/2007 **(Annexure-B)**.

5. **Financial implication of the proposed project/subject:** A sum of total ₹ 675 Lacs.
6. **Implementation schedule with timeliness for each stage including internal processing:** The supply order will be placed every quarter based on the consumption of various drugs during the preceding quarter with a provision to place a supplementary order in between if the need so arises, to the firms under the approved rate contract. Normally, 45 days time period is granted from the date of placing the supply orders for making and completing the deliveries.
7. **Comments of the Finance Department on the subjects:** Finance Department has no objection to the proposal of the Department as placed at page 130-131/N for seeking ~~approval in the A/A~~ & E/S amounting to ₹ 675 Lakhs by placing quarterly supply order with the firm registered under the existing rate contract for purchase of allopathic medicine for the year 2017-18. However, before submitting the case for C/A for approval, the deptt. may ensure following (vide no. 1489/Finance/R-MoH, dt. 24.07.17): -

- i) Availability of funds.

- ii) The list of medicines to be procured may also be brought on record.
- iii) It may be ensured and certified that the medicines will be procured at bare minimum requirement. The provisions of Rule 144 of GFR will be taken care of at the time of procuring medicines.
- iv) The amount of PE includes the cost of medicines to be procured on emergent basis and also to meet the indent requirement of NDMC employees from Kendriya Bhandar or other sources etc.
- v) Correctness of information, data, computation and facts.
- vi) The role has defined by council vide approved resolutions ~~ibid~~, is strictly adhered to by it.
- vii) The department may ensure that tender should be finalized in time.
- viii) The department is advised to immediately start with process of fresh rate contract as the existing rate contract is going to expire on 19.2.18. So that new rate contract can be decided/awarded within time.

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

With reference to the points of Finance Department, the pointwise clarification is given as under: -

- i) Funds are available under the head of accounts 35/2308047 in the Budget Book 2017-18 volume-I on page 281 and adequacy of funds will be ensured for the procurement of allopathic medicines.
- ii) The list of allopathic medicines to be procured has been listed and placed on file as Annexure 'Y'.
- iii) It is certified that the allopathic medicines will be procured at bare minimum ~~requirement and the~~ provision of Rules 144 of GFR shall be taken care of at the time of procuring the medicines.
- iv) It is certified that the amount of PE includes the cost of medicines to be procured on emergent basis and also to meet the indent requirement of NDMC employees from Kendriya Bhandar and other sources.
- v) It is certified that the information, data, computation and facts are correct.

- vi) It is certified that the role defined by Council by approved resolution ibid shall be strictly adhere to it.
- vii & viii) It is certified that the department will start the process of fresh rate contract in time before the expiry of existing rate contract, which is valid upto 19.02.2018. The new rate contract shall be decided for award within time.

9. Legal implications of the subject: Nil

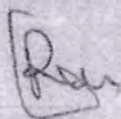
10. Details of previous Council Resolution, existing law of parliament and Assembly on the subject:

- i) Reso. No. 26 (E-06), dated 19.12.2007 regarding role of Finance and Medical Departments for the concurrence of preliminary estimates for the procurement of medical consumables.
- ii) Reso. No. 06 (E-04), dated 27.06.2016 regarding registration of pharmaceuticals firms for procurement of Allopathic Medicines for three (03) years w.e.f. 01.04.2016/ date of resolution of the Council to 31.03.2019.
- iii) Reso. No. 32 (E-11), dated 25.07.2016 regarding A/A & E/S OF ₹ 675 Lakhs for procurement of Allopathic Medicines for the year 2016-17.
- iv) Reso. No. 01 (E-19), dated 20.02.2017 regarding approval of the rate contract for procurement of Allopathic Medicines for a period of one year from the date of approval from the Council.

11. Comments of the Law Department on the subject/Project: The proposal deals with administrative approval & sanction of expenditure and, their issues are to be attended to by administration and finance respectively. No legal issue involve as appears from the present proposal vide no. FR-4053/LD/17, dt: 26.07.17.

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

13. Certification by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case: It is certified that all the CVC guidelines have been/will be followed.



14. Recommendations:

- a. Administrative Approval & Expenditure Sanction of Preliminary estimate of ₹ 675 Lakh (₹ Six Hundred Seventy Five Lakh only) for purchase of Allopathic Medicines during the year 2017-18.
- b. Approval to place the supply orders every quarter based on requirement during the preceding three months with a provision to place a supplementary order in between, if, the need arises to the firms under the approved rate contract which are valid upto 19.02.2018 with permission to issue first supply order.

15. Draft Resolution:

- a. Administrative Approval & Expenditure Sanction of Preliminary estimate of ₹ 675 Lakh (₹ Six Hundred Seventy Five Lakh only) for purchase of Allopathic Medicines during the year 2017-18.
- b. 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, the need arises to the firms under the approved rate contract which are valid upto 19.02.2018 with permission to issue first supply order.
- c. The department is also directed take further action in the matter in anticipation of confirmation of minutes of the Council.

COUNCIL'S DECISION

1. Name of the Subject / Project.

Policy regarding role of Finance and Medical Departments for the concurrence of preliminary estimates for the procurement of medical consumables.

2. Name of the department

Health (Medical Sector)

3. Brief history of the subject/project.

At present the quantities of various medical consumables projected by the department for the calculation of preliminary estimates for procurement are subject matter of review by the Finance Department. In the event of divergence of opinion between the departments over the quantities projected in the preliminary estimates, its resolution often takes substantial time which in turn results in delays in procurement. It has necessitated review of the existing system for seeking concurrence of preliminary estimates.

4. Detailed proposal of the subject.

During the deliberations on the expenditure sanction for the procurement of allopathic medicines in the Council meeting dated 17.10.07, it emerged that assignment of definite roles to the various departments involved in the process of procurement of medical consumables shall expedite the process of finalization of the proposals. Accordingly, the following definite roles have been proposed for these departments to avoid over-lapping of functions :

A. Role of the Finance Department for the concurrence of the preliminary estimates and approval of the rate contract.

1. Monitoring of budget allocations so that the expenditure does not exceed the sanctioned allocations.
2. To ensure that the proposed expenditure is for the purpose for which the funds are allocated.
3. That all codal requirements proposed in the General Financial Rules to ensure total transparency, competitiveness, fairness and elimination of arbitrariness in the process of procurement have been observed.
4. Enforcement of efficiency, economy and accountability in the procurement system.
5. That the proper care was taken in the evaluation, selection, ranking the responsive bids and selection of the successful bidder for placing of contract.

B. Role of the Medical Department.

1. Determination of the quantities of the consumables based on fair and justifiable grounds.
2. Proper Inventory Management to avoid over-stocking or short falls.
3. To ensure that there is no wastage of municipal funds on account of mis-use or expiry of supplies or on account of inventory carrying cost due to over-stocking.

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-297-
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Financial implications for the proposed subject.

Nil

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

N.A.

7. Comments of the Finance Department on the subject.

In the matters of concurrence for quantities and estimated cost, a substantive decision needs to be taken, formulating a policy spelling out the specific point of reference.

8. Comments of the Department on comments of finance deptt.

None.

9. Legal implications of the subject/project.

Nil

10. Details of previous Council Resolutions./Existing Law of Parliament and Assembly on the subject.

None.

11. Comments of the Law Department on the subject.

Nil.

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

None.

13. Recommendations :

The policy formulated in para 5 is noted to Council for information and adoption.

COUNCIL'S DECISION

The policy regarding procurement of Medical consumables as enumerated in para 4 (A) & (B) was noted by the Council.

It was further resolved by the Council that Sh. Mukesh Bhatt, Member of the Council may be associated by the Deptt. in the procurement process.

ITEM NO. 20 (B - 22)

1. Name of Subject/ Project: Purchase of Energy Efficient LED flood light fittings of nominal 3000K CCT having rating of 400-410 watt, 230-240 watt & 150-160 watt, intelligent control system/CCMS and software for High Masts in NDMC area.
2. Name of the Department/Departments Concerned: Electricity Department-I
3. Brief History of the Subject/Project: Council vide Resolution No. 12(B-06) dt. 20.06.2017 accorded A/A & E/S amounting to Rs. 118.2 crore for all three phases wherein amount of A/A & E/S of Rs. 66.50 crore for phase-II work under which having provision for replacement of existing HPSV flood light of High Masts with LED Flood Light.
4. Detailed Proposal on the Subject/Project:
 Tenders for purchase of Energy Efficient Smart LED flood light fittings of nominal 3000K CCT with individual intelligent Control System having rating of 400-410 watt, 230-240 watt & 150-160 watt, intelligent control system/CCMS and software for High Masts in NDMC area were invited in 1st Call, which was dropped due to non-eligibility of participated bidders. Therefore, after given relaxation in the eligibility criteria tenders were invited but in the 2nd Call also, none of the participated bidder qualified hence the tender was again dropped as per recommendation of TEC.

Accordingly, tenders were invited in the 3rd Call, in which matter related to applicable GST @ 12% on supply or @ 18% on composite work was cropped up. The TEC called in the 3rd call, after due deliberations on the GST matter, decided that this tender involves supply of LED Flood Light fittings as-well-as Installations, Testing and Commissioning of Intelligent Control System/CCMS therefore, it falls under the category of composite work with the applicable GST @ 18%. Also, NDMCs appointed GST consultant Sh. Badal Gupta, Chartered Accountant, was also consulted and after going through the tender case, the GST consultant observed that the tender includes supply as-well-as installation work hence; it falls under the category of composite work and thus attracts GST @ 18%. Considering above, the TEC decided to drop the instant tender case and re-invite bids for supply case only

Fresh Tenders were invited through e-procurement solutions from the manufacturers or their authorized dealers of Energy Efficient LED flood light fittings of nominal 3000K CCT having rating of 400-410 watt, 230-240 watt & 150-160 watt, intelligent control system/CCMS and software for High Masts in NDMC Area by giving due publicity as per the codal provisions. Tenders were opened on 24.11.2017, in which the following four firms participated:

- 1) ~~M/s. Surya Roshni Limited~~ (Manufacturer).
- 2) ~~M/s. Yattender Singh~~ Engineer & Contractor (Authorized dealer of M/s. Orient Electric).
- 3) M/s. Creative Entrepreneurs LLP (Authorized dealer of M/s. Philips Lighting India Limited).
- 4) M/s. D.K. Traders (Authorized dealer of M/s. KMW Inc, Korea).

The Technical-cum-commercial bid documents, of all the above 04 participating bidders pertaining to Cover-I & II, were downloaded through e-procurement system, placed in Tender Document file-I to IV (Page 01 to 1026/C). Technical-cum-commercial bid documents of all the above 04 participating firms, were scrutinized and it was found that none of any tendering firm submitted requisite documents completely as per the Eligibility Criteria and Capability clauses of NIT.

With approval of CEE-I dated 29.11.2017 at page- 84/N, 1st TEC meeting was fixed on 30.11.2017 at 4:00PM in his office at 17th floor Palika Kendra New Delhi to discuss the discrepancies in the downloaded Technical-cum-commercial bid documents of above participating firms. The said TEC meeting was held on scheduled date and time wherein the discrepancies of all the 04 tendering firms were discussed and it was decided to issue shortfall letters by giving 07 days time as per CPWD Work manual.

Accordingly, all the tenderers submitted their shortfall documents/clarifications (placed in Tender Document file-V at page- 1040-1230/C) within the specified period against their respective shortfall letters. The documents of all the 04 firms were again scrutinized and it was decided to call 2nd meeting of TEC to consider & deliberate the clarification/ Replies as received from above bidders.

With the approval of CEE-I dated 11.12.2017, 2nd Technical Evaluation Committee (TEC) meeting was conducted, under the Chairmanship of Chief Engineer (Elect-I), on 13.12.2017 at 3:00PM onwards for deliberations on various pre-qualification shortcomings/deficiencies observed in the technical-cum-commercial bids of all the above 04 participated tenderers. The Minutes of 2nd TEC meeting were prepared, thereby concluding on page- 98/N that out of 04 participated firms only two firms i.e. **M/s Creative Entrepreneurs LLP & M/s. D K Traders** qualify in technical-cum-commercial bid and found eligible for opening of their financial bid, however, **subject to outcome of the test report of sample of NABL accredited lab M/S UL India Pvt. Ltd as per NIT parameters as defined in Technical specifications.** Whereas other two firms namely **M/s Surya Roshni Limited and M/s. Yatender Singh** did not qualify in technical-cum-commercial bid hence, not found eligible for opening of their financial bid.

The case was also examined by Planning-11KV division and found the same in order at page-111/N of noting.

Following all codal provisions, lowest and competitive market rate offers were obtained from **M/s Bajaj Electricals Ltd. & M/s. MIC Electronics Ltd.** for preparation of justification statement. From the Justification Statement, it is observed that the justified rate/Computed justified cost for item No 1(a.), (b.) & (c.) and item (2) and (3) is **6.62% above** the total computed estimated cost to Rs **3,35,41,280.00** & **3.50% above** the total computed justified cost to Rs **3,55,64,901.00** and **0.56% above** the lowest current market rate to Rs. 3,55,64,901/-.

The Justification statement having justified amount to **Rs 3,55,64,900/-** was prepared based on lowest market rates of **M/s MIC Electronics Ltd** (dated 11.02.2017 at page-1247/C) and same was sent to Planning-11 KV division for scrutiny and concurrence on page 99/N of noting. Planning-11 KV on page- 100/N of noting concurred the proposal with following suggestion-

"EE(E)/S-I to drive justified rates after taking the average rates of lowest rates received at present & the rates considered in the detailed Estimate please.(This is issued with the approval of CEE-I)."

Accordingly ~~as per recommendation~~ of Planning-11 KV above the Computed justification amount to **Rs 3,45,53,090/-** (i.e. average of Computed Estimated amount to Rs 3,35,41,280/- dated 02.11.2017 and Computed Justified amount to Rs 3,55,64,901/- dated 11.12.2017) has been derived as per details on page- 101/N of noting and same also has been ~~approved by CEE-I~~.

As per provision in the NIT and with the approval of CEE-I samples of all the four tendering firms were sent to reputed NABL test lab **M/s UL India Pvt. Ltd.**

As per test report received, sample of only **M/s Creative Entrepreneur LLP** (Authorized dealer of **M/s Philips Lighting India Ltd**) meet the requirement of specification parameters and therefore passed. Whereas, the samples submitted by other three tendering firms namely **M/s Surya Roshni Ltd (Manufacturer)**, **M/s Yatender Singh Engineer & Contractor** (Authorized dealer of **M/s Orient Electric**) and **M/s D.K. Traders** (Authorized dealer of **M/s**

KMW Inc, Korea) did not meet the requirement of specification parameters and therefore failed.

Final position of tendering firm are as under:-

S.No.	Name of tendering firm	Eligibility as per Tech-comm offer	Position as per test report of sample
1.	M/s. Creative Entrepreneurs LLP	Eligible	Passed
2.	M/s. Surya Roshni Limited	Not eligible	Failed
3.	M/s. Yatender Singh Engineer & Contractor	Not eligible	Failed
4.	M/s. D.K. Traders	Eligible	Failed

Planning examined the case and observed as under:

The proposal of EE(S-I) appearing at 110/N in respect of the offer of only single firm M/s **Creative Entrepreneurs LLP (authorized dealer of M/s Philips Lighting India Ltd.)** duly approved by competent authority for their quoted rates of Rs. 3,57,62,619.52/- and 3.50% above the total justified cost of Rs. 3,45,53,090/- has been seen which was workout on the average basis of lowest present market rates and lowest market rates obtained during preparation of DE considering more reasonability of market rates for justification and the same seems to be in order considering the facts, information, records made available & recommendation of EE(S-I) are correct.

With the approval of CEE-I dated 15.12.2017, the price bid of only eligible firm M/s **Creative Entrepreneurs LLP (authorized dealer of M/s Philips Lighting India Ltd.)** opened on dated 18.12.2017, the details of rates quoted by only eligible firm i.e. **Creative Entrepreneurs LLP (authorized dealer of M/s Philips Lighting India Ltd.)** is as under.

Sr. No	Description of items	Computed cost of only Single Eligible firm M/s Creative Entrepreneurs LLP (authorized dealer of M/s Philips Lighting India Ltd.) as per price bid comparative statement at CP- 1377 (Rs)	Computed Estimated cost based on lowest current market rates as per DE file at CP- 148 dated 02.11.2017 as per price bid comparative statement at CP- 1377 (Rs)	Computed justified cost based on current market rates as per tender document file at CP-1247 dated 11.12.2017 as per price bid comparative statement at CP- 1377 (Rs)	Average of Computed Estimated amount and Computed Justified amount as advised by the Planning-11 KV Division to workout computed justified amount.
1.	Supply of Energy Efficient LED flood light fittings of nominal 3000K CCT (warm light) with 7 years guarantee as per defined scope of work, approved				

	specifications & of following ratings.				
(a.)	400-410watt (Qty-192 Nos.)	76,70,906.88	1,03,21,920.00	79,68,000.00	91,44,960.00
(b.)	230-240 watt (Qty-90 Nos.)	24,39,964.80	29,03,040.00	22,81,500.00	25,92,270.00
(c.)	150-160 watt (Qty-392 Nos.)	50,34,032.64	79,02,720.00	68,40,401.00	73,71,560.50
2.	Supply of intelligent control system/ CCMS fixed in the IP- 55 metallic box having system of ON/OFF & measuring parameters including monitoring and control of each existing high mast with 7 years guarantee of complete system etc, as per specifications. (Qty- 142 Nos.)	1,70,77,715.20	1,00,53,600.00	1,63,30,000.00	1,31,91,800.00
3.	Supply of software for smart lighting operation management system with 7 years license. (Qty- 142 Nos.)	35,40,000.00	23,60,000.00	21,45,000.00	22,52,500.00
	Total Computed Cost	3,57,62,619.52	3,35,41,280.00	3,55,64,901.00	3,45,53,090.50

From the above Table it is evident that the total Computed cost amounting to Rs 3,57,62,619.52 quoted by single eligible firm M/s Creative Entrepreneurs LLP (*authorized dealer of M/s Philips Lighting India Ltd.*) for item No 1(a.), (b.) & (c.) and item (2) and (3) is 6.62% above the total computed estimated cost to Rs 3,35,41,280.00 & 3.50% above the total computed justified cost to Rs 3,45,53,090.50 and 0.56% above the lowest current market rate to Rs. 3,55,64,901/-

Therefore the total computed rates amounting to Rs 3,57,62,620/- quoted by only eligible firm M/s Creative Entrepreneurs LLP (*authorized dealer of M/s Philips Lighting India Ltd.*) for item no 1(a.), (b.) & (c.) and item (2) and (3) are competitive, reasonable and justified.

The case was examined by Planning 11KV Division and subsequently concurred by AO(Electric) to award supply order for purchase of Energy Efficient LED flood light fittings of nominal 3000K CCT having rating of 400-410 watt, 230-240 watt & 150-160 watt, intelligent control system/CCMS and software for High Masts, to the firm M/s Creative Entrepreneurs LLP (*authorized dealer of M/s Philips Lighting India Ltd.*) at their total quoted computed cost of Rs. Rs 3,57,62,619.52 (Say Rs. Rs 3,57,62,620/-) (Rupees Three Crores Fifty Seven Lakhs Sixty Two Thousand Six Hundred and Twenty Only) inclusive of taxes, duties etc considering prevailing GST @ 12% for item No-1(a.), (b.) & (c.) and GST @ 18% for item No- (2) & (3).

The case has been seen by the Finance department.

5. **Financial Implications of the proposed Project/ Subject:**
Rs 3,57,62,620/- (Rupees Three Crores Fifty Seven Lakhs Sixty Two Thousand Six Hundred and twenty Only).
6. **Implementation Schedule with timelines for each stage including internal processing:**
The material shall be supplied within 75 days from the date of issue of Supply Order.
7. **Final comments of the Finance Department on the subject with diary no. & date:**
Finance vide 2523/Finance/R-Elect & date 29.12.2017 has concurred in the proposal of the department for acceptance of the tender of Lone firm M/s Creative Entrepreneurs LLP at the tendered amount of Rs. 3,57,62,620/- which is 6.62% above the ES of Rs. 3,35,41,280/- (computed on current GST rates) and 3.50% above the justified cost Rs. 3,45,53,090/- duly checked by 11KV Electrical Planning at Page-111/N, for obtaining approval of the Council. However, while submitting the case to the competent authority, department may bring on record the followings:
 - i) A/A & E/s has been accorded by the Council for Rs. 118.20 crore for all three phases. ~~Department has~~ now submitted the tender for one of the part of Phase-II work but ~~nothing has~~ been brought on record for other phases liabilities. It may be ensured that total expenditure /liability will not exceed the limit of A/A & E/S accorded by Council.
 - ii) Deptt. may ensure that the lone firm meets the eligibility and the firms disqualified in the tender was as per NIT provision.
 - iii) Ensure that items to be procured in this tender are not covered in any other works/contract.
 - iv) Availability of funds needs to be ensured before incurring any liability.

Clarification/comments of the Department:

1. It will be ensured that total expenditure /liability will not exceed the limit of A/A & E/S accorded by Council.
2. It is ensured that the lone firm meets the eligibility and the firms disqualified in the tender was as per NIT provision.
3. It is ensured that items to be procured in this tender are not covered in any other works/contract.
4. Availability of funds will be ensured before incurring any liability

8. Legal Implication of the Subject/Project: Nil
9. Details of previous Council Resolutions, existing law of Parliament and Assembly on the Subject : Council vide Resolution No. 12(B-06) dt. 20.06.2017.
10. Final comments of the Law Department on the Subject / Project: Law Department vide diary No. FR-18/LO/18 dated 03.01.2018 stated that this agenda item is for purchase of Energy Efficient LED flood light fittings of nominal 3000K CCT having rating of 400-410 watt, 230-240 watt & 150-160 watt, intelligent control system/CCMS and software for High Masts in NDMC area.
At the outset, it is important to mention that before referring the Agenda item to Law Department, the department itself specified under item No. 8 that "the Agenda does not involve any legal implications".
However, having gone through the contents of the draft agenda from legal point of view, it appears that no legal issue is involved. This issues involved in the said agenda are primarily the subject matter of the Finance Department and the user department. The department may ensure the correctness of facts and figures and guidelines etc. on the subject.

Clarification/comments of the Department:

Correctness of facts and figures and guidelines etc. on the subject is ensured.

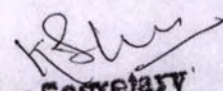
11. Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case:

All Central Vigilance Commission (CVC) guidelines, as applicable, have been followed while processing the case.
12. Recommendation: The case may be placed before the Council for according approval to place the supply order on Lone firm M/s Creative Entrepreneurs LLP at the tendered amount of Rs. 3,57,62,620/- which is 6.62% above the estimated cost of ~~Rs. 3,35,41,280/-~~ (computed on current GST rates), 3.50% above the justified cost Rs. 3,45,53,090/- (average computed justified amount) and 0.56% above the lowest market rate for the purchase of Energy Efficient LED flood light fittings of nominal 3000K CCT having rating of 400-410 watt, 230-240 watt & 150-160 watt, intelligent control system/CCMS and software for High Masts in NDMC area on the terms & conditions of NIT. Permission may also be accorded to place the supply order on L-1 firm in anticipation of confirmation of the minutes of the Council.

13. Draft Resolution: Resolved by the Council that approval is accorded to place the supply order on Lone firm M/s Creative Entrepreneurs LLP at the tendered amount of Rs. 3,57,62,620/- which is 6.62% above the ES of Rs. 3,35,41,280/- (computed on current GST rates), 3.50% above the justified cost Rs. 3,45,53,090/- (average computed justified amount) and 0.56% above the lowest market rate for the purchase of Energy Efficient LED flood light fittings of nominal 3000K CCT having rating of 400-410 watt, 230-240 watt & 150-160 watt, intelligent control system/CCMS and software for High Masts in NDMC area on the terms & conditions of NIT. Permission is also accorded to place the supply order on L-1 firm in anticipation of confirmation of the minutes of the Council.

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.

ITEM NO. 21 (H-11)

1.	Name of the subject/project	<p>Approval for creation of 11 posts of Junior Resident in level 10 of pay matrix under 7th CPC which is replacement of pay scale Rs. 15600-39100 + GP Rs. 5400 (6th CPC) and 02 post of Senior Residents in level 11 of pay matrix under 7th CPC which is the replacement pay scale of Rs. 15600-39100 + GP Rs. 6600 (6th CPC) in Medical Services Department of NDMC with immediate effect.</p> <table><tr><td>Name of post</td><td colspan="2">Junior Resident</td><td>Total No. of posts</td></tr><tr><td>Hospital</td><td>CPH</td><td>PMH</td><td></td></tr><tr><td>No. of posts</td><td>09</td><td>02</td><td>11</td></tr></table> <table><tr><td>Name of post</td><td>Two post Senior Resident one each for Ophthalmology & Pediatrics in Charak Palika Hospital, Moti Bagh</td><td>Total No. of posts</td></tr><tr><td>No. of posts</td><td>02</td><td>02</td></tr></table>	Name of post	Junior Resident		Total No. of posts	Hospital	CPH	PMH		No. of posts	09	02	11	Name of post	Two post Senior Resident one each for Ophthalmology & Pediatrics in Charak Palika Hospital, Moti Bagh	Total No. of posts	No. of posts	02	02
Name of post	Junior Resident		Total No. of posts																	
Hospital	CPH	PMH																		
No. of posts	09	02	11																	
Name of post	Two post Senior Resident one each for Ophthalmology & Pediatrics in Charak Palika Hospital, Moti Bagh	Total No. of posts																		
No. of posts	02	02																		
2.	Name of the department/ departments concerned	Personnel –Health																		
3.	Brief history of the subject/project	<p>As per Section 34 (3), of NDMC Act provides that in case of a Group “A” post, the approval of Council is required if the posts is to be created for a period beyond six months.</p> <p><u>Junior Resident</u></p> <p>As per information provided by the Medical Services Department of NDMC, the Residency Scheme was started in year 1994 at Charak Palika Hospital and thereafter at Palika Maternity Hospital by creation of 11 posts of Jr. Resident by the order dated 03.03.2005 of Chairperson, NDMC by abolishing similar number of posts from the GDMO cadre. Thereafter, the above posts of JR have been filled on regular basis from time to time for smooth functioning of Medical services department.</p> <p>ii. Accordingly, following posts of Junior Resident are proposed to be created:-</p> <table><tr><td>Name of post</td><td colspan="2">Junior Resident</td><td>Total No. of posts</td></tr><tr><td>Hospital</td><td>CPH</td><td>PMH</td><td></td></tr><tr><td>No. of posts</td><td>09</td><td>02</td><td>11</td></tr></table> <p><u>Senior Residents</u></p> <p>A proposal was received from Medical Services Deptt. for creation of 02 posts of SR (Ophthalmologist) in Charak Palika Hospital, but in the meeting dt. 7.12.2017 an agenda item No. 21 (H-07) was placed before the council seeking its approval of</p>	Name of post	Junior Resident		Total No. of posts	Hospital	CPH	PMH		No. of posts	09	02	11						
Name of post	Junior Resident		Total No. of posts																	
Hospital	CPH	PMH																		
No. of posts	09	02	11																	

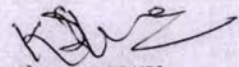
		creation of following posts:-															
		<table><tr><td>Name of post</td><td colspan="2">Senior Resident</td><td rowspan="2">Total no. of posts</td></tr><tr><td>Hospital</td><td>CPH</td><td>PMH</td></tr><tr><td>No. of posts</td><td>11</td><td>03</td><td>14</td></tr><tr><td>Break up of posts specialty wise</td><td>Medicine-3 Surgery-3 Orthopedics-2 Paediatrics-2 Anesthesia-1</td><td>Obstetrics and gyneacology-3</td><td>14</td></tr></table>	Name of post	Senior Resident		Total no. of posts	Hospital	CPH	PMH	No. of posts	11	03	14	Break up of posts specialty wise	Medicine-3 Surgery-3 Orthopedics-2 Paediatrics-2 Anesthesia-1	Obstetrics and gyneacology-3	14
Name of post	Senior Resident		Total no. of posts														
Hospital	CPH	PMH															
No. of posts	11	03	14														
Break up of posts specialty wise	Medicine-3 Surgery-3 Orthopedics-2 Paediatrics-2 Anesthesia-1	Obstetrics and gyneacology-3	14														
		<p>However, in the above meeting on the request of administrative side, it was decided that in place of 02 posts proposed for SR (Pediatrics), only one post may be created and in lieu, one post of SR (Ophthalmology) may be created. This request was moved by the administrative side as in view of the exigencies it was felt more appropriate to have at least one post in Ophthalmology Department in CPH in the first instance itself and that one post of SR (Pediatrics) may be proposed for creation in the subsequent meeting. Accordingly now, it is being proposed to create one posts of SR (Ophthalmology) and one post of SR (Pediatrics).</p>															
		<table><tr><td>Name of post</td><td>Two posts Senior Resident one each for Ophthalmology & Pediatrics in Charak Palika Hospital, Moti Bagh</td><td>Total No. of posts</td></tr><tr><td>No. of posts</td><td>02</td><td>02</td></tr></table>	Name of post	Two posts Senior Resident one each for Ophthalmology & Pediatrics in Charak Palika Hospital, Moti Bagh	Total No. of posts	No. of posts	02	02									
Name of post	Two posts Senior Resident one each for Ophthalmology & Pediatrics in Charak Palika Hospital, Moti Bagh	Total No. of posts															
No. of posts	02	02															
		<p>In view of the above, it was decided that the matter may be submitted to the Council for approval of the creation of these posts of Senior Residents & Junior Residents.</p>															
4.	Detailed proposal on the subject	<p>Section 34 (3) of NDMC Act provides that <i>the Chairperson may create any category 'B' or category 'c' or Category 'D' post and for a period not exceeding six months any category 'A' post:</i></p> <p><i>Provided that no such category 'A' post shall be beyond the said period without the previous approval of the Council.</i></p> <p>The Post of Senior Resident (Ophthalmology) & Junior Resident is a Group "A" tenure post in the Central Government which is equivalent to Category "A" in NDMC.</p> <p>The matter is to be placed before the Council for approval of creation of 11 posts of Junior Resident in level 10 of pay matrix under 7th CPC and two posts of SR (Ophthalmology) & (Pediatrics) one post each in level 11 of pay matrix under 7th CPC.</p>															
5.	Financial implications of the proposed project/subject	<p>There does not seems any financial implication as the 11 posts of Junior Resident were created by abolishing similar number of post from the GDMO cadre, as informed by Medical Services Department.</p>															

		The post of SR is in level 11 of the pay matrix under 7 th CPC for which first three cells are of Rs. 67700/-, Rs. 69700/- & Rs. 71800/- and SRs are recruited for a period of three years, the average expenditure for 02 (two) posts of SR (Ophthalmology) is Rs. 69,700/- x 2 = 16,72,800/-+ admissible allowances per annum.
6.	Implementation schedule with timeliness for each stage including internal processing	Action to fill up these posts will be initiated immediately after approval of the council in accordance with the eligibility criteria of Senior Resident & Junior Resident as approved through the scheme of residency of the Ministry of Health & Family Welfare, Govt. of India.
7.	Comments of the Finance Department on the subject	<p>Comments of F/D</p> <p>The Finance Deptt. concurs into the approval/creation of 11 posts of Junior Residents (09 for CPH and 02 for PMH) and creation of 02 posts of Senior Resident in Ophthalmology Department, CPH. However, while submitting the case to the competent authority i.e., Council, the Department is advised as under:-</p> <p>Per annum financial implications as creation of 2 (two) posts of Senior Resident in Ophthalmology Department, CPH be brought on record.</p> <p>Availability of funds may be ensured.</p> <p>Recruitment criteria may also be brought on record.</p> <p>The computation of data and figures are correct.</p>
8.	Comments of the User Deptt. on the comments of the Finance Deptt.	<p>The post of SR is in level 11 of the pay matrix under 7th CPC for which first three cells are of Rs. 67700/-, Rs. 69700/- & Rs. 71800/- and SRs are recruited for a period of three years, the average expenditure for 02 (two) posts of SR (Ophthalmology) is Rs. 69,700/- x 2 = 16,72,800/- + admissible allowances per annum.</p> <p>The availability of funds will be ensured.</p> <p>The eligibility/recruitment criteria of JR & SR as approved through the scheme of residency of the Ministry of Health & Family Welfare, Govt. of India will be ensured.</p> <p>The computation of financial implication of data and figures are correct.</p> <p>However, in view of the reason given in Para 3 (SR), one post of SR (Pediatrics) & one post of SR (Ophthalmology) is being proposed. The Financial implication will remain same.</p>
9.	Legal implication of the subject/project	No legal issue is involved.
10.	Comments of the Law Department on the subject/project	<p>Comments of the Law Deptt.</p> <p>Agenda item to be placed before the council is totally an administrative in nature. No legal issue is involved at this stage. However, the necessary guidelines under section 34 of the Council Act 1994/DOP&T guidelines are adhered to.</p>
11.	Comments of the User Department on the comments of Law Department	As such no comments are required. The proposal is as per guidelines.

12.	Details of previous Council Resolution, existing law of Parliament and Assembly on the subject	18 posts of SRs in the pay scale of Rs.15600-39100/- + G.P. Rs.6600/- and 19 posts of Junior residents Rs.15600-39100/- + G.P. Rs.5400/- were created for Palika Maternity Hospital vide Council Resolution no 19(E-07) dated 10.01.2014. (Annexure – I, See pages 309 - 314)																					
13.	Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case	No comments required.																					
14	Recommendation	<p>Approval for creation of 11 posts of Junior Resident in level 10 of pay matrix under 7th CPC which is replacement of pay scale Rs. 15600-39100 + GP Rs. 5400 (6th CPC) and 02 post of Senior Residents in level 11 of pay matrix under 7th CPC which is the replacement pay scale of Rs. 15600-39100 + GP Rs. 6600 (6th CPC) in Medical Services Department of NDMC with immediate effect.</p> <table><tr><td>Name of post</td><td colspan="2">Junior Resident</td><td rowspan="3">Total No. of posts</td></tr><tr><td>Hospital</td><td>CPH</td><td>PMH</td></tr><tr><td>No. of posts</td><td>09</td><td>02</td></tr><tr><td colspan="3"></td><td></td></tr><tr><td>Name of post</td><td colspan="2">One post each of Senior Resident (Ophthalmologist) & Senior Resident (Pediatric) in Charak Palika Hospital, Moti Bagh</td><td rowspan="2">Total No. of posts</td></tr><tr><td>No. of posts</td><td colspan="2">02</td></tr></table>	Name of post	Junior Resident		Total No. of posts	Hospital	CPH	PMH	No. of posts	09	02					Name of post	One post each of Senior Resident (Ophthalmologist) & Senior Resident (Pediatric) in Charak Palika Hospital, Moti Bagh		Total No. of posts	No. of posts	02	
Name of post	Junior Resident		Total No. of posts																				
Hospital	CPH	PMH																					
No. of posts	09	02																					
Name of post	One post each of Senior Resident (Ophthalmologist) & Senior Resident (Pediatric) in Charak Palika Hospital, Moti Bagh		Total No. of posts																				
No. of posts	02																						
15	Draft Resolution	Resolved by the Council that the proposal contained in para 14 is approved.																					

COUNCIL'S DECISION

Deferred.


 for Secretary
 New Delhi Municipal Council.
 New Delhi.

ITEM NO. 19 (E 07)

10 Jan 2014

01. Name of the subject/project

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

02. Name of Department & other Concerned Departments.

Medical Department

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

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

04. Detailed proposal of the Subject: On opening of the hospital the Medical Deptt. has proposed to appoint the following staff in addition to existing staff (*as per the budget book 2005-06). Detail of which showing No. of post, consolidated salary, and monthly expenditure as under:-

S. No	Name of Post	Pay Scale	Sanctioned posts in PMH *	No. of Additional Posts Require	Consolidated pay (each person)	Monthly expenditure
1	MS (PMH)	Rs.15600-39100 + G.P. 6600/-	Nil	01	Rs. 69,832/-	Rs. 69,832/-
2	DMS/Addl. MS	Rs.15600-39100 + G.P. 6600/-	Nil	01	Rs. 60,007/-	Rs. 60,007/-
3	CMO (Admin.)	Rs.15600-39100 + G.P. 6600/-	Nil	01	Rs. 60,007/-	Rs. 60,007/-

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22/11/22

4	Specialist	Rs.15600-39100 + G.P. 6600/-	07 (Anest-2) (Gynae-2) (Pedia-2) (Radio-1)	04 (Anest-1) (Gynae-1) (Pedia-1) (Patho-1)	Rs. 60,007/-	Rs. 2,40,028/-
5	Medical Officer	Rs.15600-39100 + G.P. 5400/-	14	Nil	Nil	Nil
6	Senior Resident	Rs.15600-39100 + G.P. 6600/-	03	18	Rs. 60,007/-	Rs. 1,08,126/-
7	Junior Resident	Rs.15600-39100 + G.P. 5400/-	02	19	Rs. 50,654/-	Rs. 9,62,426/-
8	Asstt. Matron	Rs. 10900-34800 + GP 4200/- (DTL)	Nil	01	Rs. 33,334/-	Rs. 33,334/-
9	Nursing Sister	Rs. 10900-34800 + GP 4000/- (DTL)	02	04	Rs. 31,012/-	Rs. 1,24,048/-
10	Staff Nurse	Rs. 10900-34800 + GP 4000/- (DTL)	16	30	Rs. 31,012/-	Rs. 9,30,350/-
11	Lab. Technician	Rs. 5200-20200 + GP Rs. 2800/-	04	01	Rs. 22,291/-	Rs. 22,291/-
12	Lab Asstt.	Rs. 5200-20200 + GP Rs. 1900/-	Nil	04	Rs. 14,328/-	Rs. 57,312/-
13	Lab. Attendant	Rs. 5200-20200 + GP Rs. 1800/-	01	03	Rs. 13,072/-	Rs. 39,216/-
14	O.T. Technician	Rs. 5200-20200 + GP Rs. 2800/-	02	02	Rs. 22,291/-	Rs. 44,582/-
15	O.T. Asstt.	Rs. 5200-20200 + GP Rs. 1900/-	01	04	Rs. 14,328/-	Rs. 57,312/-
16	Radiographer	Rs. 9300-34800 + GP Rs. 4200/-	02	Nil	Nil	Nil
17	Pharmacist	Rs. 5200-20200 + GP Rs. 2800/-	02	03	Rs. 22,291/-	Rs. 66,873/-
18	CSSD Technician	Rs. 5200-20200 + GP Rs. 2800/-	Nil	01	Rs. 22,291/-	Rs. 22,291/-
19	CSSD Attendant	Rs. 5200-20200 + GP Rs. 1800/-	Nil	02	Rs. 13,072/-	Rs. 26,144/-
20	Dietician	Rs. 9300-34800 + GP Rs. 4200/-	Nil	02	Rs. 25,972/-	Rs. 51,944/-
21	BMW Asstt.	Rs. 5200-20200 + GP Rs. 1900/-	Nil	01	Rs. 14,328/-	Rs. 14,328/-

-21/- -31/-

22	Section Officer	Rs. 10900-34800+ GP Rs. 4200/- (DTL)	Nil	01	Rs. 33,344/-	Rs. 33,344/-
23	Head Asstt.	Rs. 10900-34800 + GP Rs. 4000/- (DTL)	01	Nil	Nil	Nil
24	Statistical Asstt.	Rs. 9300-34800 + GP Rs. 4200/-	Nil	02	Rs. 25,972/-	Rs. 51,944/-
25	Stenographer	Rs. 5200-20200 + GP Rs. 2400/-	01	02	Rs. 19,797/-	Rs. 39,594/-
26	Sr. Assistant	Rs. 8500-26300+ GP Rs. 3100/- (DTL)	02	01	Rs. 25,215/-	Rs. 25,215/-
27	LDC/Clerical Asstt.	Rs. 5200-20200 + GP Rs. 1900/-	02	03	Rs. 14,328/-	Rs. 42,984/-
28	Jr. Accounts Officer	Rs. 9300-34800 + GP Rs. 4200/-	Nil	01	Rs. 25,972/-	Rs. 25,972/-
29	Peon	Rs. 6000-20200 + GP Rs. 2000 (DTL)	02	02	Rs. 15,652/-	Rs. 31,304/-
30	Medical Record Officer	Rs. 9300-34800 + GP Rs. 4200/-	Nil	01	Rs. 25,972/-	Rs. 25,972/-
31	Driver	Rs. 5200-20200 + GP Rs. 1900/-	04	02	Rs. 14,328/-	Rs. 28,656/-
32	Cook	Rs. 5200-20200 + GP Rs. 2000/-	02	Nil	Nil	Nil
33	Kitchen Attendant	Rs. 5200-20200 + GP Rs. 1800/-	02	Nil	Nil	Nil
34	ECG Technician	Rs. 5200-20200 + GP Rs. 2400/-	Nil	02	Rs. 19,797/-	Rs. 39,594/-
35	Dark Room Asstt.	Rs. 5200-20200 + GP Rs. 2800/-	02	Nil	Nil	Nil
36	Electrician	Rs. 9300-34800 + GP Rs. 4200/-	01	Nil	Nil	Nil
Total				119		Total Rs. 46,07,030/-

05. Financial implication of the proposed subject: For Manpower salary - Rs. 46,07,030/-
(Rs. Forty Six Lac Seven Thousand Thirty Only) P.M.

3/1

-20/0-85-24-312-

06. Comments of Finance: Sanctioning/engaging of staff is purely an administrative matter. There are certain norms available/prescribed by Govt. for appointment/engagement of staff. If as per opinion of Personnel Department, the requirement is as per analogy of Delhi Government guidelines, the case may be further processed for according approval from the competent authority.

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

Nil.

08. Legal implication of the subject:

09. Comments of the Law Department:

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

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

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

S. No	Name of Post	Pay Scale	No. of additional require
1	MS (PMH)	Rs.15600-39100 + G.P. 7600/-	01
2	DMS/Addl. MS	Rs.15600-39100 + G.P. 6600/-	01
3	CMO Admin.	Rs.15600-39100 + G.P. 6600/-	01
4	Specialist	Rs.15600-39100 + G.P. 6600/-	04 (Anest-1) (Gynea-1) (Pedia-1) (Patho-1)
5	Senior Resident	Rs.15600-39100 + G.P. 6600/-	18
6	Junior Resident	Rs.15600-39100 + G.P. 5400/-	19
7	Asstt. Matron	Rs.10900-34800 + GP 4200/- (DTL)	01
8	Nursing Sister	Rs.10900-34800 + GP 4000/- (DTL)	04
9	Staff Nurse	Rs.10900-34800 + GP 4000/- (DTL)	30
10	Lab. Technician	Rs.5200-20200 + GP Rs. 2800/-	01
11	Lab Asstt.	Rs.5200-20200 + GP Rs. 1900/-	04
12	Lab. Attendant	Rs.5200-20200 + GP Rs. 1800/-	03
13	O.T. Technician	Rs.5200-20200 + GP Rs. 2800/-	02
14	O.T. Asstt.	Rs.5200-20200 + GP Rs. 1900/-	04
15	Pharmacist	Rs.5200-20200 + GP Rs. 2800/-	03
16	CSSD Technician	Rs.5200-20200 + GP Rs. 2800/-	01
17	CSSD Attendant	Rs.5200-20200 + GP Rs. 1800/-	01
18	Dietician	Rs.9300-34800 + GP Rs. 4200/-	01
19	BMW Asstt.	Rs.5200-20200 + GP Rs. 1900/-	01

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-15/11-88-248-313-

20	Section Officer	Rs. 10900-34800+ GP Rs. 4200/- (DTL)	0
21	Statistical Asstt	Rs. 9300-34800 + GP Rs. 4200/-	5
22	Stenographer	Rs. 5200-20200 + GP Rs. 2400/-	0
23	Senior Assistant	Rs. 8500-26300+ GP Rs. 3100/- (DTL)	0
24	LDC/Clerical Asstt.	Rs. 5200-20200 + GP Rs. 1900/-	0
25	Junior Accounts Officer	Rs. 9300-34800 + GP Rs. 4200/-	01
26	Peon	Rs. 6000-20200 + GP Rs. 2000 (DTL)	02
27	Medical Officer Record	Rs. 9300-34800 + GP Rs. 4200/-	01
28	Driver	Rs. 5200-20200 + GP Rs. 1900/-	02
29	ECG Technician	Rs. 5200-20200 + GP Rs. 2400/-	02
Total			119

COUNCIL'S DECISION

576

-26 -219 -314-

Minutes of the Council meeting may be mentioned
for information by the dept.

2
5/5/2014

1/ Council Decn

COUNCIL SECRETARIAT

Ref : Above.

As desired by the Deptt. it is stated that the Item on the subject :
'Sanction of Additional Staff for Palika Maternity Hospital, Lodhi Colony, New
Delhi' was placed before the Council vide Item No. 19 (E-07), in the Council's
Meeting No.08/2013-14 held on 10.01.2014, at 11-00 a.m.

Minutes of this meeting has been drawn and decision taken by the Council
against this item was as under:-

19 (E-07)	Sanction of Additional Staff for Palika Maternity Hospital, Lodhi Colony, New Delhi	<p>The Council was informed that the agenda is placed for wider appreciation of the proposal but Council is requested for approval of only Group 'A' posts as for the remaining posts the Chairman is competent. Also it was informed that wherever DTL scales are proposed same will be converted to CPC scales.</p> <p>Resolved by the Council that as per detail given at para 4 of the preamble all Group 'A' additional staff is sanctioned and for those posts whose R.R's. stand approved by the Council will be filled immediately.</p>
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If approved, we may return the file to Director (MS) please.

DY. DIRECTOR (CS)

7/2/14

8/3/14
S.O. (CS)

DIRECTOR (CS)

DIRECTOR (MS)

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2/2/2014

362
08/02/2014
10/3/14

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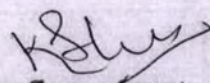
ITEM NO. 22 (A-35)

1.	Name of Subject/ Project	Name of work:- Strengthening of Water Supply system in NDMC area. Sub- Head :- Shifting of Main line & Providing metered water connection to every residents of B.K. Dutt Colony.
2.	Name of the Department / Departments Concerned	Civil Engineering, Public Health Circle, Water Supply Division.
3.	Brief history of the Subject/ Project .	<ul style="list-style-type: none"> D.I line of 150mm dia. & 250mm Dia. have been laid in B.K Dutt colony as per specifications/agreement. Work of Laying of Composite pipe of 90-110 nominal dia. is under progress in the back courtyard of various blocks of B.K Dutt colony for individual connection to be provided to avoid road cutting in future. All the residence of B.K Dutt colony are being applied for New water & sewer connection.
4.	Detailed proposal on the subject/project.	<ul style="list-style-type: none"> The council vide its Reso No. 10(A-04) dated 12/06/2015 has decided to release individual water & sewer connection for all residents of B.K Dutt colony as a special case one time solution (whether Ground, 1st, 2nd or above) without asking for submission of documents like property tax, completion certificate and completion plan etc. but they should have proof residence as well as metered electricity connection. Since the previous approval of the Council was silent about chagrining of onetime fee, inspection fee, meter security and onetime sewer connection charges etc which are to be cleared urgently since all the related works have already been completed.
5.	Financial implications of the proposed Project/ Subject.	Already approved and approval charges to be received from all the residents of B.K Dutt colony for release the individual water & sewer connection.
6.	Implementation schedule with timelines For each stage including internal processing.	As per receiving of applications from the occupants of B.K Dutt colony.
7.	Final Comments of the Finance Department on the subject with diary No. & Date.	Yet to be approved by the finance department.
8.	Legal implication of the Subject/Project	N.A.
9.	Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject.	1. 10(A-04) 2. Council Resolution No. Item No. 02(A-01) Dated 26/04/2016.

10.	Final Comments of the Law Department on the Subject/Project	N.A.
11.	Certifications by the department that all Central Vigilance Commission (CVC) guideline have been followed while processing the case.	Certified that all CVC guidelines, have been followed while processing the case.
12.	Recommendation.	<p>In addition to the already approved resolution dt. 12.06.2015, the following issues may also be approved by the Council so that the work at B.K. Dutt Colony can be completed at the earliest.</p> <ul style="list-style-type: none"> • Department Charges, Individual Connection Charges and cost/security of water meter should be paid by the consumer as per actual basis. • Road restoration charges (RR charges) to be waved off and it should be done by NDMC. • All these applications (about 870 nos.) to be dealt manually. <p>This should not be construed as precedence and has to be sanctioned as a special case for B.K. Dutt Colony.</p>

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi,

Copy of Reso. No. 23(B-23)
 of
 Council's Ordinary Meeting
 Dated 29/01/18

ITEM NO. 23 (B-23)

1. Name of subject/project.

Subject: - Implementation of Smart Grid Infrastructure Including Enhancing Of Existing Network in NDMC Power Distribution Area

Sub Head: - Advanced metering infrastructure (AMI) IT infrastructure & SCADA/DMS.

2. Name of Department

Electricity Department -II

3. Brief History of the subject/project

Council, vide item no. 12 (B-01) of the meeting held on 7/12/2017, has approved the following:-

- a) The work of implementing AMI / IT & SCADA in NDMC on "OPEX" Model, be assigned to M/s Energy Efficiency Services Ltd., (EESL), a joint venture of PSU's under Ministry of Power, GoI, on nomination basis instead of inviting tenders from among the PSUs.
- b) Since EESL's concept of Smart meters is based on "GPRS" mode of communication, the same would be applicable for AMI, IT & SCADA work in NDMC.
- c) Water meter shall be excluded from the scheme.
- d) Meter data would be processed on cloud based IT system.
- e) A memorandum of understanding be signed with M/s EESL after vetting by Finance & Law.

4. Detailed proposal on the subject/project.

M/s EESL has submitted a draft MOU, detailing general conditions and arrangements for further discussions between the parties and is non-obligatory. The exact terms and conditions of this future cooperation will be negotiated in due course and will be delineated in one or more separate and definitive agreements in the future, should circumstances warrant. Brief details covered under this MOU (Annexure - 'A' See pages 320 - 324) are as follows :-

- Objective
- Benefits
- Proposed Scope of Work
- Implementation methodology
- Smart Metering (AMI) Solution Roll out & Project Management
- Operations Management
- Exit Management
- Business Model
- Indicative Project Timelines
- Indicative Roles and Responsibilities of NDMC & EESL
- Service level Agreements (SLAs)
- Payment Security Management
- Business and Financial Proposal
- Non-Binding MOU for Future Cooperation
- General Terms and conditions

The detailed Business proposal covering technical, commercial and financial details shall be submitted by EESL along with Techno Commercial Offers of the appointed meter manufacturers & system integrators on signing of MoU.

The MOU submitted by M/s EESL is duly vetted by M/s EDF, the consortium member of PDMA, M/s Wapcos Limited and has been seen & concurred by the Finance vide Dy. No. 120/Finance/R-Elect. Dt. 19.01.2018.

5. Financial implications of the proposed project/ subject.

NIL at this stage.

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

24 Months.

7. Final comments of the Finance Department on the subject with diary no.

Dy. No. 120/Finance/R-Elect. Dt. 19.01.2018.

1. In the light of Council's approval vide Resolution item no. 12 dated 07.12.2017 that the work of implementing AMI/IT & SCADA in NDMC on 'OPEX" Model, be assigned to M/s Energy Efficiency Services Ltd (EESL), on nomination basis, FD concurs in the draft MOU to be executed with M/s EESL for the above cited subject, as recommended by M/s EDF, the consortium/technology partner of M/s WAPCOS, Govt of India Undertaking, the Project Design & Management Agency.
2. Article 1.9 at Page-5 of Draft MOU, the detailed business proposal covering technical, commercial and financial details shall be submitted by EESL alongwith Techno Commercial Offers of the appointed meter manufacturers and system integrators on signing of MOU. Since commercial terms and conditions are yet to be decided with M/s EESL, department is advised to ensure all terms & conditions including payment modalities, Penalties, Terminal clause, arbitration clause etc. while framing agreement with the EESL.
3. The draft MOU may be got vetted from Law Department.

Reply of the department on the observation of the Finance:-

- Advice of Finance department is noted and department would ensure all terms and conditions including payment modalities, terminal clause, arbitration clause etc., while framing agreement with EESL, on finalizing terms and conditions with M/s EESL.
- The "Draft Agenda" alongwith "Draft MOU" shall be sent to Law Department, for vetting, before submitting the case to Chairman /Council.

8. Legal implication of the subject/project.

-NIL-

9. Details of previous council Resolutions, existing law of parliament and assembly on the subject.

Item no. 12 of Council Meeting held on 07.12.2017.

10. Final comments of the law department on the subject/ project.

Pursuant to the suggestion to the Finance Department as well as EE (IPDS), at page 19 and 20 N respectively. While approving the modified Draft Agendum and MOU for implementation of Advanced Metering Infrastructure with 11KV SCADA and associated

IT system. The set Draft Agendum and MOU has been referred by the EE (IPDS) for vetting by the Law Department.

However, gone through the contents of the Draft Agenda from the legal point of view, there appears that no legal issue is involved. The issues involved in the set Agenda are preliminary the subject matter of Finance and user department. The department may ensure the correctness of facts and figures and guidelines etc on the subject.

Reply of the department on the observations of the Law Department:-

Department ensures correctness of facts, figures & guidelines etc. on the subject.

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

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

12. Recommendation

Approval of Council may be obtained to accept the MOU submitted by M/s EESL for executing the work of Advanced Metering Infrastructure (AMI) IT infrastructure & SCADA/DMS in NDMC.

As the work is of important nature, approval of Council is also solicited to take action in the matter in anticipation of the approval of Minutes of the Council Meeting.

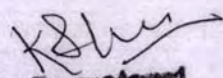
13. Draft resolution

Approval of Council is accorded to accept the MOU submitted by M/s EESL for executing the work of Advanced Metering Infrastructure (AMI) IT infrastructure & SCADA/DMS in NDMC.

As the work is of important nature, approval of Council is also solicited to take action in the matter in anticipation of the approval of Minutes of the Council Meeting.

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU"), effective from _____ is to confirm discussions between Energy Efficiency Services Ltd (EESL), a company organized under the laws of India; with its registered office at 4th Floor, Sewa Bhawan, R. K. Puram, Sector-1, New Delhi and corporate office at 4th & 5th Floor, IWA Building, A-13 Sector 1, Noida, 201301 (UP) India and New Delhi Municipal Council (NDMC), with its registered HQ at Palika, Kendra New Delhi - 110001.

Article 1: Background

This MOU confirms the preliminary discussions and understanding between NDMC and EESL regarding their intention to enter into transactions or services pertaining to Smart Metering (AMI) Solution implementation in NDMC. In this regard, NDMC vide letter no. ; D-428 /EE €/IPDS dated 26th Dec.2017, has assigned the work of Implementing AMI/IT & SCADA in NDMC on OPEX model to EESL on nomination basis using GPRS mode of communication on cloud based IT system for processing Meter Data.

1.1 Objective

The objective of this MoU is to establish project to have a sustainable impact by optimising and increasing DISCOM revenues through increase in the billing efficiency and reduction in O & M cost.

EESL shall take up AMI /IT and SCADA Implementation work in two stages. In stage – I implementation of AMI solution is considered with existing AMI resources of EESL.

Implementation of SCADA system shall be considered in stage – II after getting further details from NDMC.

EESL has proposed an innovative business model where EESL will fund, build, operate and manage the Smart Metering (AMI) Solution implementation in the project area and will monetize its investment on per month annuity basis.

1.2 Benefits

Smart Metering (AMI) Solution offers profound benefits to all stakeholders, including the NDMC, & consumers, and hence the deployment should take place on a fast track mode. Following are the benefits of smart meters implementation to the NDMC:

1. Bring in operational efficiency on a model which is impact based, aiding efforts towards achieving financial improvement of NDMC.
2. Provides real time data feeds which can be leveraged for a real time decisions and actions to strategize Demand Side management, Energy / Power Demand Forecasting.
3. The data analytics can be leveraged for better peak load management and tariff structure planning.
4. Enhancing consumer satisfaction level with better complaint management, faster restoration of outages and awareness for optimised consumption pattern.
5. Improvement of the system stability, reliability and transparency.
6. Optimization of O&M expenses
7. Full benefits of Smart AMI roll-out vest with NDMC, since EESL is paid only reasonable costs agreed upfront with NDMC or those discovered via public procurement.
8. Frees NDMCs capital to invest in other value added services to customer to increase their satisfaction level.

9. Access to EESL's project management experience and that of mass procurement through a fair, competitive and transparent bidding process. The details design along with methodology of implementation of AMI solution provider shall be shared by EESL along with the techno-commercial offers received for evaluation in the NDMC Council.

1.3 Proposed Scope of Work

Under this approach, EESL shall take up AMI /IT and SCADA Implementation work in two stages.

1. Stage – I: Implementation of AMI system for around 80,000 customers initially with an agreed upon growth in the subsequent years.
2. Stage – II: Implementation of SCADA System.

Implementation methodology

To enable the Govt. of India objective, EESL proposes to expedite the roll out of AMI (Advanced Metering Infrastructure) solution comprising of a Smart meter + GPRS Communication + Head end system + MDM and back end requirements and its integration with NDMC's legacy systems. EESL will undertake this activity into:

- i) Procurement of smart meters with GPRS compatible NIC Cards
- ii) Deployment of system Integrator Agency who shall be responsible for Installation of Smart Meters, deployment of IT Infra (Head End and MDM Software and hardware) on cloud, hiring of Cloud Hosting and GPRS Service provider, testing , commissioning & integration of AMI system and integration of the AMI system with Legacy system of Utility.
- iii) O&M for project period

It is proposed that EESL shall take up the following activities inter-alia-

- I. Procurement of Smart Meters and Selection of System Integrator (SI) to implement the Project.
- II. Smart Metering (AMI) Solution Roll out & Project Management
 - EESL through the System Integrator shall implement the Smart Metering (AMI) Solution within 6 Months. Further, EESL shall Integrate the Smart solution with existing IT legacy applications.
- III. Operations Management
 - Manage the operations & maintenance activities related to Smart Metering (AMI) Solution ~~until the concession~~ period of 5 years (Extendable up to 10 years), as per ~~mutual agreement~~ in the project area
 - In consultation with NDMCs take up Smart Metering (AMI) Solution for New Connections.
 - Identify the exception cases based upon Meter Data Management System (MDMS) data ~~analytics in the project~~ area and submit the report on regular basis to the DISCOMs for further corrective action.
- IV. Exit Management

EESL's exit scope (in case the Contract with the EESL ends or is terminated before the planned timelines) shall include handover of Smart Metering (AMI) Solution and including handover of NDMC data. The Smart Metering (AMI) Solution implemented along with all the System Software licenses offered in the agreement shall be handed over in such a manner that operations of Haryana &

UP or any other DISCOM which may join later on should continue without any restriction on access/usage of any kind of functionality.

1.4 Business Model

The business model is based on Cost-plus model. Under the proposed cost plus model for Smart Metering (AMI) Solution rollout, EESL shall claim payment from DISCOMs based on the following costs:

- a. Actual Cost incurred for Smart Metering (AMI) components. (Project CAPEX)
- b. Actual OPEX (O&M Expenses, Cloud Hosting Charges, ATS/AMC and GPRS charges) during project period.
- c. Operation /Project Management Cost@ up to 3% per annum of CAPEX for the project duration. (Shall be finalised during agreement stage)
- d. Interest cost (s) on project financing @ 9% per annum or as per actual.
 - I. IDC on CAPEX during the period (max. 6 Months) of IT Infra deployment.
 - II. Debt Interest cost on CAPEX.
 - III. Working Capital Interest on OPEX.
- e. Return on Equity shall be negotiable, however shall not exceed 15.5% (Post Tax) under any circumstances.

1.5 Indicative Project Timelines

The Built Up / Go live Phase for Implementation of Smart Metering (AMI) Solution shall be 6 Months. The O & M phase shall be 5 years (Extendable up to 10 years) after Implementation of Smart Metering (AMI) solution. The timeline may be further extended / modified as per mutual agreement of EESL and NDMC.

1.6 Indicative Roles and Responsibilities of Stakeholders

The success of the Smart Metering (AMI) Solution would require synergistic action from all key stakeholders. While EESL and NDMC shall have a set of mutually agreed and binding Service level Agreements (SLAs) commitments to adhere to there would be additional expected roles and responsibilities of key entities which *inter-alia* involve the following.

1.6.1 NDMC (Utility)

- NDMC will sign an Agreement with EESL to implement Smart Metering (AMI)
- NDMC will ensure that the investment made by EESL for the Smart Metering (AMI) Solution is protected & shall provide financial security for the monthly payments to EESL for Services.
- NDMC shall arrange for any approvals, ensure accessibility for installation and safety of field personnel & Smart Metering (AMI) Solution equipment (s).
- ~~NDMC shall conduct joint~~ pre-audit with EESL of the data available with DISCOMS to assess Smart Metering (AMI) Solution implementation.
- NDMC shall provide necessary support for new connections / replacement of defective meters to ensure that supply of electricity is provided to the owner or occupier of any premises upon the receipt of application requiring such supply in accordance with Delhi Electricity Supply Code and Performance Standards Regulations 2017/ prevailing practices of the utility as in force from time to time.
- NDMC shall provide additional items and its installation cost for other than Smart meter and Box at consumer premises, like service cable etc. required for new connections / replacement of existing (If found damaged or otherwise) in accordance with Delhi Electricity Supply Code and Performance Standards

Regulations 2017/ prevailing practices of the utility as in force from time to time.

- NDMC shall credit to EESL the amount mandated by the relevant authority towards new service connection charges for New Consumers in its network over and above the project cost.
- NDMC shall take corrective actions to remove / rectify exceptional cases (flagged by EESL) related to theft, meter tampering etc. and other administrative measures as may be required to achieve the Billing Efficiency Trajectory.
- NDMC shall provide necessary support / resources / up gradation of legacy system (if required) for integration of its legacy system with proposed AMI Solution.

1.6.2 EESL

- To provide effective redressal to the Consumer grievances and Complaints related to Smart Metering (AMI) Solution in accordance with the Electricity Laws.
- Submission of the management information system (MIS) reports periodically in the format to be prescribed by the NDMC as well as report exceptions timely.
- To increase/ maintain the billing efficiency at 99.9%.
- Preparation of the data base and documents of Consumer indexing and Distribution Asset codes for route sequencing purpose if not already available.
- Shall conduct joint pre-audit of the data available with NDMC to assess Smart Metering (AMI) Solution implementation.
- Establish a governance mechanism during the implementation of the project to ensure the execution progresses as planned.
- Shall install and integrate Smart meter with Box (if required) for any new connection (s) in implemented area or otherwise for an additional cost over and above the project cost on pro rata basis. NDMC will pay to EESL unit price basis as quoted in its financial proposal for any new connection in the project area.

1.7 Service level Agreements (SLAs)

The scale of the roll-out would be intense and shall require synergistic action between DISCOMS and EESL to achieve the objectives during the concession period. The SLA shall be as the **latest version** of CEA guidelines. The Penalties under the contract shall be mutually agreed.

1.8 Payment Security Mechanism

"The NDMC shall provide to the EESL, in respect of payment of its periodical Bills/invoices, through unconditional, revolving and irrevocable letter of credit ("Letter of Credit"), opened and maintained by the NDMC in a trusted bank."

1.9 Business and Financial Proposal

The detailed Business proposal covering technical, commercial and financial details shall be submitted by EESL along with Techno Commercial Offers of the appointed meter manufacturers & system integrators on signing of MoU.

Article 2: Non-Binding MOU for Future Cooperation

This MOU describes the general conditions and arrangements for further discussions between the parties and is non-obligatory. The exact terms and conditions of this future cooperation will be negotiated in due course and will be delineated in one or more separate and definitive agreements in the future, should circumstances warrant. Neither party shall be liable to the other for any claim, loss, cost, liability or investment opportunities arising out of directly or indirectly related to the other Party's decision to terminate this MOU, the other Party's performance under this MOU, or any other decision with respect to proceeding or not proceeding with the definitive agreement(s) or the Project(s). Further, each party acknowledges and agrees that the decision to enter into definitive agreement is the sole and absolute discretion of the other party.

Article 3: General Terms and Conditions

- A.) Term: This MOU shall remain in full force and effect for a period of thirty-six (36) months from the effective date, unless it is: (i) superseded by any or all of the definitive documents contemplated in Article 2 (or such other definitive documents as the parties may agree to enter into for their mutual benefit), or (ii) earlier terminated for convenience by the parties in writing by giving 30 (thirty) calendar days' notice.
- B.) Modification; Waiver; Severability; Assignment: No waiver of any right or remedy on one occasion by either party shall be deemed a waiver of such right or remedy on any other occasion, if any provision of this MOU is held invalid under any applicable law, such holding shall not affect the validity of remaining provisions and same shall continue in full force and effect. Neither party may assign this MOU, in whole or in part, without the prior written consent of both the non-assigning party.
- C.) Headings: Headings used in this MOU are for reference purposes only and shall not be used to modify the meaning of the terms and conditions of this MOU.
- D.) Entire Agreement: This MOU represents the entire understanding and MOU between the parties with respect to the subject matter hereof, and supersedes all prior and contemporaneous communications, representations or agreements, oral or written, regarding the subject matter hereof.
- E.) Counterparts: This MOU may be executed in two or more counterparts, each of which shall be deemed an original but all of which shall constitute the same MOU. This MOU and any document or schedule required hereby may be executed by facsimile signature that shall be considered legally binding for all purposes.
- F.) Broad financial and commercial terms and conditions of Business model shall form integral part of all the agreements to be signed between EESL and NDMC.

AGREED AND ACCEPTED:

NDMC

Energy Efficiency Services Limited

Name:

Name:

Designation

Designation

Address:

Address

ITEM NO. 24 (J-06)

1. Name of the Subject:

Regarding Allotment of Space for Installation of Communication Tower (Cellular Mobile Tower) on Wheels in NDMC area

2. Name of the Department

Enforcement Department

3. Brief History

In order to improve coverage of ensure requisite provisioning of cellular mobile services at acceptable standards in NDMC area, Enforcement Department, NDMC is going to invite an open tender for allotment of space for installation of Cellular Mobile Communication Towers (Cell Towers) on wheels in NDMC area for a period of two years. The NDMC will provide bare spaces on license basis for placement and operation of required telecommunication equipments, for improved mobile services, on co-sharing basis with other Telecom Service Providers at the various sites in NDMC Area as per latest policy & licensing guidelines of Department of Telecommunications/TRAI /TERM and other relevant bodies.

The sites/ spaces shall exclusively belong to the NDMC, without creating any right/ title or interest of whatsoever nature in the said locations/ premises in favour of the successful bidder. The successful bidder after allotment, will at his own expense and cost develop the area/ structure as per guidelines License conditions/ Guidelines /Orders /Regulations /Directions of Department Directorate of Telecommunications, TRAI, TERM and other relevant bodies and Term etc. as applicable with due approval from NDMC. The tenure of license of Communication Towers (Mobile Towers) on wheels will be for two years and can be extended for another one year subject to fulfilling all terms and conditions. The duration will be counted from the date of installed tower coming into operational services.

The New Delhi Municipal Council invites items rates tenders through e-tendering from Govt. approved contractors in the appropriate category.

NIT No.	D/ /SO(ENF)/2017-18
Name of work	Setting up of Communication Mobile Towers on Wheels (CoW) in NDMC Area
Estimate Cost	34.56 crore for two year excluding GST
Cost of tender (Tender Fee)	Rs.10,000/-
Earnest money	Rs.34,56,000/-
Amount of Bank solvency certificate	Rs. 13,82,40,000/- (Validity of solvency certificate shall be minimum 180 days from the date of submission of bids)
Period/ term contract of contract	Two years
Tender Validity Period	180 days from date of opening of Technical Bid
Date of release of tender through e-procurement	01.02.2018 at 1700 hrs
Last date & time for downloading of tender documents	20.02.2018 upto 1500 hrs
Pre Bid Meeting	08.02.2018 upto 1500 hrs
Last date and time for submission of e-tender	20.02.2018 upto 1300 hrs
Last date & time for submission of certified hard copies of EMD, cost	20.02.2018 upto 1300 hrs.

tender documents, & other documents on line	
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4. Detailed proposal on the subject/project

In order to improve coverage of ensure requisite provisioning of cellular mobile services at acceptable standards in NDMC area, Enforcement Department, NDMC is going to invite an open tender for allotment of space for installation of Cellular Mobile Communication Towers (Cell Towers) on wheels in NDMC area for the following sites for a period of two years in transparent manner:

Item No.	Site Name for Installation of Communication Towers (Cellular Mobile Tower) on Wheels (COW) in NDMC area	Latitude	Longitude	Reserve Price in Rs. Except applicable taxes	Amount Per Month excluding GST as applicable
1.	Opposite Electric Sub Station 66 KV Bapu Dham	28.59224	77.17578	1,50,000/-	
2.	Backside of Pakistan Embassy	28.59383	77.1928	1,50,000/-	
3.	Near Railway Colony Wall, San Martin Marg	28.59224	77.17578	1,50,000/-	
4.	Backside of Tamilnadu Bhawan	28.58225	77.191719	1,50,000/-	
5.	Near Agriculture Office Malcha Marg	28.60215	77.18779	1,50,000/-	
6.	Near ESS 33 KV Netaji Nagar	28.57889	77.18737	1,50,000/-	
7.	Delhi Art & Commerce College, Netaji Nagar	28.57744	77.18513	1,50,000/-	
8.	Near Paryavaran Bhawan, Aliganj	28.3508	77.18513	1,50,000/-	
9.	Near Aliganj Barat Ghar	28.58259	77.21882	1,50,000/-	
10.	Opposite Palika Kunj	28.583635	77.214583	1,50,000/-	
11.	Under Safdarjung Flyover	28.58095	77.2122	1,50,000/-	
12.	Shadi Ground, Laxmi Bai Nagar	28.57326	77.20512	1,50,000/-	
13.	Outside of VMCC Safdarjung Hospital, Factory Road	28.56778	77.20242	1,50,000/-	
14.	Vinay Marg	28.59235	77.19636	1,50,000/-	
15.	Tees January Lane	28.60147	77.21289	1,50,000/-	
16.	Vidyut Bhawan Near Pillar No.41	28.6045	77.2194	1,50,000/-	
17.	Kushak Lane Near Loin Public School	28.60444	77.20141	1,50,000/-	
18.	Safdarjung Nursery	28.57814	77.2092	1,50,000/-	
19.	Sunheri Bagh Road	28.60819	77.21339	1,50,000/-	

20.	South Avenue Market Near President Estate	28.60818	77.19794	1,50,000/-	
21.	Udyan Marg	28.62959	77.20123	1,50,000/-	
22.	Tilak Marg Opposite Police Station	28.61813	77.23592	1,50,000/-	
23.	Bhartiya Vidya Bhawan	28.62071	77.21336	1,50,000/-	
24.	Patel Chowk Near Metro Station	28.62191	77.21336	1,50,000/-	
25.	Nehru Park	28.59131	77.19147	1,50,000/-	
26.	Jor Bagh Road Inside the Karbala Ground	28.3508	77.1256	1,50,000/-	
27.	Kali Bari Marg	28.628058	77.202818	1,50,000/-	
28.	Near Hanuman Mandir, Vinay Marg	28.592146	77.197058	1,50,000/-	
29.	Tuglak Road	28.60229	77.2126	1,50,000/-	
30.	NDMC Market, Near President Estate	28.60818	77.19794	1,50,000/-	
31.	South Block	28.611767	77.207603	1,50,000/-	
32.	Copernicus Marg	28.62093	77.227558	1,50,000/-	
33.	Teen Murti Road	28.60227	77.20076	1,50,000/-	
34.	Chatisgarh Bhawan	28.59912	77.1877	1,50,000/-	
35.	Arunchal Bhawan	28.600475	77.199279	1,50,000/-	
36.	Rastrapati Bhawan	28.61125	77.1907	1,50,000/-	
37.	Vice President House	28.6117	77.22478	1,50,000/-	
38.	Niti Marg, Near Andre Malraux Marg	28.594799	77.193301	1,50,000/-	
39.	Tilak Lane opposite Princes Park	28.618205	77.23553	1,50,000/-	
40.	Nirman Bhawan	28.610308	77.219048	1,50,000/-	
41.	Raja Ji Marg	28.60278	77.20532	1,50,000/-	
42.	North Block	28.61739	77.20285	1,50,000/-	
43.	Niti Marg, Near Nehru Park	28.590896	77.191218	1,50,000/-	
44.	UNI Building	28.621735	77.213249	1,50,000/-	
45.	San Martin Marg	28.60039	77.18156	1,50,000/-	
46.	New Moti Bagh-2	28.577647	77.184948	1,50,000/-	
47.	Akbar Road	28.606137	77.216807	1,50,000/-	
48.	Near Moti Bagh , Near Vidhan Chandra Campus	28.577954	77.177216	1,50,000/-	
49.	NDMC Water Booster Station, Near Udhog Bhawan Roundabout	28.60698	77.21453	1,50,000/-	
50.	New Moti Bagh-1	28.578678	77.187008	1,50,000/-	
51.	NDMC Market Near Tuglak Road	28.60229	77.2126	1,50,000/-	

52.	Behind Kushak Road, Kushak Lane	28.60337	77.20315	1,50,000/-	
53.	Laxmi Bai Nagar	28.57924	77.20925	1,50,000/-	
54.	Opposite Bhairav Temple, Vinay Marg	28.592294	77.196984	1,50,000/-	
55.	Near Safdarjung Hospital	28.56726	77.20238	1,50,000/-	
56.	Near British Institute, Chankya Puri	28.597826	77.179582	1,50,000/-	
57.	Near Delhi Hatt	28.579448	77.207054	1,50,000/-	
58.	Sena Bhavan	28.60776	77.20653	1,50,000/-	
59.	Mother Teresa Crescent Road	28.607327	77.193667	1,50,000/-	
60.	Krishna Menon Lane near Akbar Road	28.605527	77.211886	1,50,000/-	
61.	NDMC Water Boosting station at South Avenue	28.605261	77.19826	1,50,000/-	
62.	11 KV Elect substation at Akbar Road	28.60744	77.22073	1,50,000/-	
63.	Prithvi Raj Road near Safdarjung road Junction	28.593995	77.208964	1,50,000/-	
64.	Park at North Avenue Electric substation	28.623927	77.201395	1,50,000/-	
65.	Pandara Park Near Zakir Hussain Road	23.681304	77.246637	1,50,000/-	
66.	Niti Marg near Shanti Path	28.597594	77.193564	1,50,000/-	
67.	Jam Nagar House at Shahjahan Road	28.609047	77.225385	1,50,000/-	
68.	Rose Garden-I	28.58756	77.18723	1,50,000/-	
69.	Rose Garden-II	28.58768	77.18433	1,50,000/-	
70.	Sanjay Camp	28.589105	77.179861	1,50,000/-	
71.	Moti Bagh (99 qtrs)	28.581620	77.183144	1,50,000/-	
72.	Moti Bagh (Garage)	28.582469	77.183210	1,50,000/-	
73.	Begum Zaidi Market	28.58356	77.17831	1,50,000/-	
74.	Bangla Sahib Road	28.630975	77.210277	1,50,000/-	
75.	Swati Hostel, Mandir Marg	28.63169	77.1985	1,50,000/-	
76.	Firoz Shah Road	28.623272	77.226858	1,50,000/-	
77.	Kaka Nagar Barat Ghar	28.60581	77.23888	1,50,000/-	
78.	Pandara Park (Near ESS 33 KV)	28.60605	77.22846	1,50,000/-	
79.	Satya Sadan Nursery	28.58132	77.201	1,50,000/-	
80.	Near Parking Khan Market	28.599818	77.226979	1,50,000/-	
81.	Dalhousie Road	28.611063	77.2057570	1,50,000/-	
82.	Racecourse opposite	28.595905	77.203769	1,50,000/-	

	PM House				
83.	Malcha Marg Near LPG Gas Godown	28.606265	77.189787	1,50,000/-	
84.	Ring Road Moti Bagh Flyover	28.578348	77.177356	1,50,000/-	
85.	San Martin Marg, Ring Road	28.588696	77.171311	1,50,000/-	
86.	East Kidwai Nagar	28.598935	77.213929	1,50,000/-	
87.	Lodhi Colony near NDMC School	28.581505	77.1225570	1,50,000/-	
88.	Backside of Matri College	28.590693	77.175669	1,50,000/-	
89.	Gole Market	28.639249	77.205612	1,50,000/-	
90.	Near Shivaji Stadium	28.631687	77.215243	1,50,000/-	
91.	Near Intersection, S.P.Marg	28.601456	77.180599	1,50,000/-	
92.	Park street Parking near Talkatora Garden	28.623944	77.195559	1,50,000/-	
93.	Mandi House	28.625580	77.234387	1,50,000/-	
94.	Parking Rail Museum Moti Bagh	28.586392	77.178912	1,50,000/-	
95.	Near Shivaji Bridge	28.633452	77.225685	1,50,000/-	
96.	Janpath IOB Parking	28.62906	77.218039	1,50,000/-	

- Please note :
1. The above site/locations as well as latitude and longitude mentioned against each shall be modified/amended, if required, by way of consent of successful bidder after issuance of offer letter subject to better facilities and to avoid any obstruction to citizens.
 2. The bids of agencies offering/quoting for Installation of Communication Towers on Wheels installed in NDMC Area for less than 32 sites shall be declared non responsive & their bid (Technical) will summarily be rejected also their price bid will not be opened/ considered.

5. Financial Implication of the proposed project/subject

The proposal is for permission of mobile towers in NDMC area after taking the permission charges from the concerned cellular operators. The successful bidder shall ~~also share~~ 50% revenue received from other service providers if the site ~~shall be given on sharing~~ basis. Hence, it has no financial implication rather it would generate revenue for NDMC.

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

The implementation schedule of tender for allotment of space for installation of communication tower (Cellular Mobile Tower) on Wheels in NDMC area is for a period 180 days from the release of tender.

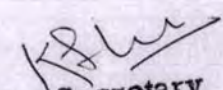
7. Comments of the Finance Department on the subject

Finance Department has been concurred the proposal for allotment of space for installation of Communication Tower (Cellular Mobil Tower) on wheels in NDMC area in terms of the existing policy on Cellular tower. (Annexure -I, See page 331)

8. **Legal Implication of the subject/project**
Law Department has been concurred the proposal. (Annexure-II, See page 332)
9. **Detail of previous Council Resolutions, existing law of parliament and Assembly on the subject:**
 - i) NDMC has been granting the permission for installation of cellular towers/antennas from 1999. At that time no policy/guidelines was available. However, some basic guidelines which were issued by DUAC in 1995 & DDA in Sept. 1996 were followed by NDMC.
 - ii) The Guidelines for installation of communication towers by cellular and basic telecom operator was issued from the office of Honble LG, Delhi as per the meeting held on 26.07.2002 with the Hon'ble LG Delhi.
 - iii) NDMC Council vide Resolution No.28(V-1) dated 15.12.2015 approved the guidelines to grant permission for installation of antennas/communication tower in NDMC area. (Annexure "III", See pages 333 - 340)
 - iv) Subsequently, NDMC Council vide Resolution No.27(V-2) dated 25.07.2016 approved the policy/guidelines for installation of communication towers by cellular and basic telecom operators on roof top/ground base within the premises and on high mast lights in the area under the jurisdiction of the New Delhi Municipal Council. (Annexure "IV", See pages 341 - 344)
10. **Final Comments of Law Department on the subject/project.**
Department concerned ensuring the compliance to the direction of Fiancé Department
11. **Certification by the Department.**
It is certified that all Central Vigilance Commission (CVC) guidelines and latest policy & licensing guidelines of Department of Telecommunications/TRAI /TERM and other relevant bodies has been followed by the Department.
12. **Recommendation**
Approval in Principle for inviting open tender for Allotment of Space for Installation of Communication Tower (Cellular Mobile Tower) on Wheels in NDMC area through e-tendering in order to improve coverage of ensure requisite provisioning of cellular mobile services at acceptable standards in NDMC area as NDMC had selected under Smart City Mission. (NIT Annexure-V, see pages 345 - 395)
13. **Draft Resolution**

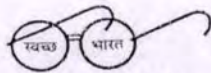
COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.



न.दि.न.पा.प.
N. D. M. C.



एक कदम स्वच्छता की ओर

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FINANCE DEPARTMENT

Annexure - I

Subject: Allotment of space for installation of Communication Tower (cellular Mobile Tower) on Wheels in NDMC area (draft agenda and Draft NIT)

The case has earlier been seen by the Finance Department at page 2-3/N and some observation were raised. The department vide their note at P-4-5/N given their para-wise replies. The draft NIT and draft agenda has been seen and scrutinized as under:

1. There are 96 sites taken in the proposal, the list of which is attached by the department.
2. Estimated cost of all the 96 sites has been taken as 34.56 crores for two years excluding GST.
3. The department has put the Earnest money, Rs. 34.56 lakhs for all sites, i.e., 96.
4. The period of contact has been taken as two years by the department.
5. A Bank solvency certificate has been asked for 13.82 crores by the department in their proposed NIT.
6. The department has also fixed the minimum 32 sites out of 96 sites proposed for tenders for eligibility of bidders.
7. Eligibility criteria has been framed and necessary documents has been asked.
8. It is seen that in eligibility criteria firms having experience of completed installation of atleast 30 (Thirty) Communication Towers CoW or BTS of any cellular technology like GSM/CDMA/LTE etc. or any other monopole tower within India in last Seven (7) years ending before the date of notice of invitation of this tender.

In view of the documents and clarifications submitted by the department, Finance Department concur in the proposal, i.e., draft agenda and draft NIT. While placing before the Council the department may ensure as under:

- a. Existing policy on cellular tower may also be placed on record.
- j. (i) Number of existing sites where permission for COWs has been granted to be placed on record.
(ii) Revenue/earning received from these sites may also be placed on record.
- k. The BOQ prepared by the department and placed with NIT vide Annexure VIII, the department may ensure that the same will be meet all the requirement as per the e-portal.
A clause may be incorporated in NIT that the tender will be awarded to H1 be ensured.
- m. Clarification in NIT whether the tender is to be awarded to sitewise H1 or to H1 on the basis of gross amount of all sites.
- n. That the tender documents bid is devised in such a manner that all requisite bidding documents including financial bid are uploaded by the bidder on e-portal.
A clause relating to bearing of the cost of arbitration by the bidders/NDMC may be inserted.
- p. The draft agenda/NIT may also be got vetted from Law Department.

This issues with the approval of FA.

(Subhash Ch. Uppal)
Dy. FA-I
14.10.2017

Director (Enforcement)

Director (Enforcement)

May pl see for relief B.

14/10/17



न०दि०न०पा०प०
N. D. M. C.



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OFFICE OF THE CHIEF LEGAL ADVISOR

-332-

Annexure-II

I have looked into the notings as well as the matter in issue which pertains to allotment of space for installation of Communication Tower (Cellular Mobile Tower) on Wheels in NDMC. In this regard, the anomalies reflected in the draft agenda and the draft NIT have been answered by Department (Enforcement) and Finance Department by its noting dated 14.10.2017 and the Department has concurred with the proposal i.e. draft Agenda and draft NIT.

The Department (Enforcement) must ensure the points at 'X' in noting dated 14.10.2017 (Page-6/N) to be taken care of the agenda and NIT are placed before the Council. Further, the Arbitration Clause has to specify as to who will bear the expenses/ costs of the Arbitration, if the said is invoked by either of the parties.

Be sent to the Department concerned for ensuring the compliance as mentioned at point 'X' in noting dated 14.10.2017.

(MS. RAVINDER BEDI)
CHIEF LEGAL ADVISOR
31.10.2017

DIRECTOR (ENFORCEMENT)

So (Euf) / Shyam

16/11/17

Sh. Shyam

Draft agenda is placed below

FR-4539/10/17
31/10/17

R-586/CC/186(Cel)
7-11-17
R-8650/6/50(Euf)
01-11-17

Ad. Muz
21/10/17

ITEM NO. 28 (V 01)

15/12/2015

1. Name of the subject/ project:

NDMC policy regarding installation of communication towers by cellular and basic telecom operators on roof top / ground base within the premises and on high mast lights in the area under the jurisdiction of the New Delhi Municipal Council.

2. Name of the Department/ departments concerned

Department of Architecture & Environments

3. Brief history of subject/ project.

The Brief history of the subject is as under:-

- i. NDMC has been granting the permission for installation of cellular towers/antennas from 1999. At that time no policy/guideline was available. However, some basic guidelines which were issued by DUAC in 1995 & DDA in Sept. 1996 were followed by NDMC.
- ii. The Guidelines for installation of communication towers by cellular and basic telecom operator was issued from the office of Hon'ble Lt. Governor, Delhi as per the meeting held on 26.07.2002 with the Hon'ble Lt. Governor, Delhi (Annexure-I. See pages 407 - 411).
- iii. Subsequently, NDMC council vide resolution no. 3(xxviii) dated 08.08.2002 approved the guidelines to grant the permission for installation of cellular antennas/communication towers on roof tops/terrace only for NDMC buildings (Annexure-II, See pages 412 - 417).
- iv. Thereafter, due to expansion of coverage, requirement of additional communication towers in the NDMC area and on receiving the request of various cellular operators, Chairperson, NDMC had advised to draw new guidelines for entire New Delhi area keeping in view the guidelines issued by the Lt. Governor, BBL & with special reference to the LBZ guidelines. The guidelines after incorporating the amendment as proposed by Chairperson, NDMC were finalized and same were enforced from 01.10.2004 (Annexure-III, See pages 418 - 423). Since, NDMC is making substantial investment for improving the infrastructure and the cost of various services provided by the NDMC has increased manifold, it is now required to revise the rates of permission charges, license fees in addition to other modifications in the existing guidelines w.e.f. 01.10.2004.

4. Detailed proposal of the subject/project:

The following guidelines, in respect of installation of communication towers by cellular and basic telecom operators on roof top / ground based within

328/202(M)
23/2/16

25/2/16

25/2/16

R-248/PS/CH
22/2/2016

22/2/2016

22/2/2016

22/2/2016

22/2/2016

22/2/2016

premises and on high mast lights in the area under the jurisdiction of the New Delhi Municipal Council, are proposed to be placed before council for approval:-

- 1) Installation of towers/antennae shall not in any manner disturb the heritage and aesthetic aspects of the New Delhi area. All norms and guidelines related to Lutyens Bungalow Zone (LBZ) area issued from time to time by the Government of India shall be complied.
- 2) Installation of towers/antennae shall not violate the provisions of the NDMC Act, 1994 and bye-laws made there under.
- 3) Installation of towers/antennae including appurtenances and equipments shall not be located on the mandatory setbacks of any plot. They shall be located at the rear end of the plot after allowing mandatory setbacks and shall not be visible from the main entrance/road.
- 4) Installations of towers/antennae either ground based or on the rooftop shall not be permitted within the Central Vista.
"In case there is a technical requirement for installation on buildings located within the Central Vista, the matter shall be referred to a Committee Chaired by the Chairperson, NDMC with members to be co-opted from Central Vista Committee, Department of Telecom, Govt. of India and Ministry of Home Affairs (for security clearance), who shall decide the issue on case to case basis."
- 5) Installations of tower/antennae shall not be permitted on the campus of NDMC schools including Navyug Schools and on buildings of hospitals & dispensaries. However, in case there is a technological requirement for installation on these buildings, the matter shall be referred to the Chairperson, NDMC for seeking exemption on case-to-case basis.
- 6) In case of buildings that are unauthorized or which may be so declared at a later point of time, permission for installation of towers/antennae may be granted on fulfilment of the conditions prescribed. However, that shall not imply any change whatsoever in the status of the unauthorized buildings, and shall be without prejudice to the right of the civic body to demolish the said building in due process of law. In undertaking such a demolition the civic body shall not be under any obligation to send prior intimation to the owners of the towers/antennae, nor shall it be liable for loss of the towers as a consequence of demolition of the unauthorized building.
- 7) The Cell operator shall furnish a copy of the agreement executed between the cellular or basic telecom operator and the owner of the buildings/structures to the

Department, NDMC, in case of areas under NDMC to take into account the rentals received in this behalf by property owners when they are assessed for house tax.

- 8) The towers/antennae shall be utilized only for lawful activities otherwise; the civic authorities have full rights to demolish the antenna/tower on the risks and costs of operators.
- 9) Operators who have been issued license/infrastructure provider Registration Certificate from the Department of Telecommunications (DOT), Govt. of India/Competent Authority for providing such services shall be considered for grant of permission for installation of tower/antenna.
- 10) Operators shall submit Copy of SACFA clearance/copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/rejection, TSPs/IPs will take corrective actions/remove the tower.
- 11) Every cellular operator shall obtain NOC from MTNL (As Nodal Agency) for new installation/sharing and follow the guidelines of Delhi Urban Art Commission in r/o installation of tower (as per D.O.No.6/10/2006-Policy-1/Volume-II dated 07.10.2008 - Annexure- IV, See page 424).
- 12) The multiplicity of towers shall be avoided and the use of existing tower optimised by accommodating at least four antennas for which they are designed and as per guidelines/amended by the Govt of India from time to time. All Licensees shall endeavour to share towers for fixing their respective antenna provided that the prescribed safety requirement are duly met. As such towers are generally designed to accommodate at least four antennas.
- 13) ~~The permission~~ shall be valid initially for a period of five years or the period of licence granted by the Competent Authority/DOT whichever is earlier.
- 14) The individual operator shall be responsible for informing NDMC in case his ~~license provide~~ telecom services ceases to exist. Each year before June 30th, the individual operator shall submit a copy of valid licence from Department of Telecom/Competent Authority. No other renewals shall be required.
- 15) The operators shall be solely responsible for any damages to buildings/site and to life/public safety due to accidental fall of the antenna/tower or fire due to DG sets/electric panels and shall be liable for penal action as decided by Court of

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Law, if necessary. The operator shall execute an Indemnity Bond in favour of NDMC to keep NDMC indemnify against any loss which may be caused to it on account of putting up antennae.

- 16) In NDMC property the space allowed for the purpose of installation of tower/antenna including its infrastructure should be marked after proper measurements. NDMC reserves the right to use, unmarked spaces to put the same on alternative use at its discretion without having any technical interference to the installation of tower/antennae.
- 17) Free access to NDMC property shall be allowed only to the authorized persons possessing valid identification after entering the details of his visit in the Visitor Book maintained at sites by the Caretaker-official in charge of the NDMC property.
- 18) The cellular transmitters mounted on ground based high mast light poles shall be a design of high mast shall be got approved from Department of Architecture and Environs, NDMC. The lighting arrangement on the high mast camouflaged monopole so designed in aesthetical with harmony surroundings. The architectural shall be provided by cellular operator as per requirement of Electrical Department, NDMC and easy access shall have provided to NDMC staff for maintenance of lights. The electricity for the lights shall be provided borne by NDMC. For antenna and related items, the operator shall have to make his own arrangements.
- 19) The cellular operator shall have to pay a non-interest bearing security deposit amounting to Rs. 2.00 lakhs at the time of initial granting of permission which shall be refundable at the termination of license/agreement. The security deposit shall be forfeited in the event of any default/violation of conditions by the cellular operators.
- 20) The eligible operators shall apply for permission to the Chief Architect, Department of Architecture and Environs, NDMC in the prescribed performa (Annexure-'V', See pages 425 - 426) with a copy of the agreement between site/building owner and the operators. The application shall be made jointly with the Principal Operators ~~as and when the co-sharer wishes to apply.~~
- 21) One time permission charge of Rs. 5 lakhs for each installation and Rs. 2.5 lakhs per service provider in case of sharing shall be levied before issue of permission ~~letter by the Department of Architecture & Environs~~ besides license fee from each and every operator for each installation.
- 22) A monthly license fees @ Rs. 50/- per sq. ft. per month plus service tax subject to a minimum of Rs. 50,000/- (Rupees fifty thousand only) plus service tax for installation shall be payable by cellular operator from the date of grant of permission on or before 10th of each month to the Estate Department by DD/cash in favour of Secretary, NDMC in r/o NDMC properties.

- 23) Whenever permission has already been granted and permission charges have not been levied, the operators are allowed to continue till validity of the permission subject to payment of charges. The monthly licence fee at the prescribed rates may also be recovered from party/licensees retrospectively from the grant of permission without levy of interest with service tax.
- 24) The penalty amounting Rs. 10,000/- (Rupees ten thousand only) per month shall also be levied along with permission charges if, any cellular operator not regularized the permission of tower before due date of renewal of permission.
- 25) The cellular operator shall submit undertaking that installation of cell tower does not cause any adverse effect to the health of human being of the area and NDMC shall be kept harmless out of this and shall be responsible for any health hazard on account of radiation emitted by the cellular tower and NDMC shall be indemnified for the same. The cellular operator shall also provide a sign boards/warning signs at their sites which should be clearly visible and identifiable. The sign board may contain the following text:
- Danger! RF radiations, Do not enter.
 - Restricted Area.
- 26) Operator shall submit acknowledgement receipt issued by TERM Cells (DoT) of the self-certificate submitted by Telecom Service Provider/infrastructure provider in respect of mobile tower/BTS (ground based/roof top/pole/wall mounted) in the format as prescribed by TEC, DoT, tower will be within safe EMR exposure limit as per peak traffic measurement after the antennae starts radiating.
- 27) In case of both ground based towers & roof top towers, there shall be no building right in front of the antenna(e), of equivalent height taking into account the tilt of the lowest antenna on tower as per details in the table below. Further, the antennae at the same height only are to be counted, as the beam width of the mobile antennae, in the vertical direction, is very narrow.

Number of antenna(e) pointed in the same direction	Building/Structure safe distance from the antenna(e) at the same height (in meters)
1	20
2	35
3	45
6	55

- 28) The cellular operator shall provide 3rd party insurance and detail of the insurance policy shall be depicted on the display board and copy of the same shall be produced to NDMC.
- 29) Cellular operator has to furnish structural Stability Certificate of building and tower/antenna from any one of following agency at the time of initial installation and at the time of renewal

- i) Indian Institute of Technology, Delhi.
- ii) Central Building Research Institute, Roorki.
- iii) Rail India Technical and Economic Services Ltd., Delhi.
- iv) National Council for Building Material, Faridabad.

- 30) The cell operator shall take special precautions for fire safety, lightening etc. in natural disaster.
- 31) In case of high rise buildings, the operator shall submit
- (i) A copy of clearance from Fire Safety Department where fire clearance is mandatory.
 - (ii) A copy of clearance from Airport Authority of India where such clearance is mandatory.
- 32) The complaints received by the government or civic bodies from citizens/neighbours regarding perceived threat of hazard posed from specific towers shall be sent to any one of the following:-
- i) Director General
Cellular Operator Association of India (COAI)
14, Bhai Veer Singh Marg, New Delhi-110001
 - ii) Secretary, General
Association of Basic Telecom Services (ABTS)
B-601, Gauri Sadan, 5, Hailey Road, New Delhi
 - iii) Department of Telecommunication
Govt. of India
Sanchar Bhawan, 20, Ashoka Road, New Delhi
- 33) Generator sets installed at the tower site to cater to the power requirements of the antenna should conform to the noise and omission norms and other requirements prescribed by DPCC. Operator shall submit a copy of the type test certificate issued by ~~Automotive Research~~ Automotive Research Association of India (ARAI) to the manufacturers of the Diesel Generator (DG) sets.
- 34) The NDMC reserved all the rights to cancel/revoke the permission if, municipal interest ~~so warrants by~~ giving required notice to the operator concerned.
- 35) Revised guidelines shall be prepared time to time keeping in mind the international standards & technology
- 36) Jurisdiction of dispute, if any, shall be at New Delhi and the Sole Arbitrator is to be appointed by the Competent Authority i.e., Chairman, NDMC. The Sole Arbitrator shall pass reasoned award in accordance with the provisions of Arbitration & Conciliation Act, 1996. Award passed by the Sole Arbitrator shall be binding on both the parties. Fee of the Sole Arbitrator shall be equally born by both the parties.

5. Financial implications of the proposed subject/project:

The proposal is for permission/renewal of mobile towers in the NDMC area after taking the permission/renewal charges from the concerned cellular operators. Hence, it has no financial implication rather it would generate revenue for NDMC.

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

Not Applicable

7. Comments of the Finance Department on the subject:

In view of recommendation of Chief Architect, Department may place the case before the Council for consideration and approval ensuring that proposal is as per guidelines of the Ministry of Telecommunication and is not prohibited under an Law /Act in force in this regard.

8. Legal implication of the subject/project.

No legal implication is involved.

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

i. NDMC has been granting the permission for installation of cellular towers/antennas from 1999. At that time no policy/guideline was available. However, some basic guidelines which were issued by DUAC in 1995 & DDA in Sept. 1996 were followed by NDMC.

ii. The Guidelines for installation of communication towers by cellular and basic telecom operator was issued from the office of Hon'ble Lt. Governor, Delhi as per the meeting held on 26.07.2002 with the Hon'ble Lt. Governor, Delhi (Annexure-I See pages 407 - 411).

iii. Subsequently, NDMC council vide resolution no. 3(xxviii) dated 08.08.2002 approved the guidelines to grant the permission for installation of dish ~~antennas/communication~~ towers on roof tops/terrace only for NDMC buildings (Annexure-II See pages 412 - 417).

10. Final comments of the Law Department on the subject/project:

No legal issue is involved in the Draft/Agenda item in respect of installation of communication towers by cellular operators and basic telecom operators on roof top/ground base within the premises and on high mast lights in the area under the jurisdiction of New Delhi Municipal Council, hence no comment.

11. Certification by the Department:

It is certified that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.

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12. Recommendation of Chief Architect:

The proposal is as per guidelines of Ministry of Telecommunication and is not prohibited under any Law/Act in force in this regard. The proposed guidelines may be placed before Council for approval.

13. Draft Resolution

COUNCIL'S DECISION

Resolved by the Council to accord approval to the proposal of the department.

M. K. Talwar

Secretary

Local Municipal Council

Chandigarh, New Delhi

ITEM NO. 27 (V-02)

1. Name of the subject/ project:
Sub:-NDMC policy regarding installation of communication towers by cellular and basic telecom operators on roof top / ground base within the premises and on high mast lights in the area under the jurisdiction of the New Delhi Municipal Council

(Architectural) Sub Head: - Amendment in clause No-21 & 22 of NDMC tower policy approved vide council resolution no 28(V-01) dated 15.12.2015

2. Name of the Department/ departments concerned
Department of Architecture & Environs.

3. Brief history of subject/ project

The Brief history of the subject is as under:-

- i. NDMC has been granting the permission for installation of cellular towers/antennas from 1999. At that time no policy/guideline was available. However, some basic guidelines which were issued by DUAC in 1995 & DDA in Sept. 1996 were followed by NDMC.
- ii. The Guidelines for installation of communication towers by cellular and basic telecom operator was issued from the office of Hon'ble Lt. Governor, Delhi as per the meeting held on 26.07.2002 with the Hon'ble Lt. Governor, Delhi.
- iii. Subsequently, NDMC council vide resolution no. 3(xxviii) dated 08.08.2002 approved the guidelines to grant the permission for installation of dish antennas/communication towers on roof tops/terrace only for NDMC buildings.
- iv. Thereafter, due to expansion of coverage, requirement of additional communication towers in the NDMC area and on receiving the request of various cellular operators, Chairperson, NDMC had advised to draw new guidelines for entire New Delhi area keeping in view the guidelines issued by the Lt. Governor, BBL & with special reference to the LBZ guidelines. The guidelines after incorporating the amendment as proposed by Chairperson, NDMC were finalized and same were enforced from 01.10.2004.
- v. Since, NDMC is making substantial investment for improving the infrastructure and the cost of various services provided by the NDMC has increased manifold, it is now required to revise the rates of permission charges, license fees in addition to other modifications in the existing guidelines w.e.f. 01.10.2004.
- vi. According the revised policy was approved by the NDMC Council vide resolution no 28 (V-01) dated 15.12.2015. In the revised policy, NDMC hiked the permission/renewal charges, sharing charges and monthly License fees etc besides other amendments/introduction of required clauses (Annexure-I, See pages 351 - 358).
- vii. ~~Vide the policy~~ resolved by NDMC Council, resolution no 28(V-01) dated 15.12.2015, NDMC hiked the permission charges/renewal charges to Rs 5 Lacs for 5 years from 2 Lacs for 10 years, sharing charges hiked to Rs 2.5 Lacs for 5 years from 2 Rs Lacs for 10 years and monthly licenses fee hiked to Rs 50/ft² or subject to minimum Rs 50,000/- from Rs 25/ft² or subject to minimum Rs 25,000/-.
- viii. ~~Thereafter, a representation~~ dated 23.12.15 was received from Director General, COAI raising the issue of higher permission charges for installation of mobile tower. The matter was discussed on various levels and in this process meetings were held in the chamber of Hon'ble Chairman and thereafter in the room of Chief Architect with the stakeholders. Now, it has been approved by Chairman, NDMC to put up revised policy agenda for council approval.
- ix. In the last meeting dated 20.07.16 with COI in the chamber of Chairperson , NDMC, it was agreed to pay the charges as under:-
(i) Rs 2,00,000/- for five years as permission charges/renewal charges
(ii) CPWD rate for rental for NDMC properties

Detailed proposal of the subject/project:

The following amendment are proposed guidelines in clause No-21 & 22 of NDMC tower policy approved vide council resolution no 28(V-01) dated 15.12.2015. Rest of the clauses of the revised policy will remain unchanged.

Clause No of revised policy	Exiting clause	Proposed clause.	Remarks/Justification
21	One time permission charge of Rs. 5 lakhs for each installation and Rs. 2.5 lakhs per service provider in case of sharing shall be levied before issue of permission letter by the Department of Architecture & Environs besides license fee from each and every operator for each installation).	One time permission charge of Rs. 2 lakhs for 5 years for each installation/renewal. However the operators shall have to give an affidavit to the effect that they will abide by all the orders to be passed by the Hon'ble High Court in the case of Association of India & Ors & MCD and pay retrospectively any charges including sharing charges that are due to NDMC on subsequent revision of charges.	1. Due to non-agreement of telecom operators to the revised permission charges i.e. Rs 5.0 lakhs for 5 years / sharing charges approved by NDMC vide resolution no 28 (v-01) dated 15.12.2015, NDMC is not getting any revenue. 2. The matter is subjudice. 3. In a meeting Chaired by Secretary, Telecom at Sanchar Bhawan on 28.06.2016 with Secretary, NDMC and SE (E-IV) and DCA, it was directed by Secretary, Telecom to process the tower application on fast track and make the charges etc. on a very reasonable rate and not to take charges for sharing of towers/infrastructure.
22	A monthly license fees @ Rs. 50/- per sq. ft. per month plus service tax subject to a minimum of Rs. 50,000/- (Rupees fifty thousand only) plus service tax for installation shall be payable by cellular operator from the date of grant of permission on or before 10 th of each month to the Estate Department by DD/cash in	Monthly license fee shall be levied as per the office memorandum of MOUD 18016/2/2015-Pol-III, dated 08.03.2016. A monthly license fees @ Rs. 292/- per sq. ft. per month plus service tax subject to a minimum of Rs. 50,000/- (Rupees fifty thousand only) plus service tax for providing space in the roof top of NDMC building and providing space for erecting mobile towers. The license fee shall be payable by cellular operator on or before 10 th of each month to the Estate Department by DD drawn in favour of Secretary, NDMC.	Ministry of Urban Development, Govt. of India vide office memorandum No 18016/2/2015-Pol-III, dated 08.03.2016 has fixed the monthly license fee @ 292/sqft for the space to be provided to mobile service providers on the roof top of Government buildings in Delhi for erecting mobile towers. The proposed amendment is in line with the said office memorandum.

favour Secretary, NDMC in r/o NDMC properties).	of	During the period, the allotment subject, revision of license fee, excluding taxes, will be done every three years, to be computed @ 8% per annum, compounding on yearly basis, as per OM No. 18015/1/92-Pol.III dated 16.03.1999. The monthly license fee in case of shearing will be kept in abeyance till the decision of Hon'ble High Court. However, the operators shall have to given an affidavit to the effect that they will abide by all the orders to be passed by the Hon'ble High Court in the case of Association of India & Ors & MCD and pay retrospectively any charges including sharing charges that are due to NDMC on subsequent revision of charges.
M.B.T.S. POLICY (Mobile Base Transceiver Station)/COW (Cellular On Wheel)	A monthly licence fee @Rs.292/- per sq.ft. per month plus service tax subject to minimum of Rs.50,000/- + Service Tax per tower for the allotted area and Rs.2.00 Lakh per tower for a period of 05 years.	As the Mobile Van/ Vehicle is being provided space on NDMC land which is utilised for the commercial purpose.

5. Financial implications of the proposed subject/project:
The proposal is for permission/renewal of mobile towers in the NDMC area after taking the permission/renewal charges from the concerned cellular operators. Hence, it has no financial implication rather it would generate revenue for NDMC.
6. Implementation schedule with timelines for each stage including internal proceeding.
Not Applicable
7. ~~Comments of the~~ Finance Department on the subject:
Regarding clause (22):- Modification on clause 22 is stated as per OM dated 08.03.2016 OF MoUD and Finance Department has no objection.
Regarding clause (21):- Comments of Finance Department dated 12.05.16 was for permission charges for Rs 2.0 Lakhs for 10 years but in the meeting dated 20.07.16 with COAI in the chamber of Chairman, NDMC it was agreed to pay the permission charges Rs 2.0 Lakhs for 5 years.

8. Legal implication of the subject/project.
No legal implication is involved.
9. Details of previous Council Resolutions, existing Law of Parliament and Assembly on the subject:
 - i. NDMC has been granting the permission for installation of cellular towers/antennas from 1999. At that time no policy/guideline was available. However, some basic guidelines which were issued by DUAC in 1995 & DDA in Sept. 1996 were followed by NDMC.
 - ii. The Guidelines for installation of communication towers by cellular and basic telecom operator was issued from the office of Hon'ble Lt. Governor, Delhi as per the meeting held on 26.07.2002 with the Hon'ble Lt. Governor, Delhi (Annexure-II, See pages 359 - 364).
 - iii. Subsequently, NDMC council vide resolution no. 3(xxviii) dated 08.08.2002 approved the guidelines to grant the permission for installation of dish antennas/communication towers on roof tops/terrace only for NDMC buildings (Annexure-III, See pages 365 - 369).
 - iv. As the cost of various services provided by NDMC has increased manifold hence, new policy with raising permission charges/renewal charges, sharing charges and monthly license fee and amendment /introduction of new clauses , was approved by NDMC council vide resolution no 28 (V-01) dated 15.12. 2015.
10. Final comments of the Law Department on the subject/project:
This is totally an administrative matter and involves no legal issue. Decision may be taken administratively.
11. Certification by the Department:
It is certified that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.
12. Recommendation of Chief Architect
Amendments as proposed above i.e in clause no. 21 & 22 of the revised policy approved by council vide resolution no 28 (V-01) dated 15.12. 2015 may please be approved.
13. Draft Resolution:

COUNCIL'S DECISION

Resolved by the Council that the amendments made in the existing policy, which were earlier approved vide resolution no 28 (V-01) dated 15.12.2015, regarding installation of communication towers, are approved as proposed at clause no. 21 & 22 in the preamble.

It is further resolved by the Council that the department may initiate further necessary action in anticipation of confirmation of the minutes of the Council.

For Secretary
New Delhi Municipal Council
New Delhi

Annexure - V



ENFORCEMENT DEPARTMENT
NEW DELHI MUNICIPAL COUNCIL
 PRAGATI BHAWAN: JAI SINGH ROAD
NEW DELHI - 110001

TENDER NOTICE

New Delhi Municipal Council invites tenders for the contractors in appropriate category through e-tendering for the following work as detailed below;

Estimated Cost = Rs.34.56 crore

Date of release of tender through e- procurement	:	01.02.2018 at 1500 hrs
Last date & time for downloading of tender documents	:	20.02.2018 upto 1500 hrs
Last date and time submission of e-tenders	:	20.02.2018 upto 1500 hrs
Date and time for opening of e-tenders	:	20.02.2018 at 1530 hrs

Details of work

S. No.	Name of work
1.	Setting up of Communication Cellular Mobile Towers on Wheels (COWs) in NDMC area

The bidder may download the "Tender Document" and other terms and conditions as available on the web site of <http://govtprocurement.delhi.gov.in> or www.NDMC.gov.in

Telephone No. 011-23360621

No.D/ ENFORCEMENT/2017-18

OFFICE OF THE DIRECTOR (ENFORCEMENT)

Director (Enforcement)
 New Delhi Municipal Council

APPENDIX A TO THE NOTICE OF TENDER

1. The New Delhi Municipal Council invites items rates tenders through e-tendering from Govt. approved contractors in the appropriate category .

NIT No.	D/ /SO(ENF)/2017-18
Name of work	Setting up of Communication Mobile Towers on Wheels (CoW) in NDMC Area
Estimate Cost	34.56 crore for two year excluding GST
Cost of tender (Tender Fee)	Rs.10,000/-
Earnest money	Rs.34,56,000/-
Amount of Bank solvency certificate	Rs. 13,82,40,000/- (Validity of solvency certificate shall be minimum 180 days from the date of submission of bids)
Period/ term contract of contract	Two years
Tender Validity Period	180 days from date of opening of Technical Bid
Date of release of tender through e-procurement	01.02.2018 at 1700 hrs
Last date & time for downloading of tender documents	20.02.2018 upto 1500 hrs
Pre Bid Meeting	08.02.2018 upto 1500 hrs
Last date and time for submission of e-tender	20.02.2018 upto 1300 hrs
Last date & time for submission of certified hard copies of EMD, cost tender documents, & other documents on line	20.02.2018 upto 1300 hrs.

Last date and time for submission of earnest money deposit in the office of Director (Enforcement), 3 rd Floor, Palika Kendra, New Delhi (In original) in the form of Term Deposit Receipt/Demand Draft in favour of Secretary, NDMC, Nevertheless the scanned copies of the same be uploaded online.	20.02.2018 upto 1500 hrs.
Date and time for opening of e-tender	20.02.2018 at 1530 hrs
For any clarifications: CONTACT NO.	Contact : 011- 23360621

2. A tender of the type as mentioned in Appx "A" is invited as per particulars given therein.
3. The work is estimated to cost as indicated in the aforesaid Appx "A".
4. This estimates however is not a guarantee and is merely given as a rough guide and if the work costs more or less, tenderer will have no claim on that account.
5. The work is to be completed within the period as indicated in the aforesaid Appx "A" (in accordance with the phasing if any, indicated in the tender) from the date of handing over site, which will be about a week after the date of acceptance.
6. The tenderers are advised to visit the site by making prior appointment with the Director (Enforcement) in sufficient time.
7. A tenderer shall be deemed to have full knowledge of all related documents samples, site etc. Whether he has inspected them or not.
8. Any tenderer which proposes any alterations to any of the conditions laid down or he ~~proposes any~~ other conditions of any description, whatsoever is liable to be rejected. The submission of tender by a tenderer implies that he had read this notice and the conditions of contract and has made himself/herself aware of the scope and specifications of work to be done of the conditions 21.4 & 21.5 and the rates at which stores, tools and plant etc will be issued (if any) to him and local conditions and other factors bearing on the execution of the work.
9. Tender shall be filled with neat, eligible and correct enteries both in figures as well as in words. Alterations, erasures and indistinct figures shall be avoided.

10. The tenderer shall quote his rates in schedule "Annexure-VIII"/Schedule of quantities only nowhere else otherwise tender/bid of the firm will be summarily rejected.
11. **Revocation/upward revision of offer by lowest tenderer after opening of tenders**
In the event of lowest tenderer revoking his offer or revising his rates upward (which will be treated as revocation of offer) , after opening of tenders, the earnest money deposited by the lowest tenderer will be forfeited. In addition, such tenderer and his related firm shall not be issued the tender in second call or subsequent calls. On revocation or upward revision of offer by the lowest tenderer, next lowest offer will not be accepted/considered.
12. For submission of e-tender, bidders are requested to get themselves registered with www.govtprocurement.delhi.gov.in
13. For complete details, refer website www.govtprocurement.delhi.gov.in or www.ndmc.gov.in
14. The tender shall be accompanied by certified true copy of power of Attorney in favour of the signatory to the tender documents. In case the signatory is himself is the sole proprietor, an affidavit on stamp paper of appropriate value to this effect stating that he has authority to bind the firm in all matters pertaining to contract including the Arbitration clause, shall be attached. The person signing the tender on behalf of another partner(s) or on behalf of a firm or company shall attach with the tender a proper power of Attorney duly executed in his favour by such other person or by all the partner(s) or in accordance with constitution of the company, stating that he has authority to bind such other person(s) or the firm or the company as the case may be, in all matters pertaining to the contract including the Arbitration clause.
15. The department may issue amendment / errata to the tender documents before due date of submission of tender. The tenderers are required to read the tender documents in conjunction with amendments, if any, issued by the department. The tenderer is not supposed to incorporate any amendment / errata in the body of tender documents either in ink or pencil. In case amendments/errata issued are incorporated by the tenderer on the body of tender, they shall not be considered and the amendment / errata issued by the department shall only hold good. The amendments/errata issued to these documents if any would be uploaded on web site of <http://govtprocurement.delhi.gov.in> and will also be uploaded on NDMC web site www.ndmc.gov.in. The contractors shall visit these sites from time to time to see these amendments/erratas.
18. **Manual bids will not be acceptable.**

Signature of Contractor

Director (Enforcement)

Special Instructions to the Contractors/Bidders for the e-submission of the bids online through this eProcurement Portal

1. The BOQ template must not be modified/replaced by the bidder and the same should be uploaded after filling the relevant columns, else the bidder is liable to be rejected for that tender. Bidders are allowed to enter the Bidder Name and Values only.
2. If there are any clarifications, this may be obtained online through the eProcurement Portal, or through the contact details given in the tender document. Bidder should take into account of the corrigendum published before submitting the bids online on www.govtprocurement.delhi.gov.in or www.ndmc.gov.in
3. The bidder has to submit the tender document(s) online well in advance before the prescribed time to avoid any delay or problem during the bid submission process.
4. The Contract provides for Offline payments, the details of the Earnest Money Deposit(EMD) and tender fee in the form of TDR /Bank draft from the Scheduled bank drawn in favour of Secretary, NDMC be submitted physically to the Department and the scanned copies furnished at the time of bid submission online should be the same otherwise the Tender will be summarily rejected.
5. The **Tender Inviting Authority (TIA)** will not be held responsible for any sort of delay or the difficulties faced during the submission of bids online by the bidders due to local issues.
6. The bidder may submit the bid documents online mode only, through this portal. Offline documents will not be handled through this system.
7. The bidder should see that the bid documents submitted should be free from virus and if the documents could not be opened, due to virus, during tender opening, the bid is liable to be rejected.
8. The ~~bidders are requested~~ bidders are requested to submit the bids through online eProcurement system to the TIA well before the bid submission end date and time **(as per Server System Clock)**.

Signature of Contractor

Director (Enforcement)

ELIGIBILITY CRITERIA : DOCUMENTS TO BE UPLOADED FOR EVALUATING RESPONSIVENESS OF THE BIDS (THE UNDERMENTIONED DOCUMENTS NEEDS TO BE UPLOADED FOR TECHNICAL EVALUATION OF RESPONSIVENESS OF BIDS).

1. Scanned copy of **application on the letter pad** of the company in favour of Director (Enforcement), NDMC, Palika Kendra, New Delhi requesting for issue of tender document, **Appendix 'I'**.
2. Scanned copy of **Earnest Money Deposit** in the form of Demand Draft/ Term Deposit receipt from any Nationalized / Scheduled Bank in favour of Secretary, NDMC for the amount as per calculations provided in Appendix 'A' to the notice of tender documents, **Appendix 'II'** (There are 96 sites and to qualify eligibility criteria the bidder must offer rates/ bids for minimum 32 sites otherwise bids will be summarily rejected. The Earnest Money be submitted @**Rs.34,56,000/-** .
3. Scanned copy of **Tender fee** in the form of Demand Draft/ Term Deposit receipt from any Nationalized Bank in favour of Secretary, NDMC for issue of tender documents for the amount given in Appendix 'A' to the notice of tender documents, **Appendix 'III'**.
4. Scanned copy of **Solvency certificate** issued by any Nationalized Banks for the amount given in Appendix A to the notice of tender documents, **Appendix 'IV'**.
5. Scanned copy of **Bid Application Form** as mentioned in **Annexure-I** on **Appendix 'V'**.
6. Scanned copy of format for Power of Attorney for signing of application as mentioned as **Annexure -II, Appendix 'VI'**.
7. Scanned copy of Proforma Certificate **for Proper Work Completion** as mentioned in **Annexure - III, Appendix 'VII'**.
8. Scanned copies of turnover of the firm for last 3 financial year i.e. 2014-15, 2015-16 & 2016-17 duly audited by the Chartered Accountant, **Appendix 'VIII'**.
9. Scanned copy of summary of average turnover of the agency for last three year for minimum amount of Rs.17 crores per year duly audited by the Chartered Accountant, **Appendix 'IX'**.
10. Scanned copy of IP Registration certificate issued from Department of Telecommunications (DoT). An **undertaking** to this effect be **also uploaded** with the **Registration Certificate** the same should **remain valid**, without **interruption**, during **currency** of the **licence agreement**, **Appendix 'X'**.
11. Scanned copy of experience of having completed Installation of at least 30 (Thirty) Communication Towers CoW or BTS of any cellular technology like GSM/CDMA/LTE etc. or any other monopole tower within India in last Seven (7) years ending before the date of notice of invitation of this tender, **Appendix 'XI'**.
12. Scanned copy of declaration by the agency that maximum height of the any structural element installed with Cell on Wheels will be limited to 30 meters above the ground-level at the given location, **Appendix 'XII'**.

13. Scanned copy of undertaking on stamp paper of value Rs.100/- regarding adherence to the security requirements/ aspects by the infrastructure provider as provided in **Annexure - 'IV'** as **Appendix 'XIII'**.
14. Scanned copy of undertaking on stamp paper of value Rs.100/- regarding adherence to technical aspects by the infrastructure provider as provided in **Annexure - 'V'**, as **Appendix 'XIV'**.
15. Scanned copy of list of sites for which bids have been offered as provided in **Annexure -VII'** as **Appendix 'XV'**.
16. Scanned copy of **GST** registration certificate, **Appendix 'XVI'**.
17. Scanned copy of **PAN No.**, **Appendix 'XVII'**.
18. Scanned copy of **TAN No.**, **Appendix 'XVIII'**.
19. Scanned certified true copy of **Power of Attorney (if applicable)** as mentioned in Clause No.14 at **Appendix "A"**, if applicable, **Appendix 'XIX'**.
20. Scanned copy of tender documents with terms and conditions duly signed in token of acceptance of terms and conditions as **Appendix 'XX'**.
21. **Financial Bid** to be submitted online by the bidder as mentioned in **Annexure-VII** as **Appendix XXI**
22. **License Contract Agreement** to be executed by the bidder within 15 days from the date of issue of the Letter of Acceptance by the NDMC as **Annexure -VIII**

Note:

- (1) The papers/ documents/ Appendixes uploaded should clearly mention serial no. of Appendix on the top.
- (2) (a) All Appendixes be uploaded as per their serial number to avoid any confusion.
- (2) (b) The price bid of only those contractors shall be considered for opening who's bids are found responsive and have uploaded above documents complete in all respect. No misunderstanding on this account shall be entertained afterwards. The bids of agencies providing incomplete documents shall be summarily rejected.
- (3) All Appendixes i.e. Appendix - I to Appendix - 'XXI' needs to be uploaded, the Appendixes which are not relevant/ not applicable to the bidder be also uploaded marking in the centre of the page as "..... Not Applicable.....".
- (4) The Earnest money and tender document fee needs to be deposited in the tender box upto time fixed for close of bids. The Earnest money deposit and tender document fee shall be submitted in form of Demand Draft, Bankers Cheque, Term Deposit receipt drawn in favour of Secretary, NDMC from any of the Nationalized/ scheduled banks. Scanned copy of Earnest money deposit

and tender fee deposit needs to be also uploaded while submission of bids positively as mentioned at Sr. No.(2) & (3) above.

- (5) The price bid of agencies who's documents are found complete and in order shall be opened immediately after scrutiny of papers and details thereof will be uploaded on the www.govtprocurement.delhi.gov.in or NDMC website www.ndmc.gov.in thereafter.

Signature of contractor

Director (Enforcement)

SUBJECT: TENDER FOR ALLOTMENT OF SPACE FOR INSTALLATION OF COMMUNICATION TOWERS (CELLULAR MOBILE TOWERS) ON WHEELS

1. SCOPE OF WORK

- 1 In order to improve coverage of ensure requisite provisioning of cellular mobile services at acceptable standards in NDMC area, Enforcement Department, NDMC has invited the tender for allotment of space for installation of Cellular Mobile Communication Towers (Cell Towers) on wheels. The NDMC will provide bare spaces on license basis for placement and operation of required telecommunication equipments, for improved mobile services, on co-sharing basis with other Telecom Service Providers at the various sites in NDMC Area as per latest policy & licensing guidelines of Department of Telecommunications/TRAI /TERM and other relevant bodies.
- 2 The sites/ spaces shall exclusively belong to the NDMC, without creating any right/ title or interest of whatsoever nature in the said locations/ premises in favour of the successful bidder. The successful bidder after allotment, will at his own expense and cost develop the area/ structure as per guidelines License conditions/Guidelines/Orders/Regulations/Directions of Department Directorate of Telecommunications, TRAI, TERM and other relevant bodies and Term etc. as applicable with due approval from NDMC. The tenure of license for which the Communication Towers (Cell Towers) on wheels will be permitted will not exceed two years, initially it will be for two year and can be extended for another one year subject to fulfilling all terms and conditions. The duration will be counted from the date of installed tower coming into operational services.

2. INSTRUCTIONS TO THE BIDDERS

- 1 This Tender Application Form does not purport to contain all the information that each Applicant may require. Applicants are requested to conduct their own investigations and analysis and to check the Accuracy, reliability and completeness of the information in this Bid Application Form before participating in the tender process. The NDMC makes no representation or warranty and shall incur no liability under any law, statute, rules or regulations as to the accuracy, reliability or completeness of the Tender Document. Information provided hereunder is only to the best of the knowledge of NDMC.
- 2 Applicants are required to read carefully the contents of this document & to provide the required information. Each page of the Tender Document, Addendum (if any) and other submissions may be Numbered, Signed & Stamped, as a token of acceptance of terms and conditions of this tender, before submission. Any unsigned and unstamped document may not be considered for evaluation.
- 3 Applicant may be single firm. Joint Venture/ Consortium is not allowed.
- 4 Applicants may clearly note the date and time of submittal of Tender. No late or delayed Tender **will be accepted**. Applicants are reminded that no supplementary material will be entertained by NDMC, and the evaluation will be carried out only on the basis of submittals, as per the prescribed format, received by the closing Date/Time. However, NDMC may ask for any supplementary information, if deemed so.

- 5 Applicants will not be considered if they make any false or misleading representations in statements / attachments. If any submission is found false or misleading even at later stage (i.e. after the award of Tender) then also, NDMC may annul the award. Further, the Applicant may be blacklisted for participation in any future Tender of NDMC. In such a case NDMC shall forfeit the Earnest Money Deposit, EMD (if any) and Security Deposit (if any) held with NDMC.

3. GENERAL INSTRUCTIONS TO TENDERER

- 1 The Applicant shall provide all the information requested in the Tender Document. The NDMC reserves the right to reject an offer that does not contain all the required information requested therein.
- 2 The NDMC shall not entertain any post submission date communication from the Applicants. However, the NDMC reserves the right to call for additional information/ clarifications. Applicants shall furnish such requirements within such time as may be permitted by NDMC.
- 3 Financial Bids of only Technically Qualified Bidders will be opened for further evaluation.
- 4 The NDMC reserves the right to reject any or all of the tenders, if it considers necessary to do so, and / or to withdraw from the selection process or to vary any of the terms at any time without giving any reason. Nothing contained herein shall confer right upon the Applicant or any obligation upon the NDMC.
- 5 Nothing in this Bid Application Form or in any communication issued by the NDMC shall be taken as constituting an agreement, offer, acceptance, warranty, covenant, confirmation or representation to the recipient of this document or any other party.
- 6 The tender prepared by the applicant and all correspondence/documents relating to the tender exchanged between the applicant and the NDMC shall be in English language.
- 7 At any time prior to the tender submission, the NDMC may, for any reason, whether at its own initiative may modify the Bid Application Form through issuance of an Addendum. This shall be uploaded on e-procurement portal <http://govtprocurement.delhi.gov.in> or www.ndmc.gov.in
- 8 In order to give the Applicants reasonable time, in which to take an Addendum into account, or for any other reason, the NDMC may, at its discretion, extend the date & time of submission of Tender.
- 9 While the NDMC shall adhere to the dates mentioned in the notice, it reserves the right to ~~change, modify or put~~ on hold or terminate this schedule without assigning any reasons whatsoever.
- 10 The bids shall be submitted in two bid system i.e. Technical Bid & Price Bid.
- 11 The applicant shall bear all costs associated with the preparation of the tender and the NDMC shall in no case be responsible or liable for these costs, regardless of the conduct or outcome of the Selection process.

- 12 The NDMC reserves the right to outrightly reject conditional tenders without assigning any reason whatsoever.
- 13 Tenders may not be modified or withdrawn by the Applicant after the date of submission. Withdrawal of tender during the interval between date of tender submission and expiration of the Tender Validity Period would result in forfeiture of the EMD.
- 14 The NDMC reserves the right to remove or add any site listed in the locations and tentative site location section of this bid document, from the bidding process before the start of the open tender process. The Tenderers voluntarily and unequivocally, undertakes not to seek any claim, compensation, damages or any other consideration whatsoever, in the event of removal of any site from the bidding process.
- 15 **TENDER VALIDITY:** - The Tender shall be kept valid for **180 days** from the date of opening of Technical Bid. In exceptional circumstances, prior to expiry of the validity period, the NDMC may request the applicants for a specified extension in the period of validity of the Tender. The request and the response thereto shall be made in writing or by telefax. An applicant may refuse the request without forfeiting his EMD. An Applicant agreeing to the request, shall not be required or permitted to modify his tender but will be required to extend the validity of his EMD accordingly.
- 16 **Confidentiality of Tender Information:-** The Tender Invitation Documents, as listed above, and any addenda thereto, together with any further communications are issued for the purpose of inviting tender only. The Tenderer shall not disclose any information contained in the documents or otherwise supplied in connection with this tender invitation to any third party except for the purpose of preparing his Tender. The Tenderer shall maintain complete confidentiality till the Contract is awarded. In the event that such confidentiality is breached, the NDMC may reject the Tender.
- 17 **Clarification of Tender:** - To assist in the examination, evaluation of tender, the NDMC may, at his discretion, ask the tenderer for clarification of his tender. The request for clarification and the response shall be in writing or by facsimile. No change in the price or substance of the tender shall be sought, offered or permitted.
18. **PRE-BID MEETING**
- 18.1 A pre-bid meeting shall be held for any clarifications and replies to the queries of bidders.
- 18.2 A pre-bid meeting will be held on 26.12.2017 at 1500 hrs in the chamber of Director (Enforcement), Room No.6000, 6th Floor, Palika Kendra, New Delhi-110001, Bidders will be ~~required to send~~ their queries in writing or mail at least 2 days prior to the pre-bid meeting to:
- The Director (Enforcement)
New Delhi Municipal Council
Room No.6000, 6th Floor, Palika Kendra, New Delhi -110001.
Email: director.transport@ndmc.gov.in &
director.enforcement@ndmc.gov.in
- 18.3 Minutes of the meeting, including the text of the questions raised and the responses given, would be sent to all prospective Bidders present in the pre bid meeting. Any modifications of the bidding document as per the minutes of meeting, which may become necessary as a result

of the Pre-bid meeting, shall be part of the agreement. The amendments of any, and the minutes of the meeting will be uploaded on _____ or on the NDMC website _____ through corrigendum also all bidders shall be deemed to have noted and understood the classifications and amendments if any, issued and no mistake/ misunderstanding on this accord will be entertained at a later date.

- 18.4 Non-attendance at the pre-bid meeting will not be a cause for disqualification of a Bidder. However, all clarifications and modifications presented in the Minutes of Meeting will be legally binding on all the Bidders irrespective of their attendance at the Pre-Bid Conference.

- 19 **Single Currency for Evaluation of Tender:-** Tender will be evaluated in Indian Rupees only. Hence, tenderers are advised fill values in Indian Currencies only in Financial Package.

20 **Evaluation of Tender**

- 20.1 Technical Evaluation: The NDMC will evaluate the technical suitability and acceptability of the proposals. The financial proposals of only those Tenders, which are technically compliant and substantially responsive, will be evaluated. The NDMC will also evaluate the technical suitability of the Alternatives.

- 20.2 Financial Evaluation: Substantially responsive technical bidders shall be declared. Thereafter, financial bids shall be opened on the notified date.

- 20.3 The tenderer should submit his financial package without any conditions, qualifications, deviations etc to the tender documents. Any tender containing deviations, conditions, qualifications that are not priced for unconditional withdrawal is likely to be rejected.

- 20.4 The evaluation of Financial Bid quoted values shall be done site wise. The technically qualified bidder with highest Bid Price in Financial Bid for each separate site shall be allotted with the space at respective site under Terms and Conditions of this Contract.

- 20.5 The evaluated price thus obtained shall be compared amongst various bidders to determine the Highest bidder location wise.

- 20.6 The tender will be awarded sitewise to eligible highest bidder (H1)

21. **ELIGIBILITY-CUM-TECHNICAL REQUIREMENTS**

The Technical Requirements are as under: -

~~All the conditions~~ given below should be fulfilled by the bidder. In case, the applicant don't fulfill any of these conditions, the offer of such applicants shall be considered technically invalid and shall not be considered at all.

21.1 **IP Registration Certificate**

The Bidder must possess IP Registration Certificate issued from Department of Telecommunications (DoT) on the day of publication of this NIT. The same should remain valid, without interruption, during currency of the license agreement.

21.2 **TURNOVER**

Average Annual financial turnover during the last 3 years, ending 31st March of the previous financial year, should be at least Rs. 17 crore/- per year. For the purpose, audited Balance Sheets of last 3 years shall be attached, otherwise evaluation will not be carried out by the NDMC and tender is liable to be rejected. The Balance Sheets should be audited by a Chartered Accountant.

21.3 Experience

Experience of having completed Installation of at least 30 (Thirty) Communication Towers CoW or BTS of any cellular technology like GSM/CDMA/LTE etc. or any other monopole tower within India in last Seven (7) years ending before the date of notice of invitation of this tender towers of any cellular technology like GSM/CDMA/LTE etc. or any other monopole tower. Applicants should provide the Work Completion Certificate as per the enclosed Performa, given at **Annexure-III** of this tender document.

Tenderer is required to enclose the following, in the absence of which, their tender may be rejected: -

- (a) PAN No. (copy may be attached) :
- (b) TAN No. (copy may be attached) :

Tenderers may note that Financial Bid of only technically qualified applicants would be opened on the date and time which would be intimated in due course of time.

- 21.4 The space requirement for setting up cell on wheels should not exceed the limit of 200 sq. Meters, including the space required for guy wires/ anchor wires. The complete area including the area upto extent of guy wires/ anchor wires shall be considered for setting up of CoWs & it should not increase more than 200 sq mtr.
- 21.5 The maximum height of the any structural element installed with Cell on Wheels is limited to 30 meters above the ground-level at that location.
- 21.6 The bids of only those agencies will be considered who quotes/ competes for installation of CoW at minimum 32 sites out of 96 sites included in the NIT. Otherwise bids of the agency would be summarily rejected.
- 21.6 The bids of the agency must be technical & security complaint.
- 21.7 **Financial Bid** : The tenderers needs to submit their financial bid in the specified format in the **Annexure – VII** made available in financial bid stage of the tender and needs to submitted online at the e-tendering portal i.e. <https://govtprocurement.delhi.gov.in>. The financial bid quoted shall be excluded of GST and applicable taxes.

22. ACCEPTANCE OF THE OFFER

- 22.1 The NDMC shall issue Letter of Acceptance (LOA) to the successful Applicants.
- 22.2 The successful Applicants shall be required to send his unconditional acceptance of LOA within fifteen (15) days from the date of issue of LOA. The NDMC shall retain the right to withdraw the LOA in the event of the successful Applicant's failure to accept the LOA within the limit specified in the above clause. In that event, the NDMC shall forfeit the EMD of the successful Applicant.

23. **EXECUTION OF LICENSE AGREEMENT:** - The successful bidder will be required to execute the License Agreement within 30 days from the date of issue of the Letter of Acceptance by the NDMC. Prior to signing of the License Agreement, the successful bidder shall: -
- 23.1 Submit, to the NDMC, the requisite 5% Performance Security of the tendered amount within 15 days of the submission of acceptance of LOA in the form of Demand Draft executed in favour of the Secretary, NDMC. Performance Security should remain valid for a period upto the date of competition of contract.
- 23.2 Submit, to the NDMC, the requisite advance quarterly License Fees / Space Rents and other demands on or before 7th day of the month, as communicated by the NDMC in the LOA.
- 23.3 The successful bidder, in case being a company, shall submit certified true copies of all resolutions adopted by its/their Board of Directors authorizing it/them for execution, delivery and performance of the License Agreement to the NDMC before the signing of License Agreement.
- 23.4 Successful bidder shall ensure that it does not in any way impinge on the safety and security of the NDMC Area.
- 23.5. The successful bidder shall also submit the site wise particulars of the cellular mobile service providers who have consented to co-share the Cell on Wheels at the given location(s). The successful bidder shall also share 50% revenue received from other service providers if the site shall be given on sharing basis.
- 23.6 Failure to meet above conditions will result in a breach and the NDMC shall be entitled to annul/cancel the award without being liable in any manner whatsoever to the successful bidder and to adjust/ forfeit the Tender Security (EMD) as Damages.
- 23.7 The cost of Stamp Duty for execution of License Agreement, Registration Charges and any other related Legal Documentation charges/incidental charges shall be borne by the successful Applicant.
- 23.8 In case of failure on the part of the successful Applicant to sign the License Agreement within the stipulated time; the NDMC shall retain the right to cancel the Award and forfeit the EMD, Security Deposit and any other amount deposited till that time without being liable in any manner whatsoever to the successful Applicant.
24. **UNSUCCESSFUL APPLICANTS – RETURN OF TENDER SECURITY:** - EMD amounts of unsuccessful bidder will be refunded within 45 days from date of issuance of Letter of Acceptance to successful bidder. The EMD of unsuccessful bidder shall be returned without payment of any interest.
- 25 The tender is non-transferable.
26. **Revocation of offer by lowest bidder after opening of tenders**

to the event of lowest bidder revoking his offer or revising his rates upward (which will be treated as revocation of offer), after opening of tenders, the earnest money deposited by the lowest bidder will be forfeited. In addition, such bidder and his related firm shall not be issued the tender in second call or subsequent calls. On revocation or upward revision of offer by the lowest bidder, next lowest offer will not be accepted/considered.

27. **CORRUPT & FRAUDULENT PRACTICES:** -The Licensor (the NDMC) requires that the Bidders and / or their agents observe the highest standards of ethics during Tendering and execution of this Contract. In pursuance with this policy, the Licensor: -

- 27.1 Defines, for the purpose of these provisions, the terms set forth below as follows:
- 27.2 "corrupt practice" means the offering, giving, receiving or soliciting of anything of value to Licensor or its employees, influence in the contract execution; and
- 27.3 "fraudulent practice" means a concealment or misrepresentation of facts in order to influence execution of the contract to the detriment of the Licensor, and includes collusive practice among Bidders (prior to or after bid submission) designated to establish bid prices at artificial non-competitive levels and to deprive the Licensor of the benefits of free and open competition.
- 27.4 Breach of any of the contract condition during execution.
- 27.5 Will reject the tender or rescind the contract if the Licensor determines that the Bidder/Licensee has engaged in corrupt or fraudulent practices.
- 27.6 Will declare a Licensee ineligible, either indefinitely or for a stated period of time, to be awarded a contract(s) if he at any time determines that the Licensee has engaged in corrupt or fraudulent practices in competing for or in executing the contract.
- 27.7 Electric connection of **15 kw load** will be provided at sites. The cost of cabling, panels, electric meter, electric charges and other ancillary charges shall be borne by the successful bidder. The cost of electric connection & electricity charges shall be borne by the bidder.

28 **TERMS & CONDITIONS FOR BIDDING**

- 28.1 The subject sites for bidding are non commercial outlets and shall be used for installation of Communication Towers (Cell Towers) on wheels for enhancement of mobile signals only and the NDMC reserves the right to ensure that there is no violation of the same.
- 28.2 ~~The bidder shall~~ take up the full space on "as is where is basis", (carpet area).
- 28.3 All the Sites as mentioned in the location plans and tentative site plans section are tentative and are subject to change without any price adjustment.
- 28.4 Infrastructure facilities such as water and sewage disposal shall be arranged by the successful bidders on-cost basis and under their own arrangements under intimation to the NDMC. Permission for getting access to metered electrical connection (**15 kw**) shall be granted on feasibility-basis after execution of license agreement, payment of electric charges shall be payable by the bidder. The cost of electric connection charges shall also be payable by the

bidder. The Prospective Applicant/Tenderer agrees voluntarily and unequivocally not to seek claim, damages, compensation or any other consideration, on account of non availability/non-feasibility of these facilities.

- 28.5 Applicants can bid individually. In case of consortium, the bid submitted by the applicant shall be rejected.

GENERAL TERMS AND CONDITIONS OF AGREEMENT: -

- 1.0 **Transfer:** - The LICENSEE, during the tenure of this license shall not transfer, assign or part with the licensed premises or any portion thereof permanently or temporarily to anybody else and shall not be allowed to take any person to share the accommodation nor in partnership without the prior written permission of the licensor, nor shall they be entitled to allow any person to occupy the licensed premises or to use any part thereof save with the prior permission in writing of the licensor.
- 2.0 **Non-payment of license fees and other dues.**
- 2.1 Non-payment of license fees and other dues within the prescribed date will constitute breach of the terms of this agreement and shall render the license liable to be revoked being Breach of Contract agreement. Besides, the LICENSEE shall pay an interest of 12% **per annum** on the amounts of license fees and other dues payable remaining outstanding after the due date and falling in arrears. Interest shall continue to accrue till the license fees and other dues are finally squared up. Such interest shall be charged for the full month if the payment of license fees and other dues are not made by the due date with arrears, if any.
- 2.2 The Licensee agrees voluntarily and unequivocally to make all payments as may be due on the due date, without waiting for any formal invoice from the licensor. **The Licensee also voluntarily agrees to collect the invoices from the office, if required, of the Authorized representative of the licensor (NDMC), before the due date. Non- receipt of invoice will not be consideration for delayed or non-payment of dues and may be treated as a breach of agreement.**
- 2.3 In case payment is not made by due date, a 15 days notice to remind to clear outstanding dues shall be issued with a caution notice that in the event of failure to clear all the dues a termination notice shall be served to the licensee for payment of all dues within 30 days failing which Security Deposit/Performance Security shall be forfeited.
- 2.4 Any representation or any request by the Licensee shall only be entertained if the licensee deposits 100% dues as per issue / demand within 15 days of issue of termination notice and a written request in the matter. That no opportunity of any kind will be given in the matter after expiry of termination notice and the contract shall be liable to be terminated.
- 2.5 The licensee shall vacate the licensed space by taking away all his articles and hand over the licensed space before last date of termination notice otherwise the NDMC shall have the right to seize these material. Unauthorized occupancy charges will be levied after 15 days Grace Period from the date of termination order.
- 2.6 A certificate from the Revenue Department in proof of Licensee having vacated the site will be required to be submitted by the licensee. Any claim of vacation / non-vacation without the endorsement of Revenue Department shall not be entertained.
- 2.7 A termination order shall be issued after expiry of termination notice along with a notice of 15 days to vacate the premises failing which all the material shall be seized by the NDMC.

- 2.8 In no case payments shall be allowed to remain outstanding for a maximum period of 60 days. If any stage, the dues remain outstanding for the period of more than 60 days, the license agreement shall be terminated.
- 2.9 **Failure to comply with agreement:** - If the license fees amount hereby resolved or any part thereof shall at any time be in arrears or remained unpaid after the due date or if the LICENSEE at any time fail or neglect to perform or observe any of the terms and conditions herein contained and on their part to be observed and performed then in that event the NDMC may without prejudice to his general right of revocation of license by giving 15 days notice in writing to the LICENSEE determine the license, re-enter the premises in question or any part thereof and the LICENSEE shall upon such determination peacefully give up possession of the premises in question, without any right to compensation whatsoever and thereupon this license shall absolutely determine without prejudice to any right to action or remedy of the licensor in respect of any antecedent, breach of terms and conditions and covenants on the part of the LICENSEE. The NDMC will then forfeit the security deposit and advance license fee / space rent paid, as the case may be.
- 2.10 Time frame in which the area/site will be returned back to NDMC within 15 days immediately after completion of contract period, failing which penalty Rs.5000/- per day shall be imposed and thereafter it will be Rs.10,000/- for next 15 days. After the above deadlines, the contractor does not remove the mobile tower from NDMC land, Rs.50,000/- will be recovered from the contractor as removing charges in addition to penalty imposed as per law.
- 3.0 **Finishes:** - The Site will be handed over by NDMC "as is where is basis". That the LICENSEE will make the said site as per requirements. The Licensee shall install its own fixtures and equipment in the said sites after duly obtaining all necessary approvals from the licensor, permissions and licenses from the NDMC and such other Statutory Authorities at its own cost and expense.
- 4.0 **Use of Site**
- 4.1 The subject site can be used for placement and operation of mobile telecommunication equipment (Communication Towers (Cell Towers) on wheels) for improvement in the quality of cellular mobile services.
- 4.2 The LICENSEE at his own cost shall take the necessary statutory certificates and approvals. The LICENSEE is not allowed to use the site for sub-letting in any manner.
- 4.3 LICENSEE may, if he so elects, install and operate within the licensed premises telecommunication equipment, for enhancement of cellular signals; such equipment shall be maintained in a neat and sanitary condition and shall comply with all applicable laws and ordinances.
- 4.4 A separate area is earmarked within the site for the purpose of storage, which has proper systems for extrication pollutants and waste materials.
- 4.5 Proper storage of the packaged products ensuring that there is no contamination or decay of products or raw materials.
- 4.6 Proper storage and use of energy sources.

- 4.7 Ensure a high standard of hygiene and cleanliness so as to create a very clean and healthy environment to attract commuters and enhance the NDMC image. Any physical damage or injury to the commuters or passers-byes due to lapses on the part of the LICENSEE will be the sole responsibility of the LICENSEE only and the NDMC will have no legal obligations or liability towards the injured.
- 4.8 Ensure that fire detection and suppression measures installed inside his premises are kept in good working condition.
- 4.9 The Licensee agrees voluntarily and unequivocally to provide un-fettered access to the fire officer of the NDMC for inspection at any time and agrees voluntarily and unequivocally to abide by and comply with all instructions as may be indicated by the fire officer. Non compliance may be treated as breach of contract and license will be terminated.
- 4.10 Ensure that all electrical wiring, power outlets and gadgets are used and maintained properly, for guarding against short circuits / fires. The instructions in this regard by the NDMC Electrical Engineer/ Authorized Representative must be complied with. Any cost/s associated with implementation of such instruction will be borne solely by the licensee. The Licensee voluntarily and unequivocally agrees not to seek any claims, damages, compensation or any other consideration whatsoever on account of implementing the instruction issued by the NDMC Fire Officer, Electrical Engineer, Security officer or their authorized representatives from time to time.
- 5.0 **"As is where is basis":** -That the LICENSEE will be licensed the said site, equipments, installations, fittings and fixtures on "as is where is basis" and the LICENSEE shall not make any additions or alterations in the licensed space, installations including electric installations and wiring without the prior permission of the NDMC in writing and when permitted by the LICENSEE the said additions and alterations shall be carried out by the LICENSEE at their own cost and they shall not be entitled to any compensation for any additions carried out by them in the licensed site and the same shall vest with the NDMC.
- 6.0 **Preparation of Premises:** - The LICENSEE must submit Preliminary Plans, Specifications and preliminary schedule as hereinafter defined, to the NDMC within 30 days of issue of LOA. The NDMC will have the right to approve the LICENSEE's preliminary plans and specifications with such changes, as it may find necessary and compliance of all such changes and modifications in the preliminary plans as suggested by the NDMC shall be mandatory.

As used herein, Preliminary plans and specifications shall mean schematic development documents, which shall consist of:

- 7.0 General design notes
- 7.1 Single line floor plan
- 7.2 Electrical location plan
- 7.3 Equipment layout
- 7.4 Finish plan

- 7.5 Lighting, air-conditioning and miscellaneous electricity load required
- 7.6 Electrical wiring plan and telecommunication and data wiring.
- 7.7 Precautions and standards for maintaining hygiene and cleanliness and disposal of solid waste and effluents.
- 7.8 Provisions and measures for fire safety and fire fighting.
- 7.9 Infrastructure Facilities
- 8.0 **Encroachment:** - The LICENSEE will strictly not encroach upon any area and shall restrict to allotted site only. In case, the Licensee encroaches upon the Govt. land other than the NDMC. The NDMC reserves the right to revoke the license and forfeit the interest free security deposit.
- 8.1 **Security Arrangement:** - The LICENSEE will ensure safety and security of the equipments installed at the allotted area. The NDMC in any case will not take any responsibility of theft/ loss.
- 9.0 **Overall control:** - That the overall control and supervision of the site shall remain vested with the NDMC who will have the right to inspect the whole or part of the licensed site as and when considered necessary, with respect to its bonafide use and in connection with fulfillment of the other terms and conditions of the license agreement.
- 10.0 **Signage:** - The LICENSEE will have the right to put up signage- inside/or outside the premises only at the site entrance. The signage may be illuminated or non-illuminated at the LICENSEE(s) option, however it will need to conform to all governmental laws, regulations or ordinance relevant thereto. The LICENSEE will need to obtain a written approval from the NDMC by way of a notice before putting up any form of signage and the NDMC reserves the right of refuse or to suggest an alternation to the same.
- 11.0 **Misuse:** - The licensee shall use the granted space under the agreement only for those services provided therein and shall not use the same for any other purposes. In case, the licensee carries on any business or uses the said premises for any other purposes the license shall deemed to have been misused and the NDMC (Licensor) shall immediately terminate the said agreement. All liabilities for misused charges and mis-user proceedings, if so initiated shall be that of the licensee only. The Licensee will indemnify and keep indemnified the NDMC for any losses on this account.
- 12.0 **Compliance with the Law:** - The premises and the fixtures and the appurtenances thereto conform to every applicable requirement of law or duly constituted authority or the requirements of the carriers of all insurance on or relating to the licensed premises. The LICENSEE at its sole risk and expense, at all times during the term thereof promptly comply with all such requirements. **The LICENSEE shall comply with all applicable statutes, ordinances, rules and regulations of central, state governments, municipal bodies, and all applicable rules and also regulations of the Delhi Fire department.** Licensee shall comply with and abide by the judgments passed from time to time by Hon^{ble} Supreme Court / High Court or any other judicial / quasi judicial body / authority. The same shall be the responsibility of licensee.

- 13.0 **Assignment and Subletting:** - Any form of assigning the right to the License or subletting the whole or part thereof of the Licensed Premises, will strictly not be permitted at any point during the license period and violation of the same, will lead to the revoking of the license, with the NDMC reserving the right to forfeit all interest free security deposits and payments made.
- 14.0 **Duration of License period:** - The License shall be for a period of 2 (two) years from the date of operation of tower. Initially it will be for two year and can be extended for another one year subject to fulfilling all terms and conditions.
- 15.0 **Surrender:** - The Licensee shall have the right to terminate the Agreement during the term by giving three (3) months notice in writing of his/her/their intentions. In such a case the interest free security deposit and advance license fees paid till date will stand forfeited in favour of the NDMC. On expiry of the said period the agreement shall stand terminated.
Licensor will have the right to terminate this agreement in case of breach of any of the terms and conditions of this agreement. The interest free security deposit and advance license fee /space rent paid till date will stand forfeited in favour of the NDMC.
- 16.0 **Taxes and Other Statutory Dues:** - The LICENSEE shall pay all charges, assessments, taxes etc and any other charges /fees that may be levied, assessed or charged against the said premises. The LICENCEE shall also pay the following charges as applicable:
- 16.1 Legal documentation charges as pertaining to the License.
- 16.2 Stamp duty on each document under Indian Stamp Act 1899.
- 16.3 Fees and other charges, as payable to appropriate authorities under law.
- 16.4 Any taxes and duties to statutory authorities. GST thereon as applicable from time to time will also be paid by the licensee.
- 16.5 Appropriate Charges towards insurance of the said premises throughout the license period including third party insurance.
- 17.0 **Insurance and Waiver of Liability:** - The LICENSEE will bear the cost, throughout the term of the License, for a comprehensive general liability insurance covering injury to or death of any person(s) and any damage to the NDMC property occurring in the said site, including death or injury and any damage to the NDMC property caused by the sole negligence of the LICENSEE or the LICENSEE's failure to perform its obligations under the agreement. Upon the NDMC request, the LICENSEE shall submit to the NDMC, suitable evidence that the foregoing policy or policies are in effect. In the event of the ~~default or non-payment~~ the insurance cover, the licensee agrees and undertakes to indemnify and hold the licensor harmless against any and all liabilities. Losses, damages, claims, expenses suffered by the licensor as a result of such default by the licensee.

The Licensee shall ~~effect~~ and maintain professional Indemnity Insurance for the amount in Indian Rupees stipulated in Financial Bid Document of the works to be carried out by licensee. This insurance, which shall ensure the Licensee's liability by reason of professional negligence and errors in the design of works, shall be valid during currency of contract.

- 18.0 **Compliance with other acts:** - The LICENSEE shall bear all salaries, wages, bonuses, payroll taxes or accruals including gratuity, superannuating, pension and provident fund contributions, contributions to worker's compensations funds and employees state insurance and other taxes and charges and all fringe and employee benefits including statutory contributions in respect of such personnel and it is agreed they shall at no point of time be or construed to be employees of the NDMC and the LICENSEE shall be solely responsible for compliance with all Labour laws which shall include all liabilities of the Provident Fund Act, ESI Act, Workmen's compensation Act, Minimum Wages Act and other Labour Welfare Act in respect of its personnel.
- 19.0 **Employees conduct:** - The LICENSEE shall ensure that all persons employed behave in an orderly and disciplined manner and that the said employees are prohibited from carrying on any unfair activities, demonstrations in the vicinity of the site.
- 20.0 **Defaults by LICENSEE:** - The occurrence of any one or more of the following event shall constitute an event of default by the LICENSEE:
The failure by LICENSEE to observe or perform any of the covenants, conditions or provisions of the agreement, where such failure shall continue for a period of 15 working days, after receipt of written notice thereof by the NDMC to the LICENSEE, provided however, that if the nature of the LICENSEE's default is such that it cannot be cured solely by payment of money and that more than 15 working days may be reasonably required for such cure, then the LICENSEE shall not be deemed to be in default if the LICENSEE shall commence such cure within such 15 day period and shall thereafter diligently process such cure to completion;
- 20.1 The filing by or against the LICENSEE of a petition to have the LICENSEE adjudged bankrupt or a petition of re-organization or arrangement under any law relating to bankruptcy;
- 20.2 The appointment of a trustee or receiver to take possession of substantially all of LICENSEE's assets;
- 20.3 The attachment, execution or other judicial seizure of all of LICENSEE's assets.
- 21.0 **NDMC Remedies:** - Upon the occurrence of any event of default under the license agreement by the LICENSEE, then the NDMC in addition to other rights or remedies it may have, shall have the right to terminate/ revoke the License agreement upon thirty (30) days of written notice to the LICENSEE and also the right, with or without the termination of license, of re-entry upon and taking possession of the Licensed Site and the NDMC may remove all persons and property from the licensed site; such property may be removed and stored in any other place in the station building or in any other reasonably secure place for the account of and at the expense and risk of the LICENSEE. The LICENSEE hereby shall waive all claims for damages which may be caused by the re entry of the NDMC and taking possession of the Licensed site or removing or storing the furniture and property as herein provided and shall save the NDMC harmless from any costs or damages occasioned the NDMC thereby, ~~and no such re entry~~ shall be construed to be a forcible entry. The NDMC will continue to reserve the right to enter into a separate license agreement for the said site without any obligations or rights towards the original LICENSEE.
22. **Arbitration :-** If any dispute arises about the contract or any terms of contract, The Chairman, NDMC shall be the only authority to appoint a sole Arbitrator whose decision would be final and binding to all the parties. The arbitration proceedings shall take place at Delhi and courts at Delhi shall have jurisdiction over the matter. The contract shall be interpreted in accordance with the Indian laws. The expenses arise during the arbitration shall be borne by both the parties i.e. Bidder/NDMC.

No.D/____/SO(ENF)/2017-18

Signature of Contractor

Sd/-
Director (Enforcement)

No.D/_____/SO(ENF)/2017-18

Annexure - I

BID APPLICATION FORM
(Non Transferable)

TENDER FORM No: No.D/_____/SO(ENF)/2017-18/_____

NAME OF TENDERER:

ADDRESS:

To

The Director (Enforcement)
New Delhi Municipal Council (NDMC)
Palika Kendra
New Delhi - 110001

Dear Sir,

SUBJECT: TENDER FOR ALLOTMENT OF SPACE FOR INSTALLATION OF COMMUNICATION TOWERS (CELL TOWERS) ON WHEELS FOR ENHANCEMENT OF MOBILE SIGNALS ONLY IN NDMC AREA.

1. I/We have perused the terms and conditions governing the tender for letting out space on license basis on these locations mentioned in the subject above and hereby agree to abide by the said conditions. I/We also agree to keep this tender open for acceptance for a period of 180 days from the date of opening of tender and in default thereof, I/We will be liable for forfeiture of my/our earnest money. I/We have submitted all documents related to our technical qualifications.

2. I/We have perused the details of area which is as follows:

ALLOTMENT OF SPACE FOR INSTALLATION OF COMMUNICATION TOWERS (CELL TOWERS) ON WHEELS FOR ENHANCEMENT OF MOBILE SIGNALS ONLY IN NDMC AREA as mentioned in section "*Location plans and tentative sites details*".

3. I/We ~~undertake to~~ give full compliance to Technical Parameters of DoT, TRAI and other statutory ~~requirements~~.
4. I/we shall submit technical documentation including structure stability and design aspects of Communication Towers (Cell Towers) on wheels etc. including its fixing arrangements for the NDMC approval within 30 days of the issuance of Letter of Acceptance for allotted locations/sites as mentioned under section "*location plans and tentative site plans*". Incomplete submissions will not be accepted. The NDMC reserves the sole right to reject any of the said submissions without assigning any reasons whatsoever. I/we agree to comply with the directives of the NDMC regarding structure stability and designs as may be specified by the NDMC. I/We are required to ensure that all clearances, approvals etc for all sites/ locations will be arranged/ obtained

by us.

5. I/We shall be charged License fee / space rent and other dues etc. for all allotted locations/sites through Bid Process

I/We shall pay the annual license fee / space rent and other dues quoted for all allotted locations/sites through bid process. I/ we understand that every site will be considered individually for award based on the highest bid offered by the agencies. The cost of construction/fabrication and installation of Communication Towers (Cell Towers) on wheels etc. will be borne solely by us/me. I/We will also do the maintenance of all Communication Towers (Cell Towers) on wheels etc. so fabricated and installed by me/us. I/We shall also maintain sites free of any encroachments as per directives of the NDMC and keep the space neat and clean as per the requirements/ directives of the NDMC.

6. **SITES OF COMMUNICATION TOWERS (CELL TOWERS) ON WHEELS**

I/We have inspected the proposed sites of Communication Towers (Cell Towers) on wheels and have checked various parameters and assessed ground requirement for establishing Communication Towers (Cell Towers) on wheels.

Sr No	Proposed Site	Tentative Lat.	Tentative Long.	Land Authority
1.	Opposite Electric Sub Station 66 KV Bapu Dham			
2.	Backside of Pakistan Embassy			
3.	Near Railway Colony Wall, San Martin Marg			
4.	Backside of Tamilnadu Bhawan			
5.	Near Agriculture Office Malcha Marg			
6.	Near ESS 33 KV Netaji Nagar			
7.	Delhi Art & Commerce College, Netaji Nagar			
8.	Near Paryavaran Bhawan, Aliganj			
9.	Near Aliganj Barat Ghar			
10.	Opposite Palika Kunj			
11.	Under Safdarjung Flyover			
12.	Shadi Ground, Laxmi Bai Nagar			
13.	Outside of VMCC Safdarjung Hospital, Factory Road			
14.	Vinay Marg			
15.	Tees January Lane			
16.	Vidyut Bhawan Near Pillar No.41			
17.	Kushak Lane Near Loin Public School			
18.	Safdarjung Nursery			
19.	Sunheri Bagh Road			

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20.	South Avenue Market Near President Estate			
21.	Udyan Marg			
22.	Tilak Marg Opposite Police Station			
23.	Bhartiya Vidya Bhawan			
24.	Patel Chowk Near Metro Station			
25.	Nehru Park			
26.	Jor Bagh Road Inside the Karbala Ground			
27.	Kali Bari Marg			
28.	Near Hanuman Mandir, Vinay Marg			
29.	Tuglak Road			
30.	NDMC Market, Near President Estate			
31.	South Block			
32.	Copernicus Marg			
33.	Teen Murti Road			
34.	Chatisgarh Bhawan			
35.	Arunchal Bhawan			
36.	Rastrapati Bhawan			
37.	Vice President House			
38.	Niti Marg, Near Andre Malraux Marg			
39.	Tilak Lane opposite Princes Park			
40.	Nirman Bhawn			
41.	Raja Ji Marg			
42.	North Block			
43.	Niti Marg, Near Nehru Park			
44.	UNI Building			
45.	San Martin Marg			
46.	New Moti Bagh-2			
47.	Akbar Road			
48.	Near Moti Bagh, Near Vidhan Chandra Campus			
49.	NDMC Market Booster Station, Near Udhyog Bhawan Roundabout			
50.	New Moti Bagh-1			
51.	NDMC Market Near Tuglak Road			
52.	Behind Kushak Road, Kushak Lane			
53.	Laxmi Bai Nagar			
54.	Opposite Bhairav Temple,			

	Vinay Marg			
55.	Near Safdarjung Hospital			
56.	Near British Institute, Chankya Puri			
57.	Near Delhi Hatt			
58.	Sena Bhavan			
59.	Mother Teresa Crescent Road			
60.	Krishna Menon Lane near Akbar Road			
61.	NDMC Water Boosting station at South Avenue			
62.	11 KV Elect substation at Akbar Road			
63.	Prithvi Raj Road near Safdarjung road Junction			
64.	Park at North Avenue Electric substation			
65.	Pandara Park Near Zakir Hussain Road			
66.	Niti Marg near Shanti Path			
67.	Jam Nagar House at Shahjahan Road			
68.	Rose Garden-I			
69.	Rose Garden-II			
70.	Sanjay Camp			
71.	Moti Bagh (99 qtrs)			
72.	Moti Bagh (Garage)			
73.	Begum Zaidi Market			
74.	Bangla Sahib Road			
75.	Swati Hostel, Mandir Marg			
76.	Firoz Shah Road			
77.	Kaka Nagar Barat Ghar			
78.	Pandara Park (Near ESS 33 KV)			
79.	Satya Sadan Nursery			
80.	Near Parking Khan Market			
81.	Dalhousie Road			
82.	Racecourse opposite PM Home			
83.	Malcha Marg Near LPG Gas Godown			
84.	Ring Road Moti Bagh Flyover			
85.	San Martin Marg , Ring Road			
86.	East Kidwai Nagar			
87.	Lodhi Colony near NDMC School			
88.	Backside of Matri College			
89.	Gole Market			

90.	Near Shivaji Stadium			
91.	Near Intersection, S.P.Marg			
92.	Park street Parking near Talkatora Garden			
93.	Mandi House			
94.	Parking Rail Museum Moti Bagh			
95.	Near Shivaji Bridge			
96.	Janpath IOB Parking			

- a) I/We shall pay to the NDMC a **Quarterly Fixed License fee / space rent as per offer price** for operating at the Licensed site for a period of two years (duration will be counted from the date of operation of tower). **(Tenderers kindly note that bids will be made in Indian National Rupees per Square meter per month in the multiple of hundred only starting from reserve price).**
- b) I/We shall also pay GST as applicable from time to time.

I/we shall submit the interest free security deposit as requested within 15 days of date of the LOA i.e. an amount equivalent to 6 months licence fee/ space rent (as security deposit) prior to taking over possession of the sites.

I/we confirm that I/we have read and understood the rules and regulations regarding the bidding process for licensing of the site, inspected the conditions of physical infrastructure available on the site, plans and specifications of site and offer my/our acceptance to execute the project as per the terms and conditions contained herein in this bid document.

I/ We shall arrange for water supply and sewage disposal at each site under our own arrangements and at our expense. However, where such facilities are provided by the NDMC, I/ We shall pay to the NDMC the applicable charges as fixed by the NDMC from time to time.

The Earnest money of Rs. /- **(Rupees Only)** vide a demand draft is to be given along with the tender document drawn on any Nationalized bank in favour of "Secretary, NDMC".

7. I/We enclose a demand draft in favour of "Secretary, NDMC", drawn on _____ (Bank), bearing No. dated for Rs. _____ (Rupees), towards earnest money deposit.
8. ~~Payment of stamp duty on agreement~~, if any, to be executed in pursuance of this tender will be borne by me/us.
9. All taxes including Municipal Taxes if any, as applicable shall be borne solely by us/me.
10. I/We agree voluntarily and unequivocally not to seek any compensation, damages, claims or any other consideration from the NDMC if installation of Communication Towers (Cell Towers) on wheels etc. on any **locations/sites as mentioned in these bidding documents** are not permitted due to **court order/judgement/local laws/civil authorities**. The cost of construction of Communication Towers (Cell Towers) on wheels etc. and their continued maintenance will be borne solely by us.

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11. I /We will abide by all terms & conditions and other clauses mentioned in this tender document and have duly signed on each page as token of my/our full and unconditional acceptance.

Encl:

- 1 Bank Draft
- 2 Non-refundable cost of document. (draft)

Signature_____

Name of the Authorized Signatory with rubber stamp

Address:_____

Tel.No:_____

Fax.No:_____

Place:_____

Dated:_____

FORMAT FOR POWER OF ATTORNEY FOR SIGNING OF APPLICATION

Power of Attorney

Know all men by these presents, We _____ (name and address of the registered office) do hereby constitute, appoint and authorize Mr / Ms. _____ (name and residential address) who is presently employed with us and holding the position of as our attorney, to do in our name and on our behalf, all such acts, deeds and things necessary in connection with or incidental to our bid, including signing and submission of all documents and providing information / responses to the NDMC, representing us in all matters before the NDMC, and generally dealing with the NDMC in all matters in connection with our bid for the said license agreement.

We hereby agree to ratify all acts, deeds and things lawfully done by our said attorney pursuant to this Power of Attorney and that all acts, deeds and things done by our aforesaid attorney shall and shall always be deemed to have been done by us.

For
.....

Accepted _____ (signature)
(Name, Title and Address) of the Attorney

Note:

• *The mode of execution of the Power of Attorney should be in accordance with the procedure, if any, laid down by the applicable law and the charter documents of the executants(s) and when it is so required the same should be under common seal affixed in accordance with the required procedure.*

Proforma Certificate
(Work completion certificate*)

This is to certify that M/s (company's name) having its registered office at had been awarded following contracts as per details provided in the tabulation & that the works were completed satisfactorily; copy of performance certificate issued by the clients are also enclosed/ uploaded as proof in support of the claim herewith.

The information be provided in the tabular form and scanned copy of the same be uploaded.

Name/ Description of the Project Executed	Client name & Address	Date Start Work	of of	Date of completion of Work	Experience as Contractor or/ Sub- Contractor/ Developer	Year	Total contract value of the work executed

Note : Please upload self attested copy of performance/ experience certificates in support of claims made in above tabulation issued by various clients with this Annexure on Appendix VIII.

(Signature) _____

Name of signatory _____

Designation of signatory _____

(To be given on stamp paper of Rs.100/- duly Notarized)
(Undertaking for adherence to Security requirements/ aspects by the bidder)

This is to certify that M/s
(Company's name) hereinafter called "Bidder", having its registered office at has offered bid for Setting up of Communication Towers on Wheels (CoWs) in NDMC Area. The bidder hereby gives undertaking to strictly follow the security aspects to be adhered by the public sector and independent infrastructural providers/ communication network operators which includes:

- (i) Use of NDMC land by the bidder will not, in any manner, impinge upon the security of the NDMC area.
- (ii) If at any stage, the operational situation so demands, services provided by the bidder may be blocked in an emergency for which no compensation shall be due to the bidder.
- (iii) The bidder is aware and is in agreement that activities of his workmen/ staff will be monitored closely to ensure security of vital installations in NDMC area.
- (iv) The bidder will erect their Communication tower at the allotted land/space/site only. The bidder agrees that the site locations for installation of Communication Towers on Wheels will be jointly identified by the bidder and NDMC authorities, based on security and technical feasibility with security being the overriding factor. No change in site will be restored to without the permission of the Competent Authority.
- (v) The bidder will make available the particulars of persons employed by them to the Local NDMC Authorities. The antecedents of all such persons will be subjected to the verification and if found acceptable, they will be issued security passes to allow them to enter the NDMC area.
- (vi) The bidder agrees that the Local NDMC authorities will reserve the right to deny access to any of the bidder employees whose activities are detrimental to the security of the installations. Such cases may also be referred to the Local Police for necessary action.
- (vii) The Bidder will at all times, provide access to the local NDMC authorities or to their authorized representatives, to the Communication Towers to ensure that no illegal or undesirable activities are being carried out by the bidder or his representatives.

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- (viii) If the bidder is found to be using the tower and/or its equipment for any objectionable purpose, the local NDMC authority will have the authority to order temporary closure of the services of the bidder till final decision by the Chairman, NDMC.
- (ix) The bidder will not employ any foreigner employee for working on the site at NDMC land. No foreigner will be allowed to visit the installation sites.
- (x) Photography of vulnerable areas/ vulnerable points and establishments in NDMC area, by the employees of the bidder will not be permitted.
- (xi) The bidder and the employees of the bidder will abide by all security instructions of the NDMC Authorities.
- (xii) The bidder will be solely responsible to ensure the security of the Cellular Communication Towers and its supporting systems and accessories.
- (xiii) The bidder will provide static towers only in NDMC Area.
- (xiv) Towers in NDMC area should be shared by all service providers.
- (xv) The bidder should provide Sketch/ Map of the towers indicating locations to the Local NDMC Authority for routine security checks.

Witness

Signature

1.....

Name of Signatory

.....

.....

.....

Designation of Signatory

2.....

.....

.....

Mobile No.....

.....

Email id

(To be given on stamp paper of Rs.100/- duly Notarized)
(Undertaking for adherence to Technical aspects by the bidder)

This is to certify that M/s
(Company's name) hereinafter called "Bidder", having its registered office at
..... has offered bid for Setting up
of Communication Towers on Wheels (CoWs) in NDMC area. The company hereby give undertaking to
strictly follow the technical aspects to be adhered by the public sector and independent infrastructural
providers which includes:

- (i) The bidder will obtain frequency clearance from Standing Advisory Committee for Frequency Allocation (SACFA) and coordinate frequency in use with local Signal Authority.
- (ii) The bidder will obtain SACFA clearance as per the laid down procedure, for a particular latitude and longitude. The bidder will not be permitted to move their antenna towers as per their convenience. In case they need to shift the site of the antenna tower, they will need to obtain a fresh SACFA clearance for the new location with the exact latitude and longitude.
- (iii) In case the communication tower/ facilities so installed by the bidder causes any interference/ obstruction to the Army/ Airforce/ Navy/ Coast Guard communications, the bidder may be asked to discontinue his services, for which no compensation will be due to the bidder.
- (iv) The bidder will also obtain "No Objection Certificate" from Civil Aviation and Air Force Authorities regarding the installation of the Cellular Towers in their vicinity and abide by all their stipulations as necessary.
- (v) The bidder will ensured for proper earthing of the installation.
- (vi) The bidder will install proper lightning protection and fire fighting devices.

Signature

1.....

Name of Signatory

.....

.....

.....

Designation of Signatory

2.....

.....

.....

Mobile No.....

.....

Email id

LIST OF SITES FOR WHICH BIDS HAVE BEEN OFFERED

This is to certify that M/s
 (Company's name) hereinafter called "Bidder", having its registered office at
 has offered bid for Setting up
 of Communication Towers on Wheels (CoWs) in NDMC area. The bids have been submitted for the
 following sites :

Item No.	Site Name for Installation of Communication Towers (Cellular Mobile Tower) on Wheels (COW) in NDMC area	Latitude	Longitude
1.	Opposite Electric Sub Station 66 KV Bapu Dham	28.59224	77.17578
2.	Backside of Pakistan Embassy	28.59383	77.1928
3.	Near Railway Colony Wall, San Martin Marg	28.59224	77.17578
4.	Backside of Tamilnadu Bhawan	28.58225	77.191719
5.	Near Agriculture Office Malcha Marg	28.60215	77.18779
6.	Near ESS 33 KV Netaji Nagar	28.57889	77.18737
7.	Delhi Art & Commerce College, Netaji Nagar	28.57744	77.18513
8.	Near Paryavaran Bhawan, Aliganj	28.3508	77.18513
9.	Near Aliganj Barat Ghar	28.58259	77.21882
10.	Opposite Palika Kunj	28.583635	77.214583
11.	Under Safdarjung Flyover	28.58095	77.2122
12.	Shadi Ground, Laxmi Bai Nagar	28.57326	77.20512
13.	Outside of VMCC Safdarjung Hospital, Factory Road	28.56778	77.20242
14.	Vinay Marg	28.59235	77.19636
15.	Tees January Lane	28.60147	77.21289
16.	Vidyut Bhawan Near Pillar No.41	28.6045	77.2194
17.	Kushak Lane Near Loin Public School	28.60444	77.20141
18.	Safdarjung Nursery	28.57814	77.2092
19.	Sunheri Bagh Road	28.60819	77.21339
20.	South Avenue Market Near President Estate	28.60818	77.19794
21.	Udyan Marg	28.62959	77.20123
22.	Tilak Marg Opposite Police Station	28.61813	77.23592
23.	Bhartiya Vidya Bhawan	28.62071	77.21336
24.	Patel Chowk Near Metro Station	28.62191	77.21336
25.	Nehru Park	28.59131	77.19147
26.	Jor Bagh Road Inside the Karbala Ground	28.3508	77.1256
27.	Kali Bari Marg	28.628058	77.202818

28.	Near Hanuman Mandir, Vinay Marg	28.592148	77.197058
29.	Tuglak Road	28.60229	77.2126
30.	NDMC Market, Near President Estate	28.60818	77.19794
31.	South Block	28.611767	77.207603
32.	Copernicus Marg	28.62093	77.227558
33.	Teen Murti Road	28.60227	77.20076
34.	Chatisgarh Bhawan	28.59912	77.1877
35.	Arunchal Bhawan	28.600475	77.199279
36.	Rastrapati Bhawan	28.61125	77.1907
37.	Vice President House	28.6117	77.22478
38.	Niti Marg, Near Andre Malraux Marg	28.594799	77.193301
39.	Tilak Lane opposite Princes Park	28.618205	77.23553
40.	Nirman Bhawan	28.610308	77.219048
41.	Raja Ji Marg	28.60278	77.20532
42.	North Block	28.61739	77.20285
43.	Niti Marg, Near Nehru Park	28.590896	77.191218
44.	UNI Building	28.621735	77.213249
45.	San Martin Marg	28.60039	77.18156
46.	New Moti Bagh-2	28.577647	77.184948
47.	Akbar Road	28.606137	77.216807
48.	Near Moti Bagh, Near Vidhan Chandra Campus	28.577954	77.177216
49.	NDMC Water Booster Station, Near Udhyog Bhawan Roundabout	28.60698	77.21453
50.	New Moti Bagh-1	28.578678	77.187008
51.	NDMC Market Near Tuglak Road	28.60229	77.2126
52.	Behind Kushak Road, Kushak Lane	28.60337	77.20315
53.	Laxmi Bai Nagar	28.57924	77.20925
54.	Opposite Bhairav Temple, Vinay Marg	28.592294	77.196984
55.	Near Safdarjung Hospital	28.56726	77.20238
56.	Near British Institute, Chankya Puri	28.597826	77.179582
57.	Near Delhi Hatt	28.579448	77.207054
58.	Scna Bhawan	28.60776	77.20653
59.	Mother Teresa Crescent Road	28.607327	77.193667
60.	Krishna Menon Lane near Akbar Road	28.605527	77.211886
61.	NDMC Water Boosting station at South Avenue	28.605261	77.19826
62.	11 KV Elect substation at Akbar Road	28.60744	77.22073
63.	Prithvi Raj Road near Safdarjung road Junction	28.593995	77.208964
64.	Park at North Avenue Electric substation	28.623927	77.201395
65.	Pandara Park Near Zakir Hussain Road	23.681304	77.246637

66.	Niti Marg near Shanti Path	28.597594	77.193564
67.	Jam Nagar House at Shahjahan Road	28.609047	77.225385
68.	Rose Garden-I	28.58756	77.18723
69.	Rose Garden-II	28.58768	77.18433
70.	Sanjay Camp	28.589105	77.179861
71.	Moti Bagh (99 qtrs)	28.581620	77.183144
72.	Moti Bagh (Garage)	28.582469	77.183210
73.	Begum Zaidi Market	28.58356	77.17831
74.	Bangla Sahib Road	28.630975	77.210277
75.	Swati Hostel, Mandir Marg	28.63169	77.1985
76.	Firoz Shah Road	28.623272	77.226858
77.	Kaka Nagar Barat Ghar	28.60581	77.23888
78.	Pandara Park (Near ESS 33 KV)	28.60605	77.22846
79.	Satya Sadan Nursery	28.58132	77.201
80.	Near Parking Khan Market	28.599818	77.226979
81.	Dalhousie Road	28.611063	77.2057570
82.	Racecourse opposite PM House	28.595905	77.203769
83.	Malcha Marg Near LPG Gas Godown	28.606265	77.189787
84.	Ring Road Moti Bagh Flyover	28.578348	77.177356
85.	San Martin Marg, Ring Road	28.588696	77.171311
86.	East Kidwai Nagar	28.598935	77.213929
87.	Lodhi Colony near NDMC School	28.581505	77.1225570
88.	Backside of Matri College	28.590693	77.175669
89.	Gole Market	28.639249	77.205612
90.	Near Shivaji Stadium	28.631687	77.215243
91.	Near Intersection, S.P.Marg	28.601456	77.180599
92.	Park street Parking near Talkatora Garden	28.623944	77.195559
93.	Mandi House	28.625580	77.234387
94.	Parking Rail Museum Moti Bagh	28.586392	77.178912
95.	Near Shivaji Bridge	28.633452	77.225685
96.	Janpath ICB Parking	28.62906	77.218039

Please note : 1. The above site/locations as well as latitude and longitude mentioned against each ~~shall be~~ modified/amended, if required, by way of consent of successful bidder after issuance of offer letter subject to better facilities and to avoid any obstruction to citizens.

No.D/_____/SO(ENF)/2017-18

2. The bids of agencies offering/quoting for Installation of Communication Towers on Wheels installed in NDMC Area for less than 32 sites shall be declared non responsive & their bid (Technical) will summarily be rejected also their price bid will not be opened/ considered.

Witness

1.....
.....
.....
2.....
.....
.....

Signature

Name of Signatory
.....
Designation of Signatory
.....
Mobile No.....
Email id

Handing Over Note

Date: ____ 2017

Site Admeasuring ____ x ____ = ____ Sqm. at _____ NDMC area (site no./
Location of the site may be added)_____is handed over to the licensee, through
Shri_____of _____ M/s _____ office
at _____ on _____ (date) _____ at _____ (time), In the
presence of _____ Licensee hereby acknowledge the receipt and
assumes all responsibility of the above described site, as provided in the license Agreement, from the date and
time stated above.

Licensee

Director (Enforcement)

No.D/____/SO(ENF)/2017-18

Taking Over Note

Date:2017

Vacant possession of the site No. Admeasuring
.....*.....=..... Sqm, at..... NDMC Area is Taken over on
.....(Date).....(Time) from the Licensee Through Sh./Smt./M/s
..... in the presence of

.....
Licensee

.....
Director (Enforcement)

FINANCIAL BID

(To be submitted online on E-Tender System)

TENDER FOR ALLOTMENT OF SPACE FOR INSTALLATION OF COMMUNICATION TOWERS (CELLULAR MOBILE TOWERS) ON WHEELS IN NDMC AREA**ITEM RATE TENDER**

Item No.	Site Name for Installation of Communication Towers (Cellular Mobile Tower) on Wheels (COW) in NDMC area	Latitude	Longitude	Reserve Price in Rs. Except applicable taxes	Amount Per month (In Figures) excluding GST as applicable	Per (In Words) Month excluding GST as applicable
1.	Opposite Electric Sub Station 66 KV Bapu Dham	28.59224	77.17578	1,50,000/-		
2.	Backside of Pakistan Embassy	28.59383	77.1928	1,50,000/-		
3.	Near Railway Colony Wall, San Martin Marg	28.59224	77.17578	1,50,000/-		
4.	Backside of Tamilnadu Bhawan	28.58225	77.191719	1,50,000/-		
5.	Near Agriculture Office Malcha Marg	28.60215	77.18779	1,50,000/-		
6.	Near ESS 33 KV Netaji Nagar	28.57889	77.18737	1,50,000/-		
7.	Delhi Art & Commerce College, Netaji Nagar	28.57744	77.18513	1,50,000/-		
8.	Near Paryavaran Bhawan, Aliganj	28.3508	77.18513	1,50,000/-		
9.	Near Aliganj Barat Ghar	28.58259	77.21882	1,50,000/-		
10.	Opposite Palika Kunj	28.583635	77.214583	1,50,000/-		
11.	Under Safdarjung Flyover	28.58095	77.2122	1,50,000/-		
12.	Shadi Ground, Laxmi Bai Nagar	28.57326	77.20512	1,50,000/-		
13.	Outside of VMCC Safdarjung Hospital, Farokh Road	28.56778	77.20242	1,50,000/-		
14.	Vinay Marg	28.59235	77.19636	1,50,000/-		
15.	Tees January Lane	28.60147	77.21289	1,50,000/-		
16.	Vidyut Bhawan Near Pillar No.41	28.6045	77.2194	1,50,000/-		
17.	Kushak Lane Near Loin Public School	28.60444	77.20141	1,50,000/-		
18.	Safdarjung Nursery	28.57814	77.2092	1,50,000/-		

19.	Sunheri Bagh Road	28.60819	77.21339	1,50,000/-		
20.	South Avenue Market Near President Estate	28.60818	77.19794	1,50,000/-		
21.	Udyan Marg	28.62959	77.20123	1,50,000/-		
22.	Tilak Marg Opposite Police Station	28.61813	77.23592	1,50,000/-		
23.	Bhartiya Vidya Bhawan	28.62071	77.21336	1,50,000/-		
24.	Patel Chowk Near Metro Station	28.62191	77.21336	1,50,000/-		
25.	Nehru Park	28.59131	77.19147	1,50,000/-		
26.	Jor Bagh Road Inside the Karbala Ground	28.3508	77.1256	1,50,000/-		
27.	Kali Bari Marg	28.628058	77.202818	1,50,000/-		
28.	Near Hanuman Mandir, Vinay Marg	28.592146	77.197058	1,50,000/-		
29.	Tuglak Road	28.60229	77.2126	1,50,000/-		
30.	NDMC Market, Near President Estate	28.60818	77.19794	1,50,000/-		
31.	South Block	28.611767	77.207603	1,50,000/-		
32.	Copernicus Marg	28.62093	77.227558	1,50,000/-		
33.	Teen Murti Road	28.60227	77.20076	1,50,000/-		
34.	Chatisgarh Bhawan	28.59912	77.1877	1,50,000/-		
35.	Arunchal Bhawan	28.600475	77.199279	1,50,000/-		
36.	Rastrapati Bhawan	28.61125	77.1907	1,50,000/-		
37.	Vice President House	28.6117	77.22478	1,50,000/-		
38.	Niti Marg, Near Andre Malraux Marg	28.594799	77.193301	1,50,000/-		
39.	Tilak Lane opposite Princes Park	28.618205	77.23553	1,50,000/-		
40.	Nirman Bhawan	28.610308	77.219048	1,50,000/-		
41.	Raja Ji Marg	28.60278	77.20532	1,50,000/-		
42.	North Block	28.61739	77.20285	1,50,000/-		
43.	Niti Marg, Near Nehru Park	28.590896	77.191218	1,50,000/-		
44.	UNI Building	28.621735	77.213249	1,50,000/-		
45.	San Martin Marg	28.60039	77.18156	1,50,000/-		
46.	New Moti Bagh-2	28.577647	77.184948	1,50,000/-		
47.	Akbar Road	28.606137	77.216807	1,50,000/-		
48.	Near Moti Bagh, Near Vidhan	28.577954	77.177216	1,50,000/-		

	Chandra Campus					
49.	NDMC Water Booster Station, Near Udhog Bhawan Roundabout	28.60698	77.21453	1,50,000/-		
50.	New Moti Bagh-I	28.578678	77.187008	1,50,000/-		
51.	NDMC Market Near Tuglak Road	28.60229	77.2126	1,50,000/-		
52.	Behind Kushak Road, Kushak Lane	28.60337	77.20315	1,50,000/-		
53.	Laxmi Bai Nagar	28.57924	77.20925	1,50,000/-		
54.	Opposite Bhairav Temple, Vinay Marg	28.592294	77.196984	1,50,000/-		
55.	Near Safdarjung Hospital	28.56726	77.20238	1,50,000/-		
56.	Near British Institute, Chankya Puri	28.597826	77.179582	1,50,000/-		
57.	Near Delhi Hatt	28.579448	77.207054	1,50,000/-		
58.	Sena Bhavan	28.60776	77.20653	1,50,000/-		
59.	Mother Teresa Crescent Road	28.607327	77.193667	1,50,000/-		
60.	Krishna Menon Lane near Akbar Road	28.605527	77.211886	1,50,000/-		
61.	NDMC Water Boosting station at South Avenue	28.605261	77.19826	1,50,000/-		
62.	11 KV Elect substation at Akbar Road	28.60744	77.22073	1,50,000/-		
63.	Prithvi Raj Road near Safdarjung road Junction	28.593995	77.208964	1,50,000/-		
64.	Park at North Avenue Electric substation	28.623927	77.201395	1,50,000/-		
65.	Pandara Park Near Zakir Hussain Road	23.681304	77.246637	1,50,000/-		
66.	Niti Marg near Shanti Path	28.597594	77.193564	1,50,000/-		
67.	Jam Nagar House at Shahjahan Road	28.609047	77.225385	1,50,000/-		
68.	Rose Garden-I	28.58756	77.18723	1,50,000/-		
69.	Rose Garden-II	28.58768	77.18433	1,50,000/-		
70.	Sanjay Camp	28.589105	77.179861	1,50,000/-		
71.	Moti Bagh (99 qtrs)	28.581620	77.183144	1,50,000/-		
72.	Moti Bagh, Veterinary Hospital	28.582469	77.183210	1,50,000/-		
73.	Begum Zaidi Market	28.58356	77.17831	1,50,000/-		

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74.	Bangla Sahib Road	28.630975	77.210277	1,50,000/-		
75.	Swati Hostel, Mandir Marg	28.63169	77.1985	1,50,000/-		
76.	Firoz Shah Road	28.623272	77.226858	1,50,000/-		
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82.	Racecourse opposite PM House	28.595905	77.203769	1,50,000/-		
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95.	Near Shivaji Bridge	28.633452	77.225685	1,50,000/-		
96.	Janpath IOB Parking	28.62906	77.218039	1,50,000/-		

I / We hereby offer the above-mentioned rates for installation of Communication Towers (Cellular Mobile Tower) on wheels in NDMC Area. This offer is unconditional and without any rider.

Signature of Tenderer / Applicant
Address _____

Dated: _____ **Tel. No.** _____

CONTRACT LICENSE AGREEMENT

This Agreement is made on this _____ between M/s Firm name having its registered office at Address of the Firm through its Designation with name, (hereinafter called the Contractor which expression shall mean and include its successor, assignees and nominees) of the one part and New Delhi Municipal Council, Palika Kendra, Sansad Marg, New Delhi through its Director (Enforcement) (hereinafter called the Council) of the other part.

Whereas the Council under consideration of the offer made for the execution of the work for setting up of Communication Tower on wheels (CoW) in NDMC area on the terms and condition and rates mentioned in the offer made pursuant to the NIT, has agreed to allow the contractor to execute the work. **Name of work** vide order no. **LOA no. with date**. Each of the documents mentioned herein has been signed by and on behalf of the parties hereto called for purposes of identification and shall be treated as part of this agreement.

Now it is hereby agreed by and between the parties as follows:

1. The Contractor shall upon and conditions shown in the NIT, the work and any other correspondence exchanged between the parties, annexed here to and which form part of this agreement, execute and complete the work for setting up of Communication Towers on Wheels (COW) in NDMC area.
2. The terms and condition as laid down in the NIT shall be part of the agreement.
3. The EMD shall be refunded immediately after submitting the Performance Guarantee.
4. Failure to meet conditions of NIT will result in a breach and the NDMC shall be entitled to annul/cancel the award without being liable in any manner whatsoever to the successful bidder and to adjust/ forfeit the Tender Security (EMD) as Damages
5. Electric connection of 15 kw load will be provided at sites. The cost of cabling, panels, electric meter, electric charges and other ancillary charges shall be borne by the successful bidder. The cost of electric connection & electricity charges shall be borne by the bidder.
6. Transfer: - The LICENSEE, during the tenure of this license shall not transfer, assign or part with the licensed premises or any portion thereof permanently or temporarily to anybody else and shall not be allowed to take any person to share the accommodation nor in partnership without the prior written permission of the licensor, nor shall they be entitled to allow any person to occupy the licensed premises or to use any part thereof save with the prior permission in writing of the licensor.
7. Non-payment of license fees and other dues within the prescribed date will constitute breach of the terms of this agreement and shall render the license liable to be revoked being Breach of Contract agreement. Besides, the LICENSEE shall pay an interest of 12% per annum on the amounts of license fees and other dues payable remaining outstanding after the due date and falling in arrears. Interest shall continue to accrue till the license fees and other dues are finally squared up. Such interest shall be charged for the full month if the payment of license fees and other dues are not made by the due date with arrears, if any.

8. The Licensee agrees voluntarily and unequivocally to make all payments as may be due on the due date, without waiting for any formal invoice from the licensor. The Licensee also voluntarily agrees to collect the invoices from the office, if required, of the Authorized representative of the licensor (NDMC), before the due date. Non- receipt of invoice will not be consideration for delayed or non-payment of dues and may be treated as a breach of agreement.
9. In case payment is not made by due date, a 15 days notice to remind to clear outstanding dues shall be issued with a caution notice that in the event of failure to clear all the dues a termination notice shall be served to the licensee for payment of all dues within 30 days failing which Security Deposit/Performance Security shall be forfeited.
10. Any representation or any request by the Licensee shall only be entertained if the licensee deposits 100% dues as per issue / demand within 15 days of issue of termination notice and a written request in the matter. That no opportunity of any kind will be given in the matter after expiry of termination notice and the contract shall be liable to be terminated.
11. The licensee shall vacate the licensed space by taking away all his articles and hand over the licensed space before last date of termination notice otherwise the NDMC shall have the right to seize these material. Unauthorized occupancy charges will be levied after 15 days Grace Period from the date of termination order.
12. A certificate from the Revenue Department in proof of Licensee having vacated the site will be required to be submitted by the licensee. Any claim of vacation / non-vacation without the endorsement of Revenue Department shall not be entertained.
13. A termination order shall be issued after expiry of termination notice along with a notice of 15 days to vacate the premises failing which all the material shall be seized by the NDMC.
14. In no case payments shall be allowed to remain outstanding for a maximum period of 60 days. If any stage, the dues remain outstanding for the period of more than 60 days, the license agreement shall be terminated.
15. Failure to comply with agreement: - If the license fees amount hereby resolved or any part thereof shall at any time be in arrears or remained unpaid after the due date or if the LICENSEE at any time fail or neglect to perform or observe any of the terms and conditions herein contained and on their part to be observed and performed then in that event the NDMC may without prejudice to his general right of revocation of license by giving 15 days notice in ~~writing to the~~ LICENSEE determine the license, re-enter the premises in question or any part thereof and the LICENSEE shall upon such determination peacefully give up possession of the premises in question, without any right to compensation whatsoever and thereupon this license shall absolutely determine without prejudice to any right to action or remedy of ~~the licensor in~~ respect of any antecedent, breach of terms and conditions and covenants on the part of the LICENSEE. The NDMC will then forfeit the security deposit and advance license fee / space rent paid, as the case may be.
16. Finishes: - The Site will be handed over by NDMC "as is where is basis". That the LICENSEE will make the said site as per requirements. The Licensee shall install its own

fixtures and equipment in the said sites after duly obtaining all necessary approvals from the licensor, permissions and licenses from the NDMC and such other Statutory Authorities at its own cost and expense.

17. The subject site can be used for placement and operation of mobile telecommunication equipment (Communication Towers (Cell Towers) on wheels) for improvement in the quality of cellular mobile services.
18. The LICENSEE at his own cost shall take the necessary statutory certificates and approvals. The LICENSEE is not allowed to use the site for sub-letting in any manner.
19. LICENSEE may, if he so elects, install and operate within the licensed premises telecommunication equipment, for enhancement of cellular signals; such equipment shall be maintained in a neat and sanitary condition and shall comply with all applicable laws and ordinances.
20. Separate area is earmarked within the site for the purpose of storage, which has proper systems for extrication pollutants and waste materials.
21. Proper storage of the packaged products ensuring that there is no contamination or decay of products or raw materials.
22. Proper storage and use of energy sources.
23. Ensure a high standard of hygiene and cleanliness so as to create a very clean and healthy environment to attract commuters and enhance the NDMC image. Any physical damage or injury to the commuters or passers-byes due to lapses on the part of the LICENSEE will be the sole responsibility of the LICENSEE only and the NDMC will have no legal obligations or liability towards the injured.
24. Ensure that fire detection and suppression measures installed inside his premises are kept in good working condition.
25. The Licensee agrees voluntarily and unequivocally to provide un-fettered access to the fire officer of the NDMC for inspection at any time and agrees voluntarily and unequivocally to abide by and comply with all instructions as may be indicated by the fire officer. Non compliance may be treated as breach of contract and license will be terminated.
26. Ensure that all electrical wiring, power outlets and gadgets are used and maintained properly, ~~for guarding against~~ short circuits / fires. The instructions in this regard by the NDMC Electrical Engineer/ Authorized Representative must be complied with. Any cost/s associated with implementation of such instruction will be borne solely by the licensee. The Licensee voluntarily and unequivocally agrees not to seek any claims, damages, compensation or any other consideration whatsoever on account of implementing the instruction issued by the NDMC Fire Officer, Electrical Engineer, Security officer or their authorized representatives from time to time.
27. "As is where is basis": -That the LICENSEE will be licensed the said site, equipments, installations, fittings and fixtures on "as is where is basis" and the LICENSEE shall not make

any additions or alterations in the licensed space, installations including electric installations and wiring without the prior permission of the NDMC in writing and when permitted by the LICENSEE the said additions and alterations shall be carried out by the LICENSEE at their own cost and they shall not be entitled to any compensation for any additions carried out by them in the licensed site and the same shall vest with the NDMC.

28. Preparation of Premises: - The LICENSEE must submit Preliminary Plans, Specifications and preliminary schedule as hereinafter defined, to the NDMC within 30 days of issue of LOA. The NDMC will have the right to approve the LICENSEE's preliminary plans and specifications with such changes, as it may find necessary and compliance of all such changes and modifications in the preliminary plans as suggested by the NDMC shall be mandatory.
29. As used herein, Preliminary plans and specifications shall mean schematic development documents, which shall consist of:
- i. General design notes
 - ii. Single line floor plan
 - iii. Electrical location plan
 - iv. Equipment layout
 - v. Finish plan
 - vi. Lighting, air-conditioning and miscellaneous electricity load required
 - vii. Electrical wiring plan and telecommunication and data wiring.
 - viii. Precautions and standards for maintaining hygiene and cleanliness and disposal of solid waste and effluents.
 - ix. Provisions and measures for fire safety and fire fighting.
 - x. Infrastructure Facilities
30. Encroachment: - The LICENSEE will strictly not encroach upon any area and shall restrict to allotted site only. In case, the Licensee encroaches upon the Govt. land other than the NDMC. The NDMC reserves the right to revoke the license and forfeit the interest free security deposit.
31. Security Arrangement: - The LICENSEE will ensure safety and security of the equipments installed at the allotted area. The NDMC in any case will not take any responsibility of theft/loss.
32. Overall control: - ~~That the overall control and supervision of the site shall remain vested with the NDMC who will have the right~~ to inspect the whole or part of the licensed site as and when considered necessary, with respect to its bonafide use and in connection with fulfillment of the other terms and conditions of the license agreement.
33. Signage: - ~~The LICENSEE will~~ have the right to put up signage- inside/or outside the premises only at the site entrance. The signage may be illuminated or non-illuminated at the LICENSEE(s) option, however it will need to confirm to all governmental laws, regulations or ordinance relevant thereto. The LICENSEE will need to obtain a written approval from the NDMC by way of a notice before putting up any form of signage and the NDMC reserves the right of refuse or to suggest an alternation to the same.

- 34 Misuse: - The licensee shall use the granted space under the agreement only for those services provided therein and shall not use the same for any other purposes. In case, the licensee carries on any business or uses the said premises for any other purposes the license shall deemed to have been misused and the NDMC (Licensor) shall immediately terminate the said agreement. All liabilities for misused charges and mis-user proceedings, if so initiated shall be that of the licensee only. The Licensee will indemnify and keep indemnified the NDMC for any losses on this account.
- 35 Compliance with the Law: - The premises and the fixtures and the appurtenances thereto conform to every applicable requirement of law or duly constituted authority or the requirements of the carriers of all insurance on or relating to the licensed premises. The LICENSEE at its sole risk and expense, at all times during the term thereof promptly comply with all such requirements. The LICENSEE shall comply with all applicable statutes, ordinances, rules and regulations of central, state governments, municipal bodies, and all applicable rules and also regulations of the Delhi Fire department. Licensee shall comply with and abide by the judgments passed from time to time by Hon^{ble} Supreme Court / High Court or any other judicial / quasi judicial body / authority. The same shall be the responsibility of licensee.
36. Assignment and Subletting: - Any form of assigning the right to the License or subletting the whole or part thereof of the Licensed Premises, will strictly not be permitted at any point during the license period and violation of the same, will lead to the revoking of the license, with the NDMC reserving the right to forfeit all interest free security deposits and payments made.
- 37 Duration of License period: - The License shall be for a period of 2 (two) years from the date of operation of tower and can be extended for another one year subject to fulfilling all terms and conditions.
- 38 Surrender: - The Licensee shall have the right to terminate the Agreement during the term by giving three (3) months notice in writing of his/her/their intentions. In such a case the interest free security deposit and advance license fees paid till date will stand forfeited in favour of the NDMC. On expiry of the said period the agreement shall stand terminated.
39. Licensor will have the right to terminate this agreement in case of breach of any of the terms and conditions of this agreement. The interest free security deposit and advance license fee /space rent paid till date will stand forfeited in favour of the NDMC.
40. ~~Taxes and Other Statutory~~ Dues: - The LICENSEE shall pay all charges, assessments, taxes etc and any other charges /fees that may be levied, assessed or charged against the said premises. The LICENCEE shall also pay the following charges as applicable:
41. Legal ~~documentation charges~~ as pertaining to the License.
- 42 Stamp duty on each document under Indian Stamp Act 1899.
43. Fees and other charges, as payable to appropriate authorities under law.

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- 44 Any taxes and duties to statutory authorities. GST thereon as applicable from time to time will also be paid by the licensee.
- 45 Appropriate Charges towards insurance of the said premises throughout the license period including third party insurance.
- 46 Insurance and Waiver of Liability: - The LICENSEE will bear the cost, throughout the term of the License, for a comprehensive general liability insurance covering injury to or death of any person(s) and any damage to the NDMC property occurring in the said site, including death or injury and any damage to the NDMC property caused by the sole negligence of the LICENSEE or the LICENSEE's failure to perform its obligations under the agreement. Upon the NDMC request, the LICENSEE shall submit to the NDMC, suitable evidence that the foregoing policy or policies are in effect. In the event of the default i.e. avoiding the insurance cover, the licensee agrees and undertakes to indemnify and hold the licensor harmless against any and all liabilities. Losses, damages, claims, expenses suffered by the licensor as a result of such default by the licensee.
47. The Licensee shall effect and maintain professional Indemnity Insurance for the amount in Indian Rupees stipulated in Financial Bid Document of the works to be carried out by licensee. This insurance, which shall ensure the Licensee's liability by reason of professional negligence and errors in the design of works, shall be valid during currency of contract.
- 48 Compliance with other acts: - The LICENSEE shall bear all salaries, wages, bonuses, payroll taxes or accruals including gratuity, superannuating, pension and provident fund contributions, contributions to worker's compensations funds and employees state insurance and other taxes and charges and all fringe and employee benefits including statutory contributions in respect of such personnel and it is agreed they shall at no point of time be or construed to be employees of the NDMC and the LICENSEE shall be solely responsible for compliance with all Labour laws which shall include all liabilities of the Provident Fund Act, ESI Act, Workmen's compensation Act, Minimum Wages Act and other Labour Welfare Act in respect of its personnel.
- 49 Employees conduct: - The LICENSEE shall ensure that all persons employed behave in an orderly and disciplined manner and that the said employees are prohibited from carrying on any unfair activities, demonstrations in the vicinity of the site.
- 50 Defaults by LICENSEE: - The occurrence of any one or more of the following event shall constitute an event of default by the LICENSEE:
51. The failure by LICENSEE to observe or perform any of the covenants, conditions or provisions of the agreement, where such failure shall continue for a period of 15 working days, after receipt of written notice thereof by the NDMC to the LICENSEE, provided however, that if the nature of the LICENSEE's default is such that it cannot be cured solely by payment of money and that more than 15 working days may be reasonably required for such cure, then the LICENSEE shall not be deemed to be in default if the LICENSEE shall commence such cure within such 15 day period and shall thereafter diligently process such cure to completion;

- 52 The filing by or against the LICENSEE of a petition to have the LICENSEE adjudged bankrupt or a petition of re-organization or arrangement under any law relating to bankruptcy;
- 53 The appointment of a trustee or receiver to take possession of substantially all of LICENSEEs assets;
- 54 The attachment, execution or other judicial seizure of all of LICENSEEs assets.
- 55 NDMC Remedies: - Upon the occurrence of any event of default under the license agreement by the LICENSEE, then the NDMC in addition to other rights or remedies it may have, shall have the right to terminate/revoke the License agreement upon thirty (30) days of written notice to the LICENSEE and also the right, with or without the termination of license, of re-entry upon and taking possession of the Licensed Site and the NDMC may remove all persons and property from the licensed site; such property may be removed and stored in any other place in the station building or in any other reasonably secure place for the account of and at the expense and risk of the LICENSEE. The LICENSEE hereby shall waive all claims for damages which may be caused by the re entry of the NDMC and taking possession of the Licensed site or removing or storing the furniture and property as herein provided and shall save the NDMC harmless from any costs or damages occasioned the NDMC thereby, and no such re entry shall be construed to be a forcible entry. The NDMC will continue to reserve the right to enter into a separate license agreement for the said site without any obligations or rights towards the original LICENSEE.
56. Arbitration :- If any dispute arises about the contract or any terms of contract, The Chairman, NDMC shall be the only authority to appoint a sole Arbitrator whose decision would be final and binding to all the parties. The arbitration proceedings shall take place at Delhi and courts at Delhi shall have jurisdiction over the matter. The contract shall be interpreted in accordance with the Indian laws. The expenses arises during the arbitration shall be borne by both the parties i.e. Bidder/NDMC.

In witness whereof the parties have hereinto set and subscribed the hands and seals on the date, month and year first above written.

For and on behalf of Council
Director (Enforcement)

Witness: For and on behalf of Tenderer / Quotationer Firm

- 1.
- 2.

Signature and Capacity with Seal



सत्यमेव जयते

TELECOM REGULATORY AUTHORITY OF INDIA

Recommendations

on

Telecommunications Infrastructure Policy

April 12, 2011

Mahanagar Doorsanchar Bhawan
Jawahar Lal Nehru Marg
New Delhi-110002


Preface

Telecommunications in India is witnessing a very rapid growth. Having registered over 825 million connections at the end of February, 2011, the country is poised to soon cross the one billion mark. With the growth in Broadband services and applications, the nature of telecommunications too is fast evolving. Telecommunications having effectively reached the level of a basic need, the importance of ubiquitous and effective coverage, both outdoor and indoors, through an efficient infrastructure cannot be overemphasised.

Such infrastructure cannot, however, develop without a clear policy framework. As of now, there is no detailed policy for telecom infrastructure. Keeping in view the need to formulate a policy that can subserve the country's growing requirements, TRAI has, *suo motu*, issued a consultation paper in January, 2011. The recommendations contained in this document are an outcome of the consultation process.

The recommendations contained herein cover important issues such as incentives for infrastructure providers, right of way, tower design and standardisation, distributed antenna systems and indoor building solutions, mobile virtual network operators and migration to IPv6. In the process, some of the earlier recommendations given by TRAI have also been reviewed in the context of recent developments. Certain related policy issues such as equipment manufacturing and renewal energy source etc., have been separately dealt with in the Authority's recommendations on Telecom Equipment Manufacturing policy and Green Telecommunications.

These recommendations are being given in the expectation that they would form part of the telecom policy that is under formulation.


(Dr. J.S. Sarma)
Chairman, TRAI

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INTRODUCTION

1. The telecom services have been recognised the world over as an important tool for the socioeconomic development of a nation. In addition to fulfilling the basic need of communicating with each other, telecommunication is a prime support sector for rapid growth and modernisation of various other sectors of the economy. It has become especially important in the recent years because of enormous growth of information and communication technologies and their significant potential for the impact on the rest of the economy.

2. Building suitable telecommunication infrastructure has the same effect on growth of telecommunication as telecommunication services have on growth of the economy. Infrastructure investments can affect growth beyond adding to the capital stock. These effects can occur through a number of different channels, such as facilitating trade and the division of labour, competition in markets, a more efficient allocation of economic activity across regions of the country, the diffusion of technology and the adoption of new organisational practices. Results from a recent World Bank study on growth in 120 countries between 1980 and 2006 shows that for every ten-percentage-point increase in penetrations of telecom services like fixed, mobile, broadband etc, there is an increase in growth by 0.73 ~~percent to~~ 1.38 percent (Qiang, 2010)¹. As can be seen these growth effects are significant and stronger in developing countries than in developed ones (Figure 1). The impact is expected to be even more robust ~~once~~ the penetration reaches a critical mass. As several countries including India are at a relatively early stage of

¹ Christine Zhen-Wei Qiang (2010) - Broadband infrastructure investment in stimulus packages: relevance for developing countries

infrastructure development especially for broadband, they are likely to gain the most from investing in telecom networks to reach the critical mass for higher impact and before the diminishing returns take effect. Therefore, development of an adequate telecommunication infrastructure has become one of the major goals of policymakers.

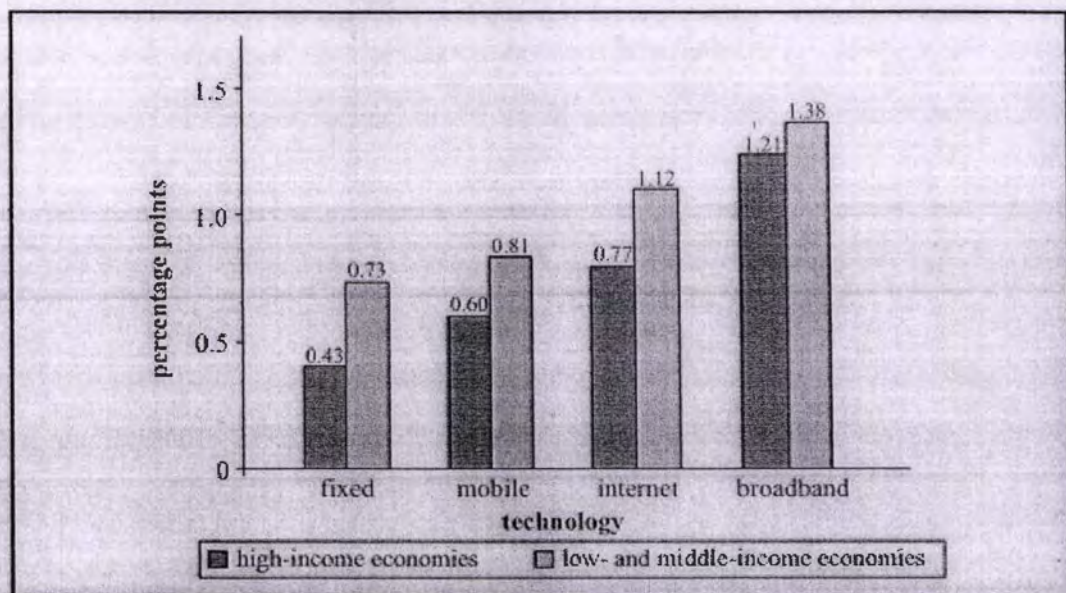


Figure1: Impact of telecom penetration on growth

Y axis represents the percentage point increase in economic growth per ten percentage point increase in telecommunication penetration.

Source: Qiang (2010)

3. NTP-99 had recognised the need for creation of world class telecommunication infrastructure as the key to rapid economic and social development of the country. Stressing the need for creation of necessary infrastructure for country's growth, India's Eleventh Five Year Plan (2007-12) includes strategies and plans for infrastructure development and inclusive growth, through both the public and

private sectors. Provision of telecommunications and broadband connectivity, to provide the benefits of the Internet to people all over the country, has been included as an important infrastructure priority under this Plan. With substantial investment in telecom infrastructure expected over the coming years, it is important to have an effective policy framework in place.

4. The growth in telecom sector, particularly of wireless subscribers has been impressive. India has over 825 million subscribers at the end of February 2011, of which 791 million are mobile subscribers. The country is expected to reach a figure of 1 billion customers by the year 2014. However, on provision of broadband access a lot needs to be done. 3G and BWA (Broadband Wireless Access) services are in the process of getting launched to take mobile and broadband to next level. Mobile communication in future is not going to be limited between Person to Person (P2P) but will extend to Person to Machine (P2M) and Machine to Machine (M2M). Examples of applications for mass M2M services include smart power grid, smart metering, consumer products, health care and so forth. Number of devices to be connected on wireless platform is expected to be 50 billion globally by the year 2020. Expecting current growth rates to continue approximately 1.5 billion and 5 billion connections, including for devices, can be expected in India by the year 2015 and 2020 respectively. Maintaining such exponential growth in mobile both for ~~personal~~ and machine communication; and meeting the latent demand for broadband access calls for creation of huge infrastructure requiring significant investment.
5. This infrastructure policy covers various elements of the infrastructure like optical fibre network, towers, cable landing stations, IP networks, evolving technologies like IBS, DAS etc.

Recommendations on National Broadband Plan, which is one of the components under this policy, have already been released in December 2010. This broadband plan envisages creation of an open access optical fibre network across the country connecting all habitation upto population of 500 and above by the year 2013.

6. For the deployment of the infrastructure active role of both the Central and State Governments is required to enable the growth of telecom infrastructure necessary for meeting the telecommunication demand of the people. However, in recent times it is found that local authorities are not providing the permission for erecting the infrastructure in a reasonable time limit. To enable continued investment in the sector and allow timely creation of modern telecommunication infrastructure, issues related to Right of Way need early resolution.
7. Apart from advancement towards converged networks, newer technologies are developing where certain elements of the network infrastructure can be shared to bring down the cost and decrease the roll out time. Sharing could be possible for both active and passive network elements. With the huge requirement of infrastructure creation there is an active involvement of Infrastructure Providers (IP-I) in meeting the infrastructure requirement of the service providers. IP-I and Telecom Service Providers should be able to share ~~infrastructure~~ with all licenced telecom service providers. Sharing of infrastructure will lead to reduced transaction costs and quicker roll out.
8. In order to address the issues related to infrastructure, a consultation process was initiated through a consultation paper on "Telecommunications Infrastructure Policy". The open house

discussions on this subject were held at New Delhi on 25th February 2011. Based on the written submissions of the stakeholders, the discussions in open house and prevailing international practices relevant to our country, the issues have been examined in depth and appropriate recommendations given.

9. The issues have been addressed in four chapters – Chapter I deals with the issues related to RoW, design of towers, camouflaging of towers, In Building Solutions and Cable Landing Station. Chapter II deals with issues related to Internet Protocol (IP) infrastructure covering Broadband, Internet Exchange Points, Migration to IPv6 and IPTV. Chapter III deals with infrastructure management where issues related to infrastructure sharing, MVNO, USO and Rural Telephony have been discussed. Chapter IV gives summary of recommendations.

CHAPTER I: INFRASTRUCTURE ELEMENTS

1.1 In the consultation paper a working classification of telecommunications infrastructure was proposed for the sole purpose of focusing on regulatory and policy issues relevant for different classes or categories of infrastructure. The telecom infrastructure was classified as:

- (i) Fixed Network
- (ii) Mobile Network
- (iii) Broadband Network
- (iv) Long Distance Network
- (v) IP Network

1.2 In response to the question regarding the aptness of the above classification, most of the stakeholders were broadly in agreement with the proposed classification. However, some of the stakeholders were of the view that instead of classifying them from the service point of view, they should be classified in terms of discrete elements like BSS/OSS, NMS, Service Delivery Platform for VAS, Carrier Network, Access Network, Data centres, DSLAM, Metro Ethernet etc.

1.3 While making the above classification, the Authority was conscious of ~~the fact that~~ the telecom is undergoing a metamorphosis whereby convergence is taking place at various levels. At the industry level, telecommunications, IT and entertainment are converging and assuming cross-industry roles. A mobile telephone today is also a computer and a mobile TV. Increasingly TVs are becoming capable of providing internet connectivity. Cable TV network is being digitalised to become broadband capable. Traditionally, infrastructure has been

developed according to type of service it provided. However, with rapid technological advancement leading to convergence, it has become possible to use the same network elements or technology to provide multiple services through single platform, thereby avoiding duplication of infrastructure.

1.4 Both fixed and mobile networks can be equipped with technologies to provide broadband services. In other words broadband networks could be fixed - with copper or fibre or wireless. The long distance networks could be based on TDM, ATM, FR or IP or other technologies in future. In the context of licence today, the carriers or the long distance operator, set up inter-service area network and also networks to other countries. The same network could be used by fixed, mobile and broadband networks.

1.5 In view of the above, it will be perhaps appropriate that rather than looking at it from the point of view of a particular category of service providers, the network is conceived as a combination of infrastructure elements capable of delivering various services. Accordingly, following infrastructure elements, which are of key importance in meeting the requirements of telecommunications infrastructure, have been discussed in the subsequent paragraphs;

- Towers
- ~~In Building~~ In Building Solution (IBS)
- Distributed Antenna System (DAS)
- Cable Landing Station (CLS)

1.6 The tremendous growth of telecommunications in recent years coupled with its capabilities to deliver a host of other services like e-health, e-education, commerce, entertainment and a number of other

applications have made telecommunication a basic need like water, electricity or road. Infrastructure development plays a crucial role in building a robust telecom network. The high level of growth in the Indian wireless telecom sector and recent launch of 3G and BWA services will continue to drive huge investments in building the telecom infrastructure. Given the substantial capital investment required, it is imperative to seek private sector participation in this area. Since communication has now become the basic need of every one, necessary infrastructure to fulfil this requirement need to be created, even in rural areas. Therefore, the essentiality of telecom infrastructure cannot be overstated.

1.7 The Authority recommends that telecom infrastructure should be treated as an essential infrastructure.

1.8 Section 19B of the Indian Telegraph Act, 1885 authorises the Central Government to confer licences, by way of a notification, the powers of the Telegraph Authority under part III of the Act. The Government issued a notification on 24th May, 1999 (**Annexure-I**), permitting the licencees under Section 4 of the Act to seek way-leave from any person including public authority, public corporation, autonomous body, State Government or Central Government in the respective licenced service areas for the purpose listed therein. The dictionary meaning of the term 'way-leave' is right of use over the ~~property of another~~. Traditionally the permitted kinds of uses were limited, most important being right of way.

1.9 Currently, infrastructure provision is being made by infrastructure providers who are currently being registered by the Department of Telecommunications. The telecom service providers who are licencees under Section 4 of the Indian Telegraph Act, 1885 are divesting

themselves of the task of infrastructure provision. Therefore, advantage of the notification under Section 19B is much less today than before.

- 1.10 In the Recommendations on "Spectrum Management and Licensing Framework" issued in May, 2010, this Authority had recommended that Infrastructure Providers (IP-I) should be brought under Unified Licence. In the context of the need for facilitating the infrastructure providers, by empowerment under Section 19B, the need for IP-I being brought under this is all the more urgent.

- 1.11 The Authority recommends that Department of Telecommunications should immediately bring the IP-I under Unified Licence.**

- 1.12 As mentioned earlier around 1 lakh additional towers will be required to cater to 1 billion mobile telephones by 2014. At an average investment of Rs. 25 lakh per tower, this will require an investment of Rs. 25,000 crore. Given the substantial capital investment required, it is imperative to seek private sector participation in this area. The Government provides tax holidays under section 80 IA of the Income Tax Act, 1961 to infrastructure companies in sectors like power, ports, natural gas etc. Since telecommunication is an essential infrastructure, companies building the telecom infrastructure should ~~also be brought~~ under such a provision under Income Tax Act, 1961. Such a provision can also promote investments in the rural areas and incentivise private sector participation in telecom infrastructure projects.

- 1.13 The Authority recommends that telecom infrastructure provider companies should be extended tax benefits under Section 80 IA.**

A. Towers

- 1.14 Presently, there are 12-14 telecom service providers in each service area catering to around 791 million wireless subscribers at the end of February, 2011. Additionally, all those operators who were successful bidders in the auction of spectrum for 3G and BWA services are also in the process of roll out of their networks. As telecom towers are an integral part of the wireless telecom infrastructure, number of towers will also increase along with network expansion. Currently there are around 400,000 telecom towers and it is estimated that approximately 100,000 more towers will be required to cater to projected subscriber base of around 1 billion by 2014 and to support rollout of 3G and BWA services.
- 1.15 In last few years, large number of towers with close proximity, especially in Metro and urban areas, has raised several concerns about aesthetics, health issues concerning radiation hazards and safety of telecom towers. The use of power generators to address lack of un-interrupted power supply also adds to pollution. As a result, stringent conditions have been imposed by various civic authorities for erection of towers. These include requirements such as advance clearance from Resident Welfare Associations (RWAs) in case of residential areas, structural safety certificate, clearance from pollution ~~control authorities~~ and fire authorities. At times there are huge delays in granting the permission. Moreover, there has been multi fold enhancement in levies for grant of permission.
- 1.16 While it is necessary to meet the requirements related to safety and pollution in the larger interest of the society, delays in granting permissions is not only impacting the growth of the sector but is also

adversely affecting the quality of telecom services being provided to the customers. This has necessitated a relook regarding the issues related to infrastructure elements and the current legal framework along with suggestions to align the legal framework with changing technological landscape. This has been discussed in the following paragraphs.

1. Clearances for infrastructure deployment from local Authorities

- 1.17 Service providers are required to put together various infrastructure elements for providing telecommunication services to end consumers. Some of the elements may be installed in the premises owned or leased by the service provider and other elements may be required to be placed in other's property. Other's property may come under the purview of local authority or could be owned by societies or an individual. In case the infrastructure elements are required to be placed in other's property, necessary permission for use of the property for placing the infrastructure will be required. In addition in certain cases, other clearances like fire safety, pollution, aviation, and defence may also be applicable. Local civic authorities have formulated guidelines for this purpose prescribing conditions to be fulfilled by the service providers before deploying the infrastructure like cable, towers etc.
- 1.18 ~~In absence of a~~ uniform national policy for granting permission to place a telecom infrastructure element, local civic authorities/State Governments have come up with their own policies. These policy ~~guidelines vary~~ widely across the country from State to State, city to city having different terms and conditions, taxes, levies, safety aspects and involve lengthy procedure for grant of permission. To illustrate the variations in the policies adopted by various states, the policies of

various states for erection of towers was studied. **(Annexure-II)**. As can be observed, there is a wide variation between the policies and conditions prescribed by the states even though all telecom services are governed under the same Indian Telegraph Act, 1885. In many cases, the process is reported to be complicated and time consuming. The main issues are high charges for grant of permission, complicated approval procedure and clearances required from multiple agencies resulting in delays. These procedural issues have resulted in increased costs, delayed investments, higher roll out time and poor quality of service. Therefore, there is an urgent need to streamline the procedures within the legal framework and come up with a national policy to achieve faster growth of telecommunication services in the country. A uniform policy should have a single legal framework for the entire country and need to be applicable for deployment of all kinds of infrastructure elements. Since major growth is happening in mobile area which requires deployment of large number of towers, specific questions relating to erection of towers were put up for consultation.

1.19 In the consultation paper, stakeholders were asked to provide comments on the following questions:

- i. Do you consider that the existing framework of different civic authorities to grant permission for telecom towers is adequate and supportive for growth of telecom infrastructure?
- ii. Is there a need to set-up a single agency for approval and certification of towers? Is there an existing agency that can do this work? If a new agency is proposed, what should be its composition and framework?
- iii. Is it feasible to have a uniform framework of guidelines including registration charges, time frame, single window clearance etc for granting permission for installation of telecom

- towers and laying of optical fibre cables? If so, can it be prescribed by the Licensor or the Regulator?
- iv. What can be an appropriate time frame for grant of permission for erection of towers?
 - v. How can a level playing field be ensured for telecom service providers vis-à-vis other utility service providers especially in reference to tower erection?
 - vi. Which agency is best suited to inspect the buildings and certify the structural strength of the buildings in case of roof based towers?

1.20 In response, some of the stakeholders suggested that there is a need to set up a single agency for approval and certification of towers. They were of the opinion that Government may create a new agency consisting of persons from relevant departments and service providers or the industry associations. Such agency should be empowered with adequate power (e.g. fixation of tariff and other guidelines) and could interface with local civic authorities in grant of very specific approvals for setting up telecom towers such as certification of buildings, structural strength, or permissions to set up towers in certain sensitive areas such as defense cantonments, heritage sites, border areas, etc. One of the stakeholders opined that there is a need for a new agency consisting of representatives from Municipality concerned, certified structural engineer from the same city and a ~~representative~~ from RWA (applicable only in case of multi-storied building). However, few stakeholders were of the opinion that there is no need for a single agency and suggested that it should be the responsibility of the Municipal Corporation to give approvals in the same way, as they approve the building plans.

- 1.21 Some of the stakeholders suggested that the Government should formulate a National Telecom Infrastructure Policy (NTIP), in exercise of powers under Section 7 of the Indian Telegraph Act, 1885, to lay down clear guidelines to be followed by various states and local authorities for grant of approvals and certification for telecom towers and laying of optical fibre cables. They also suggested that uniformity in the rules across country in providing RoW, levies and specifying other requirements of safety are an absolute must. There should be uniformity in policies for RoW, procedure for laying underground cable, rules and levies related to Telecom Infrastructure including Telecom Towers.
- 1.22 Some stakeholders mentioned that Mobile Towers fall under the definition of "telegraph" under the provisions of Indian Telegraph Act, 1885 which is absolutely different and distinct from the concept and meaning of the expression "Building" as used in the various State Acts. They also mentioned that as per Entry 31 of List I of 7th Schedule (Union List), the Central Government has the exclusive legislative competence to deal with any matter relating to the same. They said that Entry 31 covers the entire field in relation to "Telegraphs" including erection/installation, maintenance and operation thereof and read with Entry 96 of the same List covers all and any fee payable in respect thereof.
- 1.23 ~~Despite various steps~~ taken by Government, problems such as levy of high charges, lack of uniformity in decision making processes, non-availability of single window system for RoW clearance, long time in granting permissions etc. have remained unresolved and are impeding growth of telecom infrastructure in the country. There is a need to ensure uniform procedures for RoW permissions across the country for timely and faster rollout of telecom infrastructure.

1.24 Present constitutional and legal framework for Telecommunications is as follows:

Schedule 7 of the Constitution of India consists of three lists as follows:

- List I – Union List
- List II – State List
- List III – Concurrent List

Telecommunication falls under the Union List. Entry 31 & 96 of this list cover all the matters related to telecom and associated fees. As per Part XI described below the Parliament has exclusive powers to make laws with respect to any of the matters covered under Union list, which includes telecom. The State legislative has exclusive powers to make rights related to land, which falls under the State list (List II).

1.25 Part XI of the Constitution of India covers the Relations between the Union and the States. Chapter I of Part XI of the Constitution of India relates to Distribution of Legislative Powers between the Centre and the States. Article 246 of chapter I covers subject matter of laws made by Parliament and by the Legislatures of States and is reproduced below:

*“246.(1) Notwithstanding anything in clause (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters **enumerated** in List I in the Seventh Schedule (in this Constitution referred to as the “Union List”).*

(2) Notwithstanding anything in clause (3), Parliament, and, subject to ~~clause (1)~~, the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the “Concurrent List”).

(3) Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the "State List").

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that such matter is a matter enumerated in the State List."

- 1.26 Entries 31 and 96 of the List I of the 7th Schedule cover telecommunications and related fees. These are reproduced below:

"31 – Posts and telegraphs; telephones, wireless, broadcasting and other like forms of communication.

"96 – Fees in respect of any of the matters in this List, but not including fees taken in any court."

- 1.27 Clause (3) of Article 246 which mentions that the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule. Entry 18 of List II (State List) relates to Land and is reproduced below:

"18. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonisation."

- 1.28 The laws governing the telecommunications in India are governed by the Indian Telegraph Act, 1885 amended from time to time. Section 7 of the Indian Telegraph Act, 1885 empowers the Central Government

to make rules consistent with this Act for the conduct of all or any telegraphs established, maintained or worked by the Government or by persons licenced under this Act. Section 7 is reproduced below:

“Power to make rules for the conduct of telegraphs—(1) The Central Government may, from time to time, by notification in the Official Gazette, make rules consistent with this Act for the conduct of all or any telegraphs established, maintained or worked by the Government or by persons licensed under this Act.

(2) Rules under this section may provide for all or any of the following among other matters, that is to say:

[(e) the conditions and restrictions subject to which any telegraph line, appliance of apparatus for telegraphic communication shall be established, maintained, worked, repaired, transferred, shifted, withdrawn or disconnected;]

[(ee) the charges in respect of any application for providing any telegraph line, appliance or apparatus;]

(f) the charges in respect of –

(i) the establishment, maintenance, working, repair, transfer or shifting of any telegraph line, appliance or apparatus;

(ii) the services of operators operating such line, appliance or apparatus;

- 1.29 Regarding permission from local authorities, Sections 10, 12, 13, 15 and 16 of the Indian Telegraph Act, 1885 are relevant. Section 10 provides power to telegraph authority to place a telegraph line subject to clause (c), which mentions that telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the

permission of that authority. Section 12 empowers the local authority to impose reasonable conditions as it thinks fit for giving any permission under Section 10, clause (c). Sections 10, 12 and 13 are reproduced below:

"10. Power for telegraph authority to place and maintain telegraph lines and posts – The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:

Provided that –

- a. the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the [Central Government], or to be so established or maintained;*
- b. the [Central Government] shall not acquire any right other than that of user only in the property under, over, along, across in or upon which the telegraph authority places any telegraph line or post; and*
- c. except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and*
- d. in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage ~~sustained~~ by them by reason of the exercise of those powers."*

"12. Power for local authority to give permission under section 10, clause (c), subject to conditions – Any permission given by a local authority under section 10, clause (c), may be given subject to such reasonable conditions as that authority thinks fit to impose, as to the payment of any expenses to which the authority will necessarily be put

in consequence of the exercise of the powers conferred by that section, or as to the time or mode of execution of any work, or as to any other thing connected with or relative to any work undertaken by the telegraph authority under those powers."

"13. Power for local authority to require removal or alteration of telegraph line or post.—When, under the foregoing provisions of this Act, a telegraph line or post has been placed by the telegraph authority under, over, along, across, in or upon any property vested in or under the control or management of a local authority, and the local authority, having regard to circumstances which have arisen since the telegraph line or post was so placed, considers it expedient that it should be removed or that its position should be altered, the local authority may require the telegraph authority to remove it or alter its position, as the case may be."

- 1.30 A perusal of the provisions of the Indian Telegraph Act, 1885 indicates that RoW permission is required from local Authority, in case the land or property under question is under the management or control of local Authority and is subject to conditions as decided by local authorities. Further, provision for handling disputes is available in the Section 15 of the said Act, which reads as below:

"15. Disputes between telegraph authority and local authority.— (1) If ~~any dispute arises~~ between the telegraph authority and a local authority in consequence of the local authority refusing the permission referred to in section 10, clause (c), or prescribing any condition under section 12, or in consequence of the telegraph authority omitting to comply with a requisition made under section 13, or otherwise in respect of the exercise of the powers conferred by this Act, it shall be

determined by such officer as the [Central Government] may appoint either generally or specially in this behalf.

(2) An appeal from the determination of the officer so appointed shall lie to the [Central Government]; and the order of the [Central Government] shall be final."

- 1.31 Section 16 covers the disputes in case of property other than that of a local authority and is reproduced below:

"16. Exercise of powers conferred by section 10, and disputes as to compensation, in case of property other than that of a local authority.—(1) If the exercise of the powers mentioned in section 10 in respect of property referred to in clause (d) of that section is resisted or obstructed, the District Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them."

- 1.32 From the reading of the above provisions, it can be observed that the Indian Telegraph Act, 1885 envisages two categories of properties for providing rights of way. One category being properties "vested in or under the control or management of local authorities" and the second category being other private property. This dichotomous approach is evident in the provisions under Sections 10 (c) & 10 (d) as well as between Section 15 & 16 of the Act whereby these two categories of properties are differently treated in so far as ingress, disputes & compensation are concerned. Accordingly, local authority's power and ~~authority in terms of~~ exercising the provisions of the Indian Telegraph Act, 1885 should apply only to those properties that are vested in or under the control or management of local authority and all other ~~private properties~~ would not be under the purview of the local authorities. Consequently in so far as private properties are concerned; all transactions in terms of the provisions of the Indian Telegraph Act, 1885 would lie directly between the telegraph authority

and the property owner without the intervention or mediation of any local authority. The matter relating to private property will continue to be between telegraph authority and the owner of the property. If the owner of the private property is not satisfied with the intention of the telegraph authority to place telegraph on his/her property or any dispute arises between the owner of the private property and telegraph authority, he/she is required to approach the District Magistrate for settlement of the dispute as provided in Section 16 of the Indian Telegraph Act, 1885.

1.33 It has been noticed that in last few years a number of local authorities are levying charges from the service providers/ IP-I for the telecom towers installed even on private properties. The charges levied have no uniformity and these are reported to have increased periodically. As discussed above, the Indian Telegraph Act, 1885 permits the local authorities to levy charges only for permission to place a telegraph line/ post on the properties that are vested in or under the control or management of local authority and not for the private properties.

1.34 **The Authority recommends that DoT should clarify this position – that the local authority's power in terms of exercising the provisions of the Indian Telegraph Act, 1885 is limited only to those properties that are vested in or under the control or management of local authority - to all the State Governments for strict compliance by local authorities.**

1.35 The disputes between the telegraph authority and local authority in consequence of local authority refusing permission or prescribing any condition or in consequence of telegraph authority omitting to comply with requisition made by local authority to remove or alter telegraph

line can be settled through a dispute resolution authority provided under Section 15. The dispute resolution authority for such dispute can be decided by Central Government. Our understanding is that no such authority has been established by Central Government and generally in the absence of such authority cases are landing in the courts. It is necessary that such an authority should have a comprehensive view of the working of the local bodies and should also have sufficient administrative experience and stature for quick resolution of the dispute. Resolution of disputes by different authorities is likely to result in disparate treatment of the subject. A single authority will help in the development of uniform guidelines. The Authority is of the opinion that the Joint Secretary in DoT is best suited to carry out this task.

1.36 The Authority recommends that Central Government should appoint Joint Secretary in DoT as the Dispute Resolution Authority for dealing with the cases of refusal of permission or imposition of conditions for granting permission by local authority.

1.37 Local authorities are allowed to impose reasonable conditions regarding the payment of any expenses to which the authority will necessarily be put in consequence of the laying/erection of the telecom infrastructure. Since there are no guidelines available, these ~~charges for restoration~~ as a consequence of infrastructure deployment differ between different authorities and sometimes in two different areas under the same authority. Non uniformity may lead to non agreement and delay in execution of infrastructure work. It is felt that charges for similar type of work may be more or less similar across similar types of cities, towns or villages. Therefore, it will be better if

the restoration charges are prescribed in advance by type of city and made applicable across the country.

- 1.38 It has been pointed out by the service providers that local authorities often delay according permissions in terms of the power entrusted to them. In the absence of any fixed time limit to grant permission under the Indian Telegraph Act, 1885, the service providers face a considerable delay in getting the RoW permission. A reasonable time limit for according permission by the local authorities can be stipulated through the instrument of the rule making provision under Section 7 of the Indian Telegraph Act, 1885. The issue of 'Right of Way' has also been indicated in TRAI's recommendations of December, 2010 where the Authority had recommended that "the Government may fix and notify the charges for Right of Way in consultation with the State Governments on priority basis and ensure time bound availability of RoW to telecom service providers after due intimation to the agency concerned."

- 1.39 **The Authority recommends that, subject to para 1.41 below, in case of laying of telecommunication cables, the reinstatement charges per kilometer should be as follows.**

Size	Reinstatement charges (Per Km in Rs. lakh)		
	Black top/ cement road	Metal road	earthen road
Cities with population			
above 1 million	5	3	1
above 1 lakh to 1 million	3	2	0.5
above 10000 to 1 lakh	2	1	0.25
Villages with population			
10000 and below	1	0.75	0.25

For the purpose of population, latest census will be the reference.

- 1.40 **The Authority recommends that, subject to para 1.41 below a maximum of forty five (45) days should be prescribed for grant of**

permission by the local authority for establishing telegraph line/ post/ laying of cable.

1.41 In this regard, the opinion in respect of the authority of the DoT, to issue a rule under Section 7 of the Indian Telegraph Act, 1885 is divided. The DoT will be well advised to seek the legal opinion in this regard. If it is determined that such rule cannot be made under Section 7 of the Indian Telegraph Act, 1885, the Authority would like the Government to make necessary amendments in the Indian Telegraph Act, 1885.

1.42 In order to streamline the provisions of Right of Way (RoW) for telecom services, a committee of secretaries was set up by Group on Telecom and IT Convergence (GOT-IT) in the year 2000. The committee studied the RoW policies of various State Governments and submitted its report containing model guidelines for streamlining the RoW provisioning. This report was circulated to all State Governments on 24th August, 2000. DoT has again circulated this report vide their letter no. 820-01/2008-DS dated 9th April 2008 to all the states (**Annexure-III**). However, implementation of these guidelines has met with limited success. Therefore, there is an urgent need to engage with State Governments for resolving the RoW issues or to modify the legal framework such that a uniform policy gets applicable and implemented across the entire country.

2. Standardisation of Tower design

1.43 With the rapid growth in the mobile subscriber base, service providers are required to create adequate tower infrastructure for expanding the network. As there are no mandatory design specifications for towers, every service provider and infrastructure provider has adopted tower designs that suit their requirement. Due

to non availability of any uniform design specifications and lack of a designated approving body, cities and towns are cluttered with towers of various designs which make the skyline aesthetically unattractive. The strength of such towers also becomes important in view of the towers erected in residential and busy commercial hubs. Local authorities share the concerns of the customers about various aspects of the towers in particular about the safety and radiation aspects consequent to deployment of tower. Standardisation and certification will be needed to reassure the local authorities and customers about the safety and other related issues.

1.44 In the consultation paper, stakeholders were asked to provide comments on the following questions:

- i. Would you agree that the design of towers can and should be standardised?
- ii. If yes, how many different types of towers need to be standardised?
- iii. What are the important specifications that need to be included in these standards?
- iv. Which is the best Agency to standardise the tower design?

1.45 In response, some of the stakeholders suggested that design of tower should not be standardised as these are already being approved from ~~the authorised agencies~~. They were of the view that considering the diverse geographies, the existing framework of self regulation is adequate and should be allowed to be continued. One of the ~~stakeholders mentioned~~ that any design that is aesthetically good, improves infrastructure sharing and reduces capital expenditure (CAPEX) for the operators, should be encouraged. Innovation in designs helps in increasing efficiency and enhancing safety, and

should be encouraged. Towers having lesser carbon footprint that are camouflaged and use aesthetic materials should be encouraged by giving subsidies. Some of the stakeholders mentioned that any efforts for standardisation must ensure that the standards only define optimal functional specifications. They suggested that specifications related to safety should only be standardised. One of the stakeholders opposing the standardisation of towers mentioned that no telecom infrastructure is deployed without ensuring the structural safety and it is done only after taking due clearances such as No Objection Certificate (NOC). Some of the stakeholders mentioned that in case standardisation is a must then Bureau of Indian Standards (BIS), Telecom Engineering Centre (TEC), SERC, CPRI and IIT are competent agencies to standardise the tower design. They also mentioned that BIS and TEC also have requisite statutory Authority to specify standards.

- 1.46 Towers are designed by taking into consideration several factors like size, weight, height & orientation of antenna and wind velocity at the site. Site survey and soil investigation are also carried out while designing and installing a tower. Technological evolution further facilitates better tower design to suit present requirements. The following paragraphs focus on various factors related to tower structure, design, standardisation and other important issues.

(a) Types of Towers

- 1.47 Several types of towers are used in mobile networks depending on the applicability, antenna load and terrain of the installation site. Some of the popular types of telecom tower structures are given below:

- (i) **Steel Lattice structure:** Steel lattice structures are modular in construction and are made up of latticed steel elements. Such structures are usually triangular or square in cross-section. Steel lattice constructions are very widely used since they offer the advantage of minimum wind resistance and easy maintenance. These towers have good strength, low cost and can be erected very quickly. Most of the power transmission, telecommunication and broadcasting towers are of this type.
- (ii) **Tubular Steel structure (Monopole):** Tubular steel structures offer high load bearing capacity. These towers are made up of elements with tubular section joined together to get great strength. The sections of tubular towers have their own advantages, but offer low durability especially at places with high corrosive environment, like a coastal area or an industrial zone.
- (iii) **Reinforced concrete towers:** These towers are among the most expensive to construct. However, reinforced concrete towers provide maximum rigidity against high wind-loads. These towers can house within it, a control centre to monitor and control operations of the tower and associated equipment.
- (iv) **Fibre glass towers:** These towers are used for very niche and limited applications in routine telecommunication.

1.48 Based on the installation type, mobile towers are further classified as Ground Based Towers (GBT) or Roof Top Towers (RTT).

(i) Ground based towers

1.49 These towers are erected on natural ground with suitable foundation. Height of these towers can vary from 30–200 meters; however most of the telecom towers are of 40 meters in height. The approximate cost of setting up a ground based tower is Rs. 25 lakh to Rs. 30 lakh depending upon the height of the tower. These towers

have high load bearing capacity and are suitable for sharing. As per Telecommunication Engineering Centre (TEC) generic requirement GR/TWR-11/01.Dec 2004, a four legged 30/40 meter tower can support upto 12 number of panel antennas and 3 number of 0.6m diameter microwave solid dish antennas.

(ii) Roof Top Towers

- 1.50 These types of towers are erected on top of the roofs of existing buildings with raised columns and tie beams. Height of these towers can vary from 9-30 meters. The capital expenditure for setting up a roof top tower is Rs. 15 to 20 lakh. Load bearing capacity of the building on which such towers is erected becomes important. Service Providers have to carefully evaluate the strength of roof top before taking a decision to erect roof top towers. As per TEC generic requirement GR/TWR-09/01.feb 2004, a 20/25/30 meter roof top tower with square base can support upto 12 number of panel antennas and 3 number of 0.6m dia microwave solid dish antennas. Whereas a 15/10 meter roof top tower with square base can support upto 6 number of panel antennas and 3 number of 0.6m diameter microwave solid dish antennas.

(b) Factors affecting the Tower Design

- 1.51 Some of the factors that are taken into consideration for designing towers are:

- Population and geographical conditions within the area served
- Aerial height requirement for each system
- ~~Directions~~ for the directional antennas
- Wind drag on each element of the array
- Size, weight and disposition of all feeders and cables

- Permitted angular rotations in azimuth and elevation of each aerial
- Need for all-weather access
- Possible future extension
- Atmospheric ice formation on the structure and aerials and its likelihood to occur with high wind
- Wind drag with ice
- Degree of security required
- Available ground area and access to the site
- Overall cost of land, foundations and structure
- Cost of future maintenance
- Any special planning considerations imposed by statutory bodies
- Aesthetic appearance of the structure

The above mentioned list is, however, not exhaustive. Any of the factors mentioned can singly but often in combination, influence the choice of the optimum structure.

1.52 A tower is designed and erected after taking into account all the important factors. Broadly, any new tower is expected to accomplish one or more of following three objectives:

- (i) Coverage: A new tower provides coverage over areas that do not currently have coverage.
- (ii) ~~Capacity~~ Capacity: A new tower provides additional capacity for handling more calls in areas where existing towers are overloaded.
- (iii) Quality: A new tower can provide better coverage over an area where call drops are high or quality of calls is poor.

- 1.53 Coverage area (cell) of a tower depends on various factors. The cells are smaller in high-density population areas and larger in case of low density population areas. (Figure 1.1)

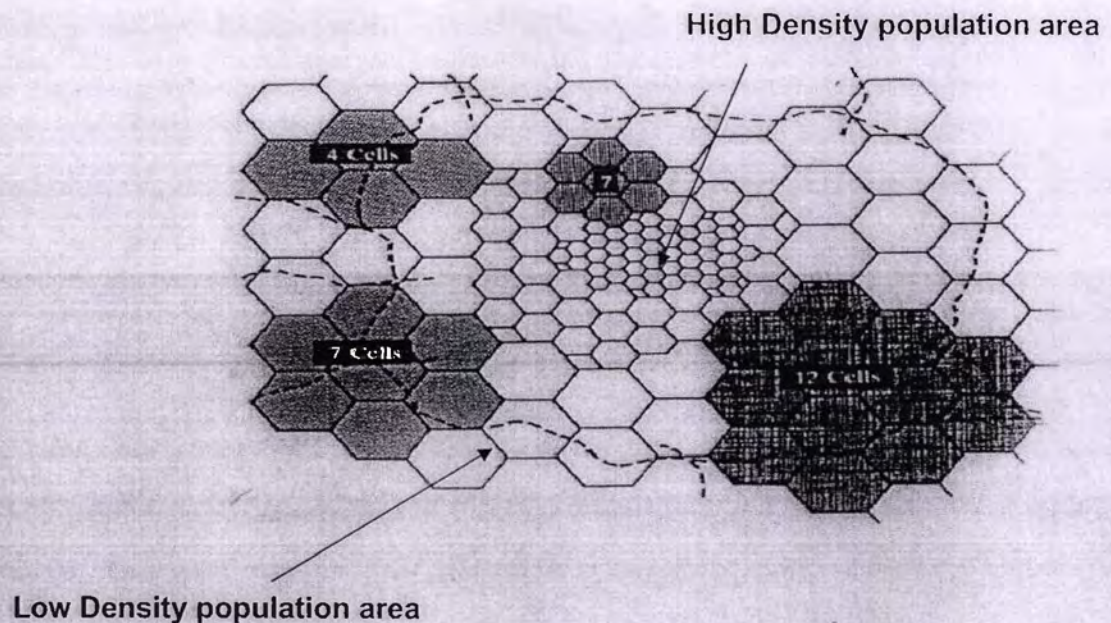


Figure 1.1: Cell Area Vs Population Density

- 1.54 Location and density of telecom towers in a service area are important factors bearing direct relation to the capacity and quality of service. Service providers split bigger cells into smaller cells by **installing more** BTSs, and consequently more towers, to increase the capacity for catering to the increased voice traffic.
- 1.55 The strength and rigidity of a tower is important to ensure safety of people and property near the towers. TEC has issued Generic Requirements (GR) for both ground-based as well as roof-top mobile towers including technical specifications and safety requirements.

However, UAS licence neither provides for any condition related to tower specification or standards, nor it has suggested any single body for tower design certification making adherence to TEC specifications optional for the service providers. Service providers and Infrastructure providers are of the view that TEC's GR are not suitable to meet their requirement particularly in the fast evolving industry. As there are no mandatory design specifications for towers, every service provider and infrastructure provider has adopted tower designs that suit their requirement. Service providers and infrastructure providers have taken approval for design of these towers from organisations such as Structural Engineering Research Centre (SERC), Central Power Research Institute (CPRI), educational institutes like IITs, State Electricity Regulatory Commissions and the like. Due to non availability of any uniform design specifications and lack of a designated approving body, cities and towns are cluttered with towers of various designs which make the skyline aesthetically unattractive. Safety of such towers is also questioned by different agencies including Resident Welfare Associations (RWA) of residential colonies. There appears to be a need to explore uniform designs and specifications for towers and a single approval or certification body. This will be helpful for standardisation of tower design and reducing the cost of manufacturing.

- 1.56 The current design practices draw reference primarily from Indian ~~code of practice~~ for transmission line towers and from multiple codes of practices for steel structures, wind load, seismic load, snow load, manufacturing codes etc. From the information on their website www.bis.org.in it appears that Bureau of Indian Standards is working on the development of Indian Codes of practice for telecom towers. Telecom Engineering Centre has prescribed certain specifications but they are not being followed in many of the cases. There is a need for a

comprehensive set of standards to be in place early so that the large number of towers that are expected to be built in future adhere to these standards. In the next few paragraphs we shall see what other countries have done in this regard.

1.57 The US and a few European Countries have developed dedicated and comprehensive codes for telecom towers which cover all the essential aspects of telecom towers from planning, design, manufacturing, soil investigation parameters, assembly & construction in field, safety requirements including grounding protection system and aviation obstruction requirements, periodic maintenance, condition assessment and reverse engineering for existing towers to ascertain the load carrying capacity of towers for enhanced antenna loading. The US also mandates all the operators and Infrastructure companies to comply with American Code of Practices for telecom towers as per ANSI - TIA - 222G².

1.58 Malaysian Communications and Multimedia Commission (MCMC) has prescribed technical standards³ giving general requirements for rooftop tower sites, tower sites, mobile/portable BTS sites, operations & maintenance, design requirements for construction, structural, mechanical & electrical (C&S and M&E) of equipment cabins, antenna mounting structures, towers and power supply. Towers having **aesthetic look** are encouraged. Some of the suggested aesthetic structures are Monopole / Monopole Tree, Multipurpose Structures, Bill board, Minaret and Lamp Poles.

² http://www.tiaonline.org/standards/catalog/search.cfm?standards_criteria=TIA-222-G

³ <http://www.mtsfb.org.my/docs/technicalcodes/2009/MTSFB001-2009>

TechStandardsInfraReqRadiocommunicationsNetworkInfraExt_(Part%203)_21052010.pdf

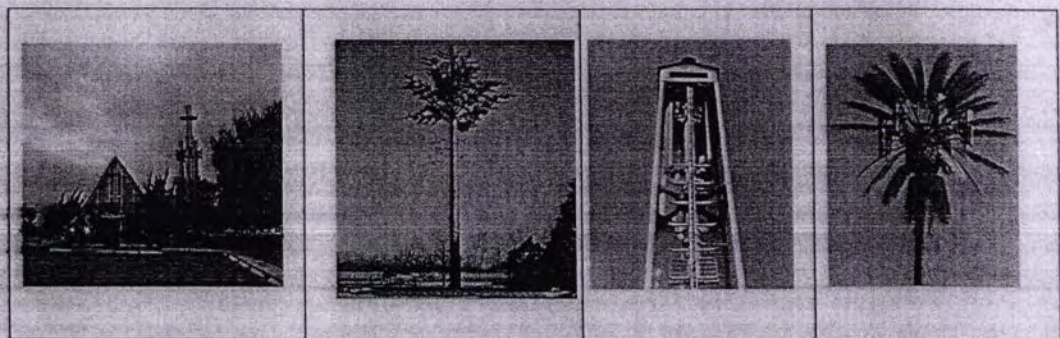
- 1.59 In Canada, design and construction of antenna sites⁴ are subject to the National Building Code. To ensure the safety of air navigation, antenna proponents must comply with Transport Canada's antenna structure clearance rules and procedures.
- 1.60 Telecom Engineering Centre has prescribed certain specifications but these may not be followed as there is no mandate to adhere to these standards. Moreover, present standards cover towers with steel lattice structure only. With the technological evolution and innovation, several tower designs like Tubular Steel structure (Monopole), Reinforced concrete towers, Fibre glass towers, Carbon Fibre towers are coming up as discussed earlier. Ensuring safety of such towers will be of prime importance. There is a need for a comprehensive set of standards for different types of towers in a time bound manner so that deployment of towers with aesthetic designs can get a boost.
- 1.61 At present, telecom service providers and infrastructure providers take approval for design of these towers from organisations such as Structural Engineering Research Centre (SERC), Central Power Research Institute (CPRI), and educational institutes like IITs. These approvals are based on the Indian code of practice for transmission line towers and multiple codes of practices for steel structures, wind load, seismic load, snow load, manufacturing codes etc. Since these ~~agencies work~~ independent of each other, there could be variations among these agencies related to standards and other parameters required to be met. There is a need to create an institutional arrangement in which these agencies or any other agency prescribed later could work in a uniform manner across the country.

⁴ <http://www.cwta.ca/CWTASite/english/towers.html#regulations>

- 1.62 The Authority recommends that TEC in consultation with the standardisation body should develop standards for all types of towers used in telecommunications in a time bound manner. These standards should be made mandatory for all the service providers. Licence conditions should be amended to include that all the towers will conform to the standards developed by TEC.

3. Reducing Visual impacts

- 1.63 Concerns have been raised regarding deterioration of skyline in metro and major districts due to erection of large number of telecom towers. Most current towers in India are lattice type and aesthetically unattractive. Alternative tower designs like monopole towers are available which are arguably more attractive. In some countries, innovative methods like camouflaging, landscaping and stealth structures are used to minimise the adverse visual impacts of telecom towers as depicted in figure 1.2 and 1.3. Such techniques are rarely being used in India.



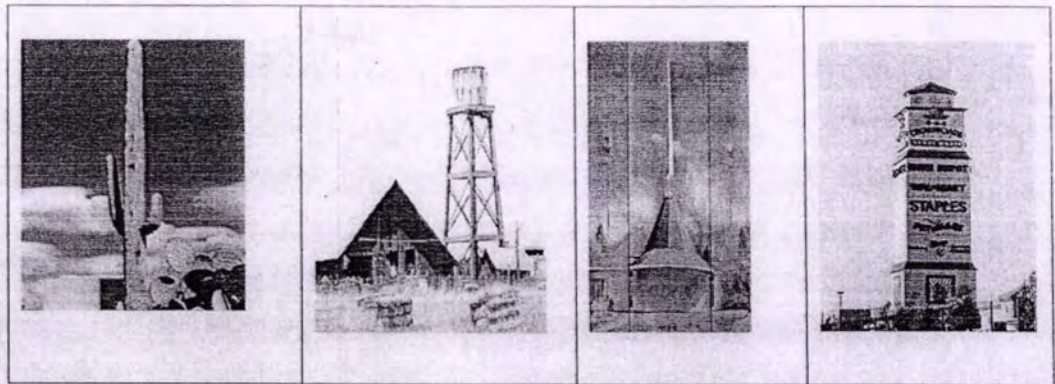


Figure 1.2: Camouflaging of towers with structures

Left: Antenna hidden behind clock face. Centre: Concealed in GRP Chimney pots. Right: Antenna emulating a flagpole.

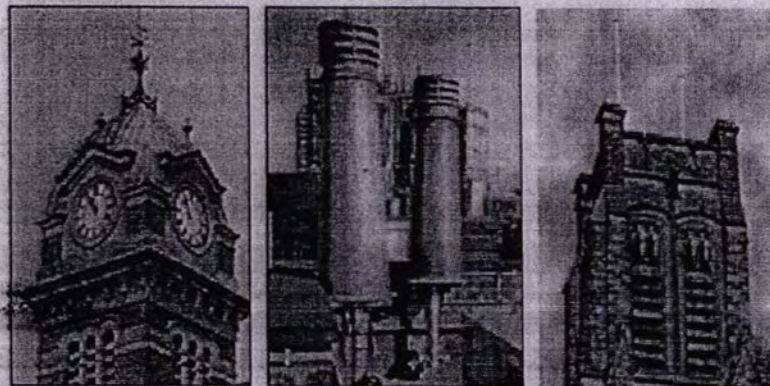


Figure 1.3: Towers Integrated with surrounding Structure

1.64 In the consultation paper, stakeholders were asked to provide comments on the following questions:

- i. What is the likely cost of camouflaging the towers?
- ii. Can camouflaging be made mandatory? If so, can this be made part of the design standards of the towers?

1.65 In response, some of the stakeholders were of the view that camouflaging should not be made mandatory as it involves very high cost and adversely affects the ability of the service providers in offering affordable tariff to the consumers. There are significant costs associated with camouflaging of towers, which will have to be passed on to the operators by the telecom infrastructure providers, and it would lead to additional burden on the end-consumer. Some of the stakeholders are of the view that it is difficult to assess the cost of camouflage towers, as it would depend on the camouflaging needs and required designs to enable it. They mentioned that from some similar experiences of camouflaging towers in other countries, the cost of such towers could be as high as two to three times that of a regular telecom towers. Camouflaging may be prescribed only if it is considered necessary for certain aesthetic purposes in areas of heritage, environmental or architectural importance. Some of the stakeholders are in favour of making camouflaging mandatory. However, they also mentioned that camouflaging will depend upon ~~each site~~, hence cannot be made part of tower design. Therefore design of the tower and related issues like camouflaging should be left to the operators.

1.66 Currently service providers erect towers as per their requirement of expanding coverage, capacity or quality. Most of the current towers in India are lattice type and aesthetically unattractive. Use of

Camouflaging and similar techniques involves certain cost, which may be passed to the end consumers if it is mandated. On the other hand it is also important to ensure the aesthetics of certain geographical areas of heritage, environmental or architectural importance. There is a need to encourage the operators to adopt such techniques.

- 1.67 Every city has its own characteristics and looks; therefore, different cities have different aesthetic requirements depending upon their location, historical values and local sentimental factors. These requirements can suitably be assessed by local bodies. While the Authority would have liked that most of the towers in cities are camouflaged to give the aesthetic look to towers, it is conscious of the cost implications. The National Broadband Plan issued by TRAI in December 2010 envisages establishing of optical fibre network in 63 Jawaharlal Nehru National Urban Renewal Mission (JNNURM) cities by 2012. With the availability of fibre, solutions like active Distributed Antennae System (DAS) can be deployed. Solutions like DAS and emerging "Light Radios" will lead to reduction in number of towers. Therefore, mandatory camouflaging for all towers is not being suggested. Nevertheless, some towers will remain. Therefore cost effective camouflage designs will have to be developed in the meantime. Besides, in certain areas, camouflage of towers will be required despite possible additional costs. TRAI will work on development of cost effective camouflage designs involving institutions having expertise in design.

- 1.68 **The Authority recommends that camouflaging should be made mandatory in areas of heritage, environmental or architectural importance.**

4. Electricity connection for tower sites

1.69 Availability of electricity is one of the most important requirements to energise the telecom equipments. Lack of timely supply of electricity can affect the roll out of services and sustained functioning of telecom services. It is reported by service providers that it is often difficult to get electric supply from State Electricity Boards especially in rural areas. Unavailability or delay in power supply affects the timely powering up of Base Transceiver Stations (BTS) thereby affecting roll out of services to customers and QoS. Moreover, the electric supply is not regular in rural areas. This results in high dependence on diesel, which increases the cost and leads to pollution. The increased cost can make the services economically unviable and expensive.

1.70 **The Authority recommends that DoT should address all State Governments to direct the Power Distribution companies in the States to provide grid power connectivity on priority for telecom tower sites.**

B In Building solutions

1.71 With the rapid growth in the wireless subscriber base, the wireless platform is being increasingly used to provide a host of new applications like M-banking, data transfer, accessing social **networking sites**, gaming, mobile TV etc. According to CISCO⁵, global mobile data traffic reached 237 petabytes⁶ per month in 2010 with 2.6 fold growth over the last year. Overall, mobile data traffic is expected to **grow to 6.3 exabytes**⁷ per month by 2015, a 26-fold increase over 2010. India is also poised to see rapid growth in data services on

⁵ Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2010–2015

⁶ Petabyte = 10^{15} bytes

⁷ Exabyte = 10^{18} bytes

account of 3G and BWA service launches. This has resulted in, on the one hand, an increased demand on the already scarce spectrum and, on the other hand, an enhanced requirement of provision of seamless services anytime & anywhere, specially inside the buildings. The service providers are required to augment their network coverage inside the buildings to provide low latency, high speed network services.

1.72 Till a few years ago, most of the service providers were providing the mobile services mainly by installing macro cells mounted on mobile towers. However, with the increase in the usage for both voice and data services, the macro cells are not adequate to provide seamless and good quality of service inside the building. Additionally, because of signal loss inside the buildings, these macro cells need to radiate at higher power from outside the building, which results in smaller cell size and inter cell interference. In building solutions like IBS and DAS are the solutions to overcome the problem and also to ensure that the spectrum is utilised efficiently.

1.73 In the consultation paper, stakeholders were asked to provide comments on the following questions:

- i. What methods would you propose for reduction of the number of towers?
- ii. ~~In what ways~~ do you think that IBS can be encouraged for better in-building coverage, better QoS and reduction in level of radiated power from Macro cell sites?
- iii. ~~How~~ can sharing of IBS among service providers be encouraged? Does TRAI need to issue any guidelines in this regard?

1.74 In response, most of the stakeholders suggested that the local administration should make it mandatory while approving/clearing the construction of new facilities, such as multiplexes, malls, hotels, and recreational facilities etc. to facilitate IBS inside the buildings and take an undertaking from identified service provider to ensure execution of IBS in such facilities. In order to maximise bandwidths without increasing dependence on spectrum, it is important to encourage the use of IBS in all large structures with high usage of communications. Some of the stakeholders suggested that there should be neutral host provider and IP-I should be allowed to import, setup and operate specialised active IBS such as Fibre Optic based Active DAS and Grid Femtocells independent of the operators. Some of the stakeholder stated that it should be mandatory for Service Providers to use indigenously developed Indian products in their IBS infrastructure. In contrast, the views of some other stakeholders were that service providers should be free to choose the best system available based on specifications, real world performance and purchasing an indigenous product should not be made mandatory. Some of the stakeholder suggested that Government should consider incentives (e.g. reduction in licence fees) linked with number of operators sharing the IBS in a particular facility. Some of the stakeholders were of the view that in order to ensure high quality of service inside the building, to deliver better performance in terms of capacity and consistency and not just the availability of service, IBS is **the best option** for commercial complexes, high rise building, in metro and big cities.

1.75 It is important for all the service providers to provide coverage inside big buildings and complexes as their subscribers may be present at these places. However it will not be possible to install individual in-building infrastructure as this will result in not only duplication of

network but will also entail huge avoidable cost. It will be beneficial if one service provider or infrastructure provider installs the IBS and others share this infrastructure.

- 1.76 Although there are technical challenges and impediments in rolling out of IBS, the IBS system is widely deployed in some of the countries. There are various mode of deployment of In Building solutions such as built and managed by building owners(in such cases the building owner managing other services through same network), deployment by a neutral host infrastructure provider and built and managed by mobile operator and sharing as tenant with other service providers etc. Examples of some of the deployment of IBS⁸ are given in table 1.1.

Case	Description	Remarks
Suvarnabhumi Airport (Bangkok Thailand)	The country's top five mobile operators have gained the right to roll out an IBS inside the airport. The five operators have achieved an agreement to roll out a shared Distributed Antenna System that let them to provide mobile services based on second and third generation technologies (Ericsson, 2006).	Operational (Example of Built & Share DAS by multi-operators)
Hartsfield-Jackson Atlanta international Airport (HJIA)	The airport's operator (The City of Atlanta's Department of Aviation) has built, owns and manages its own IBwS designed to accommodate all major wireless standards and protocols (both mobile services and Wi-Fi access to the Internet) in the Atlanta International Airport. The system has also enhance airport operations with a completely separate layer to support Public Safety and other operations groups that rely on dependable wireless coverage and service to communicate under regular and emergency circumstances. The main objectives pursued by Department of Aviation with this neutral host system are the following: improve wireless radio coverage for mobile and Wi-Fi throughout the airport, ensure equal opportunities among all the operators, encourage the roll-out of new services and applications in the airport	Operational (Built & Managed by Airport Authority for multiple services like Mobile service, Wi-Fi & public Safety)

⁸ Report on Next generation mobile networks development: technical, regulatory and strategic issues of the roll-out of in-building solutions in high traffic places: Universidad Politecnica de Madrid, May 20th, 2008 & inputs from Delhi Metro Rail Corporation.

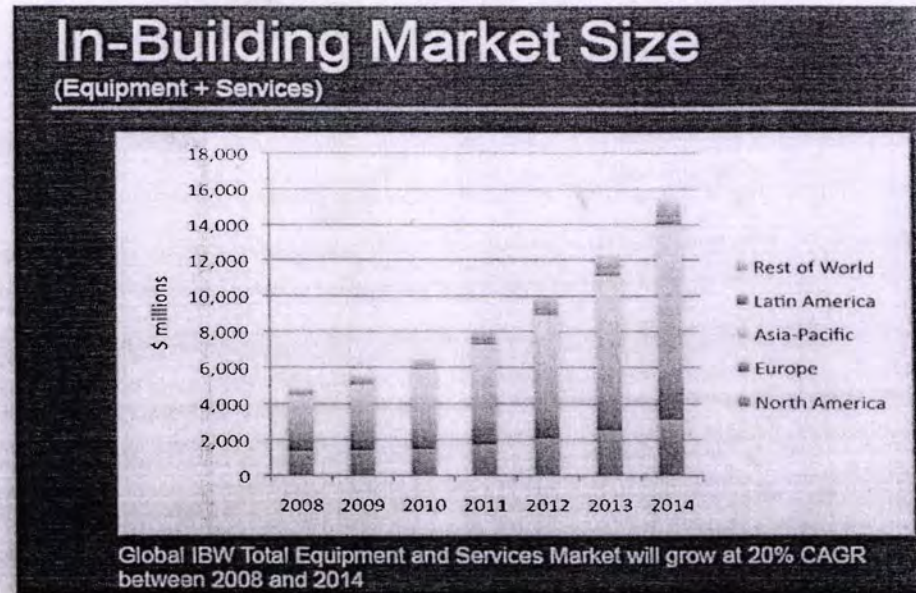
	and have an integrated infrastructure that can support all new cellular devices and handheld technology that will be introduced in the market place during the next 10-15 years (HJAIA, 2006; HJAIA, 2008).	
Madrid Subway System	The project to provide mobile services in the Madrid's subway system was launched in the year 2000 with the set up of Metrocall, a neutral host provider partly participated by the subway's owner Comunidad de Madrid. The plan of Comunidad de Madrid was that Metrocall was responsible of the infrastructure roll-out inside the subway. However, the different proposals of Comunidad de Madrid (first trying to get a spectrum licence for the use of GSM inside the subway system and then making an exclusive agreement with one mobile operator that would provide roaming services to the rest of operators) was rejected by mobile operators and some of them by the Spanish National Regulatory Authority. Finally, the agreement was achieved in 2005. Mobile operators accepted that Metrocall was responsible of the DAS inside the subway in exchange for an annual fee that let Metrocall to finance the infrastructure in addition to the operation and maintenance costs (CincoDias, 2006). Despite the agreement, mobile services are only available in a few lines nowadays what shows that mobile operators do not completely agree with the actual exploitation model.	Operational/ Roll-out (A case of Neutral Host Model)
New York Subway System	Metropolitan Transportation Authority invited tenders to send proposals for wiring the 277 underground stations in the New York subway system to provide cellular and Wi-Fi services. The company that finally have won the right to wire the stations is Transit Wireless, a joint venture involving Nab Construction, Q-Wireless, Dianet Communications and Transit Technologies, will pay New York City Transit a minimum of \$46.8 million over 10 years. The company will also pay the full cost of building the wireless network in the underground stations, estimated at \$150 million to \$200 million. Under the agreement, mobile operators would pay the company a fee to carry their signals on the network (New York Times, 2007).	Roll-out (Example of deployment of IBS by neutral host)
Paris Airport	Airports de Paris has taken advantage of its experience in the airport sector and in the telecommunication services provision to its own employees to set up Hub Telecom. Hub Telecom is a new telecommunications operator that provide services as a specialized operator in certain sites characterized by a high concentration of business traffic, a need for (and a habit of) mobility, which is a real added value especially for large sites and a community dimension, providing the possibility to share resources in the general interest of all concerned. Hub Telecom is expanding its business providing services to tenants of Airports de Paris' airports first and then moving to other places such as business centre, convention and exhibition centre, business hotels, etc	Operational (Example of IBS deployment by a specialised operator and shared resource with tenants)

	(Hubmag, 2005a, 2005b). Moreover, a consortium that include this company has been awarded with 12 regional WiMAX licenses including the region of Paris (Hub Telecom , 2007) and Hub Telecom has reached an agreement with Orange to provide a mobile voice service together for Hub Telecom 's customers (Hub Telecom , 2006).	
Delhi Metro	In India Delhi Metro Rail Corporation has registered itself as Infrastructure provider and created infrastructure in underground tunnels. Telecom operators share this infrastructure to provide services to commuters.	Operational (Example of IBS deployment by a an independent operator and shared resource)

Table 1.1: Example of different model of IBS rollout

1.77 As can be seen from above table, IBS solutions are provided by telecom operators, neutral service providers, building owners and specialised operators. In all cases sharing has been ensured. Further, deployment of In Building wireless system is increasing globally. Global IBS equipment and services market growth trend⁹ are depicted in Figure 1.4. Therefore, IBS is the required solution and sharing is definitely required to avoid duplicate infrastructure and reduce cost.

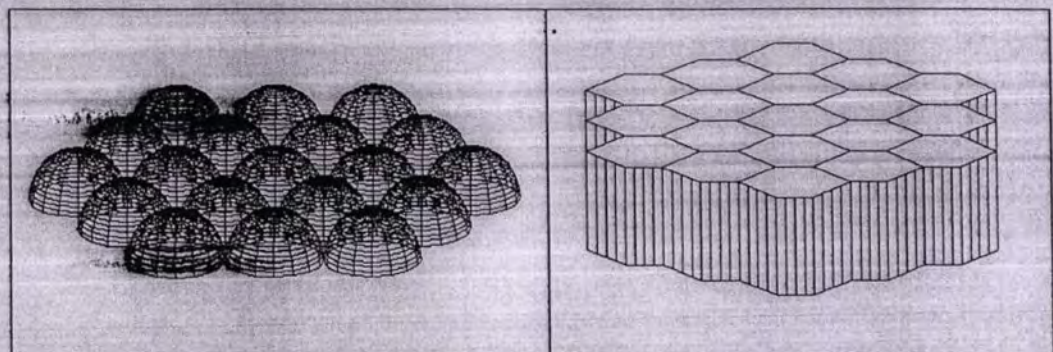
⁹ Challenges of Designing & Implementing Distributed Antenna Systems: Bob Butchko



(Source: ABI Research)

Figure 1.4: Global IBS total Equipment and Services Market trends

- 1.78 There is another technology used for cellular coverage inside the high rise building called 3D cellular network¹⁰. It converts existing macro cells into 3D cells. The 3D cells have three dimensional space coverage; covering ground, lower and upper space above ground in its cells. Its coverage has columnar shape and is much higher in elevation than conventional macro cell's coverage. Similarly, multiple technologies are evolving which can be deployed in the network and shared for efficient resource utilisation.



¹⁰<http://www.3dcell.net/introduce.htm>

3D view of coverage of incumbent cellular network	3D view of coverage of 3D cellular network
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Figure 1.5: 3D Cellular network

- 1.79 It is clear from the preceding analysis that there is a need to install IBS or any other indoor infrastructure for providing ubiquitous coverage, improve spectrum utilisation, provide quality of service and achieve cost efficiency. Accordingly, the Authority is of the view that proliferation of IBS and other low power devices for indoor coverage needs to be mandated for the future.
- 1.80 There are various technologies for providing in building solutions. One of the technologies is DAS which can also be used for services in indoor as well as outdoor locations and is discussed in section C below. Accordingly, recommendations related to in building solutions have been clubbed with the recommendations on DAS.
- 1.81 Most of the infrastructure, especially installation of towers is being done by IP-I. The In building solutions or DAS can also be deployed by IP-I and shared with telecom service providers. For deploying indoor solutions these companies will be requiring permissions from the building owners. Moreover, these IP-I companies will also have to install active infrastructure like optical fibre for connecting IBS/DAS nodes for which again RoW permissions will be required. Government ~~vide its notification~~ issued on 24th May 1999 (**Annexure-I**), has in exercise of provision under Section 19B of the Indian Telegraph Act, 1885 has permitted the private licencees who are issued licence under **Section 4 of the Act** to seek RoW from any person including local authorities. Since IP-Is have not been issued licence under Section 4, these companies cannot seek RoW as provided in the Indian Telegraph Act, 1885. Therefore, these IP-Is are required to be brought

under licencing regime so that these companies could also be able to seek RoW for deployment of infrastructure. TRAI in its recommendations of May 2010 has already recommended that the IP-Is should be brought under the Unified Licence regime.

- 1.82 Regarding the issue of sharing of IBS and allowing the IP-I operators to install both passive and active infrastructure, the same has been discussed in Paras 3.1 to 3.22 of Chapter III of these recommendations.

C Distributed Antenna Systems:

- 1.83 In most of the developed countries, cellular telecom service providers are deploying Distributed Antenna System to overcome the coverage and capacity problems. Macro antenna systems tend to be bigger and higher, while the DAS systems have many smaller antennas located very close to the mobile users. Since DAS is a low power application, it also reduces the impact of the radiation.
- 1.84 DAS systems can be broken down into two main categories; Active or Passive. Active systems use power to transport RF between the service provider's equipment and all parts of the DAS. These systems are generally used within large enclosures having complex wall systems. Passive systems do not use power to amplify or convert the ~~RF signal and~~ require only cabling, connectors and antennas to operate. Many of the smaller less complex locations can be served with passive systems. The size of the venue, complexity, and other ~~factors will determine~~ the type of system required during the design phase of the process.

- 1.85 The cellular network with DAS enhanced in-building coverage may provide effective coverage, but may be challenged to provide adequate bandwidth for emerging mobile multimedia services. A private wireless LAN can also be installed to support the premises network mobile multimedia applications. A typical deployment of DAS providing both cellular and Internet service using common infrastructure is shown in figure 1.6.

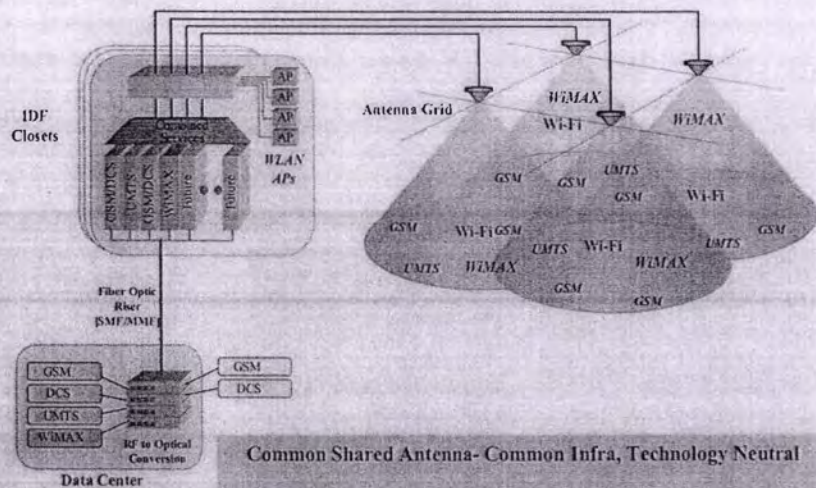


Figure 1.6: A Typical deployment of DAS providing both cellular and Internet service¹¹

- 1.86 Both the cellular network and the wireless LAN may need to coexist and to provide complete building-wide coverage. The two networks may provide complementary services, and both can be designed to provide multimedia capabilities. Both the DAS for cellular coverage **and the wireless LAN** for multimedia applications can be deployed using common infrastructure. Coordination in design, installation and deployment can result in a cellular DAS overlay on wireless LAN with **consequential** reduction in deployment cost.

¹¹ <http://www.canavents.com/its2008/abstracts/258.pdf>

1.87 In the consultation paper, stakeholders were asked to provide comments on the following questions:

- i. Do you agree that innovative technologies such as 'Distributed Antenna System' (DAS) can be effectively utilised to reduce number of towers and migrate towards tower-less cities?
- ii. What are the impediments in adoption of new technologies such as DAS and how can these be removed?

1.88 In response, some of the stakeholders stated that 'Distributed Antenna system' is at the nascent stage and may be encouraged to reduce the number of towers. However, there are constraints/impediments in terms of dedicated power supply, slow RoW clearance and back haul connectivity to adopt these new technologies. It is also stated that licence does not stipulate use of any specific network and is technology neutral. Hence, the operator should not be mandated to deploy these technologies and the same should be left to the operator choice. Most of the stakeholders stated that DAS or use of street furniture for providing cellular services can be effective way for reducing number of towers, but may not eliminate the use of towers. DAS design with Multi Operator and Multi Technology support for both indoor and outdoor site will lead to a better utilisation of the overall infrastructure as well as from the point of aesthetics. They suggested that Incentives should be provided by ~~way of reduction~~ / removal of custom duties, exercise duties, tax benefits etc. Government may subsidise taxes, duties, levies etc for sharing the infrastructure for IBS and DAS. Increasing the use of DAS ~~solutions requires~~ incentives to deploy new fibre and to access fibre that is already deployed. Some of the stakeholders suggested that DAS should be used in scenarios where alternate technologies are infeasible due to terrain, zoning challenges for cell towers, infeasible

cell tower placements, etc. Some of the stakeholders suggested that a provision in the JNNURM must be made for including data connectivity i.e. OFC and suitable ducting in the construction of all new infrastructure viz roads, ports, airports and residential constructions.

1.89 The deployment of DAS will necessitate laying of optical fibre for connecting the DAS nodes. Local civic authority should encourage the deployment of fibre connectivity to every nook & corner in cities/urban areas for back-haul. This requires a disciplined coordination among different public departments while digging, repairing, laying pipes, cables and widening roads for laying of FTTB (Fibre-to-the-building) for backhaul.

1.90 In Europe, the Framework Directive 2009/140/ec¹² of the European Parliament and of the council of 25 November 2009 addresses the topic of rights of way. The Directive states that Member States shall ensure that procedures exist for the granting of rights to install facilities on, over or under public or private property that are timely, non-discriminatory and transparent, in order to guarantee the conditions for fair and effective competition. The Directive also sets that these provisions are without prejudice to national provisions governing the expropriation or use of property, the normal exercise of property rights or the normal use of the public domain.

1.91 There are several licenced service providers and if each lay a separate cable and install separate active & passive DAS infrastructure on the street furniture, it will result in duplication of network and may create a condition much worse than the towers.

¹² <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:337:0037:0069:EN:PDF>

This situation can be handled by mandating sharing of such infrastructure. DAS implementation can also provide aesthetic look and reduction in radiation in addition to reduction of towers. A typical outdoor implementation¹³ is shown in figure 1.7.

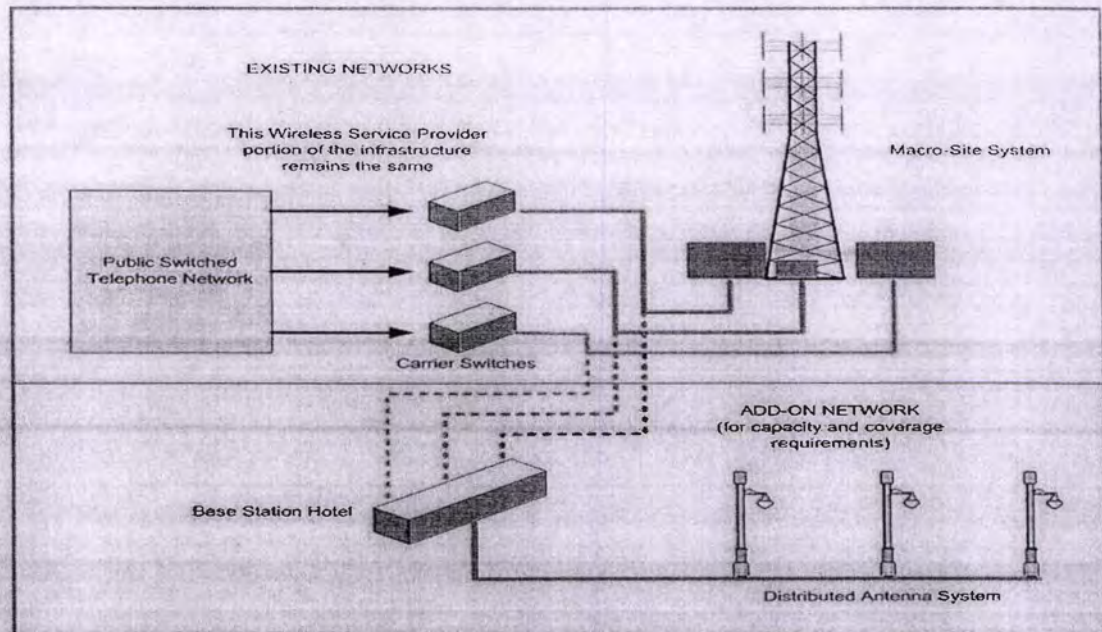


Figure 1.7: Typical outdoor DAS implementation

1.92 It is clear that DAS solutions can provide a cost effective, time efficient, environment sensitive solution which can be shared by multiple operators. The same infrastructure can be used for wireless broadband services. There is a need for a framework such that **multiple service** providers share such cost effective, time efficient and environment friendly solutions in indiscriminate manner.

1.93 **There are two** important reasons for ensuring robust indoor coverage. Firstly, around 70% of traffic on mobile networks is generated indoor and hence calls for efficient coverage with better

¹³ <http://www.thedasforum.org> : Distributed Antenna System (Das) 101

spectrum utilisation. Secondly, at present indoor coverage is generally quite limited and mostly consists of voice services under 2G technologies. There is a trend worldwide towards increase in use of data services. With 3G and BWA getting launched, which are capable of providing high data rate services, there will be an increase in data traffic. The impact of indoor traffic on the capacity of UMTS networks has been analyzed in many papers (for example Perez-Romero et al. 2004)¹⁴ and it is a consequence of the intrinsic characteristic of the W-CDMA system where multiple users share the same base station transmitter and thus the same power source in the downlink. Moreover, users inside building have greater path loss due to building penetration loss that is estimated as 20 dB on average (Chevalier et al. 2006)¹⁵. Therefore indoor users consume a proportionately larger share of the downlink resource of the base station. Moreover, for high bit rate services the capacity degradation will be even greater. The effect of indoor traffic can be eliminated by the roll out of a dedicated in building solution (Anderson et al. 2002)¹⁶. Roll out of distributed antenna system also provides better HSDPA quality of service and capacity (Hiltunen et al. 2005)¹⁷. Therefore, DAS solutions can increase the capacity of 3G and BWA networks and also offload macro cells releasing additional system capacity. In addition, DAS solutions can be used to provide other services like wireless LAN and BWA

¹⁴ J. Pérez-Romero, O. Sallent, R. Agustí (2004). On the Capacity Degradation in W-CDMA Uplink-Downlink Due to Indoor Traffic

¹⁵ WCDMA (UMTS) deployment handbook- Planning and Optimization Aspects: Christophe Chevallier et al (John Wiley & Sons, Ltd)

¹⁶ H. Andersson, R.S.Karlsson, P. Larsson, P. Wikström (2002). Improving System: Performance in a WCDMA FDD Network Using Indoor Pico Base Stations.

¹⁷ K. Hiltunen, B. Olin, M. Lundevall (2005). Using dedicated in-building systems to improve HSDPA indoor coverage and capacity

services using same infrastructure thereby reducing CAPEX and OPEX costs drastically.

- 1.94 **The Authority recommends that IP-I and telecom service providers should be mandated to share IBS/DAS system deployed in the buildings, complexes or streets.**
- 1.95 **DoT should advise all ministries to provide, within next one year IBS/DAS solutions in all Central Government buildings including central PSU buildings, Airports and buildings falling under their jurisdiction & control.**
- 1.96 **All State Governments should be similarly advised to provide/mandate, within next one year, IBS/DAS solutions in all buildings including hospitals having more than 100 beds and shopping malls of more than 25000 square feet super built area.**
- 1.97 For provisioning of DAS in outdoor scenario, availability of optical fibre network is must for connecting the DAS nodes. Sixty three cities under JNNURM are planned to be brought under optical fibre network by the year 2012 as per the National Broadband Plan recommended by the Authority in December 2010. The Authority noted that Government is likely to undertake the National Broadband Plan shortly. Therefore, leveraging from the optical fibre network, ~~deployment of~~ DAS can be planned in these cities. In view of the planned optical fibre network in JNNURM and other cities, it is necessary to have a time bound program for deployment of DAS or similar other technologies. These solutions will not only reduce towers but also lead to better spectrum efficiency and reduced radiation. The Authority is of the opinion that DAS must be mandated to be

implemented within 18 months of the laying of optical fibre network in a city, at least to the extent of 63 cities covered under JNNURM.

- 1.98 **As far as outdoor coverage is concerned, DAS should be mandated for deployment in 63 JNNURM cities within 18 months after completion of optical fibre network in these cities under the National Broadband Plan.**

D Cable Landing Station

- 1.99 International bandwidth is lifeline of country's economy. Availability of timely and cheaper bandwidth is important for growth of many sectors in general and particularly important for the growth of IT and ITES sectors. Moreover international traffic is also increasing on account of rapidly increasing subscriber base in telecom sector. These sectors in turn have multiplier effect on overall growth of the economy. Launch of 3G and BWA services will increase broadband penetration at much faster rate, requiring more international bandwidth. Therefore, international capacity needs to grow in tune with the growing demand for international bandwidth from various sectors of the economy.

- 1.100 In the consultation paper, stakeholders were asked to provide comments on the following question:

i. ~~What~~ What measures can be taken to encourage more ILDOs and ISPs to set up cable landing stations?

- 1.101 **In response, some** of the stakeholders have indicated that at present multi department regulatory clearances, from Ministry of Home Affairs (MHA), Defence, Environment etc., are needed which takes upto two years' time. They have suggested simplification of the procedure for

setting up of cable landing stations through a single window clearance instead of highly complex clearance procedure at present. Some stakeholders have commented that the initial cost in setting up of a landing station is high and gestation periods are longer. It is also mentioned that setting up of cable landing station involves considerable risk in making a large investment as the recovery of the cost is very slow and there is no certainty of the business. They have argued for cheaper electricity & land, lower licence fee, reduction in duties, subsidy/soft loans and other tax benefits for cable landing stations. One of the stakeholders suggested the need for Neutral Cable Landing Stations on consortium based International Cable Systems, which can be operated by an independent licenced entity that can be provided cost plus based compensation to operate the Landing Station. All the International Cable Landing Systems in India should mandatorily terminate into this Carrier Neutral Landing Station. Another stakeholder suggested that ILDO/ISP themselves should participate in cable projects and invest to generate competition in this market. It also suggested for making it mandatory for ILDO/ISP operators to significantly invest and participate in at least two cable systems in a period of seven years. One of the stakeholders has asked for review of custom rules for submarine cables. He also informed that cable spares are currently kept at Singapore due to levy of custom duty on storage of cable spares in India which is not the case in countries like Singapore, Philippines etc. Some stakeholders have suggested that in view of the constantly changing International Bandwidth prices, there is a need for regularising the practice of periodic review of RIO pricing by TRAI on Quarterly or Half-yearly basis. It is also mentioned that internationally, access charges are within the range of 5% of international bandwidth cost but in India it is more than 50%. Hence the same may be revised and reviewed by TRAI every year.

1.102 Infrastructure for providing international bandwidth consists of three parts. Submarine optical fibre cable network which reaches through sea in the country, cable landing station where these optical fibre cables lands and back haul long distance network which distributes the landed bandwidth across the country and finally access network which transports the bandwidth to end customers. Typical diagram of submarine cable system is given in figure 1.8.

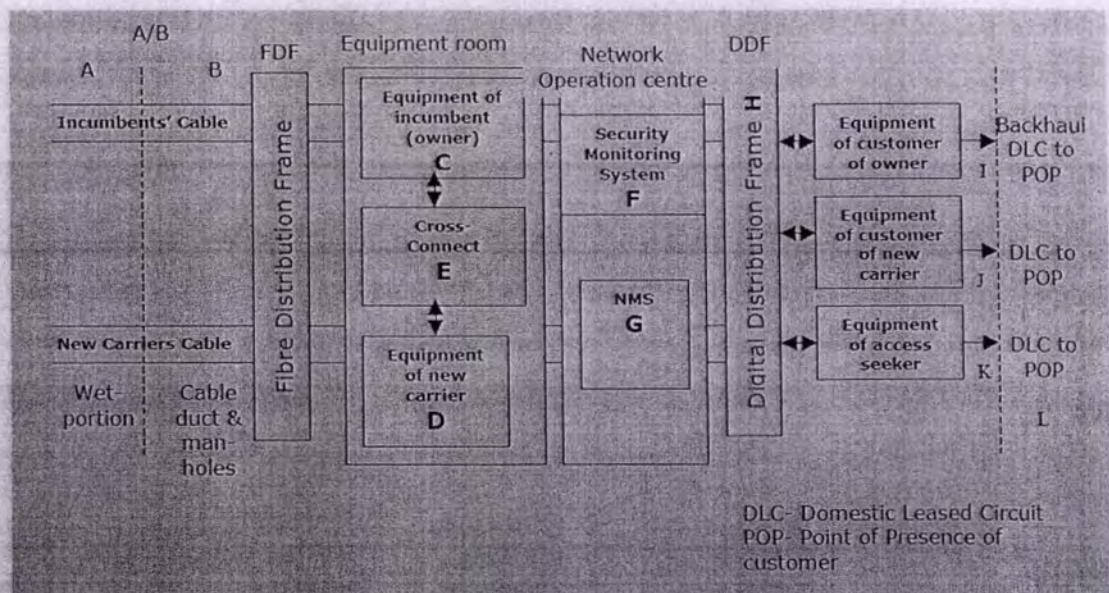


Figure 1.8: Submarine Cable System

1.103 The first two parts, the Optical fibre cable network and cable landing station, fall under ILDO licence and ISP licencees having permission to establish submarine cable landing stations for International Gateway for Internet. Developing the optical fibre network through sea is the most capital intensive component. In comparison, cable landing stations where multiple submarine cables are terminated is far less capital intensive. An ILDO can develop its own optical cable network, become one of the members of consortium developing the optical fibre cable network or can buy bulk bandwidth on this cable network.

Similarly ILDOs can have their own cable landing station or access other's cable landing station by paying access facilitation charges as per the RIO approved by TRAI.

1.104 Submarine cables are getting added according to country's bandwidth requirement at regular interval. Three to four new cables like GBI and WACS are also planned for landing in India. Moreover advancements in technology like DWDM have enabled multifold bandwidth to be derived from the same fibre. A single fibre itself can provide a capacity of 1 Terabit. Therefore, there is no constraint on cable side. The new cables are either landed on existing cable landing station or on a new landing station depending upon the space available in the CLS and requirement of diversity for routing of traffic. Currently there are 24 ILDOs providing ILD services in the country. However, Cable landing stations are owned and managed by only four major ILDOs. Other ILDOs use the CLS facilities of these major ILDOs and pay according to RIO approved by TRAI on 26.10.2007 and on 25.05.2009.

1.105 New landing stations will come up based on new cables planned for landing. The decision of setting up of the cable landing station gets taken at the investment stage. In case of ILD operator owning the cable, the cable landing decision is taken by itself. For consortium cable, number of cable landing stations in a country are generally get decided at the investment planning stage and finalisation of ~~construction and~~ maintenance agreement. In both the cases once decision of setting up of CLS and its location is finalised, the uncertainty in terms of various approvals will have to be removed at the earliest in view of huge investments on submarine cable system and early decision on approval or otherwise is required.

1.106 **The Authority recommends that a single window system for providing clearance to the operators intending to establish cable landing station should be established at DoT. The operator desiring to establish cable landing station should submit all the forms required by all concerned ministries to this single window agency and final approval of clearance should be intimated by the single window agency within six months.**

1.107 One of the stakeholders suggested setting up of neutral cable landing station. As per the current licensing regime this function falls under ILD licence & ISP licence with permission to establish submarine cable landing stations for International Gateway for Internet and there are enough ILDOs/ISPs who could potentially invest in CLS facility, if required, based on their business case. Another stakeholder suggested that ILDO/ISP themselves should participate in cable projects and invest to generate competition in this market. It was also suggested for making it mandatory for ILDOs/ISPs to significantly invest and participate in at least two cable systems in a period of seven years. Since cable landing stations are treated as essential facilities, TRAI had issued "International telecommunication access to essential facilities at cable landing stations" regulations on 7th June 2007. As per these regulations owners of the cable landing station are required to provide access to **cable landing** station and submarine cable system on fair and **discriminatory** terms to all ILDOs and ISPs. Therefore non discriminatory access is ensured.

1.108 Some of the stakeholders have suggested that in view of the constantly changing International bandwidth prices there is a need for review of RIO pricing by TRAI. It is also mentioned that internationally, access charges are within the range of 5% of

international bandwidth cost but in India it is more than 50%. Hence the same be revised and reviewed by TRAI every year.

1.109 TRAI had issued regulations on “Access to essential facilities at cable landing station” and based on the regulations CLS-RIO including co-location charges were also approved by the Authority on 26th October 2007 and 25th May 2009. As per the regulations, the owner of the cable landing station is also required to publish the RIO rates on its website. While the TRAI mandated RIO publication has ensured fair practices, the Authority understands the need for a periodic review of RIO pricing especially in view of the constantly changing International bandwidth prices.

CHAPTER II: IP INFRASTRUCTURE

A- Broadband

- 2.1 The power of Internet has brought greater awareness, skills and resources, helping markets to reach to a diverse global audience. Broadband provides the opportunity to do things differently, to achieve better outcome for people, countries and to ensure continuous growth of economy and social development. The proliferation of the broadband enables growth of Information and Communication Technologies (ICT), content, applications and services which may help India to become a truly competitive knowledge based economy and leverage citizens to become healthier, better educated and more engaged in their community & society.
- 2.2 Internet and Broadband access are widely recognised as catalysts for economic and social development of a country. Availability of broadband services at affordable price can contribute to higher GDP for growth rates, provide for a larger & more qualified labour force and increased working efficiency. As per the report of World Bank¹⁸, a 10 percentage increase in broadband penetration accounted for 1.38 percentage increase in per capita GDP growth in developing economies. It is of great concern that the broadband penetration per 100 inhabitants in country is lagging behind compared to other countries. The net broadband addition per month is just 0.1 to 0.2 million in contrast to 18 million mobile connections per month. The broadband penetration is just 0.94% when compared with teledensity of 67.67%.
- 2.3 The primary reason for low broadband penetration in villages is lack of support infrastructure, backhaul capable of providing high

¹⁸Christine Zhen-Wei Qiang (2010) - Broadband infrastructure investment in stimulus packages: relevance for developing countries

bandwidth, low penetration of fixed line services, high cost of service roll out and unviable business model. In addition to key infrastructural issues availability of relevant content and high cost of CPE will also be crucial for broadband growth.

- 2.4 Presently, Optical fibre connectivity is largely available upto the district headquarters. In the rural areas, OFC is available upto block headquarters. In India, about 750,000 route kilometer optical fibre is available which includes 500,000 Km optical fibre network of state owned operator BSNL. In rural domain optical fibre is primarily provided by BSNL. There is hardly any coverage at the level of Panchayat and other villages. If broadband is to be extended to the villages then arrangements need to be made to aggregate village traffic and backhaul it to the backbone.
- 2.5 The problem of availability of high bandwidth fibre optic network is not limited to rural areas. Growth of broadband in urban areas too is limited by non-availability of fibre in the aggregation and the access networks. In the urban areas, there is a need to deploy various configurations of FTTX taking the fibre into households where bandwidth requirement is high or upto the building for serving multi-dwelling units or to the kerb where a number of discreet houses are to be served.
- 2.6 Considering the importance of creating a nationwide robust infrastructure to support broadband growth, the Authority made its **recommendations** on "National Broadband Plan" to DoT on 8th December 2010. A summary of main recommendations is given below:

- (i) The National Broadband Plan envisages establishment of a National Broadband Network, which will be an open access optical fibre network connecting all habitation with population of 500 and above. This Network will be established in two phases. The first phase covering all cities, urban areas and Gram Panchayats will be completed by the year 2012. Phase II will see the extension of the network to all the habitations having a population more than 500, to be completed by the year 2013.
- (ii) The optical fibre network would support backhaul bandwidth requirement for provision of broadband and facilitate broadband growth.
- (iii) To establish this broadband network National Optical Fibre Agency (NOFA) and State Optical Fibre Agency (SOFA) will be set up. This network will be established at a cost of about Rs. 60000 crore. It will be financed by USO fund and the loan given/ guaranteed by Central Government.
- (iv) The National Broadband Plan envisages provision of 75 million broadband connections (17 million DSL, 30 Million cable and 28 million wireless broadband) by the year 2012 and 160 million broadband connections (22 million DSL, 78 million cable and 60 million wireless broadband) by the year 2014.
- (v) The objective of national broadband Network is to provide fibre to home in 63 cities covered under JNNURM, and Fibre to kerb in all other cities (0.5 Km from any residence) by 2012.
- (vi) The program is expected to bring immense benefit when fully operational. The Network will provide easy access to high speed data and information to citizens, promoting thereby the efforts in the field of education, health etc.

2.7 Thus, recommendations on "National Broadband Plan" covers all major issues for creating a nationwide optical fibre network which will facilitate the provision of broadband up to villages. This network will not only provide the broadband connectivity but will also be capable to cater the high bandwidth demand for various services of that area. However, there is an urgent need to create the required infrastructure in a time bound manner. It is noted that Government is taking necessary steps to implement these recommendations on priority basis.

B- Internet Exchange Points (IXP)

2.8 An Internet Exchange Point (IXP) is a framework for Internet Service Providers (ISPs) to peer and exchange IP traffic with each other. The main purpose of IXP is to facilitate exchange of Internet traffic originated and destined within the country among Internet Service Provider (ISP) without using International bandwidth. The key objectives of an IXP are:

- i) Enable domestic bandwidth utilisation for routing of the domestic traffic resulting in reduction in cost for bandwidth utilisation.
- ii) Improvement in Quality of Services in terms of lower latency and number of hops. This will also help to effectively utilise International Internet bandwidth for routing International Internet traffic only.

2.9 At present, National Internet Exchange of India (NIXI) is working as IXP through its various nodes. In addition to NIXI, various Internet service providers and International Internet bandwidth providers are also facilitating exchange of Internet traffic within country. In the absence of well defined IXP hierarchy and lack of proper peering

arrangements among ISPs, routing of the domestic traffic at domestic bandwidth cost is a challenge.

2.10 NIXI was established by Department of Information Technology (DIT) in 2003 with 4 nodes at Delhi, Mumbai, Chennai and Kolkata on the basis of TRAI recommendations. It was observed that till October 2006, only 27 ISPs out of 135 operational ISPs had joined NIXI nodes at four locations indicating suboptimal utilisation of NIXI. In order to enhance the utilisation of NIXI, TRAI made its recommendations on “Improvement in the Effectiveness of National Internet Exchange of India (NIXI)” to DIT and DoT, *suo-motu*, in April 2007. Major recommendations were as follows:

- All the ISPs or their upstream providers (ISP who is carrying the traffic to International Internet Bandwidth providers or NIXI) either connect to NIXI or with International Internet bandwidth providers through direct peering link.
- Compulsory announcement and acceptance of all the routes at NIXI nodes to facilitate effective exchange of domestic Internet traffic at NIXI without requiring direct connectivity of ISPs.
- Quality of Service parameters of NIXI nodes were prescribed to ensure effective functioning of the NIXI.

2.11 These recommendations were accepted by DoT in June 2009. Some of the recommendations regarding announcement of routes by ISPs, ~~connection by regional~~ ISPs to NIXI through upstream ISP over a single link and up-gradation of ISP link to NIXI were also implemented by NIXI.

2.12 Presently, NIXI has 7 nodes¹⁹ operating at Mumbai, Delhi, Chennai, Kolkata, Bengaluru, Hyderabad and Ahmedabad. According to

¹⁹ http://nixi.in/index.php?option=com_noclocation&Itemid=28

information available at NIXI website, equipments have also been deployed at two more nodes at Lucknow & Mohali (Chandigarh) but ISPs are yet to start peering at these nodes.

- 2.13 At the end of December 2010, there were 164 operational ISPs, out of which 59 were category 'A', 58 were category 'B' and 47 were category 'C'. Presently only 34 ISPs are connected to 7 nodes of NIXI. Out of 34 ISPs connected to NIXI, 26 are category 'A', 7 are category 'B' and one is category 'C'. Category 'A' ISPs are connected to multiple nodes (refer Table 2.1).

Sl no.	NIXI NODE	Number of ISPs Connected			Total Connections
		A	B	C	
1	NOIDA(Delhi)	20	3	1	24
2	MUMBAI	20	6	-	26
3	CHENNAI	13	2	-	15
4	KOLKATA	8	-	-	8
5	BENGALURU	5	-	-	5
6	HYDERABAD	4	1	-	5
7	AHMEDABAD	1	-	-	1

Table 2.1: Number of ISPs connected at NIXI nodes

- 2.14 The above data indicates that by and large category 'A' ISPs are connected at 4 metro cities only. Very few ISPs are connected at the ~~nodes at State capitals~~ capitals other than metros.
- 2.15 The urgency of effective IXP is evident from the fact that IP traffic has increased manifold since 2003 when NIXI came into existence. Increasing content digitisation, adoption of IP backbone to provide various applications and services, migration towards NGN and exponential increase in broadband customers in near future is all set to paradigm change in present scenario. Global IP traffic grew 45 %

during year 2009 to reach an annual run rate of 176 exabytes per year or 15 exabytes per month²⁰. It is expected to quadruple from year 2009 to year 2014 with a CAGR of 34 %. In 2014, global IP traffic is expected to reach 767 exabytes per year or 64 exabytes per month. Mobile IP traffic is also increasing very rapidly. Global mobile data traffic nearly tripled (2.6-fold growth) in 2010²¹, for the third year in a row. Global mobile data traffic is expected to increase 26-fold between 2010 and 2015, reaching 6.3 exabytes per month by 2015 with CAGR of 92 % during this period. Two-thirds of the world's mobile data traffic is expected to be video by 2015. Mobile video will more than double every year between 2010 and 2015. With a robust subscriber base and the ongoing launch of 3G and BWA services, the IP traffic is expected to increase many fold in our country.

- 2.16 Another area leading to increased domestic IP traffic is the large number of initiatives that have been undertaken by various State Governments and Central Ministries in the area of e-Governance. Under the National e-Governance Plan (NeGP), a massive countrywide infrastructure is evolving and large scale digitisation of records is taking place to enable easy, reliable access over the internet to the citizens. Governments are in the process of implementation of NeGP, comprising of 27 Mission Mode Projects (MMPs)²² encompassing 10 Central MMPs, 10 State MMPs and 7 Integrated MMPs covering various services from State and Central departments (Table- 2.2). Data centres at various states have either been commissioned or are in various stages of commissioning. Citizens will be getting the services delivered from various departments through State Data Centre or the data centres of the respective departments. Therefore, a

²⁰ Cisco Visual Networking Index: Forecast and Methodology, 2009–2014

²¹ Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2010–2015

²² <http://www.mit.gov.in/content/mission-mode-projects>

lot of data will need to be transacted between citizens and the data centres and will necessitate an efficient routing and delivery system.

Central MMPs	State MMPs	Integrated MMPs
<ul style="list-style-type: none"> • Banking • Central Excise & Customs • Income Tax (IT) • Insurance • MCA21 • National Citizen Database • Passport, Immigration, Visa and Foreigners Registration & Tracking • Pension • e-Office 	<ul style="list-style-type: none"> • Agriculture • Commercial Taxes • e-District • Employment Exchange • Land Records • Municipalities • Gram Panchayats • Police • Road Transport • Treasuries 	<ul style="list-style-type: none"> • CSC • e-Biz • e-Courts • e-Procurement • EDI For e-Trade • National e-governance Service Delivery Gateway • India Portal

Table 2.2: Mission Mode Projects

2.17 Further, several services will be either real-time or otherwise time sensitive and will require strict control on latency, packet loss and jitter.

2.18 In contrast to the projected growth, average daily traffic during last one year for all the nodes of NIXI was only 6976.6 Mb/s (incoming) and the 6981.9 Mb/s (outgoing). As per the quarterly Performance ~~Monitoring~~ Report for the period ending December 2010, the total domestic bandwidth being utilised by ISPs is 537 GB. This clearly indicates that a lot of domestic traffic is still not routed through NIXI. This required analysis of present framework to ensure availability of effective IXP.

2.19 TRAI issued a consultation paper on "Issues related to Telecommunications Infrastructure Policy" on 14th January 2011. Following questions relating to IXPs were asked from the stakeholders:

- i. Do you perceive the need for effective Internet exchange point(s) in the country to efficiently route domestic IP traffic?
- ii. If your answer to issue (i) is in affirmative, please comment on the licensing framework of the entities for setting up Internet Exchange Points in India.
- iii. Will it be desirable to permit those Unified licencees to setup IP exchange points in the country who have no vested interest in routing of the IP traffic?

2.20 In response, some of the stakeholders are of the view that there is no need for additional internet exchange points as the low traffic at the existing seven nodes does not support viable investment for additional points and existing internet points are sufficient to meet the QoS, QoE and SLA requirements. One of the stakeholders suggested that private operators and neutral third party providers may be allowed to set up Internet Exchange Points (IXPs) but there should not be any mandatory requirement for ISPs to connect to IXP and same should be left to market forces. Some of the stakeholders are of the opinion that it should be mandatory to have internet exchanges in each State capital/ licenced service area for effective utilisation of resources and ~~routing of domestic~~ internet traffic as our country is having States like countries of Europe. They mentioned that this will help small data centres & ISPs, enable efficient use of available resources within the country and monitoring of the internet traffic by the security agencies. One of the stakeholders described a hierarchical model for NIXI. It was also suggested that another 17 locations where primary switching centres of PSTN are located should also be designated as level 1

national internet exchange locations. It was further mentioned that immediate steps should be taken to install internet exchanges with switches, routers etc. to provide facility similar to network access point in US. It was also suggested that Reference Interconnect Offer (RIO) must be published for enabling interconnection in non-discriminatory manner.

- 2.21 The analysis of present scenario indicates that only few ISPs are connected to NIXI, and in some cases, the bandwidth available at NIXI for some ISPs is inadequate to handle the traffic. Some ISPs are not declaring their full routes and are not accepting the traffic at NIXI though they are physically connected to NIXI. NIXI is a company registered under Section 25 of the Companies Act of India and is not a telecom licensee; therefore is not under the purview of either DoT or TRAI. TRAI cannot mandate ISPs to join NIXI as NIXI is not a service provider. NIXI being independent agency cannot be regulated in terms of QoS, tariff, interconnection port charges and infrastructure being provided by it. It is learnt that some of the service providers having stake in operation of NIXI, are on NIXI's board.
- 2.22 Domestic Internet traffic can be routed either through NIXI or through International Internet bandwidth providers usually called upstream providers. All ISPs require international Internet bandwidth for routing its international traffic. For this purpose, ISPs obtain a link ~~generally from their~~ upstream provider which carries entire traffic (both domestic as well as international). The upstream provider routes the ~~international~~ traffic to the international link and routes the domestic traffic either to other downstream ISPs connected to it or to other peering ISPs who in turn routes this traffic to their downstream ISPs. This indicates that upstream providers are also performing IXP functions. Quite a few ISPs also have direct peering among

themselves. Hence, traffic between ISPs having direct peering may not be routed through NIXI even if both are connected to same NIXI node; and may be routed through direct peering link.

2.23 Mandating all ISPs to connect to NIXI may not be desirable as in that case an ISP will require two links, one to connect NIXI and other for International Internet bandwidth. A combination of direct peering with upstream providers and direct connection of upstream providers to NIXI may provide effective solution. Encouragement of data centres to host Internet content within India is desirable. NIXI does not permit direct connectivity with data centres. In fact direct connectivity of data centres with IXPs need to be encouraged to facilitate viable business model and reduce latency for better Quality of Experience (QoE) to customers.

2.24 The licencing of IXPs is necessary to exercise effective control on QoS of IXP, ensure smooth interconnection, regulate tariff & port charges and ensure mandatory interconnection of ISPs at IXPs. TRAI in its recommendations on "Spectrum Management and licensing Framework" on 11th May 2010 has recommended introduction of a new licensing regime characterised essentially by the Unified licence. The Authority also recognised need for introduction of Class Licence for VSAT services and licence through authorisation for other services. While prescribing licensing framework for IXPs, the Authority has considered various options and is of the view that Class licence will be most appropriate for IXP services. DoT may therefore, bring IXPs under class licence. NIXI may be asked to obtain class licence within one month of notification by DoT. All National ISPs and International Internet Bandwidth (IIB) providers may be mandated to connect to all IXPs for peering of domestic Internet traffic. QoS of IXPs, interconnection provisions, port charges, and other applicable tariff

will be regulated by TRAI from time to time. A committee will be constituted by TRAI to workout national hierarchical topology for routing and managing Domestic Internet traffic through IXPs.

2.25 The Authority recommends that

- (i) IXPs may be brought under Class licence. Once this recommendation is accepted, detailed terms and conditions of Class licence for IXP services will be provided by TRAI.
- (ii) Data centres may be permitted to connect directly to the IXPs.
- (iii) National level ISPs and International Internet bandwidth (IIB) providers may be mandated to connect to all IXPs.

C- Migration to IPv6

2.26 One of the major challenges for the future of the Internet is its ability to scale to connect billions of people and devices. Each device must have an IP address in order to communicate. However, IPv4 addresses are getting exhausted. Internet Assigned Numbers Authority (IANA) has reported that IPv4 addresses have finally exhausted on 3rd February 2011^{23,24}. The last five blocks of 16 million IPv4 addresses each were officially handed over to the five Regional Internet Registries (RIRs). The projections indicate that even available blocks of IPv4 addresses would be exhausted by August-September 2011.

2.27 The migration to IPv6 addresses will become imminent, once IPv4 addresses are exhausted. IPv6 is 128-bit address defined by Internet Engineering Task Force (IETF) in year 2000, called IPv6. The new protocol could theoretically support 3.4×10^{15} unique addresses. For

²³ www.potaroo.net/tools/IPv4, IP Address report 1st March 2011

²⁴ <http://www.apnic.net/community/ipv4-exhaustion/ipv4-exhaustion-details>

this reason, the timely deployment of IPv6 by network operators and content/application providers is necessary.

2.28 TRAI issued a consultation paper on “Issues related to Telecommunications Infrastructure Policy” on 14th January 2011. Following questions relating to migration to IPv6 were asked from the stakeholders:

- i. What measures are required to encourage the deployment and adoption of IPv6 in the country?
- ii. In your opinion, what should be the timeframe for migration to IPv6 in the country?

2.29 In response, some of the stakeholders suggested that emphasis should be given to spread awareness of IPv6 amongst the stakeholders. They mentioned that the Task force created by the Govt. to increase the awareness of exhaustion of IPv4 and impact of IPv6 on internet/ broadband services needs to have regular programs to inculcate the migration process. Some of the stakeholders suggested that suitable policy framework to be formulated by Government for smooth transition. They also stressed for demonstrated Government commitment for adoption of IPv6. They also mentioned that TEC has prepared the “National IPv6 Deployment Roadmap”, which examines the different issues related to the deployment of IPv6 in India. They believe that the industry and TRAI should support TEC in its ~~endeavour for migration~~ migration from IPv4 to IPv6 by mid 2012. Some of the stakeholders suggested that there should be a mandate for the transition from IPv4 to IPv6 in a time bound manner seeing the projected timelines for IPv4 address getting over. Some are of the opinion that licensor may like to make it mandatory for support of IPv6 as well. Some of the stakeholders suggested that Government departments should take IP-based services from only IPv6 ready

Internet Service Providers after a certain period of time. They mentioned that Government should also ensure that all the equipment/network used in e-governance, CSC (Common Service Centres) etc. should be IPv6 enabled. Some of the stakeholders suggested that Government should make IPv6 test bed available so that end-to-end IPv6 traffic can flow. They mentioned that this would reduce IPv6 rollout time as well as help all service providers, as they need not spend time/cost to learn about IPv6 connectivity. This would avoid duplication of costs. Some stakeholders were of the view that no time line should be fixed to migrate from IPv4 to IPv6. They were of the opinion that ISPs/Service Providers decide how and when this transition shall happen in India, keeping pace with similar development in other parts of the world.

- 2.30 TRAI has sent its recommendation on "Issues relating to Transition from IPv4 to IPv6 in India" on 9th January 2006. Based on TRAI's recommendations, the Government has modified the definition of the IP addresses in the ISP licence in October 2007 to include 128 bit addresses provided by IPv6. A National Internet Registry (NIR) to allocate IPv6 has to be setup by NIXI.
- 2.31 Migration to IPv6 in India is very slow at present. Only 92 entities²⁵ (ISPs, Educational institutes and other organisations) have obtained IPv6 addresses, out of which only 16 have deployed and announced **their IPv6 routes**. Figure 2.1 shows how countries have deployed the IPv6 in their internet networks²⁶. It can be seen by the advertised routes that many countries have already started migrating to IPv6 in a big way.

²⁵ <http://www.sixxs.net/tools/grh/dfp/all/?country=in>

²⁶ <http://resources.potaroo.net/iso3166/v6cc.html>

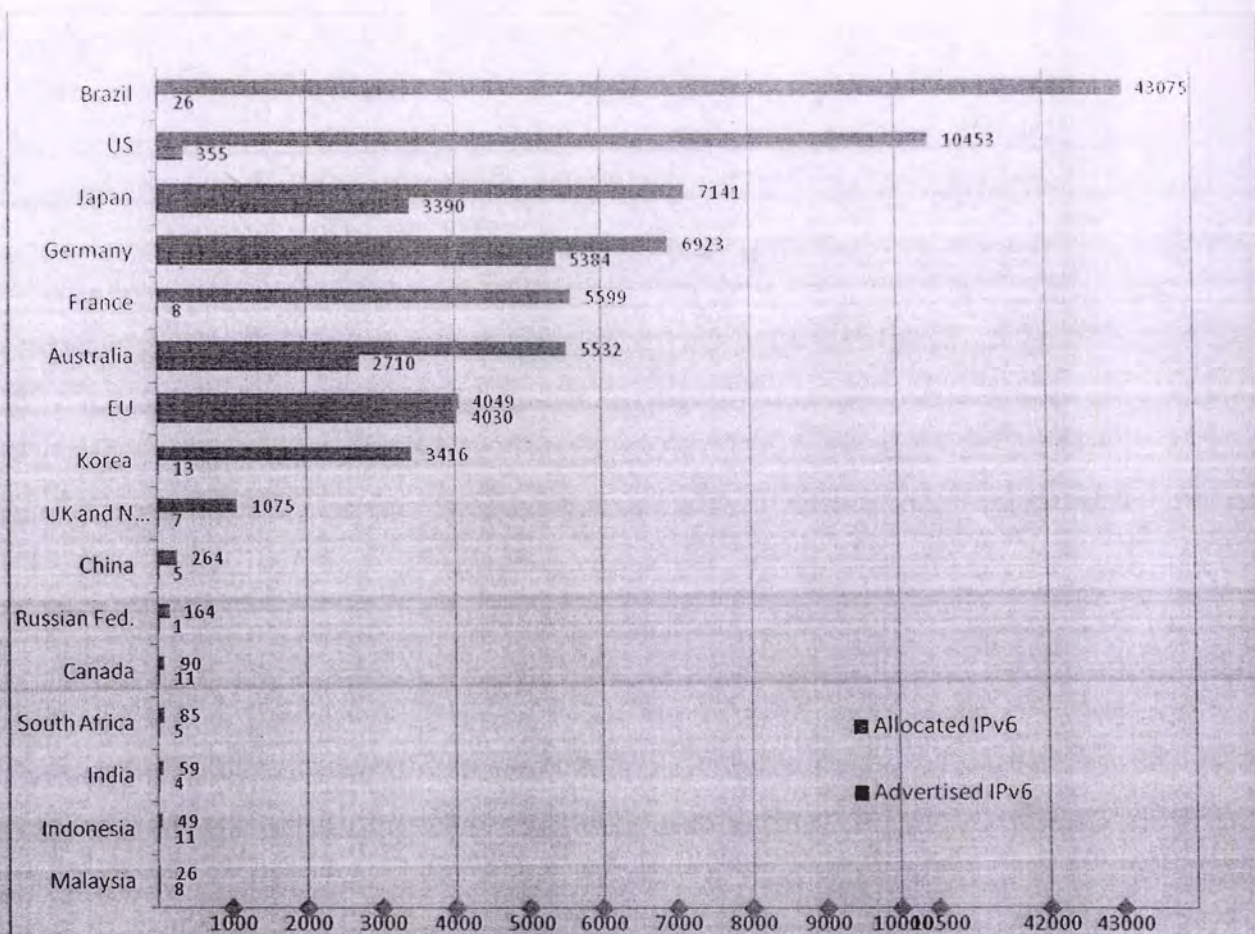


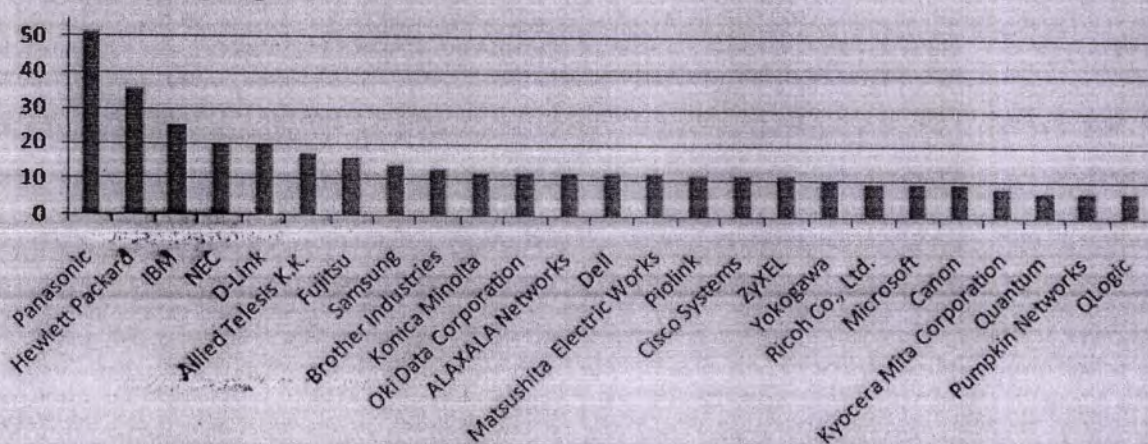
Figure- 2.1: Allocated & Advertised IPv6 addresses (in lakhs)

2.32 The major hurdle in IPv6 deployment seems to be unavailability of IPv6 content and applications leading to lack of interest from the consumers. In addition, migration from IPv4 to IPv6 may require **hardware** and software upgrades, in the operators' network as well as in the applications and programs used at the user's end. Needless to say that this would have financial repercussions which would be **weighed against** the benefits obtained from migration. It is worth mentioning that apart from additional address space, IPv6 offers better quality of service, better security features, auto configuration, mobility and support for multi-media services.

2.33 Mobility feature supported by IPv6 can open up immense possibilities for new applications with enhanced quality. 3G and BWA services launch will see an increasing number of mobile users accessing the Internet using devices, such as smartphones, Laptops or PDAs that connect to mobile operator or wireless broadband operator's network. In such a situation huge IP addresses requirement can only be met with migration to IPv6.

2.34 Content need to be created on IPv6 platform to attract and raise demand from users. The top Websites having high Internet traffic such as Google, Facebook, Yahoo and YouTube already support IPv6 to end users with IPv6 enabled CPEs. Once CPEs are IPv6 enabled, users can access the IPv6 content.

2.35 Telecom equipment Vendors are playing crucial role to facilitate migration to IPv6. Many companies are getting their IPv6 products approved through IPv6 ready logo program. Figure-2.2 shows number of IPv6 products got approved by top 25 companies²⁷ through IPv6 ready logo program.



²⁷ OECD Report -Internet Addressing : Measuring Deployment of IPv6 April 2010

Figure - 2.2: Top 25 companies for products accepted in the IPv6 Ready Logo Program

2.36 IPv6 ready logo program tests the products against IPv6 standards. Products approved by IPv6 ready logo program²⁸ till 2009 are indicated in Figure-2.3 below:

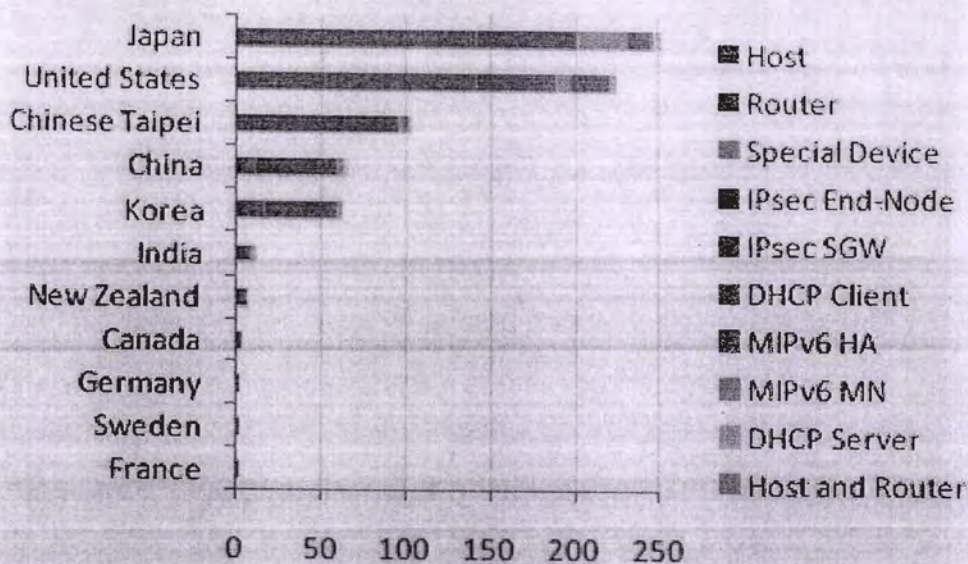


Figure-2.3: Products approved by the IPv6 Ready Logo Program, by country(2009)

2.37 Although some of the Indian vendors have also got their products approved but the figure is quite small compared to countries like China and Korea. To promote the production and use of IPv6 products in the country test bed for end to end testing is required. Further, ~~before migration~~ all applications running on IPv4 need to be tested in IPv6 environment. Therefore, for testing the products in end to end traffic environment, test beds also need to be created.

2.38 TRAI is aware that TEC has published a report on roadmap for migration to IPv6. DoT has constituted working groups to look into

²⁸ OECD Report -Internet Addressing : Measuring Deployment of IPv6 April 2010

various issues relating to migration to IPv6. TRAI is watching the development and not giving any specific recommendations on roadmap for the migration to IPv6 as of now.

2.39 The Authority recommends that

- (i) TEC may develop IPv6 standards keeping in view country specific requirements based on global standards.**
- (ii) IPv6 test bed facilities should be created for simulating and testing products in end to end IPv6 traffic environment. The IPv6 test bed facilities, already available with academic institutions like IITs, IISc should be extended to National Institutes of Technology (NITs) for easy access to stakeholders.**
- (iii) All Government websites should be made IPv6 compliant by 2012.**

D- IPTV

2.40 Rapid developments in telecom technologies, enormous capabilities of IP platform and increasing digitalisation in broadcasting sector is **driving services** like Internet Protocol TV (IPTV).

2.41 As per **existing** regulatory framework, telecom access service providers (Unified Access Service Licencees, Cellular Mobile Telephone Service Licencees and Basic Service Licencees) having licence to provide triple play services and Internet Service Providers (ISPs) with net worth of

more than Rs. 100 crores and having permission from the licensor to provide IPTV are permitted to provide IPTV services.

- 2.42 Cable TV operators can provide this service under the provisions of the Cable Television Network (Regulation) Act, 1995 which is under purview of Ministry of Information & Broadcasting (MIB).
- 2.43 For providing IPTV services all these service providers have to adhere to the guidelines issued by the Ministry of Information & Broadcasting in September 2008. Services providers are also subjected to various levies (licence fee & other taxes etc.) as prescribed in their respective licences/permissions. Presently telecom access providers are subjected to a licence fee of 6%, 8%, and 10% of Adjusted Gross Revenue (AGR) for category "C", Category "B" and category "A" circles and ISPs are subjected to a licence fee of 6% of AGR. As per present structure, cable TV operators are not subjected to any levy.
- 2.44 TRAI issued a consultation paper on "Issues related to Telecommunications Infrastructure Policy" on 14th January 2011. Following questions were asked relating to provision of IPTV from the stakeholders:
- i. What measures do you suggest to enhance provision of IPTV services by various service providers?
 - ii. **Should there be any restriction on ISPs for providing IPTV services?**
- 2.45 In response, some of the stakeholders felt that there should be no restriction on ISPs providing IPTV services and advocated the reduction in net worth of IPTV services providers. They mentioned that ISPs will spur innovation in the broadband sector ecosystem as they will be able to use IPTV infrastructure not only for entertainment

but also for communication (VoIP), secure sharing of local content (e.g. digital photos and films), Tele-education, online games, ecommerce, remote supervision and home control. One of the stakeholders mentioned that ISPs are geared to offer IPTV; however, the condition of minimum net worth of Rs. 100 crore for ISPs who wish to start IPTV services has put most of the ISPs out of the IPTV bandwagon. They raised the concern that a cable operator can offer IPTV without any extra fee or obligation whereas ISPs are required to pay entry fee as well as licence fee. It was also mentioned that IPTV is a value added service on the IP platform which can make Internet/broadband more attractive especially in the small towns, remote and rural areas. Some of the stakeholders are of the opinion that in order to ensure only serious players providing IPTV, the current requirement of minimum net worth of Rs. 100 Crores for ISPs is correct. They mentioned that IPTV service entails large bandwidth and technical requirement; hence, capacity building could be one of the many challenges faced by Service Providers.

2.46 According ITU,²⁹ four main network segments that constitute an IPTV service network are the content acquisition, encoding and play out. ITU has also defined minimum level of transport layer performance required to provide satisfactory QoE for IPTV services. These parameters include transport stream bit rate, jitter, maximum duration of a single error event, corresponding loss period in IP packets, Loss distance and average IP video stream packet loss rate.

2.47 The challenges for rolling out IPTV services are building a new service delivery network that can handle the increased bandwidth needs of IPTV, re-engineering the core network to support video services, and adding new technologies for video content management, distribution

²⁹ ITU-T recommendations G.1080: Quality of experience requirements for IPTV services

and billing. This will require a significant investment. In addition, IPTV providers will require access network capable to support a bandwidth of at least 3-4 Mbps for good quality of service.

- 2.48 ISPs are subjected to the condition of net worth of Rs. 100 crore for providing IPTV. On the other hand for cable TV operators are not subjected to any such condition for providing IPTV services. Stakeholders have contested the issue of level playing field and wanted equal treatment under different verticals. In order to maintain level playing field between ISPs and cable TV operators providing IPTV services, the condition of net worth of Rs. 100 crore for ISPs may be removed. All other conditions will remain unchanged.

- 2.49 **The Authority recommends that the present condition of minimum net worth of Rs. 100 crore for an ISP to provide IPTV services should be done away with.**

CHAPTER III: INFRASTRUCTURE MANAGEMENT

A- Infrastructure Sharing

- 3.1 In the consultation paper, stakeholders were asked to provide comments on the following questions:

- i. ~~How can~~ sharing of IBS among service providers be encouraged? Does TRAI need to issue any guidelines in this regard?
- ii. ~~Should~~ sharing of mobile towers be mandated?
- iii. Should sharing of active infrastructure, created by themselves or infrastructure providers, be allowed?

3.2 In response, some of the stakeholders were not in favour of mandating the sharing of towers and suggested that it should be encouraged but should be left to the discretion of the operators as each operator would have their own requirement/strategy. They were of the view that tower sharing can be encouraged by providing certain incentives like availability of utility power connections on priority and concessional basis. One of the stakeholders was of the view that Infrastructure sharing may only be mandated in Critical locations like Lutyens Bunglow Zone (LBZ), Cantonment areas, Central Government and State Government office buildings, Designated Forest/ Green Belt areas and Government Residential colonies, etc., where installation of cell sites by individual operators is either difficult or is not permitted due to policy/ security / aesthetic concerns. Those stakeholders who favoured mandating submitted that sharing will result in more efficient use of resources and lower overall cost to the industry, society & environment while at the same time enabling a faster rollout of coverage. Some of the stakeholders suggested that sharing of active infrastructure created by the telecom infrastructure companies should be allowed, as this is expected to reduce costs, encourage standardisation, and ultimately result in further decline of tariffs. They also mentioned that sharing of the active infrastructure should be extended to the core network also. Some of the stakeholders mentioned that approval for new towers could be given subject to that **there is no sharable** capacity available in existing towers.

3.3 Some of the stakeholders suggested that there should be neutral host ~~provider and allowing~~ IP-I to import, setup and operate specialised active In Building Coverage Solutions such as optical fibre based Active DAS and Grid Femtocells independent of the operators. It will be important for all the service providers to provide coverage inside

big buildings and complexes as their subscribers may be present at these places. However, it will not be possible to install their individual in-building infrastructure as it will not only result in duplication but also require huge cost. It will be beneficial if one service providers installs the IBS and others share this infrastructure.

- 3.4 Some stakeholders argued that infrastructure companies (IP-I) may be permitted to install in building solutions as neutral host and should make this infrastructure available to all the service providers non-discriminately on similar terms and conditions.
- 3.5 As per the terms and conditions of the CMTS/UAS licence, the access service providers were initially permitted sharing of "passive" infrastructure viz., building, tower, dark fibre etc. only, among themselves. In order to reduce input capital cost of telecom access service providers towards fixed infrastructure, thereby facilitating further reduction in tariff and to enhance the teledensity in the rural areas, DoT in April 2008 had issued 'Guidelines on Infrastructure sharing'. Through these guidelines sharing of active infrastructure was also permitted amongst the Service Providers. Some of the main points were:
 - i. *Sharing of active infrastructure amongst Service Providers based on the mutual agreements entered amongst them is permitted. Active infrastructure sharing, limited to antenna, feeder cable, Node B, Radio Access Network (RAN) and transmission system only, was permitted. Sharing of the allocated spectrum will not be permitted;*
 - ii. *Infrastructure Providers (IP) Category-I were allowed to seek SACFA siting clearance for erecting towers with or without agreement with licensed Service Providers;*

- iii. *To provide incentives on the infrastructure sharing in the urban areas, State Governments were requested to charge same amounts for setting up of the shared tower, irrespective of the number of Service Providers sharing the same tower at par with unshared tower;*

3.6 The DoT, vide its letter dated 9th March 2009 has clarified that the scope of IP-I, which was limited to sharing of passive infrastructure only, has been enhanced to cover the active infrastructure if this active infrastructure is provided on behalf of the licencees, i.e. they can create active infrastructure limited to antenna, feeder cable, Node B, Radio Access Network (RAN) and transmission system only for/on behalf of UASL/CMSP licencees.

3.7 Most of the infrastructure works especially erection of towers is being done by IP-I. For erecting towers these companies will be requiring permissions from local authorities or the private owners as the case may be. Moreover, these IP-I companies will also establish active infrastructure for which again RoW permissions will be required wherever necessary. Government vide its notification issued on 24th May 1999, in exercise of provision under Section 19B of the Indian Telegraph Act, 1885 had permitted the private licencees who are issued licence under Section 4 of the Act to seek RoW from any person including local authorities. Since IP-Is have not been issued ~~licence under~~ Section 4, these companies cannot seek RoW as provided in the Indian Telegraph Act, 1885. Therefore, these IP-Is are required to be brought under licencing regime so that these ~~companies could~~ also be able to seek RoW for deployment of infrastructure.

- 3.8 As noted in the consultation paper, the Authority in its recommendations on "Spectrum Management and Licensing Framework" of May 2010 observed that in view of increasing role of IP-I in the sector, there are enough reasons to bring them under the ambit of licensing regime and permitting them to provide both passive and active infrastructure, independent of the service providers. This will facilitate faster roll out and reduction in the capital expenditure on the part of the service providers. Therefore recommended *"...that IP-I category be also brought under the licensing regime with immediate effect."*
- 3.9 As per the Indian Wireless Telegraphy Act, 1933 Government authorisation/licence is required even to deal and/or possess any wireless telegraphy/telecommunication equipment/apparatus etc.
- 3.10 Presently, a IP-I, is not permitted to setup/ install Radio Access Network of its own, as it has not been assigned access spectrum and accordingly not granted the Wireless Telegraphy (WT) licence. This constraint will continue to be applicable in the proposed licensing regime, in case the Unified Licencee is not assigned the access spectrum. Therefore, in order to facilitate the installation and maintenance of complete Radio Access Network by the third party for use of the access providers, it is proposed that such Unified Licencee may be permitted to possess and maintain the WT equipment. They ~~may also be~~ allowed to be assigned spectrum for providing backhaul through microwave systems which can be offered to service providers on sharing basis. They will be permitted to offer the complete Tower site (active & passive components along with wireless equipment) to the prospective telecom operator on lease. The Telecom operators having the UAS/CMTS licence along with the WT licence can approach such Licencees to just connect its MSC to the respective

tower site, complete in all respect, on mutually agreed terms. The scenario of the wireless network implementation would be like in the following figure:

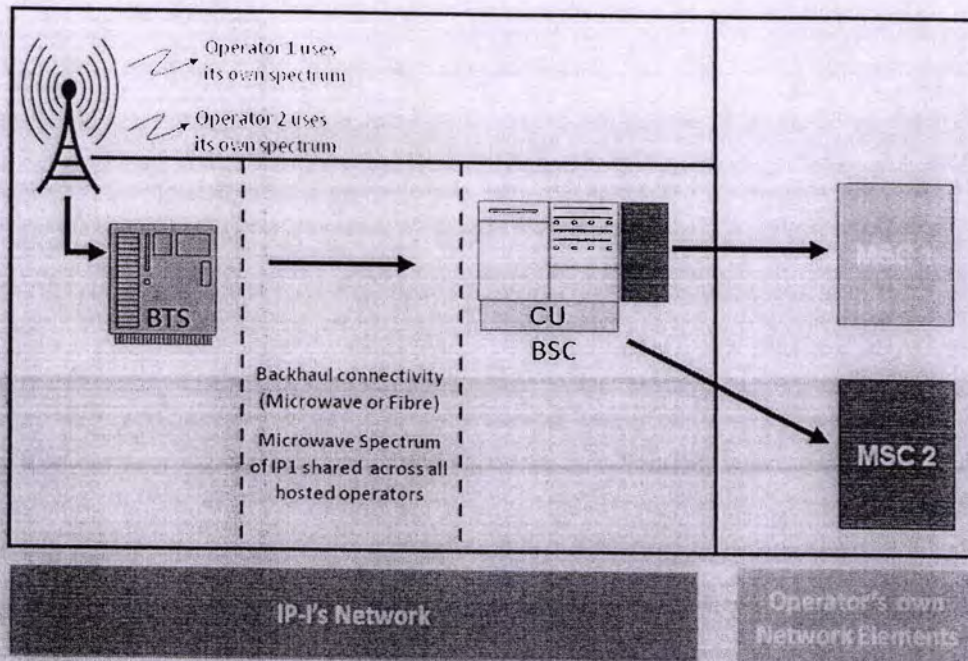


Figure 3.1: Scenario of the wireless network implementation

3.11 The Authority recommends that

- (i) Infrastructure providers should be permitted to install and share active network limited to antenna, feeder cable, Node B, Radio Access Network (RAN) and transmission system, subject to the condition that they are brought under the Unified Licensing regime as recommended by this Authority in May 2010.
- (ii) Such Unified licensee should also be permitted to possess and maintain wireless telegraphy equipment.
- (iii) Such Unified licensee may also be assigned spectrum for providing backhaul through microwave system

3.12 With the rapid increase in the number of telecom subscribers and also the roll out of 3G and BWA networks, the telecom operators have to incur a higher amount of expenditure in expansion of their networks. Moreover, in view of the enhanced competition and decreasing tariffs, operators are also exploring various measures to drive down cost of infrastructure deployed for telecom services, as deployment of infrastructure amounts to approximately 60% of total cost for service provisioning. Roll out of separate infrastructure by all of them will not only result in duplication but will also require high cost. In this context, concept of infrastructure sharing between mobile operators assumes crucial importance, as it allows operators to leverage and ride on existing infrastructure. At present approximately 60% of the total towers are shared, even though infrastructure sharing is not mandated as per the existing licensing conditions. The issue for deliberation is how the infrastructure sharing can be further encouraged.

3.13 One of the major issues is the availability of infrastructure at critical sites in areas of heritage, security & environmental importance, which may prove to be a bottleneck as the municipal and local bodies are restricting the new infrastructure creation at such locations. Identification and sharing of critical sites, harmonisation of tower sharing in such areas will be required for provisioning of seamless **telecom services**.

3.14 Several countries worldwide recognised the importance of infrastructure sharing and initiated several measures to encourage this. As per the guidelines issued by Telecommunications Regulatory

Commission of Sri Lanka³⁰ in July 2009, Antenna Structures should be designed and constructed with provisions for more than one service provider. Such constructions are encouraged through incentive schemes.

3.15 In Brazil, National Telecommunications Agency (ANATEL) has laid down rules on infrastructure sharing among telecommunications service providers. The rules set out the conditions and standards for sharing of ducts, conduits, poles, towers and utility easements in the telecommunications sector.

3.16 In Hong Kong the network operators are encouraged to share facilities on a fair commercial and technical terms & conditions in order to avoid uneconomic duplication of network resources. The Telecom Authority is empowered under the Telecommunication Ordinance in Hong Kong to direct the cooperation and coordination among the licencees in public interest to share the use of network facility after considering the factors such as bottleneck facility and duplication of network resources. The Telecom Authority can also make any determination in terms and conditions of the shared use of facility should the operators have failed to reach an agreement.

3.17 The Commerce Commission of New Zealand, in the year 2008 had issued **Standard Terms Determination (STD)**³¹ for the specified service co-location on Cellular Mobile transmission sites. As per this, access providers must make co-location on cellular mobile transmission sites (the **Mobile Co-location Service**) available to other mobile network operators.

³⁰ Guidelines on Antenna Structures : http://www.trc.gov.lk/images/pdf/guide_l.pdf

³¹ <http://www.comcom.govt.nz/mobile-co-location-service/>

- 3.18 In 2008, China's Ministry of Industry and Information Technology (MIIT) had published new rules which encouraged the mobile operators to share their network infrastructure wherever possible. The main beneficiaries of this policy were two smaller operators, China Telecom and China Unicom who were able to rollout coverage quicker by sharing towers belonging to China Mobile.
- 3.19 The Turkish Regulator has issued a Communication on Principles and procedures regarding Co-location and Facility sharing³² in telecommunication market. This communication set out the principles and procedures for facilitating the entries of new operators into telecommunications market, maintaining the efficient use of resources, minimising the cost of investment & services, fostering the competitive market conditions etc. All the operators having significant market power (SMP) including the incumbent Turk Telecom are obliged to provide Co-location to smaller, new operators. The telecom infrastructures including erection, sharing of towers and masts are included in this proposal.
- 3.20 Pakistan Telecommunications Authority (PTA) grants Telecommunication Infrastructure (Tower) Provider Licence³³ to firm/person to establish, maintain, lease, rent and sale of telecommunications tower facilities in Pakistan as per the prescribed terms and conditions. The terms and conditions of the licence ~~authorises sharing~~ of towers also by the licensee and the licensee can provide access to its towers and related facilities for the use by the ~~licenced/registered~~ telecommunication service providers.

³² <http://www.tk.gov.tr/pdf/en-2003.pdf>

³³ www.pta.gov.pk

3.21 The Authority is of the opinion that while sharing of infrastructure should be encouraged, mandating it will pose a major challenge in implementation and monitoring and will be seen as undesired regulatory intervention. Instead, there is a need to ensure that process of sharing the infrastructure by service providers should be transparent and non-discriminatory. Further, there is a need to identify sites of heritage, security and environmental importance where restrictions are put by local authorities for erecting new towers and mandate the sharing of infrastructure in such locations.

3.22 **The Authority recommends that infrastructure sharing should be mandated in locations of heritage, security and environmental importance.**

B- Mobile Virtual Network Operator (MVNO)

3.23 Mobile Virtual Network Operators (MVNOs) are the service providers who offer mobile services to end users without an allotted spectrum by using the radio spectrum of a licenced mobile network operator (MNO) who has the radio spectrum and hosting services through commercial agreements with an MNO. MVNO may have little or no network infrastructure of their own. They may build, buy or lease network capacity from a MNO to obtain essentially the same possibilities to offer mobile services to end-users as an MNO. Usually ~~their services are~~ augmented by brand appeal and product differentiation with focused customer segments. Depending on the technical approach chosen and commercial agreements made between the ~~MVNO and the existing~~ MNOs, the MVNO may be able to offer different packages of services and tariffs from those available today from service providers. Because of low OPEX and investments, MVNOs may be able to go into areas which MNOs did not consider

viable. Also the introduction of MVNO is seen as a contributor to efficient use of existing telecommunication infrastructure and also to development of new infrastructure.

- 3.24 Based on the reference from DoT, TRAI sent its recommendations on the need and timing for introduction of MVNO as well as terms and conditions of the licence to be granted to such operators to DoT on 6th August 2008. Further, DoT vide its D.O. letter no. 800-18/2009-VAS-III/5 dated 24th February 2009 sought reconsideration on some of the recommendations on MVNO. Most of the observations/suggested modifications by DoT were related to procedural matters, which were acceptable to the Authority. On one of the issues DoT suggested that one MVNO should be able to get attached to a maximum of two MNOs to avoid monopolistic situation. In the reconsidered view, it was reiterated by the Authority that for the time being, one MVNO may be restricted to get parented to one MNO in view of the large number of access providers in each service area and parenting to multiple MNOs could create problems in implementation of mobile number portability. The Government is yet to notify the guidelines for MVNO in the country.
- 3.25 In the meantime, there have been various developments in the sector that warranted reconsideration of a number of recommendations that were ~~given~~ earlier by the Authority. One of the major developments ~~has been the~~ release of recommendations on 'Spectrum Management and Licensing Framework' by the Authority in May 2010 which ~~covered in a~~ comprehensive manner, all the aspects of licensing for provision of access services. A framework for issue of future licences is also a part of the recommendations. The recommendations relevant for MVNO guidelines are mentioned in the following paragraphs:

- (i) Considering the spectrum demand and supply position, development of technologies in different spectrum bands and the possibilities of offering applications on wireline and fibre networks, the Authority recommended that no more UAS licence linked with spectrum should be awarded. At the same time, keeping in view the possibility of some service providers wanting to launch access services without spectrum, the Authority recommended that future licences must be unified licences, not linked to spectrum. A Unified licensee shall be permitted to offer any/all services covered under 'Class licence' and 'Licensing through Authorisation' but not vice-versa. Such a licensing regime will be service and technology neutral and shall permit a unified licence holder to offer any or all telecom services. Spectrum, if required, is to be obtained separately. The Authority had also recommended two types of unified licences - national and service area specific. The national unified licensees would be allowed NLD/ILD services.
- (ii) The Authority also expressed the opinion that the existing roll out obligations, of covering at least 10% of the District Headquarters (DHQs) in the first year and 50% of the District Headquarters within three years of effective date of licence are very lenient and are urban centric. As a result even 15 years after the introduction of mobile service in the country, the rural teledensity is still below 25. The Authority stressed upon the importance of telecommunications in the development of rural areas in the context of the objective of the Government to bridge urban-rural divide. The Authority therefore recommended imposing an obligation of coverage of habitations having a population of more than 2000 in a

phased manner. It shall be incumbent on every service provider to provide connectivity through its own network in all habitations with a population of more than 5000 persons. A licensee would however be allowed to cover the habitations having a population between 2000-5000 through intra service area roaming, subject to the condition that at least one-third of the habitations shall be covered by its own network. The Authority has also proposed a system for discouraging non-fulfillment of roll-out objectives in terms of higher spectrum usage charges. For habitations with a population of 500 to 2000 persons, the Authority proposed incentives for roll out of services in terms of reduction in annual licence fee.

- (iii) It was mentioned that encouraging Mobile Virtual Network Operators (MVNOs) would be a way of sharing spectrum. Permitting use of MNO's spectrum by MVNO is one of the mechanisms for increasing efficiency in spectrum utilisation and temporarily fulfilling the demand for spectrum. The Authority, inter-alia, recommended sharing of spectrum among licensees each of whom does not have more than 4.4 MHz/2.5 MHz (GSM/CDMA) spectrum for a maximum period of 5 years.

3.26 In the consultations paper on Telecommunications Infrastructure Policy ~~also it~~ was proposed that in view of the fact that various developments have taken place in the sector, the framework recommended for MVNOs through TRAI's recommendations of 6th August 2008 needed reconsideration. In view of the fact that MVNOs can assist MNOs in extending coverage to rural and remote areas, the MNOs should be allowed to cover habitations having populations between 2000-5000 through MVNOs in addition to the intra service

area roaming option recommended in the May 2010 "Spectrum Management and Licencing Framework" recommendations. In the light of the same recommendations it was mentioned that, there may not be any need for a separate MVNO licence but a Unified licensee could be allowed to work as an MVNO, share the spectrum of the MNO and setup or lease the required infrastructure for providing service in the contracted areas. It is clarified that sharing of spectrum here means use of MNO's spectrum by MVNO also. In the process the spectrum already held by the MNO gets utilised more effectively. In view of the above stated facts stakeholders were asked to give their opinion on the proposed modifications to the recommendations of TRAI on MVNO dated 6th August 2008.

3.27 The following modifications to the TRAI's recommendations dated 6th August 2008 were put up for consultation:

- a. A Unified licensee who does not possess spectrum should be allowed to work as an MVNO in any service area. The Unified Licence ceases to be an MVNO if he gets his own spectrum.
- b. An MVNO should fulfill all the obligations of the Unified Licence.
- c. An MVNO should be allowed to use the spectrum of an MNO and also to set up infrastructure including Radio Access Network (RAN)/Base Station Subsystem, if required.
- d. ~~There should~~ not be any limit to the number of MVNOs attached to an MNO. However, an MVNO cannot get attached to more than one MNO in the same service area. Additionally, ~~the MNO~~ should ensure that there is only one MVNO in one revenue district.
- e. MVNO should pay spectrum charges as per the slab applicable to the parent MNO.

- f. For counting the roll out obligations, the MNO can take into account the roll out done by the MVNOs attached to it.

3.28 In response, some of the stakeholders suggested that existing unified access service licencees may be permitted to become MVNO for 3G services in case they do not have spectrum. They mentioned that operators waiting for allocation of initial 2G spectrum may also become MVNO linked to other MNO. They are of the opinion that these licencees should be permitted to operate as MVNO only in the circles in which they do not have spectrum. Once a licencee owns spectrum he ceases to act as MVNO. However, this modification may cease to exist once spectrum sharing is permitted by regulator.

3.29 On the contrary, some of the stakeholders mentioned that concept of MVNO seems to be irrelevant considering the scarcity of spectrum, competition among the telecom operators, and prevailing very low tariffs. They also mentioned that if it is felt that the Indian telecom market has a place for MVNO in current scenario, the same can be introduced under a distinct regulatory regime and MVNO should not be allowed to share spectrum. They are of the opinion that market forces should decide the relationship between MNO and MVNO and there should not be any compulsion on MNO to enter into any commercial arrangement with any MVNO. MNO and MVNO should be free to decide the terms of its agreement.

3.30 One of the stakeholders suggested that operators like EPABX & DID (Direct Inward Dialling) franchisees are miniature version of an MVNO and they may be allowed to share the service providers' spectrum or a small spectrum band may be de-licensed for low power applications within large complexes using this spectrum.

- 3.31 One of the stakeholders suggested that it is better to introduce “Physical Operators” & “Service Operators”, work with each other on revenue basis in place of MNO or MVNO. It is also mentioned that physical operators should manage all physical infrastructures (active & passive) & service operators will deliver services & manage customers. This method will eliminate the multiple infrastructures and thus minimises the future environmental hazards
- 3.32 The spectrum for mobile services is finite and a scarce resource. Today there are around seven to twelve licencees in each operational service area effectively offering services in the country. The finite resource of spectrum can become a serious constraint in meeting the capacity and QoS requirements. Therefore, there is a need for efficient and optimal use of spectrum. Some licencees have not been allocated startup spectrum. These licencees can work as MVNO and provide access service including various types of value added services in some remote areas or specific towns where MNO may not have its presence. Availability of 2G spectrum for further allotment is either very difficult or very much limited. For 3G spectrum service providers have paid a large sum to obtain the spectrum. There is no certainty regarding allotment of further block of 3G and BWA spectrum in short term. Therefore, unified access service licencees without spectrum could provide mobile services through MVNO route. Permitting spectrum use by MVNO will also lead to increased efficiency in spectrum utilisation. Stakeholders also agreed that Unified licencees could become the MVNOs. However, one stakeholder has argued for a separate and distinct regulatory regime for MVNOs. In Indian context where enough competition exists, creation of further licence for MVNOs may not be desirable.

- 3.33 The Authority recommends that a Unified licensee who does not possess spectrum should be allowed to work as an MVNO in any licenced service area. The Unified licensee ceases to be an MVNO if it is allocated spectrum for accessing the subscribers.
- 3.34 One of the stakeholders mentioned that operators like EPABX & DID franchisees are miniature version of an MVNO and could be allowed to share the service providers' spectrum or a small spectrum band may be de-licenced for low power applications within large complexes using this spectrum. Since operators can use solutions like IBS/DAS/3D cell, which are low power applications with efficient reuse of the spectrum, releasing separate spectrum to cover large complexes out of the allotted spectrum may not be needed. However, releasing spectrum on a separate band for indoor applications band is being reviewed separately.
- 3.35 The Authority in its recommendations on 'Spectrum Management and Licensing Framework' in May 2010 recognised that encouraging Mobile Virtual Network Operators (MVNOs) would be a way of sharing spectrum. In addition, MVNO could provide access service including various types of value added services in some remote areas or specific towns where MNO may not have its presence. In such a scenario MNO may not be interested in incurring expenditure on deploying infrastructure like Radio Access Network/ Base station Subsystem in such areas.
- 3.36 The International Telecommunications Union (ITU), which references each country's MVNO development, provides the following two-part definition of MVNOs:

1. MVNOs offer mobile communications services to end users without having their own radio spectrum that is MVNOs do not own licences and must lease network capacity or equipment from licenced operators.
2. An MVNO can be a provider of a mobile communication service or a value-added service and possess its own mobile network code (MNC) and SIM cards.

3.37 The MVNO business model deployed in different countries vary depending on the local conditions and the regulatory regime. While some MVNOs operate their own core network infrastructure including switching, Home Location Register (HLR), billing, customer care, value added services platforms and intelligent network systems, other MVNOs simply repackage network operators' services and issue their own SIM cards by relying almost completely on the host network's facilities with a little product differentiation. Accordingly the three types of MVNO models have been differentiated as:

- (i) **Full MVNOs**, which provide their own network core including a Mobile Switching Centre (MSC);
- (ii) **Intermediate MVNOs**, which acquire a switched service, but either provide their own home location register (HLR) or share a jointly owned HLR with an MNO; and
- (iii) **Thin MVNOs**, which only provide additional applications and ~~content and~~ which are not much different from pure resellers or service providers. These thin MVNOs are also called Enhanced Service Providers.

3.38 With the launch of 3G and BWA services there will be more emphasis on wireless data services and customised service offerings with innovative services. Under these conditions MVNOs who focus on

service innovation can provide various innovative services to the customers. The business model or the type of MVNO, however, may depend on the local context, level of competition and maturity in the market. Therefore the Authority does not feel to impose any restrictions to be placed on type of MVNO model to be followed and leaves the agreement between MNO and MVNO on market forces. There may be a clause of exit from such agreements. Under the situation of exit due to any reason, it needs to be ensured that consumer interests are protected and the service is not interrupted. In case of exit, customers need to be informed in advance about such exit and should be given the option of migrating to the parent MNO.

3.39 The Authority recommends that

- i) MVNO may be allowed to set up its own infrastructure including MSC, Radio Access Network (RAN)/Base Station Subsystem etc., if required.**
- ii) Commercial model between MVNO and MNO should be left to mutual agreement between the MVNO and MNO subject, however, to the licence conditions of both MVNO and MNO.**

3.40 MVNO is a provider of services to the customers similar to the services provided by the MNO. Once the customer belongs to MVNO, all service obligations related to customer like billing, customer care, national security requirements, quality of service, access to emergency services, subscriber verification and directory services should also become the responsibility of the MVNO. Since MVNO will be working on behalf of the MNO and will be using the numbers out of the allotment of MNO, number portability will be the responsibility of the MNO. However, customers can approach the MVNO and MVNO in coordination with MNO will get the process completed.

3.41 The Authority recommends that an MVNO should fulfill all the service obligations of the Unified Licence. Allocation of numbers, number portability, interconnection with other service providers and roaming should be provided to MVNO by the parent MNO.

3.42 Presently circle wise licences are given to MNOs and spectrum is also allocated circle wise. Therefore a MVNO may be a reseller of the MNO services in a particular service area or a MVNO may also offer service in multiple service areas of the same MNO. It is also possible that a particular MVNO may tie up with different MNO in different service area. In order to create a healthy & competitive environment, and the possibility of serving different segments through different business models, MNO should be allowed to have multiple MVNOs. However, more than one MVNO per revenue district will make it difficult in ensuring a viable business model of a MVNO. Since most important resource for MVNO is the spectrum, attachment of MVNO to more than one MNO will lead to sharing of spectrum of multiple MNOs simultaneously. Moreover, annual spectrum charges depend on the amount of spectrum held; it will be difficult to separate out the AGR of MVNO for each spectrum shared. Therefore it will be better if the MVNO does not get attached to another MNO. Also as mentioned earlier, parenting to multiple MNOs could create problems in implementation of mobile number portability.

3.43 The Authority recommends that

- (i) There should be no restriction on the number of MVNOs attached to a MNO subject, however, to their being only one MVNO in a revenue district.**
- (ii) An MVNO cannot get attached to more than one MNO in the same service area.**

- 3.44 In a situation where MVNO does not exist, the subscribers would have belonged to the MNO and MNO would have paid spectrum charges on the revenue from these subscribers. In order to ensure that the revenue that is accrued to the Government does not decline on account of introduction of MVNO, AGR of MVNO should be counted for the calculation of spectrum charges. Since MVNO can share the spectrum held by MNO, the spectrum charges levied on MVNO should also depend upon the spectrum held by MNO.
- 3.45 **The Authority recommends that MVNO should pay spectrum charges on its revenue. The slab applicable to MNO will equally be applicable to the MVNO.**
- 3.46 In the licence issued to MNO certain roll out obligations are specified. The rolls out obligations are in the nature of coverage of the service area. Any delay in fulfilling the obligations attract liquidated damages. One of the objectives of MVNOs is to extend service to areas where MNO is not interested in providing service. If roll out by MVNO is considered as the roll out on account of parent MNO, this will further facilitate growth of MVNOs and will also benefit MNOs.
- 3.47 **The Authority recommends that for complying with its roll out obligations, the MNO can take into account the roll out achieved by its MVNOs.**
- 3.48 The ~~recommendations~~ on "Mobile Virtual Network Operator (MVNO)" made in August 2008 had 27 recommendations. Out of these recommendations 9 have been replaced with new recommendations, 10 are not relevant now and 8 are still relevant.

3.49 The details of 9 recommendations which have been replaced are as follows:

S.No.	August 2008 recommendations	Replaced with recommendations at
1	Definition (Para 2.1)	Para 3.33
2	Need and timing for introduction of MVNO (Para 2.2)	Para 3.33
3	Types of MVNO (Para 2.3)	Para 3.39 (i)
4	Regulatory Models (Para 2.4)	Para 3.39 (ii)
5	Number of MVNOs (Para 3.4)	Para 3.43
6	Commercial Model (Para 3.5)	Para 3.39 (ii) & 3.45
7	Service obligations of MVNO (Para 3.6)	Para 3.41
8	Allocation of numbers, number portability, interconnection with other service providers and roaming (Para 3.9)	Para 3.41
9	Roll out obligations (Para 3.11)	Para 3.47

3.50 As per the earlier recommendations, a separate licence was to be issued to MVNO whereas as per the current recommendations any Unified Licencee without spectrum can work as an MVNO. So, the following 10 earlier recommendations are not relevant now. Instead, the conditions of the Unified licence will be applicable to the MVNOs.

- i. Issue of licence
- ii. Duration of licence
- iii. **Eligibility conditions**
- iv. Entry fees
- v. Annual licence fee and AGR
- vi. **Mergers**
- vii. Substantial Equity
- viii. Foreign Direct Investment
- ix. Bank Guarantees

- x. Customer acquisition

3.51 The remaining 8 following earlier recommendations are still relevant:

- i. Licenced Service area
- ii. Scope of Service of MVNO
- iii. Failure of agreement between MVNO and MNO
- iv. Quality of Service
- v. Tariff
- vi. Technical standards
- vii. National security
- viii. Reporting requirements.

3.52 In order to avoid any ambiguity, the Authority recommends the following set of recommendations on "Mobile Virtual Network Operator (MVNO)". This supersedes the earlier recommendations on MVNO issued in August 2008.

3.53 **A Unified licensee who does not possess spectrum should be allowed to work as an MVNO in any licenced service area. The Unified licensee ceases to be an MVNO if it is allocated spectrum for accessing the subscribers.**

3.54 **MVNO may be allowed to set up its own infrastructure including MSC, ~~Radio~~ Access Network (RAN)/Base Station Subsystem etc., if required.**

3.55 **Commercial model between MVNO and MNO should be left to mutual agreement between the MVNO and MNO subject, however, to the licence conditions of both MVNO and MNO.**

- 3.56 The Authority recommends that an MVNO should fulfill all the service obligations of the Unified Licence. Allocation of numbers, number portability, interconnection with other service providers and roaming to be provided to MVNO by the parent MNO.
- 3.57 There should be no restriction on the number of MVNOs attached to a MNO subject, however, to their being only one MVNO in a revenue district.
- 3.58 An MVNO cannot get attached to more than one MNO in the same service area.
- 3.59 MVNO should pay spectrum charges on its revenue. The applicable slab to MNO will equally be applicable to the MVNO.
- 3.60 For counting the roll out obligations, the MNO can take into account the roll out done by the MVNOs attached to it.
- 3.61 The Licenced Service Area (circle) of MVNO should be same as that of parent MNO. However, the MVNO could offer service anywhere within the licenced service area (circle) of the parent MNO as specified in the mutual agreement between MNO and MVNO.
- 3.62 In case a MVNO attached to a MNO has licence in more than one ~~service area~~ then it will have to have separate agreement for each service area.
- 3.63 The scope of service of MVNO would be within the scope of service of MNO, i.e. the MVNO can offer any or all of the services that the MNO can offer subject to the agreement between MNO and MVNO.

- 3.64 In case of a dispute between MVNO & MNO, the procedure for resolution of dispute would be same as that being followed for disputes between MNOs.
- 3.65 In case MVNO desires to exit the business:
- i. It shall give six months' notice to subscribers, MNO, Licensor and the TRAI before stopping its services.
 - ii. Consequent upon (i) above, the MNO should offer its services to the subscribers of MVNO to migrate to any of the tariff plan of MNO without any extra charges such as upfront/ activation charges. In the case of lifetime subscribers, they should be offered life time plan of MNO. The subscriber should be allowed to retain the same number.
- 3.66 Responsibility of the Quality of Service to its subscribers would remain with the MVNO. The Regulations/ Direction/ Orders of TRAI in this regard would be binding on MVNO.
- 3.67 MVNO being directly responsible for the tariff related matters, MVNOs should independently comply with the applicable Telecom Tariff Orders (TTOs) and tariff related requirements as **prescribed by TRAI.**
- 3.68 Facility based MVNOs who set up their own infrastructure have to ensure that the equipment that they use conforms to the prescribed standards.
- 3.69 MVNO should comply with all the requirement of National Security.

- 3.70 **MVNO should comply with all the reporting requirements of the licensor and the Authority.**

C- USO and Rural Telephony

- 3.71 Universal service refers to the idea that basic infrastructure such as electricity, roads, transportation, water, or telecommunication should be available to everyone. In the past, TRAI has made various recommendations to promote universal service in telecommunications in the country. The ubiquitous service was aimed to be achieved through roll out obligations and through use of the Universal Services Obligation Fund (USOF). However, till date, USO schemes have met with limited success. To provide impetus to rural telephony, TRAI issued its recommendations on 'An Approach to Rural Telephony – Suggested Measures for an Accelerated Growth' on 19th March 2009. These recommendations had covered, inter alia, the issue of reorganisation of USOF, management of fund without the need of budgetary process, following bidding process only when necessary, setting up of towers by IP-I/CMTS/UASL for sharing, reduction of USOF levy based on coverage of number of development blocks, provision of subsidy from USOF for laying optical fibre from tower to nearest block headquarter and sorting out delays in Right of Way permissions. These recommendations are yet to be accepted by the **Government.**
- 3.72 Taking into account the developments that had taken place since **March 2009**, the Authority, in its recommendations on "Spectrum management and licensing framework" of May 2010 and 'National Broadband Plan' of December 2010, revisited the issue of penetration of mobile services and broadband in the rural areas. One of the major

shifts stemming out of these recommendations is that the areas in which USO fund need to be utilised will undergo a change.

3.73 In its recommendations of May 2010, the Authority has made the following observations and recommendations:

- The Authority has observed that the present roll out obligations are very lenient and are urban centric. The service providers are mandated to provide coverage only in the district headquarters or major towns. As a result even 15 years after the introduction of mobile service in the country, the rural teledensity is still below 25%.
- Providing telecommunications to the rural areas and bridging the urban-rural divide has been the objective of the Government for long. The Authority would ideally like to see all the villages/habitations with a population of 500 and above to be covered within the next three years. Since earlier efforts in this direction have met with limited success, the Authority would like to adopt a two-fold approach to this challenge. One segment of this approach is to impose a full service obligation on the service providers. The Authority is in favour of imposing an obligation of coverage of Habitations having a population of more than 2000 in a phased manner, as follows:

Time	Habitation>10000	Habitation 5000-10000	Habitation 2000-5000
2 years from effective date	100%	50%	-
3 years from effective date	100%	100%	50%
4 years from effective date	100%	100%	100%

In the above roll out obligations, coverage of 90% or above habitations will be taken as compliance of the obligation.

Table 3.1: Roll out obligations

- In order to ensure that the smaller habitations are also covered, the Authority also recommended that those licencees who have covered 50% of the habitations with a population of 500-2000 be given a reduction of 0.5% in the annual licence fee and those licencees who have covered 100% (90% & above to be treated as 100%) of the habitations with a population of 500-2000 should be given a 2% discount in the annual licence fee.
- On the use of USO fund, the Authority recommended that the Universal Service Obligation Fund be utilised by the Government for provision of telecommunications facilities in habitations having a population of less than 500 and to provide broadband to all the villages having a population of more than 1000 to start with and later extend the same to all habitations having a population of 500 and above.

3.74 In the recommendations on "National Broadband Plan" issued in December 2010, the following were the main points relating to rural coverage:

- The Authority has emphasised that the primary objective of the USO fund should be to lay optical fibre cable from Block ~~Head~~ **Head** ~~Quarters~~ **Quarters** (BHQ) to villages so as to fulfill the backhaul bandwidth requirement for provision of broadband and facilitate broadband growth in the rural areas. Accordingly, ~~the Authority~~ recommended for formation of National Optical Fibre Agency (NOFA) and State Optical Fibre Agency (SOFA) and stated that this network would require a fund of Rs.

60,000 Crore, which may be financed by USO Fund and the loan given/ guaranteed by Central Government.

- The issue of 'Right of Way' has been a major constraint in proliferation of optical fibre network in the country, therefore in its recommendations of December, 2010, the Authority has again discussed this issue and has recommended that "the Government may fix and notify the charges for Right of Way in consultation with the State Governments on priority basis and ensure time bound availability of RoW to telecom service providers after due intimation to the agency concern."
- On the issue of local content for the rural areas, the Authority has discussed various applications like e-Health, e-Banking, e-Commerce, e-Education, e-Governance, e-Entertainment etc. which are required to develop and customised for the local needs. On the issue of developing content in local languages the Authority in the same recommendations observed that websites that currently exist in local languages are insufficient to cater to the needs of the users. The content that is available today on the Internet is largely in English and is not customised to local needs. The task is to make this content available in Indian languages. **Further**, there is also a need for a higher proliferation of vernacular user interface (keyboards, software etc) to facilitate usage of local language content.

3.75 In view of the above two recommendations, the Authority had proposed in the consultation paper that since as per the recent recommendations made through National Broadband Plan 2010, most of the USO fund will be utilised for creation of optical fibre open

access network through NOFA/SOFA, the earlier recommendations related to utilisation of USO funds need to be revisited. Stakeholders' comments were invited on this proposal.

- 3.76 In response, some of the stakeholders suggested that no action should be taken by the Government on the recommendations on Rural Telephony made on 19th March 2009. They mentioned that service providers should be provided subsidy for providing accessibility and affordable service to the rural areas. Support from USO fund should not be restricted to particular service providers. It should be available to all service providers with compensation to be fixed by predefined norms, which should be suggested by an independent agency. Some of the stakeholders suggested that USO fund should be made mandatory for mobile service providers for creating broadband infrastructure and to ensure connectivity at rural panchayat level. They also opined that USO subsidy support should be open for all participants as against bidding model with limited participations. One of the stakeholders suggested that the OFC connectivity is available up to DHQs and most of SDCAs and therefore, the USOF should be used to give subsidy for linking Block Head Quarters and Gram Panchayats to any service provider who wants to lay OFC beyond SDCAs. Some of the stakeholders suggested that keeping in view the targets set out for National Broadband /rural telephony in remote and far flung areas, the thrust on rural coverage using USO fund should be on ~~last mile access~~ where laying of fibre to Home is not feasible. Adoption of wireless technologies could be a suggested approach which could be implemented in a short span of time and with lesser ~~capital cost in comparison~~ to laying of fibre to home (FTTH). USO scheme should be technology neutral and should include all technology platforms like GSM/ CDMA/ 3G/ BWA/ Wireline/ Satellite/ VSAT/ OFC etc. Some of the stakeholders suggested that to

encourage speedy penetration of mobile services in rural areas, DoT should accept the roll out obligations proposal as recommended by TRAI in May, 2010. DoT should consider 2% reduction in USOF contribution in case a TSP covers 75% of the Block Head Quarters. One of the stakeholder mentioned that DoT had constituted a Committee to examine recommendations of TRAI on "An Approach to Rural telephony -Suggested Measures for an Accelerated Growth" in detail and submitted an action plan. DoT Committee's recommendations should be considered in the formulation of the policy related to telecom infrastructure and be accepted in order to have a optimal utilisation of the USO fund for the rural areas. Some of the stakeholders suggested that TRAI's recommendations of May 2010 on rural rollout obligations are not the most efficient way to meet the objectives of rural coverage as these recommendations place an onerous burden on the economy, consumers and the telecom industry as a whole due to creation of duplicate and redundant telecom infrastructure in the rural areas. Some of the stakeholders supported the recommendations for setting up towers by any IP-I, CMTS, UASL operator, coordination of USOF activities with State Governments & granting permission for RoW within 90 days, on Rural Telephony made by TRAI.

- 3.77 As indicated above, some of the stakeholders have suggested that no action should be taken by Government on the recommendations on **Rural Telephony** made on 19th March 2009. Further stakeholders have argued the support of USO for all participants. Some stakeholders have emphasised on provision of OFC connectivity till gram **panchayat** level. The open access network proposed through TRAI's recommendations on National Broadband Plan of December 2010, meets all these requirements as the optical fibre open access

network will be available till gram panchayat level for all service providers using any kind of access technology or application.

3.78 On the suggestion that USO fund should be used for last mile access using wireless technology instead of costly FTTH, the Authority is of the view that the open access network can not only provide access for wireless technology but open up many possibilities of multiple service creations. In the National Broadband Plan issued in December 2010, the Authority has emphasised that the primary objective of the USO fund should be to lay optical fibre cable from Block Head Quarters (BHQ) to villages so as to fulfill the backhaul bandwidth requirement for provision of broadband and facilitate broadband growth in the rural areas. Since this optical fibre network will be an open access network all operators will be able to use this network for various services. This backhaul can be used for establishing broadband network, connecting mobile towers, provision of media services, e-education, telemedicine and host of other services. On the contrary funding only last mile access without creation of necessary backhaul will limit the multiplier effect of the investment. The optical fibre network can also be utilised for establishing more than 2 lakh Citizen Service Centres (CSC) under NeGP, support or complement State Wide Area Network (SWAN) for delivery of efficient Government services.

3.79 The Authority recommends that in future, application of USO fund should be restricted to

- i. Provision of telecommunication facility in habitations having a population of less than 500;**
- ii. To lay optical fibre cable from District to Block head quarters and Block headquarters to villages so as to fulfil the backhaul bandwidth requirement for the provision of**

broadband and facilitate broadband growth in the rural areas;

- iii. Any other use, if a commitment has already been agreed upon.**

3.80 As discussed earlier, the Authority in its recommendations of March 2009, has recommended the need for restructuring the USOF, its use for giving subsidy for setting up of towers in rural areas, reorganisation of USOF, reduction of USOF levy based on coverage of number of development blocks, provision of subsidy from USOF for laying optical fibre from tower to nearest block headquarter and sorting out delays in Right of way permissions. However, in view of its recent recommendations, restricting the use of USOF for only providing coverage in habitations with a population of less than 500 and laying of optical fibre, the Authority is of the view that some of the recommendations given in March, 2009 need to be revisited by the Government.

3.81 In its recommendations of 19th March, 2009, the Authority had made sixteen (16) recommendations. Out of these, one recommendation relates to the issue of RoW. In this paper, the Authority has revisited the issue of RoW and after analyzing the various legal aspects regarding RoW, it has made its recommendations which are discussed in detail in chapter I under para 1.34, 1.36, 1.39 and 1.40. Ten (10) of the recommendations given earlier in March, 2009 are no longer relevant in view of the recent recommendations on 'National Broadband Plan' of December 2010. The remaining five (5) recommendations which are still relevant are being reiterated.

3.82 TRAI has given its recommendations on "National Broadband Plan" on 8th December 2010. The plan envisages laying of optical fibre from district head quarter to panchayat and villages. A framework has been

prescribed for the participation of the State Governments to facilitate RoW and to provide optical fibre network. In view of this, the following 10 recommendations on rural Telephony made in March 2009 are no longer relevant now:

- i. Restructuring of USO fund
- ii. Simplification of project identification, determination of financial assistance, project monitoring and implementation
- iii. Sharing of USO towers
- iv. Incentives through concession in licence fee
- v. Provision for Backhaul
- vi. Broadband in rural establishments
- vii. Coordination with State Governments
- viii. Setting up of mobile chargers
- ix. Development of Technical skills for rural youth
- x. Tie up with Department of Post

3.83 The remaining 5 following earlier recommendations are still relevant:

- i. Monitoring of Projects and Disbursements of subsidies
- ii. Role of USOF in facilitating Local Contents
- iii. Land conversion for setting up tower in rural areas
- iv. Power supply to rural BTSs
- v. Facilitating VSATs for mobile infrastructure in rural areas

3.84 ~~In order to~~ avoid any ambiguity, the Authority recommends the following set of recommendations on USOF and rural telephony. This ~~supersedes~~ the earlier recommendations on Rural telephony issued in March 2009.

3.85 **In future, application of USO fund should be restricted to**

- i. Provision of telecommunication facility in habitations having a population of less than 500; and
- ii. To lay optical fibre cable from District to Block head quarters and Block headquarters to villages so as to fulfil the backhaul bandwidth requirement for the provision of broadband and facilitate broadband growth in the rural areas.
- iii. Any other use, if a commitment has already been agreed upon.

3.86 Applications like e-Health, e-Banking, e-Commerce, e-Education, e-Governance, e-Entertainment etc. are required to be developed and customised for the local needs. Websites that currently exist in local languages are insufficient to cater to the needs of the users. The content that is available today on the Internet is largely in English and is not customised to local needs. The task is to make this content available in Indian languages. Further, there is also a need for a higher proliferation of vernacular user interface (keyboards, software etc) to facilitate usage of local language content.

3.87 In order to curtail the delay, the Authority recommends that the payments for subsidy claims shall be made in a certain time ~~frame based on~~ the self certifications of the service providers. In case any discrepancy is found after verification, the recovery, if any, shall be made from the service provider.

3.88 Development of local content needs to be area specific and should address the local and immediate needs of the people.

- 3.89 The installation of towers and related equipment in rural areas serves the purpose of local population and to some extent business organisations. Hence the requirement for land conversion (around 400 Square metre of land) for setting up tower in rural areas by the telecom service providers should be dispensed with.
- 3.90 State electricity boards should provide power supply to rural BTSs on priority basis.
- 3.91 DoT should review the existing procedure for various approvals regarding VSAT and prescribe strict timelines so as to reduce the delay. It is also recommended that DoT should also simplify the procedures with emphasis on automatic clearances in case of non critical approvals. It is further recommended that the charges for VSATs (except transponder charges) may be borne by USOF initially for a period of three years for all the VSATs installed in rural areas. The TERM cell may be entrusted to certify the eligibility for the exemption.

CHAPTER IV: SUMMARY OF RECOMMENDATIONS

- 4.1 Telecom infrastructure should be treated as an essential infrastructure. (Para 1.7)
- 4.2 ~~Department~~ of Telecommunications should immediately bring the IP-I under Unified Licence. (Para 1.11)
- 4.3 Telecom infrastructure provider companies should be extended tax benefits under Section 80 IA. (Para 1.13)
- 4.4 DoT should clarify this position – that the local authority's power in terms of exercising the provisions of the Indian

Telegraph Act, 1885 is limited only to those properties that are vested in or under the control or management of local authority - to all the State Governments for strict compliance by local authorities. (Para 1.34)

4.5 Central Government should appoint Joint Secretary in DoT as the Dispute Resolution Authority for dealing with the cases of refusal of permission or imposition of conditions for granting permission by local authority. (Para 1.36)

4.6 In case of laying of telecommunication cables, the reinstatement charges per kilometer should be as follows. (Para 1.39)

Size	Reinstatement charges (Per Km in Rs. lakh)		
	Black top/ cement road	Metal road	earthen road
Cities with population			
above 1 million	5	3	1
above 1 lakh to 1 million	3	2	0.5
above 10000 to 1 lakh	2	1	0.25
Villages with population			
10000 and below	1	0.75	0.25

For the purpose of population, latest census will be the reference.

4.7 A maximum of forty five (45) days should be prescribed for grant of permission by the local authority for establishing telegraph line/ post/ laying of cable. (Para 1.40)

4.8 ~~TEC in~~ consultation with the standardisation body should develop standards for all types of towers used in telecommunications in a time bound manner. These standards should be made mandatory for all the service providers. Licence conditions should be amended to include that all the towers will conform to the standards developed by TEC. (Para 1.62)

- 4.9 Camouflaging should be made mandatory in areas of heritage, environmental or architectural importance. (Para 1.68)
- 4.10 DoT should address all State Governments to direct the Power Distribution companies in the States to provide grid power connectivity on priority for telecom tower sites. (Para 1.70)
- 4.11 IP-I and telecom service providers may be mandated to share IBS/DAS system deployed in the buildings, complexes or streets. (Para 1.94)
- 4.12 DoT should advise all ministries to provide, within next one year, IBS/DAS solutions in all Central Government buildings including central PSU buildings, Airports and buildings falling under their jurisdiction & control. (Para 1.95)
- 4.13 All State Governments should be similarly advised to provide/mandate, within next one year, IBS/DAS solutions in all buildings including hospitals having more than 100 beds and shopping malls of more than 25000 square feet super built area. (Para 1.96)
- 4.14 As far as outdoor coverage is concerned, DAS should be mandated for deployment in 63 JNNURM cities within 18 months after completion of optical fibre network in these cities under the National Broadband Plan. (Para 1.98)
- 4.15 A single window system for providing clearance to the operators intending to establish cable landing station should be established in DoT. The operator desiring to establish cable landing station should submit all the forms required by all concerned ministries to this single window agency and final approval of clearance

should be intimated by the single window agency within six months. (Para 1.106)

- 4.16 IXPs may be brought under Class licence. Once this recommendation is accepted, detailed terms and conditions of Class licence for IXP services will be provided by TRAI. (Para 2.25)
- 4.17 Data centres may be permitted to connect directly to the IXPs. (Para 2.25)
- 4.18 National level ISPs and International Internet bandwidth (IIB) providers may be mandated to connect to all IXPs. (Para 2.25)
- 4.19 TEC may develop IPv6 standards keeping in view country specific requirements based on global standards. (Para 2.39)
- 4.20 IPv6 test bed facilities need to be created for simulating and testing products in end to end IPv6 traffic environment. The IPv6 test bed facilities, already available with academic institutions like IITs, IISc should be extended to National Institutes of Technology (NITs) for easy access to stakeholders. (Para 2.39)
- 4.21 All Government websites should be made IPv6 compliant by 2012. (Para 2.39)
- 4.22 The present condition of minimum net worth of Rs. 100 crore for an ISP to provide IPTV services should be done away with. (Para 2.49)

- 4.23 Infrastructure providers should be permitted to install and share active network limited to antenna, feeder cable, Node B, Radio Access Network (RAN) and transmission system, subject to the condition that they are brought under the Unified Licensing regime as recommended by this Authority in May 2010. (Para 3.11)
- 4.24 Such Unified licensee should also be permitted to possess and maintain wireless telegraphy equipment. (Para 3.11)
- 4.25 Such Unified licensee should also be assigned spectrum for providing backhaul through microwave system. (Para 3.11)
- 4.26 Infrastructure sharing should be mandated in locations of heritage, security and environmental importance. (Para 3.22)
- 4.27 A Unified licensee who does not possess spectrum should be allowed to work as an MVNO in any licenced service area. The Unified licensee ceases to be an MVNO if it is allocated spectrum for accessing the subscribers. (Para 3.33)
- 4.28 MVNO may be allowed to set up its own infrastructure including MSC, Radio Access Network (RAN)/Base Station Subsystem etc., if required. (Para 3.39)
- 4.29 ~~Commercial~~ model between MVNO and MNO should be left to mutual agreement between the MVNO and MNO subject, however, to the licence conditions of both MVNO and MNO. (Para 3.39)
- 4.30 An MVNO should fulfill all the service obligations of the Unified Licence. Allocation of numbers, number portability,

interconnection with other service providers and roaming should be provided to MVNO by the parent MNO. (Para 3.41)

- 4.31 There should be no restriction on the number of MVNOs attached to a MNO subject, however, to their being only one MVNO in a revenue district. (Para 3.43)
- 4.32 An MVNO cannot get attached to more than one MNO in the same service area. (Para 3.43)
- 4.33 MVNO should pay spectrum charges on its revenue. The slab applicable to MNO will equally be applicable to the MVNO. (Para 3.45)
- 4.34 For complying with its roll out obligations, the MNO can take into account the roll out achieved by its MVNOs. (Para 3.47)
- 4.35 The Licenced Service Area (circle) of MVNO should be same as that of parent MNO. However, the MVNO could offer service anywhere within the licenced service area (circle) of the parent MNO as specified in the mutual agreement between MNO and MVNO. (Para 3.61)
- 4.36 In case a MVNO attached to a MNO has licence in more than one ~~service area~~ then it will have to have separate agreement for each service area. (Para 3.62)
- 4.37 The scope of service of MVNO would be within the scope of service of MNO, i.e. the MVNO can offer any or all of the services that the MNO can offer subject to the agreement between MNO and MVNO. (Para 3.63)

4.38 In case of a dispute between MVNO & MNO, the procedure for resolution of dispute would be same as that being followed for disputes between MNOs. (Para 3.64)

4.39 In case MVNO desires to exit the business:

- i. It shall give six months' notice to subscribers, MNO, Licensor and the TRAI before stopping its services.
- ii. Consequent upon (i) above, the MNO should offer its services to the subscribers of MVNO to migrate to any of the tariff plan of MNO without any extra charges such as upfront/ activation charges. In the case of lifetime subscribers, they should be offered life time plan of MNO. The subscriber should be allowed to retain the same number.

(Para 3.65)

4.40 Responsibility of the Quality of Service to its subscribers would remain with the MVNO. The Regulations/ Direction/ Orders of TRAI in this regard would be binding on MVNO. (Para 3.66)

4.41 MVNO being directly responsible for the tariff related matters, MVNOs should independently comply with the applicable **Telecom Tariff Orders (TTOs)** and tariff related requirements as prescribed by TRAI. (Para 3.67)

4.42 **Facility based** MVNOs who set up their own infrastructure have to ensure that the equipment that they use conforms to the prescribed standards. (Para 3.68)

4.43 MVNO should comply with all the requirement of National Security. (Para 3.69)

4.44 MVNO should comply with all the reporting requirements of the licensor and the Authority. (Para 3.70)

4.45 In future, application of USO fund should be restricted to

- i. Provision of telecommunication facility in habitations having a population of less than 500;
- ii. To lay optical fibre cable from District to Block head quarters and Block headquarters to villages so as to fulfill the backhaul bandwidth requirement for the provision of broadband and facilitate broadband growth in the rural areas;
- iii. Any other use if a commitment has already been agreed upon

(Para 3.79)

4.46 Applications like e-Health, e-Banking, e-Commerce, e-Education, e-Governance, e-Entertainment etc. are required to be developed and customised for the local needs. Websites that currently exist in local languages are insufficient to cater to the needs of the users. The content that is available today on the Internet is largely in English and is not customised to local needs. ~~The task~~ is to make this content available in Indian languages. Further, there is also a need for a higher proliferation of vernacular user interface (keyboards, software etc) to facilitate ~~usage of local language~~ content. (Para 3.86)

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frame based on the self certifications of the service providers. In case any discrepancy is found after verification, the recovery, if any, shall be made from the service provider. (Para 3.87)

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4.50 State electricity boards should provide power supply to rural BTSs on priority basis. (Para 3.90)

4.51 DoT should review the existing procedure for various approvals regarding VSAT and prescribe strict timelines so as to reduce the delay. It is also recommended that DoT should also simplify the procedures with emphasis on automatic clearances in case of non critical approvals. It is further recommended that the charges for VSATs (except transponder charges) may be borne by USOF initially for a period of three years for all the VSATs installed in rural areas. The TERM cell may be entrusted to certify the eligibility for the exemption. (Para 3.91)

Annexure-I

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003

[NOTIFICATION]

NOTIFICATION

2. The powers conferred under this notification shall be subject to absolute protection or safety of all the underground services including telecommunication installations of Department of Telecommunications telephone network from any kind of damage, interference, interruption, disruption or failure of any services thereof.

3. The powers conferred under this notification, shall be governed by the provisions of the said Act, as applicable to that property regarding which the concerned owner may give permission to the said licensee and subject to such reasonable conditions as such owner thinks fit to impose, as to the payment of any expenses to which such owner will necessarily be put in consequence of the exercise of the powers so conferred, or as to the time or mode of execution of any work, or as to any other thing connected with or relating to any work undertaken by the said licensee under the said powers.

Provided that when, under the said provisions, a telephone line or post has been placed by the said licensee under, over, along, across, in or upon the property vested in or under the control or management of an owner not being a local authority, and such owner, having regard to circumstances under which the telephone line or post was so placed, considers it expedient that it should be removed or that its position should be altered, the owner may require the said licensee to remove it or alter its position, as the case may be.

4. The powers conferred under this notification shall be enforceable by the said licensee, only in the particular operational area/service area licensed to him, from the date on which the said licensee signs a licence agreement and interconnect agreement with the President of India after payment of relevant consideration duly fixed and completion of other necessary formalities in respect of the licensed service area.

5. The enforceability of the powers conferred under this notification, by the said licensee, shall be restricted to the extent of his licence for the purpose for which it is granted and subject to any other conditions and restrictions as the Central Government may determine from time to time.

6. This notification shall come into force on the date of its publication in the Official Gazette.

Explanation:— For the purpose of this notification, "service" means transmission of voice or non-voice message inclusive of ISDN (Integrated Service Digital Network) facilities over the said licensee's PSTN (Public Switched Telephone Network) in real time only and shall include, the store and forward/store and retrieve type of message transmission, broadcasting or voice of non-voice message over wire or wireless media, packet switched data, telex or telegraph service, mobile voice and non-voice services, and other services such as voice mail, audio text and E-Mail.

(No. 10-293-BS-II/Vol-I)

N. PARAMESWARAN, Dy. Director General (B)

(in the rank of Jt. Sec.)

—TRUE COPY—

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Annexure II

Comparison of Guidelines issued by different States and UTs for erecting mobile towers

S. No.	State/ UT	Building permission / Land Use conversion	Permissions				Applicable Fee			
			General Conditions	Initial permission for	Time frame for erection of tower	Time frame for Granting Permission	Installation fee	Annual fee	Monthly fee	Other fee
1.	Himachal 22.8.2006	Restricted	1,5,7,8,10,11,12	5 years	Not mentioned	30days	`20,000 (Maximum) different for urban & Rural areas	`10000	Nil	Extra @60% additional for sharing with each additional operator
2.	Delhi (MCD) 9.2.2010	Restricted	1,2,3,4,5,6,7,8,9,10,11,12	Initially for 5 Years	3 months	Not mentioned	`5Lakh	Nil	`25/- per sq. ft minimum of `25000/- for municipal building	Additional `1 Lakh per sharing

3.	Delhi (NDMC) 26.7.2002	Restricted	1,2,3,4,5,6, 7,8,9,10,11, 12,13	10 years	3 months	Not mentioned	`2Lakh		` 25/- per sq. ft minimum of ` 25000/- for municipal building	Additional ` 1 Lakh per sharing
4.	Rajasthan	Restricted	1,7,8,9,13	Not mentioned	Not mentioned	Not mentioned	`1Lakh	Nil	`25/- per sq. ft minimum of ` 10000/-	Additional ` 50000 for each sharing
5.	Haryana 11-11-2009	Restricted	1,2,3,4,5,6, 7,8,9,10,11, 12,13	Not mentioned	Not mentioned	Not mentioned	`2Lakh (Maximum) Vary from high potential zone to Low potential zone	10% of the licence fee	nil	Additional ` 1 Lakh for each sharing
6.	Chandigarh 4-1-2008	Restricted	1,2,3,4,5,6, 7,8,9,10,11, 12,13	11 years	Not mentioned	2 months from date of receipt of application	Location and Zone wise, details not mentioned, Penalty ` 2 Lakh per tower for installing without permission.			
7.	Greater Noida	Restricted	1,5,6,7,8,9, 13	3 Years	Not mentioned	Not mentioned	`1Lakh	---	` 25000	` 50,000 per sharing

8.	Andhra Pradesh 27.2.2008	Exempted	2,4,5,10	Not mentioned	Not mentioned
9.	Tamil Nadu 12.2.2001	Exempted	..	Initially for 10 Years	Not mentioned

*General conditions:

- | | | |
|---------------------------------------|--|------------------------------------|
| 1. Affidavit from building owner | 2. NOC from neighbour, | 3. 3 rd party Insurance |
| 4. Fire Safety Clearance | 5. Indemnity Bond for building damage/
public safety, | 6. Affidavit for radiation level, |
| 7. Copy of building sanctioned plan | 8. Certificate for structural safety | 9. Noise standards for DG sets |
| 10. Clearance from Civil aviation | 11. Clearance from Defence | 12. Clearance from PrasaarBharti |
| 13. Restriction for Heritage building | | |

Annexure- III

Government of India
Ministry of Communications & IT
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001
(DS-Cell)

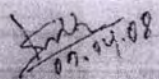
No.820-01/2008-DS

Dated: 09/04/2008

Subject :- Report of the Committee set up Group on Telecom & Information Technology Convergence (GOT-IT) for Streamlining the Provision of Right of Way to Telecom Service Licensees.

Uniform Right of Way(RoW) procedures and streamlined / rationalized RoW cost are crucial for growth of Telecom Services as well as speedy roll out of Broadband. It has been decided to circulate the report of the Committee set up Group on Telecom & Information Technology Convergence (GOT-IT) for Streamlining the Provision of Right of Way to Telecom Service Licensees to all States and Union Territories. A copy of the report is being enclosed with this letter.

2. It is requested to confirm the compliance of the report within one month of receipt of this letter which will help not only in faster proliferation of Broadband services through out the country but also in achieving Broadband targets defined as per Broadband Policy 2004.


(Subodh Saxena)

Dir.(DS-II)

Tel: 011-23372601

Fax: 011-23359454

To,

The Chief Secretary/Administrator of State/Union Territory

STATE GOVERNMENTS

1. Chief Secretary , Andhra Pradesh
Government of Andhra Pradesh.
Hyderabad , Andhra Pradesh

MODEL GUIDELINES FOR STREAMLINING THE PROVISION OF RIGHT OF WAY TO TELECOM SERVICE LICENSEES /INFRASTRUCTURE PROVIDERS.

Government has realized the need for creating a robust telecommunication infrastructure with adequate bandwidth at affordable rates in order to promote development and proliferation of Information Technology, Electronic Governance, E-Commerce, convergence of Information, Communication and Entertainment sectors so as to improve the state of economy, enhance the quality of life of the citizens and to ensure development of urban and rural areas with equity throughout the country.

Keeping the above objectives in view, this Committee recommends the following broad guidelines under which Right of Way permissions may be granted to licensed telecom operators and registered infrastructure providers for laying telecom cables/ ducts under, over, along, across, in or upon a property vested in or under the control or management of a local authority or of any other person including public authority, public corporation, autonomous body, State Government or Central Government in their respective licensed service area during the currency of their licence:-

1. Any authorized licensee of Department of Telecom /Registered Infrastructure Provider is eligible to seek/avail Right of Way facility/permission. However, enforceability of the permission so granted shall be restricted to the extent of provisions/scope of service contained /defined in the licence agreement of that licensee & for the purpose for which it is granted.
2. Either by content or by intent, the purpose of extending Right of Way facility is not to enhance the scope of licence of a licensee and such Right of Way permissions are only enabling /facilitating in nature.
3. The facility of right of way for laying underground telecom cables, shall be available to all licensees (irrespective of existing or future) and

registered/ licensed infrastructure providers, without discrimination and without payment of any compensatory charges/ levy/ lease rentals /licence fee/ free band width/revenue share/ cashless equity etc. subject to the condition that this right of way facility shall be available to licensees to the extent of provisions contained in their licence agreements and the reinstatement charges shall be borne by such licensees.

4. A performance bank guarantee @ Rs 25 per route metre with a validity of one year initially (extendable if required till satisfactory completion of work) shall have to be furnished by each licensee as a security against improper filling /unsatisfactory compaction / restoration and damages caused to other underground installations / utility services and interference, interruption, disruption or failure caused thereof to any services. Notwithstanding this, licensee shall be liable to pay full compensation to the aggrieved owners for any damage sustained by them by reason of the exercise of Right of Way facility. However, in case of NH land, instead of furnishing the said bank guarantee, the payment of restoration charges would have to be made in advance by the licensee to the owner i.e. MOST or its designated agency before permission is granted.
5. In order to expedite Right of Way clearances to the licensees in a time-bound manner through an appropriate and effective approval mechanism, a committee under the chairmanship of Chief Secretary to the respective State Governments may act as single window to co-ordinate all activities in this regard. Each State Government may select a Nodal Point/ Secretary of a department to function as Secretary to this Single Window Clearance Committee. However, in case of NH land, licensees would be required to take permission from the Regional officers of MOST stationed at different States for laying of cables. As regards NH routes executed by the State PWD, the concerned State Chief Engineer (NH) may act as nodal

point/ single window to coordinate the activities whereas in respect of the NH routes held by NHAI & BRDB, the designated officers of NHAI & BRDB may be assigned this task.

6. The Right of Way permissions may be granted by the said nodal office to a licensee within a period of two weeks subject to the licensee's application being complete with route details (including authority/ownership of concerned sections of the route) and compliance to eligibility requirement, payment of reinstatement charges, furnishing of requisite bank guarantee and execution of an agreement having operational details. The above stated Single Window Clearance Committee may be responsible to co-ordinate in case of any dispute for ownership of property and to expedite grant of Right of Way clearance thereof so as to adhere to the stipulated time-frame.
7. In case any shifting or alteration in the position of the laid telephone cables is required due to widening of highways and constructing of flyovers or bridges, the licensee shall do the same at his own cost at a later date within specified period indicated by the respective agency.
8. In order to avoid repeated digging on the same routes, if possible, the first incumbent is free to lay voluntarily extra ducts/conduits with extra capacity so as to take care of future needs. The capacity/excess capacity can be commercialized by the incumbent with suitable mutual agreements with the respective State Government /utility agencies. However, the creation of excess capacity by the first incumbent shall not be a pre-condition for giving Right of Way clearances. The Central/ State roadways authorities may consider laying ducts/conduits at the time of construction of roads to facilitate laying telephone cables for which suitable charges could be imposed.

9. Licensee shall ensure safety and security of all underground installations/ utilities/ facilities and shall be solely responsible for compensation/indemnification of concerned authority for damage caused/claims or replacements sought for at the cost and risk of licensee.
10. Licensee shall be liable to give a notice of 15 days with route details prior to trenching for fresh or maintenance/repair works. A separate performance bank guarantee for maintenance/repair works shall be furnished by licensee.
11. The period of validity of Right of Way permission shall be co-terminus with the validity of licence.

LIST OF ACRONYMS

2G	2 ND GENERATION
3G	3 RD GENERATION
AGR	ADJUSTED GROSS REVENUE
APNIC	ASIA PACIFIC NETWORK INFORMATION CENTRE
ATM	ASYNCHRONOUS TRANSFER MACHINE
BHQ	BLOCK HEAD QUARTER
BIS	BUREAU OF INDIAN STANDARD
BSNL	BHARAT SANCHAR NIGAM LTD.
BSS	BASE STATION SUBSYSTEM
BTS	BASE TRANSCEIVER STATION
BWA	BROADBAND WIRELESS ACCESS
CAGR	COMPOUND ANNUAL GROWTH RATE
CAPEX	CAPITAL EXPENDITURE
CDMA	CODE DIVISION MULTIPLE ACCESS
CLS	CABLE LANDING STATION
CMSP	CELLULAR MOBILE SERVICE PROVIDER
CMTS	CELLULAR MOBILE TELEPHONE SERVICE
CPE	CUSTOMER PREMISES EQUIPMENT
CPRI	CENTRAL POWER RESEARCH INSTITUTE
CSC	COMMON SERVICE CENTRE
DAS	DISTRIBUTED ANTENNAE SYSTEM
DHQ	DISTRICT HEAD QUARTER
DID	DIRECT INWARD DIALING
DIT	DEPARTMENT OF INFORMATION TECHNOLOGY
DLC	DOMESTIC LEASED CIRCUITS
DoT	DEPARTMENT OF TELECOMMUNICATIONS

DSLAM	DIGITAL SUBSCRIBER LINE ACCESS MULTIPLEXER
DWDM	DENSE WAVELENGTH DIVISION MULTIPLEXING
EPABX	ELECTRONIC PRIVATE AUTOMATIC BRANCH EXCHANGE
FR	FRAME RELAY
FTTB	FIBRE TO THE BUILDING/CURB
FTTX	FIBRE TO THE X
GBT	GROUND BASED TOWER
GDP	GROSS DOMESTIC PRODUCT
GMPCS	GLOBAL MOBILE PERSONAL COMMUNICATION BY SATELLITE
GOT-IT	GROUP ON TELECOM AND IT
GSM	GLOBAL STANDARD FOR MOBILE
HLR	HOME LOCATION REGISTER
HSDPA	HIGH SPEED DOWNLOAD PACKET ACCESS
IANA	INTERNET ASSIGNED NUMBERS AUTHORITY
IBS	IN BUILDING SOLUTIONS
ICT	INFORMATION AND COMMUNICATION TECHNOLOGY
IETF	INTERNET ENGINEERING TASK FORCE
IIB	INTERNATIONAL INTERNET BANDWIDTH
IISc	INDIAN INSTITUTE OF SCIENCE
IIT	INDIAN INSTITUTE OF TECHNOLOGY
ILD	INTERNATIONAL LONG DISTANCE
ILDO	INTERNATIONAL LONG DISTANCE OPERATOR
IP	INTERNET PROTOCOL
IP-I	INFRASTRUCTURE PROVIDER CATEGORY-I
IPTV	INTERNET PROTOCOL TELEVISION
IPv4	INTERNET PROTOCOL VERSION 4
IPv6	INTERNET PROTOCOL VERSION 6
ISP	INTERNET SERVICE PROVIDER
IT	INFORMATION TECHNOLOGY

ITES	INFORMATION TECHNOLOGY ENABLED SERVICES
ITU	INTERNATIONAL TELECOMMUNICATION UNION
IXP	INTERNET EXCHANGE POINT
JNNURM	JAWAHAR LAL NEHRU NATIONAL URBAN RENEWABLE MISSION
LAN	LOCAL AREA NETWORK
LBZ	LUTYENS BUNGLOW ZONE
LTE	LONG TERM EVOLUTION
M2M	MACHINE TO MACHINE
MHA	MINISTRY OF HOME AFFAIRS
MIB	MINISTRY OF INFORMATION AND BROADCASTING
MMP	MISSION MODE PROJECT
MNO	MOBILE NETWORK OPERATOR
MSC	MOBILE SWITCHING CENTRE
MVNO	MOBILE VIRTUAL NETWORK OPERATOR
NDPL	NON-DEALER POSSESSION LICENCE
NeGP	NATIONAL e-GOVERNANCE PLAN
NGN	NEXT GENERATION NETWORK
NIR	NATIONAL INTERNET REGISTRY
NIT	NATIONAL INSTITUTE OF TECHNOLOGY
NIXI	NATIONAL INTERNET EXCHANGE OF INDIA
NLD	NATIONAL LONG DISTANCE
NMS	NETWORK MANAGEMENT SYSTEM
NOC	NO OBJECTION CERTIFICATE
NOFA	NATIONAL OPTICAL FIBRE AGENCY
NTP-99	NATIONAL TELECOM POLICY-1999
OECD	ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT
OFC	OPTICAL FIBRE CABLE
OPEX	OPERATIONAL EXPENDITURE
OSS	OPERATIONAL SUPPORT SYSTEM

P2M	PERSON TO MACHINE
P2P	PERSON TO PERSON
PDA	PERSONAL DATA ASSISTANCE
PON	PASSIVE OPTICAL NETWORK
PSTN	PUBLIC SWITCH TELEPHONE NETWORK
QoE	QUALITY OF EXPERIENCE
QoS	QUALITY OF SERVICE
RAN	RADIO ACCESS NETWORK
RF	RADIO FREQUENCY
RIO	REFERENCE INTERCONNECT OFFER
RIR	REGIONAL INTERNET REGISTRY
RoW	RIGHT OF WAY
RTT	ROOF TOP TOWERS
RWA	RESIDENTS WELFARE ASSOCIATION
SACFA	STANDING ADVISORY COMMITTEE FOR FREQUENCY ALLOCATION
SDCA	SHORT DISTANCE CHARGING AREA
SERC	STRUCTURAL ENGINEERING RESEARCH CENTRE
SIM	SUBSCRIBER IDENTIFICATION MODULE
SLA	SERVICE LEVEL AGREEMENT
SMP	SIGNIFICANT MARKET POWER
SOFA	STATE OPTICAL FIBRE AGENCY
STD	STANDARD TERMS DETERMINATION
SWAN	STATE WIDE AREA NETWORK
TDM	TIME DIVISION MULTIPLEXING
TEC	TELECOM ENGINEERING CENTRE
TSP	TELECOM SERVICE PROVIDER
UAS	UNIFIED ACCESS SERVICE
UASL	UNIFIED ACCESS SERVICE LICENCEE
UMTS	UNIVERSAL MOBILE TELECOMMUNICATIONS SYSTEM

USOF	UNIVERSAL SERVICE OBLIGATION FUND
UT	UNION TERRITORY
VAS	VALUE ADDED SERVICE
VoIP	VOICE OVER INTERNET PROTOCOL
VSAT	VERY SMALL APERTURE TERMINAL
W-CDMA	WIDEBAND CODE DIVISION MULTIPLE ACCESS
WT	WIRELESS TELEGRAPHY
WIMAX	WORLDWIDE INTEROPERABILITY FOR MICROWAVE ACCESS
WLAN	WIRELESS LOCAL AREA NETWORK

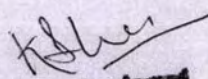
ITEM NO. 25 (C-22)CONTRACTS/SCHEMES INVOLVING AN EXPENDITURE OF RS. 1 LAC BUT NOT EXCEEDING RS. 200 LACS.

Section 143 (d) of NDMC Act, 1994 provides that every contract involving an expenditure of Rs.1 lac but not exceeding Rs.200 lacs under clause 143 (c) shall be reported to the Council. In pursuance of these provisions, a list of contracts entered/executed upto December 2017, have been prepared.

A list of the contracts, entered into for the various schemes, is accordingly laid before the Council for information. (See pages 539 - 559).

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.

**ELECTRICITY DEPARTMENT-I
PALIKA KENDRA, NEW DELHI**

Sub: Progress report of the work costing to ₹ 1 Lac to 2 crores for the month of December-2017.

S. no.	Department	Name of work	Date of award	Name of the contractor	Award cost	Target date of completion	% of physical progress	Remarks
1.	S-I	Supply of 1.1 KV HT XLPE Insulated, Aluminium Conductor, Cable of various sizes duly ISI marked conforming to IS:7098 (Part-II)/1985 with upto date amendments	17.01.2017	M/s Prime Cable Industries	Rs. 9,21,575.00 + E.D. @ 12.5% extra or as applicable + DVAT @ 5% extra or as applicable	Stipulated date of completion 16.02.2017		Firm submitted re-inspection call & M/s Rites nominated for inspection..
2.	S-I	Supply of Energy Efficient LED Flood Light fittings having rating of 70W & 160W +/-5% with pressure die cast/extruded Aluminium Housing, heat resistant toughened glass cover with IP-65 protection (min.) lens CRI>70, complying to LM/IEC/ISS/Indian Standards with 5 year guarantee, as per specification. Make of Fitting : LORD JYOTI & Make of LED: Osram. Model No.-LKFL-70 & 160-LED.	11.05.2017	M/s Lord Krishna Electronic Industries	Rs. 6,08,000/- Inclusive All Taxes & Duties.	Stipulated date of completion 09.06.2017		Material supplied by the firm in our store & issued to indenting division.
3.	S-I	Supply of Energy Efficient LED Post Top Light fittings having rating of 90W +/-5% with pressure die cast/Aluminium Housing, Water proof, Polycarbonate cover with IP-66 protection (min.) CRI>70, complying to LM/IEC/ISS/International Standards with 5 year guarantee, as per specification. Make of Fitting : LUXMAX & Make of LED: SEOUL SEMI CONDUCTOR, Model No.-LUX-PT-155.	15.05.2017	M/s Twinkle Luminaries Pvt. Ltd.	Rs. 1,10,500/- + DVAT @ 5% extra or as applicable.	Stipulated date of completion 13.06.2017		Duly inspected material received in stores.
4.	S-I	Supply of Energy Efficient LED based Post Top, Street Light, Flood Light, & Spike Light fittings having rating of 60W, 120W, 90W, 09W, 70W & 30W +/-5% with pressure die cast/ Aluminium Housing, Water proof, heat resistant toughened glass cover with IP-66 protection (min.) lens	15.05.2017	M/s Lord Krishna Electronic Industries	Rs.3,71,800/- Inclusive All Taxes & Duties.	Stipulated date of completion 13.06.2017		Material supplied by the firm in our store & issued to indenting division.

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		CRI>70, complying to LM/IEC/ISS/International Standards with 5 year guarantee, as per specification. Make of Fitting : LORD JYOTI & Make of LED: Osram. Model No.-LKFL-60, 120, 90, 09, 70 & 30-LED.					
5.	S-I	Supply of Energy Efficient LED Flood Light, 70W, Street Light, 90W, Post Top Light 30W. & Street Light fittings having rating >85% with pressure die cast/ extruded Aluminium Housing, Water proof, heat resistant toughened glass cover with IP-65 protection (min.) lens CRI>70, complying to LM/IEC/ISS/International Standards with 5 year guarantee, as per specification & as per approved sample. Make of Fitting : LORD JYOTI & Make of LED: Osram. Model No.-LKFL-70,90, 30 & 45-LED.	22.05.2017	M/s Lord Krishna Electronic Industries	Rs.8,19,200/- Inclusive All Taxes & Duties	Stipulated date of completion 21.06.2017	Material supplied by the firm in our store & issued to indenting division.
6.	S-I	Supply of Automatic CT & VT test system in two vertical racks, prewired with high current contractors, front control panel, fitted with various modules in vertical racks and voltage source with control desk and bi-pole standard PT, outside of the vertical racks and as per specifications attached. Make: ELTEL	27.10.2017	M/s International Traders.	Rs. 86,01,750/- (all inclusive)	11.12.2017 (Stipulated date of Completion.	Supply Order issued. Call of inspection submitted by the firm & nominated Er. Rakesh Kumar, AEE (Coml.) along with M/s Rites submitted inspection reports informing that the material has been rejected accordingly firm offered fresh call of inspection & the same is under process nomination..
7.	S-I	Supply of Aluminium Strips of Size: 50mm & 63mm x 10mm x 3660mm conforming to relevant ISS: 5082 with up to date amendments and of 1950IM grade.	21.11.2017	M/s Fair Deal Electric Co.	Rs. 2,70,954/- (all inclusive)	21.11.2017 (Stipulated date of Completion.	Material received in store & yet to be tested from M/ Narang Metallurgical lab.
8.	S-I	Supply of Portable Reference Standard Meters for testing of accuracy of single phase, poly phase whole current, LT CT & HT CT & PT energy meters at site. (Qty.09)	12.12.2017	M/s Zera India Pvt. Ltd.	Rs. 34,46,250/- (all inclusive)	11.02.2018 (Stipulated date of Completion.	Supply Order issued to firm.
9.	S-II	P/o Earthing GI Pipes of size 40mm diameter of 4.5 mtr length	08/11/2017	M/s Mamta Products	17,99,700.00	07/12/2017	Material Under Inspection
10.	S-II	P/o Earthing GI Pipes of size 40mm diameter of 4.5 mtr length (Additional Quantity)	14/11/2017	M/s Mamta Products	4,49,925.00	07/12/2017	Material Under inspection
11.	BM-I	Comprehensive AMC of escalators installed at various subway congnairt Place	20.12.2012	M/s Johnson lift Pvt. Ltd	1.68,30,000/-	19.12.2017	98% Work in progress

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12.	BM-I	AMC of 02 Nos. ECE make lifts installed at MSP & 01 No. at Charak Palika Hospital Moti Bagh.	13.05.2015	M/s Thyssen Krupp Elevator Co. (I) Pvt. Ltd.	9,39,681/-	31.05.2018	65%	Work in progress
13.	BM-I	Comprehensive AMC of EPABX system installed at various NDMC offices under BM-I(E) division.	31.07.2015	M/s MAS Teltech Solutions (P) Ltd.	3,32,700/-	30.07.2018	80%	Work in progress
14.	BM-I	Replacement/modernization of lifts installed at Mayur Bhawan	27.11.2015	M/s OTIS Elevators Co. (I) Ltd.	83,25,000/-	7.10.2016	90%	Work in progress
15.	BM-I	CAMC of OTIS make lifts in various mpl. bldgs North of Rajpath under BM-I(E) division.	01.09.2015	M/s OTIS Elevators Co. (I) Ltd.	18,11,500/-	31.08.2018	80%	Work in progress
16.	BM-I	AMC of DG Set Kirlosker make at SBS Place, Gole Market.	07.01.2016	M/s Vidhyut Engineers	1,71,128/-	06.01.2019	95%	Work in progress
17.	BM-I	Annual service contract of 06 Nos. DG set Powered by Cummins & Kirlosker installed at various mpl. buildings.	01.04.2016	M/s OVN Trading Engineers	3,57,960/-	31.03.2018	90%	Work in progress
18.	BM-I	AMC & Audio & Video system at Palika Kendra	03.01.2017	M/s B.G. System	2,21,525/-	31.12.2017	92%	Work in progress
19.	BM-I	Annual comprehensive maintenance of 02 Nos. lifts installed at Aashirwad Old Age Home, Kali Bari Marg, New Delhi.	23.05.2017	M/s Kone Elevator India Ltd.	4,04,191/-	04.12.2019	35%	Work in progress
20.	BM-I	Annual operation & maintenance contract of AC plant Plika Parking.	06.05.2017	M/s Welcome Engineers	7,22,171/-	10.06.2018	50%	Work to be started
21.	BM-I	AMC of mechanical ventilation system Palika Parking	12.06.2017	M/s Virender Singh & Co.	1,89,500/-	11.06.2018	50%	Work to be started
22.	BM-I	ARC for rewinding & overhauling of single phase motors of burnt ceiling/exhaust fans lying at various electric wiring enquiry under BM-I(E).	06.07.2017	M/s Wishwa Karma Electric Works	4,60,680/-	05.07.2018	35%	Work in progress
23.	BM-I	Construction of computer lab in various NDMC Schools in BM-I(E) division	17.07.2017	M/s Prakash Power Project	6,90,288/-	16.10.2017	75%	Work in progress
24.	BM-I	ARC for providing IEL works in various municipal buildings in NDMC area North of Rajpath during 2017-18.	08.12.2017	M/s Om Sai Enterprises	3569331.00	07.12.2018	15%	Work in progress
25.	BM-II	Annual Maintenance for EPABX System at Vidut Bhawan for the year 2016-17	01.04.2017	M/s TCIL	4,94,312/-	13.04.2017 to 12.04.2018		AMC Works for day to day complaint
26.	BM-II	Annual Maintenance contract for EPABX system installed at Palika Health Complex, Dharam Marg, Chanakya Puri, New Delhi	23.06.2017	M/s Vodacom Technologies Pvt. Ltd.	56,700/-	22.06.2018		As above
27.	BM-II	Comprehensive Maintenance of 01 No. TKE make Elevator installed at Gymnasium & Social Welfare centre, Kaka Nagar, New Delhi	21.10.2016	M/s Thyssen Krupp Elevator India Pvt. Ltd.	4,12,226/-	20.10.2021		AMC awarded for a period of 5 years

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28.	BM-II	AMC FOR EISA make lifts installed at Palika Health complex, Dharam Marg, New Delhi	25.05.2015	M/s EISA Lifts Pvt. Ltd	7,72,748/-	31.05.2018	AMC awarded for a period of 3 years
29.	BM-II	Comprehensive Annual Maintenance Contract of 01 No. lift OTIS make installed at PMH, Lodhi Road, New Delhi	01.10.2017	M/s OTIS Elevator Co. (I) Ltd	3,34,416/-	30.09.2020	Work in progress
30.	BM-II	Comprehensive maintenance contract of 2 Nos. Schindler make elevators installed at Laxmi Bai Nagar, Barat Ghāt	31.01.2013	M/s Schindler India Pvt. Ltd	6,80,534/-	31.01.2018	Work in progress
31.	BM-II	Comprehensive Annual Maintenance Contract of 05 No. lift OTIS make installed at Palika Bhawan 02 Nos., GPH 01 Nos., Yashwant Place 01 NOS., PMH 01 Nos.	13.11.2015	M/s OTIS Elevator Co. (I) Ltd	1 st year 9,87,204/- 2 nd year 10,66,188/- 3 rd year 11,51,316/-	01.09.2015 to 31.08.2018	Work in progress
32.	BM-II	CAMC of solar water heating system installed various NDMC Buildings & residential Complex BM-II(E) division (CPH Moti Bagh.)	26.02.2016	M/s Sunson Energy Devices P Ltd	4,66,550/-	25.02.2019	Work in progress
33.	BM-II	Annual Maintenance Contract of 12 Nos. (S-7) and (S-8) Passenger lifts Kone make installed at Babu Dham Residential Complex, Chanakya Puri, New Delhi.	25.05.2015	M/s Kone Elevator India Pvt Ltd	12,36,672/- 13,10,872/- 13,89,525/- 14,72,896/- 15,61,267/-	20.11.2014 to 21.09.2020	Work in progress
34.	BM-II	Annual Rate Contract for repairing and rewinding of Single/Three phase motors in BM-II(E) division.	16.01.2017	M/s S.K. Engineers	10,91,600/-	15.01.2018	Work in progress
35.	BM-II	Annual Maintenance Contract for DG Sets installed in various Municipal Buildings in NDMC area.	04.01.2017	M/s Vijay Power	1,89,000/-	03.01.2018	Work in progress
36.	BM-II	Comprehensive Annual Maintenance Contract of 01 No. 250 KVA DG with AMF panel installed at Palika Maternity Hospital, Lodhi Colony for a period of 3 years.	18.08.2017	M/s Cummins Sales & Services Private Limited	3,16,687/-	18.08.2017 to 17.08.2020	Work in progress
37.	C-III	Installation of Unitized Sub-station at old age home, kali bari marg.	30.06.2016	M/s, Spark Utility Services Pvt. Ltd.	Rs.5,50,900/-	45 Days	Unitized Sub-station purchased by Store-I Division for this work was issued to C-II division on loan basis as per direction of CEE-I. The work of installation of Unitized Sub-station shall be executed after receipt of Unitized Sub-station in

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38.	C-III	Cable laying work for Installation of 990 KVA Unitized Sub Station at Old Age Home Kali Bari Marg, New Delhi	31.08.2017	M/S. Spark Utility Services Pvt. Ltd.	Rs.7,99,316/-	60 days		Store-I division. Cable laying work shall be started after re-validation of RC permission, which is presently bend due to ASEAN Summit & Republic Day.
39.	C-IV	Up-gradation of street light system in NDMC area (Sub-head:- Dismantling & Cartage of existing R/L ST/C/RCC/PCC Poles, Fittings and Cartage & installation of Octagonal R/L Poles 8mtr. height, R/L fittings i/c casting of RCC Foundation, Earthing, Laying of L.T. Cable etc in Hanuman Lane behind Police Station and Bangla Sahib Lane)	27-7-16	M/s Vishal Enterprises	624190/-	(The target date will be accepted from the date of clearance of site/ road cut permission)		GPRS has been done and the report along with drawing sent to Civil Engg. Department for road cut permission.
40.	C-IV	Augmentation of Electric Sub-station at Air Force Station, Race Course from 2x1000KVA to 3x1500KVA (SH: Cartage, Loading, Unloading, Installation, Testing & Commissioning of 1600KVA dry type Transformer, SITC of Aluminium Bus Ducting 2500Amp, Supply and Fixing of Adaptor Box & Cartage, Erection and Commissioning of H.T. Panels, L.T. Panels, Battery Tripping Unit, G.S. Pillar (Big size) including Earthing etc at Air Force Station, Race Course, New Delhi.	05-06-16	M/s Control Wel Swtichgear	1531700/-	The decision is to be taken by the higher authorities and repalcement of existing oil type transformer (2 nos.) 1000 KVA with dry type transformer 1600KVA/oil type transformer 1500KVA		1000 KVA oil type distribution transformer has been energized in place of defective dry type 1600KVA AMES Impex make as in additional Remarking work is still pending due to non availability of transformer except dry type transformer of AMES Impex make.
41.	C-IV	Providing Facade Lighting on Palika Kendra Building, Sansad Marg, New Delhi.	3-11-16	M/s Uniled Technologies (I) Pvt. Ltd.	57000000/- (49000000) main work & 8000000 CAMC)	10.05.2017		Work completed on 12.09.2017 however, the work is being checked by third party M/s RITES Ltd. The samples of some items have also been sent Services Center of testing..
42.	C-IV	Replacement if 2 nos. OTIs make lifts at Pragati Bhawan, Jai singh road, New Delhi.	16.02.2017	M/s OTIS Elevators Ltd.	3400000.00	25.06.2017		The material of both lifts has already delivered at site by the firm M/s OTIS elevators (India) Ltd. After dismantling of one no. existing lift. The installation work of one new lift has almost completed. Temporary Civil work has also been completed. After completing some formalities from Electrical Inspector. Govt. Of NCT of Delhi the same could be put in use.
43.	C-IV	Up-gradation of Street Light System in NDMC area (Sub-head:Providing 8mtr. long Octagonal R/L Poles in B.K. Dutt Colony and Replacement of RCC/PCC Poles with 8mtr. long Octagonal Poles in P & T Colony at Sarojini Nagar, New Delhi)	27-7-16	M/s S.G. Enterprises	4520683/-	The target date will be accepted from the date of clearance of site road cut permission		Foundation and installation of poles have been completed. The remaining work dismantling and re-erection of fitting will be done after cable laying work.
44.	R/L	Annual Running contract for repairing of High Mst lighting system of size 16/20mtr. Of various site in	17.04.2017	M/s. Om Sai Emterprises	805078.00	16.04.2018	80%	Work in progress

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		NDMC area.						
45.	R/L	Installation of 25 nos. octagonal poles 8 mtr. Long to avoid dark spots in various places in NDMC area.	25.05.2017	M/s ZTP Corporation	Rs. 365299.00	06.07.2017	80%	Work in progress
46.	R/L	Providing LED street lights in Parks at Malcha Marg.	27.09.2017	M/s. Aviadu Energy and Infra Pvt. Ltd.	269594.00	20.11.2017	50%	Work in progress
47.	R/L	Installation of LED up lighter for beautification of various round about in NDMC area.	17.11.2017	M/s. Tarun Electricals	2727900.00	26.12.2017	50%	Work in progress.

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LIST OF CONTRACTS / SCHEMES INVOLVING AN EXPENDITURE OF RS. 1.00 LAC

BUT NOT EXCEEDING RS. 200 LAC AWARDED DURING DECEMBER-2017

SN	DEPTT /Div.	Name of Work	Date of Award	Name of Contractor	S.D.S	Value of Award (in Lacs)	S.D.C	% Age of Work Done	Remark
1	CE(I) R-I	Repair and maintenance Infrastructure Assests in R-I Division during 17-18. S.H.: Rectification of vulnerable point of Water Stagenation at dr. Z.H. Marg, Shershah road, S.B. Marg and Kaka Nagar near NDMC Gym.	01.12.17	M/s Goel Cement Agency	02.12.17	2.41	01.02.18	10%	
2	CE(I) R-I	A/R & M/O Roads in R-I Division during 17-18. S.H.: P/F playing equipment at Pandara Park near D-II/66 under R-I Division.	04.12.17	Sh. Manoj Gupta	02.12.17	4.13	01.02.18	30%	
3	CE(I) R-I	S/R of Roads in NDMC Area. S.H.: Resurfacing of lanes by lanes under R-I Division.	13.12.17	M/s Mahavir Prasad Gupta & Sons	20.12.17	1,36.81	19.02.18	Work yet to be started	Due to cold Whether
4	CE(I) R-I	A/R & M/O Roads in R-I Division during 17-18. S.H.: Repair/ maintenance of fountain area at Aditya Sadan roundabout.	19.12.17	M/s Shining Inidia Const. & Supply Co.	13.12.17	4.13	12.02.18	Just Awarded	
5	CE(I) R-I	A/R & M/O Roads in R-I Division during 17-18. S.H.: Repair/ maintenance of fountain area at Mandi House roundabout.	19.12.17	M/s Shining Inidia Const. & Supply Co.	09.12.17	4.44	08.02.18	Just Awarded	
6	CE(I) R-I	A/R & M/O Roads in R-I Division during 17-18. S.H.: P/F missing M.S. Railing sy Tilak Marg under the jurisdiction of Sub Div.-V(R-I).	20.12.17	M/s Shining Inidia Const. & Supply Co.	09.12.17	2.17	08.01.17	Work yet to be started	

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7	CE(I) R-I	T/M of SW Drains in R-I Division during 17-18. S.H.: Improvement of drainage system at K.G. Marg from Himalaya House to Surya Kiran Building.	20.12.17	M/s Shama Const.	17.12.17	6.18	16.01.18	Just Awarded	
8	CE(I) R-I	Aug. of the capacity drainage system in R-I Division in NDMC area. S.H.: Imp. to drainage system at Tolstoy Marg (from Janpath to Parliament Street) & Fire Brigade lane.	20.12.17	M/s Shiv Construction	01.01.18	20.9	31.03.18		Work will be started 01.02.18 due to Republic Day Celebration
9	CE(I) R-I	Upgradation of fountain at Patel Chow, Sansad Marg New Delhi. S.H.: Installation and Commissioning of foam Jet Multi Pattern fountain with programmable colour changing LED based light at Sardar Vallabh Bhai Patel Chowk.	28.12.17	M/s Concept Design Technology	23.12.17	6.87	22.03.18	Just Awarded	
10	CE(I) R-I	A/R & M/O Roads in R-I Division during 17-18. S.H.: Repair/ maintenance of fountain area at Patel Chowk roundabout.	28.12.17	M/s Shining India Const. & Supply Co.	22.12.17	3.01	21.01.18	Just Awarded	
11	CE(I) R-I	A/R & M/O Roads in R-I Division during 17-18. S.H.: Repair/ maintenance of fountain area at Windsor Place roundabout.	28.12.17	Sh. Halke Ram	23.12.17	5.01	22.02.18	Just Awarded	
12	CE(I) R-II	Repair & Maintenance of Infrastructure Assets in R-II Division during 16-17. SH:- Repair and Modification of Footpath Around Co-Ed School Aliganj, B.K.Dutt Colony and Navyug School, Lodi Colony.	01.12.17	Chander Prakash	08.12.17	2.06	07.02.18	85%	
13	CE(I) R-II	Repair & Maintenance of Infrastructure Assets in R-II Division during 16-17. SH:- Construction of Boundary Wall under Sufdarjung Flyover .	07.12.17	B2C Customer Service Pvt. Ltd.	08.12.17	1.51	07.02.18	50%	

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14	CE(I) R-II	K-II Head. SH:- Restoration of Footpath cut by Electrical Division C-VI for Laying 33 KV Cable on Safdarjung Flyover, Aurobindo Marg.	07.12.17	B2C Customer Service Pvt. Ltd.	08.12.17	2.12	07.02.18	50%	
15	CE(I) R-II	Repair & Maintenance of Infrastructure Assets in R-II Division during 16-17. SH:- Dismantling of sand stone divider existing parking but side vice President House, 6, Maulana Azad Road, New Delhi and Rectification of Red sand stone copping & cliding for planter beds at surrounding to maulana azad Road & Man Singh Roundabout Exists along with Vice President House.	08.12.17	M/s Shining India Const. & Supply Co.	10.12.17	2.22	23.01.18	20%	
16	CE(I) R-II	Repair & Maintenance of Infrastructure Assets in R-II Division during 16-17. SH:- Desilting and Improvement to Drainage System at Nazaf Khan Road.	08.12.17	Yash Construction	12.12.17	7.97	11.03.18	15%	
17	CE(I) R-II	Repair & Maintenance of Infrastructure Assets in R-II Division during 16-17. SH:- Repair of Boundary wall and Providing and Fixing MS gte and Railing of Park in B and D Block B.K.Dutt Colony.	08.12.17	M/s Choudhary Construction & Co.	08.12.17	1.97	07.02.18	25%	
18	CE(I) R-II	Smart City Project. SH:- Development of D-Park, Tughlak Crescent Road and a Happiness Area under Smart City Project.	08.12.17	Sh. Sujan Singh	13.12.17	175.76	12.01.18	85%	
19	CE(I) R-II	Repair & Maintenance of Infrastructure Assets in R-II Division during 16-17. SH:- Providing MS stand for Hanging Baskets at Roundabouts in NDMC Area (Phase-II-125 Nos.)	08.12.17	Arvind Const. & Engineering Services	08.12.17	5.38	27.12.17	50%	

20	CE(I) R-II	Repair & Maintenance of Infrastructure Assets in R-II Division during 16-17. SH:- Providing MS stand for Hanging Baskets at Roundabouts in NDMC Area (Phase-II-120 Nos.)	08.12.17	Arvind Const. & Engineering Services	08.12.17	5.14	27.12.17	50%	
21	CE(I) R-II	Repair & Maintenance of Infrastructure Assets in R-II Division during 16-17. SH:- Repair of Existing Porta Cabin at 14 block and Veer Savarkar Park, Lodi Colony.	14.12.17	Pushkar, Construction	13.12.17	2.31	12.02.17	40%	
22	CE(I) R-II	Repair & Maintenance of Infrastructure Assets in R-II Division during 16-17. SH:- Repair work in Middle lane Khan Market.	21.12.17	Shiv Construction Co.	28.12.17	3.44	27.02.18	Yet to be start	
23	CE(I) R-II	Repair and maintenance of infrastructure assests in R-II division during 16-17. SH: Provising and fixing Iron gates for CPWD flats, Aliganj area.	28.12.17	Chander Prakash	08.12.17	3.10	07.02.18	Yet to be start	
24	CE(I) R-III	Repair & maintenance of infrastructure assests in R-III division during 17-18. SH: Regular Cleaning, watch & ward in subway opposite AIIMS at Aurobindo Marg, New Delhi	18.12.17	Sh. Bipin Kumar	15.12.17	8.19	14.12.18	5%	
25	CE(I) R-III	Repair & maintenance of infrastructure assests in R-III division during 17-18. SH: Repairing of toe wall, gate and Railing of sidepark at C.P.H. Road, Moti Bagh	14.12.17	Sh. Vijay Mani Tripathi	14.12.17	3.56	13.02.18	Yet to be start	

26	CE(I) R-III	Repair & maintenance of infrastructure assets in R-III division during 17-18. SH: Rectification/Re-Construction of damaged portion of covered nallah at Arjun Dass Camp, Sarojini Nagar, New Delhi	28.12.17	M/s Sona Construction	22.12.17	81.72	21.06.18	Yet to be start	
27	CE(I) R-III	Repair & maintenance of infrastructure assets in R-III division during 17-18. SH: Desilting of existing drainage line along type-IV Quarter near T-IV 65 to CPWD Park in North West Moti Bagh area	28.12.17	Sh. Gulshan Kumar	29.12.17	2.91	28.02.18	Yet to be start	
28	CE(I) R-IV	Repair and maintenance infrastructure assets in R-IV division during 2017-18. SH: Supplying of monoblock sumerssible pumpst, repairing of mono junction and supplying and fixing clood lights at Amrit Bhawan [ark in the area of Nehru Park Service Centre.	04.12.17	M/s S.S. Vashist & Co	11.12.17	3.12	10.01.18	90%	
29	CE(I) R-IV	Repair and maintenace infrastructure assets in R-IV division during 2017-18. SH: Repair and raising of Interlocking paved area near by MP flat 100-101 and 179 South Avenue.	12.12.17	Sh. Siya Ram	11.12.17	3.36	10.02.18	work stopped due to Swatch Sarvekshan	
30	CE(I) R-IV	Repair and maintenace infrastructure assets in R-IV division during 2017-18. SH: Finishing and painting of various walls and building at P.M. House Complex for a period of 6 months.	12.12.17	Sh. Gulshan Kumar	25.11.17	3.05	24.05.18	5%	

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31	CE(I) R-IV	Repair and maintenance infrastructure assets in R-IV during 2017-18. SH: Repairing footpath around Nehru Park under the area of Nehru Park Service Centre.	26.12.17	Sh. Bipin Kumar	25.12.17	2.75	24.02.18	Work just awarded	
32	CE(I) R-IV	Repair and maintenance infrastructure assets in R-IV during 2017-18. SH: Supplying and fixing heaters in the area of R-III & R-IV division.	27.11.17	Sh. Rakesh Kumar	03.12.17	4.75	02.02.18	30%	
33	CE(I) R-IV	Garden, Parks and Fountains. SH: Supply, Installation, Testing and commissioning of Jet/Bubbler type fountain with LED lights at Kautilya Marg Rotary near Police Memorial including Civil works and Operation and Comprehensive Maintenance for a period of Three Years.	26.12.17	M/s KSR Brothers	01.01.18	66.17	28.02.18	Work just Awarded	
34	CE(I) R-IV	Garden, Parks and Fountains. SH: Construction of water fall at S.P Marg (Two Nos.) and Construction of One Police Booth including civil work and operation and comprehensive maintenance for a period of Three Years.	26.12.17	M/s KSR Brothers	01.01.18	55.88	28.18	Work just Awarded	
35	CE(I) R-IV	Repair and maintenance of infrastructure assets in R-II division during 16-17. SH: Improvement of footpath near kiosk at Rose Garden-II near Kuwait Embassy and providing and fixing of cast iron designer/ornamental tomb cap and painting of railing and trellis at Rose Garden-I & Rose Garden-II, Satya Marg, New Delhi.	27.12.17	M/s Divyanshu Infrast. & Suppliers	02.01.18	3.32	04.02.18	Work just Awarded	

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36	CE(I) R-IV	Repair and maintenance of infrastructure assets in R-II division during 16-17. SH: Providing and laying of drainage line at Railways colony, Snajay Camp, Chankyapuri.	28.12.18	Sh. Halke Ram	01.01.18	2.43	31.01.18	Work just Awarded	
37	CE(I) R-IV	R.R work through R.R Charges under K-II in R-IV division during 2017-18. SH: Repair of Bituminous surface road near Korea Embassy, Danish Chancellery, Railway Enclave near Shanskriti School upto SanMartin Marg cut by Electrical Division (M/F).	28.12.17	Sh. Halke Ram	01.01.18	23.59	28.02.18	Work just Awarded	
38	CE(I) R-V	Thermoplastic paint on various roads in NDMC area under SE(R-II) circle.	11.12.17	Sh. Bipin Kumar	08.12.17	106.32	07.05.18	Work just Awarded	
39	CE(I) R-V	Deposit work under K-II head. SH: Providing and relaying of interlocking paver behind Kothi no.-5 at Pandit Pant Marg.	11.12.17	M/s Siya Const. Co.	16.12.17	2.87	29.01.18	10%	
40	CE(I) R-V	Repair and maintenance of infrastructure assets in R-V division during 2017-18. SH: Repairing of walkways of various Parks under the Sub Division-IV(R-V).	15.12.17	M/s Kundu Enterprises	12.12.17	3.54	11.02.18	Yet to be start	
41	CE(I) R-V	Repair and maintenance of infrastructure assets in R-V division during 2017-18. SH: Providing and fixing grass pavers in 18-33 block.	15.12.17	Sh. Bipin Kumar	15.12.17	3.01	14.02.18	30%	

42	CE(I) R-V	Repair and maintenance of infrastructure assets in R-V division during 2017-18. SH: Maintenance of underground pedestrians walkways under R-V division.	15.12.17	M/s Jain Construction	16.12.17	3.05	19.01.18	50%	
43	CE(I) R-V	Repair and maintenance of infrastructure assets in R-V division during 2017-18. SH: Providing and fixing M.S Signage board at various locations in NDMC area.	19.12.17	Sh. Gulshan Kumar	19.12.17	2.68	18.02.18	30%	
44	CE(I) R-V	Pavement improvement Plan under R-V division. SH: Providing and fixing road signage's at various locations in R-V division on the request of DCP Traffic.	19.12.17	M/s Anil Engineering Works	21.12.17	18.11	20.04.18	Work yet to be start	
45	CE(I) R-V	K-II Head (Deposited Work). SH:- Providing and laying precast CC slabs at Bhagat Singh Marg in the jurisdiction of sub division-II of R-V division	26.12.17	M/s Ayush Const.	28.12.17	2.97	27.02.18	Work Yet to be start	
46	CE(I) CP	Providing and fixing/installation of outdoor Table Tennis, Ludo and Chess Board in NDMC School.	18.12.17	M/s New Tech (India)	22.12.17	33.28	21.03.18	10%	
47	CE(I) CP	Operation & Maintenance of 19 nos. of toilet in CP division for six months	19.12.17	M/s Deva Swimming Institute	02.01.18	80.55	01.07.18	5%	
48	CE(I) CP	Repair and maintenance Infrastructure Assests in R-I Division during 17-18. S.H.: Providing and Fixing Broken Bollards and GRC Railing in the area of CP division.	27.12.17	M/s Jay Pee Enterprises	04.01.18	4.48	03.03.18	Yet to be start	

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49	CE(I) CP	Sub: Road Restoration work under K-II head. SH: Restoration of road cut for shifting of water main of 500 mm/600mm dia coming in the Alignment of Subway at Junction of Barakhambha Road with Outer Circle of Cannaught Place.	29.12.17	M/s Khsushbu Builders	02.01.18	8.61	01.03.18	2%	
50	CE(I) RIP	Repair and Maintenance Infrastructure Assests in RIP Division during 17-18. S.H.: Operation and lift and Escalators at FOB's including Housekeeping watch and ward etc. completed.	15.12.17	M/s Expert Construction Co.	16.12.17	36.91	15.12.18	5%	
51	CE(I) Store	9-B suspence stock during 2017-18. SH: Supplying and stacking of Synthetic Enemal Paint of Golden Yellow Shade.	18.12.17	M/s Dinesh Enterprises	21.12.17	16.34	12.01.18	10%	
52	CE(I) Store	9-B suspence stock during 2017-18. SH: Supplying and stacking of Synthetic Enemal Paint of Black Shade.	18.12.17	M/s Dinesh Enterprises	22.12.17	14.90	10.01.18	33%	
53	CE(I) Store	9-B suspence stock during 2017-18. SH: Supplying and stacking of Cement in NDMC Stores through Open Market.	26.12.17	M/s Aman Trading Co.	05.01.18	93.30	04.04.18	10%	
54	CE(I) Store	9-B suspence stock during 2017-18. SH: Supplying and stacking of Synthetic Enemal Paint of Mint Green Shade.	28.12.17	M/s Dinesh Enterprises	31.12.17	1.76	06.01.18	23%	
55	CE(I) SM	T/M of sewer line in NDMC area during 2017-18.SH:- Providing and laying connecting sewer line between Banglow No.21 & 36 at Lodhi Estate.	04.12.17	Sh. Manoj Gupta	21.11.17	1.82	20.12.17	-Nil-	Due Ban on Excavation acitivity due to pollution

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56	CE(I) SM	T/M of sewer line in NDMC area during 2017-18. SH:- Reconstruction of damage manhole in the Jurisdiction of Todermal Lane Sewerage Service Centre.	06.12.17	M/s. Kajal Engg. Works & Contractor	12.12.17	3.12	11.02.18	30%	
57	CE(I) SM	T/M of sewer line in NDMC area during 2017-18. SH:- Reconstruction of damage RCC slab on sewer barrel India Gate in front of Baroda House.	12.12.17	M/s. S. K. Construction	30.11.17	2.03	29.12.17	Work Yet to be started	
58	CE(I) SM	T/M of sewer line in NDMC area during 2017-18. SH:- Raising of manhole in the Jurisdiction of Todermal Lane Sewerage Service Centre.	19.12.17	M/s. Ayush Construction	01.12.17	3.70	28.02.18	Work Yet to be started	
59	CE(I) SM	T/M of sewer line in NDMC area during 2017-18. SH:- Execution of Emergent/Urgent type maintenance work at Sarojini Nagar, Sewerage Service Centre.	27.12.17	M/s. Kajal Engg. Works & Contractor	02.01.18	3.54	01.07.18	20%	
60	CE(I) SM	T/M of sewer line in NDMC area during 2017-18. SH:- Covering to STP by concertina coil fencing at Singapore Park, Chankyapuri.	27.12.17	M/s. Kajal Engg. Works & Contractor	04.01.18	2.33	18.01.18	Just Awarded	
61	CE(I) WS	Repair and Maintenance – Infrastructure Assets in NDMC area. SH: Improvement and Renovation of Water Boosting Station at XY Block, Sarojini Nagar, New Delhi	22.12.17	M/s Kajal Engg. Works and Contractors	27.12.17	4.00	26.03.18	Work yet to start	

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62	CE(I) WS	Repair and Maintenance – Infrastructure Assets in NDMC area. SH: Improvement and Renovation of Water Boosting Station at YZ Block, Sarojini Nagar, New Delhi	22.12.17	Sh. Sanjay Goel	27.12.17	4.20	26.03.18	Work yet to start	
63	CE(I) WS	Repair and Maintenance – Infrastructure Assets. SH: Repairs to 50 HP and 100 HP booster pump set at Tilak Marg WBS and other allied works under the jurisdiction of Tilak Marg.	5.12.17	M/s Raj Engineering Co.	15.12.17	2.76	14.08.18	80%	
64	CE(I) WS	MLA LAD Fund. SH: Installation of deep well hand pump in alluvial soil and in Rocky Strata under Sub Division-V(W/S)	11.12.17	M/s Sharda Enterprises	16.12.17	8.32	15.01.18	20%	
65	CE(I) WS	Repair and Maintenance – Infrastructure Assets in NDMC area during 2017-18. SH: Repair of leakage/ contamination of filtered water in main line under Sub Division-IV(W/S).	13.12.17	Sh. Rahul Singh	01.12.17	3.42	01.04.18	40%	
66	CE(I) WS	Repair and Maintenance – Infrastructure Assets. SH: Improvement of water supply system at Dhobi Ghat No.4 Talkatora Road.	27.12.17	M/s Sharda Enterprises	28.12.17	2.15	27.01.18	Work yet to start	
67	CE(I) WS	Other Operating and Maintaining Expenses – Water Boosting Station. SH: Operation of three Water Boosting Stations on Contract basis under the jurisdiction of Netaji Nagar, Service Centre.	27.12.17	M/s Good Will Enterprises	7.01.18	3.51	15.02.18	Work just start	

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**LIST OF CONTRACTS / SCHEMES INVOLVING AN EXPENDITURE OF RS. 1.00 LAC
BUT NOT EXCEEDING RS. 200.00 LAC DURING DECEMBER 2017**

SL. NO.	DIVISIONAL ZONE	NAME OF WORK	DATE OF AWARD	CONTRACTING AGENCY	STIPULATED DATE OF START	AWARDED COST	TARGET DATE OF COMPLETION	%AGE OF PHYSICAL PROGRESS	REMARKS
1	Civil BM-I	Imp. to N.P. Bengali Girls Sr. Sec. School, Gole Market. SH: Renovation/Up-gradation of hall in N.P. Bengali (Middle) Girls Sr. Sec. School Gole Mkt.	12-12-2017	M/s. Khushbu Builders	06-12-2017	13.65	05-02-2018	15%	
2	Civil BM-I	A/R & M/O Bldg. in BM-1 division during 2017-18 SH: Water proofing of roof at 5 nos. shops at R.K. Ashram Lane.	15-12-2017	M/s. M.S. Enterprises	21-12-2017	0.95	20-02-2018	15%	
3	Civil BM-I	Imp. to various crèches in NDMC area. SH: Renovation of space allotted for crèche of Old auto workshop Mandir Marg.	28-12-2017	M/s. Homart Infrastructure Pvt. Ltd.	30-12-2017	2.26	12-02-2018	25%	
4	Civil BM-I	A/R & M/O Bldg. in BM-1 division during 2017-18 SH: Maintenance work at SBS place, Gole Market, New Delhi	28-12-2017	M/s. R.K. Jain & Sons HSPL	02-01-2018	5.00	15-02-2018	30%	
5	Civil BM-I	A/R & M/O Bldg. in BM-1 division during 2017-18 SH: Hiring of tipper truck at Mandir Marg Service Centre.	28-12-2017	Sh. Bipin Kumar	28-12-2017	4.87	27-06-2019	5%	
6	Civil BM-I	Imp. to N.P. Bengali Girls Sr. Sec. School, Gole Market. SH: Supply of cleaning and sweeping machines at N.P. Bengali Girls Sr. Sec. School, Gole Market	28-12-2017	M/s. Inventa Cleantec Pvt. Ltd.	27-12-2017	3.57	26-01-2018	-	Yet to be started
7	BM-II	A/R & M/O Building in BM-II division during 2017-18 SH: Repair to existing damaged flooring doors at Palika Bhawan Complex R.K. Puram Sector-13	20-12-2017	M/s. Vijay Mani Tripathi	13-12-2017	3.38	12-02-2018	5%	Work in progress
8	BM-III	A/R & M/O Building in BM-III division during 2017-2018 SH: Misc. repair work at V-12, V-3A and other flats of Satya Sadan Housing Complex	5-12-2017	M/s. Shiv Dhanraj Construction	05-12-2017	3.78	04-01-2018	100%	Work completed

SL. NO.	DIVISIONAL ZONE	NAME OF WORK	DATE OF AWARD	CONTRACTING AGENCY	STIPULATED DATE OF START	AWARDED COST	TARGET DATE OF COMPLETION	%AGE OF PHYSICAL PROGRESS	REMARKS
9	BM-III	Improvement to PSOI Club SH: Construction of cafeteria at PSIO Club, Vinay Marg, New Delhi	07-12-2017	M/s. Vijay Tyagi	07-12-17	75.35	21-01-2018	80%	Work in Progress
10	BM-III	A/R & M/O Building in BM-III division during 2017-2018 SH: Renovation of class room for establishing painting/geography/sport/game/library etc. rooms at N.P. CO-Ed. Sr. Sec. School Lodhi Colony	10-12-2017	M/s. S.S. Vasisht & Co.	10-12-17	3.63	09-02-2018	45%	Work in Progress
11	BM-III	Development of Public space for mess area during 2017-2018 SH: Construction of security cabins near vijay chowk 11 Murti and Rajpath at C Hexagon, New Delhi	11-12-2017	M/s. Arvind Construction	11-12-17	14.75	10-03-2-18	30%	Work in Progress
12	BM-III	A/R & M/O Building in BM-III division during 2017-2018 SH: Distempering Painting and other allied work at Barat Ghar, Kaka Nagar	12-12-2017	M/s. Singla Enterprise	12-12-2-17	2.73	11-02-18	--	Arranging the Contractor the material
13	BM-III	Special Repair and Maintenance to girls Middle School Lodhi Colony (special repair) SH: Water proofing and Repair work at NP Co. Ed. Sr. Sec. School (Primary Wing)	19-12-17	M/s. Indrawati	19-12-17	11.30	18-03-18	--	Work yet to be started
14	BM-III	A/R & M/O Building in BM-III division during 2017-2018 SH: Repair/Renovation of existing sewerline and One No. Toilet Block alongwith urinal at EES factory, canning lane	20-12-2017	M/s. Design Enterprises	20-12-17	3.87	19-02-18	60%	Work in Progress
15	BM-III	Development of Talkatora Garden SH: Up-gradation of old existing fountain with provision of coloured light at Talkatora Garden	20-12-2017	M/s. Colour Design India	20-12-17	25.15	19-02-18	--	Work is recently started
16	BM-III	A/R & M/O Building in BM-III division during 2017-2018 SH: Repair/Replacement of damaged modular kitchen shutters and fittings chimneys related work in type-V officer flat at Palika Sadan and Palika Nikunj Housing Complex at HCM Lane	21-12-2017	M/s. Shiv Dhanraj Construction	21-12-17	3.63	20-02-18	25%	Work in Progress

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17	BM-III	Development of Talkatora Garden SH: Replacement of Old Tiles of fountain tanks and cannels at Talkatora Garden	21-12-2017	M/s. S.S. Vashist & Co.	21-12-17	24.93	20-02-18	--	Work is recently started
18	BM-III	A/R & M/O Building in BM-III division during 2017- 2018 SH: Construction Brick wall partitions, flooring profile and other Misc. works at service centre, Ldhi Road	22-12-2017	M/s. Balaji Construction	22-12-17	3.64	21-02-18	40%	Work in Progress
19	BM-PK	Improvement to Lok Nayak Bhawan SH: Retro fitting of the fire effected 4 th floor Income Tax Office Lok Nayak Bhawan	11-12-2017	Varun Narula	07-12-2017	9.49	06-02-2018	10%	Work in progress
20	BM-PK	A/R & M/O Building in BM-PK division during 2017- 18 SH: Finishing and other misc. repair work type-I quarter at Tuglak Crescent	11-12-2017	M/s. Pushkar Construction	07-12-2017	--	06-02-2018	0%	Work awarded
21	BM-PK	A/R & M/O Building in BM-PK division during 2017- 18 SH: Civil repair and maintenance work for installation of X-Ray machine room for the installation of a CR system and other misc. work in Polyclinic SBS Marg.	12-12-2017	M/S. Poonam Art Factory	22-12-2017	4.94	21-01-2018	0%	Work awarded
22	BM-PK	A/R & M/O Building in BM-PK division during 2017- 18 SH: Misc. repair and maintenance like providing/replacing SCI pipe shaft MS gate brick work etc. a Multistorey Housing Complex Aliganj	14-12-2017	M/s. Indrawati	11-11-2017	4.70	10-01-2018	0%	Tie sample/ catalogue brought today for approval
23	BM-PK	A/R & M/O Building in BM-PK division during 2017- 18 SH: Repair and rewinding of submersible pumps and accessories under Chander Lok Building service centre.	14-12-2017	M/s. S.S. Vashist	07-12-2017	1.13	06-12-2018	0%	Work awarded
24	BM-PK	A/R & M/O Building in BM-PK division during 2017- 18 SH: Misc. repair and maintenance work in office and store of health office at Pandit Panth Marg.	18-12-2017	M/s. Pushkar Construction	22-12-2017	1.75	21-02-2018	0%	Work awarded
25	BM-PK	A/R & M/O Building in BM-PK division during 2017- 18 SH: Day to day maintenance work at Palika Kendra Bldg.	26-12-2017	M/s. Devadeva Enterprises	12-12-2017	14.11	11-06-2018	10%	Work in progress
26	BM-PK	A/R & M/O Building in BM-PK division during 2017- 18 SH: Repair of chajjas and distemping paint ing etc. of common area of Shanker Market.	26-12-2017	M/s. N.B. Enterprises	02-01-2018	4.74	01-03-2019	0%	Work awarded

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27	BM-PK	A/R & M/O Building in BM-PK division during 2017-18 SH: Installation and running maintenance at RO of various building under Service Centre Humayun Lane,	26-12-2017	M/S. Varun Narula	27-12-2017	1.56	26-06-2018	0%	Work awarded
28	BM-PK	Construction of 16 NOs. Roll Call Centre by providing porta cabin to facilitation the staff of Health Department, NDMC	27-12-2017	M/s. K.K. Construction	26-10-2017	50.11	25-06-2018	5%	Work in progress

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Copy of Resn. No.
of
Council's Ordinary Meeting
Dated: 29/01/18

ITEM NO.26 (C-23)

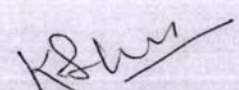
ACTION TAKEN REPORT ON THE STATUS OF ONGOING SCHEMES/WORKS APPROVED BY THE COUNCIL.

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

A report on the status of execution of the ongoing schemes/works awarded upto December, 2017 is placed before the Council for information. (See pages 561 - 570).

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.

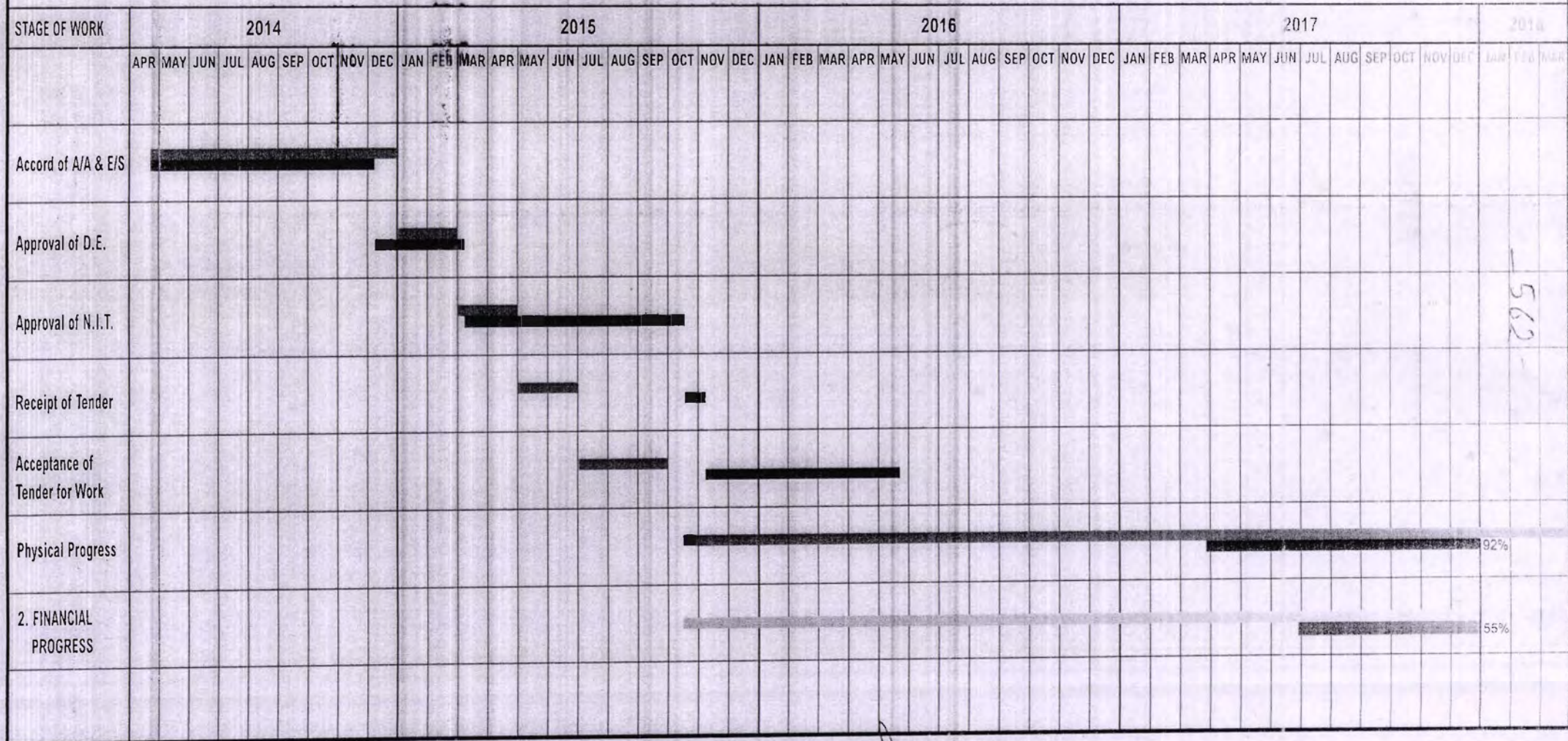
ACTION TAKEN REPORT ON THE STATUS OF PROJECT / ON GOING SCHEMES / WORKS TILL December - 2017

Sl. No.	DEPTT. / DIV.	NAME OF WORK	DATE OF A/A & E/S	VALUE OF AWARD (IN LACS)	NAME OF THE CONTRACTOR	AUTHORITY APPROVING THE CONTRACT	REF. OF BUDGET	STIPULATED DATE OF COMPLETION	MAJOR ACTIVITIES	DATE OF COMPLETION OF ACTIVITIES AS PER	STAGE OF COMPLETION / %AGE OF WORK	REMARKS
1	CE(R)/ R-IV	Strengthening and re-surfacing of roads in NDMC area SH Strengthening and re-surfacing round about, T-Junction, crossing, lane and Race Course road in R-IV division	27.10.16	239.46	M/s K.R. Anand	Council		22.03.17		30.06.17	100%	
2	CE(R)/ RIP	Sub: S/R of roads in NDMC area. SH: Resurfacing of Roads through Hot and Cold Mix Technology in the year 2014-15	30.01.15	423.00	M/s Inckah Infrastructure Technology Pvt. Ltd.	Council	21-412-40-0-30-4	19.11.16		nil	92%	
3	CE(R)/ RIP	S/R of Roads in NDMC Area. SH: Micro surfacing of roads through cold mix technology in the year 2015-16.	15.12.15	449.00	Harpal Singh	Council		14.08.17		nil	30%	
4	CE(R)/ (SM)	Hiring of two number of the pressure Jetting Cum Sewer Suction Machine mounted on truck chassis for three years.	12.06.15	216.13	M/s Ram charan Bansal	Council 04(A-01) 12.06.15	52-2304002	14.08.18		14.08.18	80%	
5	CE(R)/ (SM)	Hiring operation and maintenance of 2 Nos. jetting cum suction cleaning machines with water recycling technology (for 7 years)	02.03.16	2424.94	M/s Metro Waste Handling Pvt. Ltd.	27(A-42) 03.11.16	52-230-4002	30.11.23		30.11.23	8.95%	

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BAR CHART

NAME OF WORK : S/R of Roads in NDMC Area.
SH: Resurfacing of Roads through Hot & Cold Mix Technology in year 2014-2015



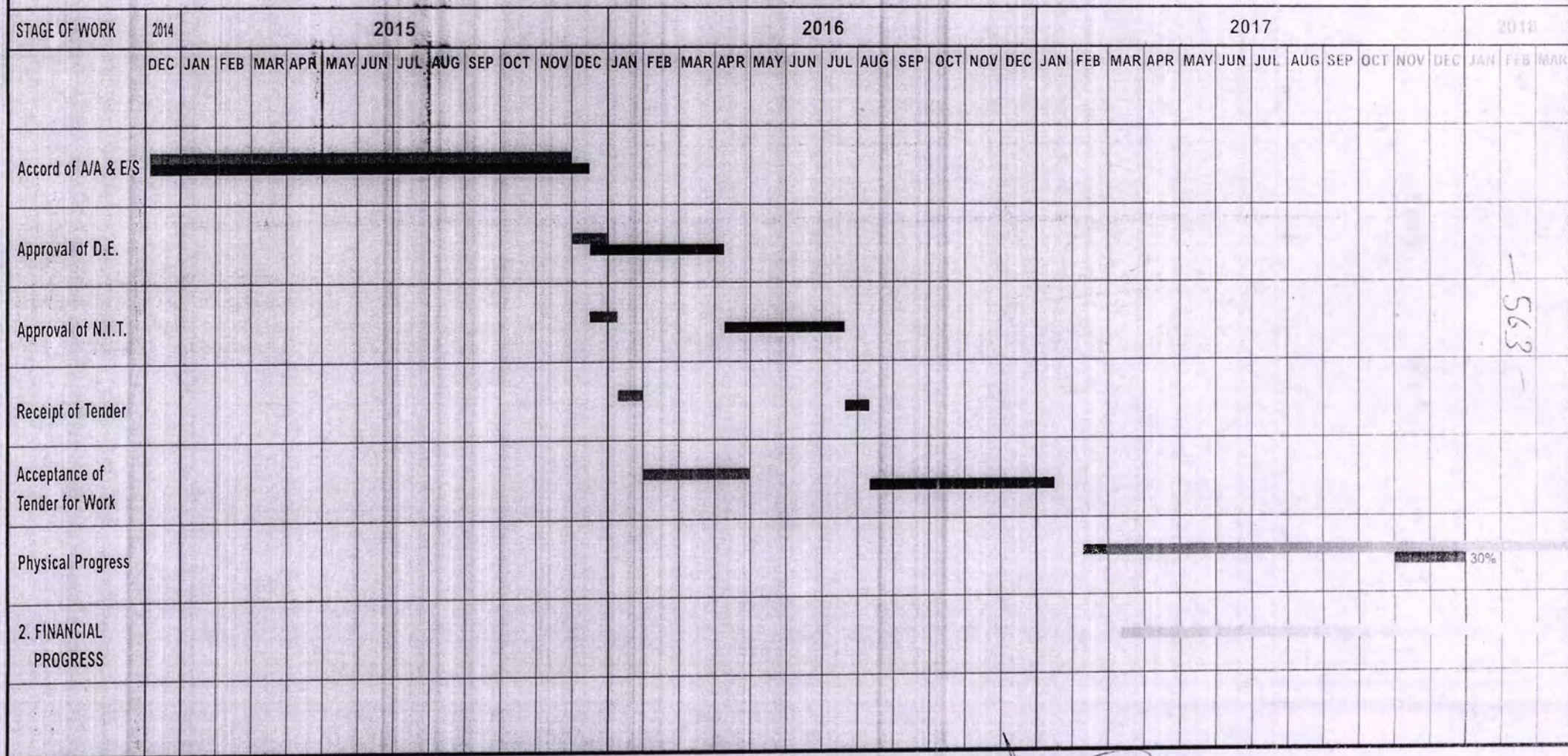
Legend

- [Solid Black Bar] Target Physical Progress
- [Dotted Black Bar] Physical Progress (Actual)
- [Solid Grey Bar] Target Financial Progress
- [Dotted Grey Bar] Financial Progress (Actual)

08/11/18
Executive Engineer (RIP)

BAR CHART

NAME OF WORK : S/R of Roads in NDMC Area.
SH: Resurfacing of Roads through Cold Mix Technology in year 2015-2016



Legend

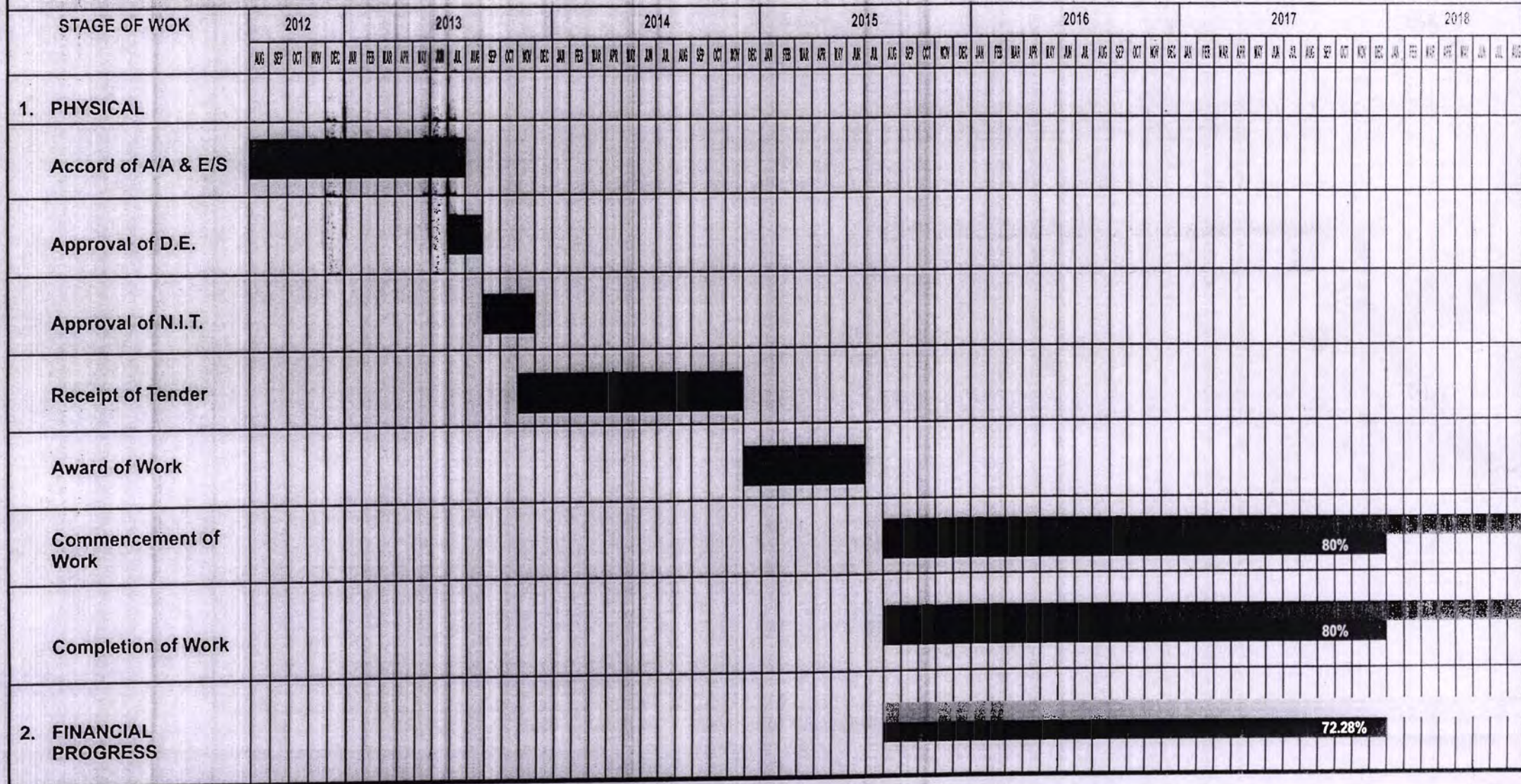
- [Solid Black Bar] Target Physical Progress
- [Solid Grey Bar] Physical Progress (Actual)
- [Dotted Grey Bar] Target Financial Progress
- [Dotted Black Bar] Financial Progress (Actual)

Executive Engineer (RIP)

BAR CHART

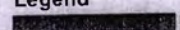

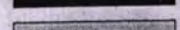

NAME OF WORK: Hiring of two nos. of the Pressure Jetting cum Sewer Suction Machine mounted on Truck Chassis for 3 Yrs.
AGENCY: M/S RAM CHARAN BANSAL

Tendered Amount Rs. 2,16,12,562.00
Vide Item No. 04(A-01) Dt. 12.06.2015



Stipulated Date of Start & Completion :- 15.08.2015 to 14.08.2018

Legend

-  Scheduled Progress
-  Actual Progress (Physical)
-  Financial Progress (Scheduled)
-  Financial Progress (Actual)

A.E.-CR (SM)

Executive Engineer (SM)

NAME OF WORK: Hiring, Operation and Maintenance of 2 Nos. Jetting cum Suction Sewer Cleaning Machines with Water Recycling Technology (For Seven Years).
AGENCY: M/s Metro Waste Handling Pvt. Ltd.

BAR CHART

Tendered Amount Rs. 24,24,94,560/-
Vide Item No. 27(A-42) Dt. 03.11.2016

[illegible]

Stipulated Date of Start & Completion :- 1-12-2016 to 30-11-2023

Legend

Scheduled Progress

Actual Progress (Physical)

Financial Progress (Scheduled)

Financial Progress (Actual)

A.E.-CR (SM)

Executive Engineer (SM)

ACTION TAKEN REPORT ON THE STATUS OF PROJECT / ON GOING SCHEMES / WORKS
APPROVED BY THE COUNCIL
FOR THE MONTH OF DECEMBER 2017

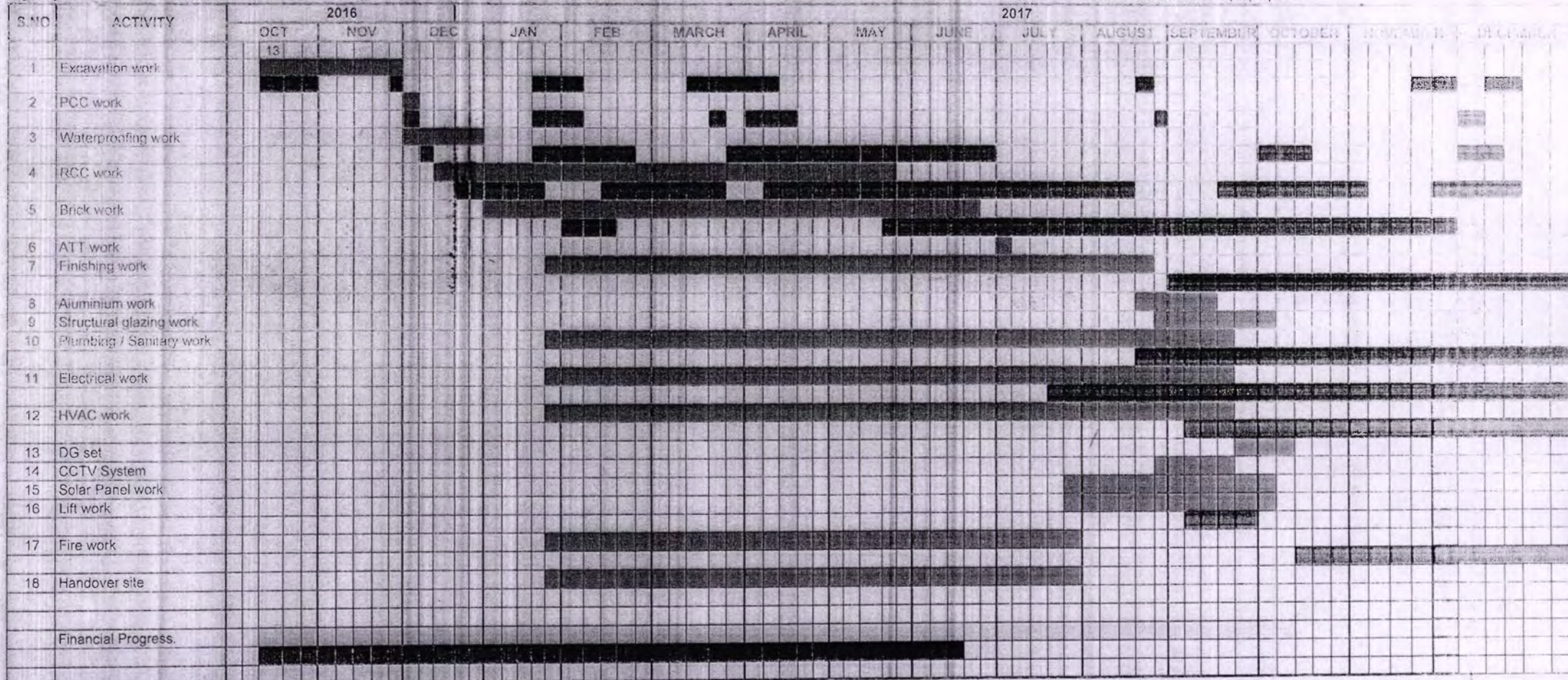
Sl. NO	DEPTT. / DIV.	NAME OF WORK	DATE OF A/A & E/S	VALUE OF AWARD (IN LACS)	REF. OF BUDGET	STIPULATED DATE OF COMPLETION	AGENCY	MAJOR ACTIVITIES	DATE OF COMPLETION OF ACTIVITIES AS PER BAR CHART	STAGE OF COMPLETION / %AGE OF WORK DONE	REMARKS
1	CE(C-II) (BM-II)	Improvement to various Housing Complexes under BM-II division SH: Facade improvement to Palika Gram Housing Complex, Sarojini Nagar with marble chips grit wash plaster and improvement to stair case with Kota stone flooring.	02-03-16	223.74 lacs	4124005 Scheme No.67 Function Code No.67	25-10-2017	M/s. Bipin Kumar		25-10-17	83%	Work in progress
2	CE(C-II) (BM-II)	Improvement to Charak Palika Hospital Moth Bagh, New Delhi SH: construction of additional block at Palika Hospital Moth Bagh, New Delh (composite work)	12-03-16	723.67	4124001 Function Code 35	12-10-2017	M/s. N.S. Associates Pvt. Ltd.		12-10-17	48%	Work in progress
3	CE(C-II) (BM-II)	Up-gradation of playground in various schools of NDMC SH: Preparation of Basket Ball, Volley Ball an other playing courts in NDMC schools	02-03-16	230.61	82-412-40-01 Scheme No. 34	13-09-2017	M/s. Advanced Sport Technologies LLP		13-09-17	41%	
4	CE(C-II) BM-PK	Construction of 188 type-II flats at Aliganj	11-02-15	4032.67 lacs	06-112-40-05 Scheme No.37.1	07-01-2019	M/s. N.S. Associate Pvt. Ltd.	Costruction	07-01-19	3%	2 number raft has been casted

-975

BAR CHART AS ON 31.12.2017

Name of work: Improvement to Charak Palika Hospital,
 Sub Head: Construction of additional block at Charak Palika Hospit
 Agency Name: M/s N.S. Associates Pvt. Ltd.

Estimated Cost: Rs. 7,57,14,295/-
 WO No. : 2904-75/EE(BM-II)/2016-17
 Tender Amount: Rs. 7,23,67,240/-



Stipulated date of start & Completion:- 13.10.2016 & 12.10.2017

Schedule
Actual



Schedule
Actual



EE (BM-II)

AECC

569

PROGRESS CHART

NAME OF WORK :- C/O 188 TYPE -II FLATS (10 STORIED TOWERS) AT ALIGANJ .
 AGENCY :-M/S N.S.ASSOCIATE PVT. LTD.

MONTH:- DECEMBER 2017

SCHEDULED DATE OF START = 08.04.2017
 TIME OF COMPLETION = 21 MONTHS
 SCHEDULED DATE OF COMPLETION = 07.01.2019

STAGE	2017										2018												2019
	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	
1. PROGRESS PHYSICAL																							
SCHEDULED PROGRESS																							
ACTUAL PROGRESS																							
		3%																					
2. FINANCIAL PROGRESS																							
SCHEDULED PROGRESS																							
ACTUAL PROGRESS																							
		1%																					

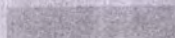
LEGEND



SCHEDULED PROGRESS (PHYSICAL)



ACTUAL PROGRESS (PHYSICAL) IN %



FINANCIAL PROGRESS (SCHEDULED)



FINANCIAL PROGRESS (ACTUAL) IN %

EE- [BM-PK]

562

BAR CHART

NAME OF WORK: Improvement to various housing complexes under BM-II division
 SUB-HEAD: Facade improvement to Palika Gram Housing Complex, Sarojini Nagar with marble chips grit
 wash plaster and improvement to stair case with Kota stone flooring
 AGENCY: SH. BIPIN KUMAR

A/A & E/S Rs. 2,84,55,600/-
 Vide Item No. 08(A-03) dt. 12.06.2015
 Tendered Amount : 2,23,73,789/-
 Head of A/c : 6-412-40-0-67-102



Stipulated Date of Start & Completion :- 26.04.2016 & 25.10.2017

Legend

Scheduled Progress

[Handwritten signatures]

569

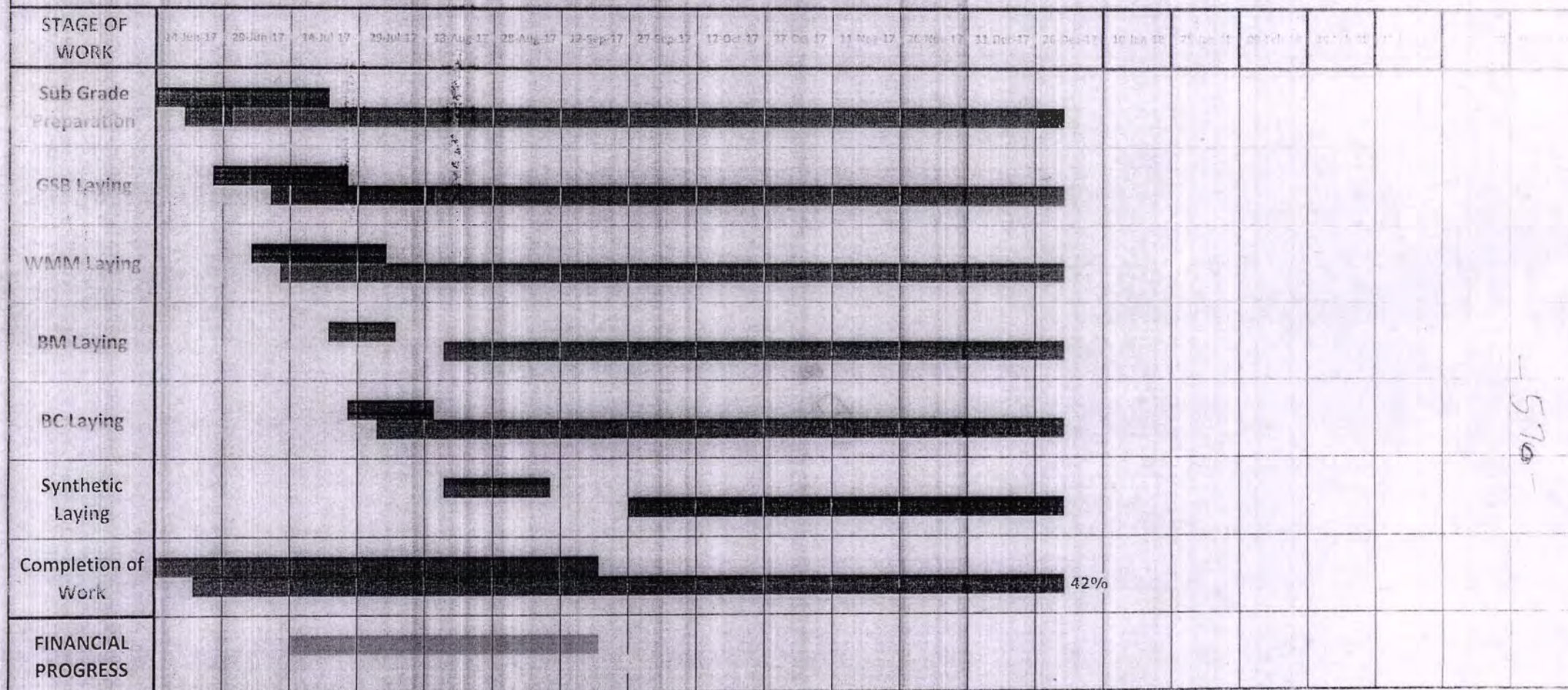
BAR CHART

NAME OF WORK: Up-gradation of playground in various schools of N.D.M.C.

Sch head: Preparation of Basket Ball, Volley Ball and other playing courts in N.D.M.C. Schools.

A/A & E/S W: 21,83,200.00

AGENCY: ADVANCED SPORT TECHNOLOGIES LLP



Supplied Date of Start & Completion :- 14.06.2017 & 13.09.2017

Legend

Scheduled Progress

Actual Progress

Financial Progress (Sch

Financial Progress (Act

AE (BM-II)

EE (BM-II)

ITEM NO. 27 (F-03)

Subject:- Agenda for the information and directions, if any, of the Council on the issue of judgment dated 10/08/2017 of the High Court of Delhi, setting aside the NDMC (Determination of annual Rent) Bye Laws 2009.

1. Name of the Department:- Property Tax Department
2. Detailed history of the subject and proposal for consideration of Council

(i) NDMC (Determination of Annual Rent), Bye Laws 2009 were notified in the Delhi Gazette in 2009 after which unit area method of property tax was implemented in the NDMC area. The aforesaid Bye Laws were challenged by some of the petitioners in the High Court of Delhi by filing various writ petitions. During initial proceedings in the aforesaid matter, on the application for seeking stay on operation of Bye-Laws, 2009, the High Court of Delhi issued following directions vide Order dated 22/03/2010:-

"Notice, which is accepted by the learned counsel for the respondents. We are of the considered view that the assessee may deposit the tax for the assessment year 2009-10 and if the tax is found ultimately not to be payable, at the stage of final hearing of the matter, appropriate directions can be issued for refund of the amount with interest as charged by the NDMC from defaulters. The applications stand disposed of."

(ii) The Hon'ble High Court of Delhi vide its common judgement and final order dated 10/08/2017 in the above said WP(C) No.3348/2010 in the case of "Association of concerned citizens of New Delhi & Others Vs. NDMC & others" has set aside the NDMC(Determination of Annual Rent), Bye Laws 2009. The operative part of the judgment is as under:-

"60. The Court accordingly strikes down the new impugned Bye Laws as being ultra virus the NDMC Act as they are in excess of the scope and ambit of the powers vested in the NDMC under Section 388 (1) A (9) of the NDMC Act.

61. Consequently, the court invalidates all actions taken by the NDMC under the new impugned bye laws in terms of levy, assessment, collection and enforcement of demand of property tax. All property demands made under the new impugned bye laws are hereby invalidated and declared unenforceable.

62. In terms of interim order passed by the Court, referred to hereinbefore, the excess of tax deposited has to be refunded but the determination of such excess will have to await the making of the Assessments in accordance with the extant provisions of the NDMC Act. Such refund of excess tax deposited would be in accordance with the Law and together with the interest payable thereon in terms of NDMC Act."

(iii) The above judgement was discussed with Law Officers of NDMC and the Ld. Additional Solicitor General of India, Sh. Sanjay Jain and the NDMC decided to challenge the same. Accordingly, the NDMC has filed SLP (C) No. 23186-23213/2017 in the Hon'ble Supreme Court of India. While listing the matter on 22/11/2017 for final disposal, the Supreme Court, vide it's order dated 22/09/2017, also observed as under:-

"The High court has directed refund of the amount with interest, only after re-assessment order. Therefore, in the meantime, it would be open to the petitioner not to do this exercise."

(iv) Generally, the yearly property tax bills are issued by the NDMC in the 2nd half of August every year but due to order dated 10/08/2017 of High court of Delhi vide which NDMC Bye Laws 2009 have been set aside, the Property Tax Bills could not be issued. Subsequent to aforesaid order dated 22/09/2017 of the Supreme Court, the NDMC approached the Additional Solicitor General of India, Sh. Sanjay Jain, for seeking his advice whether the NDMC can issue the yearly property tax bills on the basis of existing rateable value after giving a Public Notice.

(v) The ASG was of the view that issuing the bills on the basis of existing RV, fixed under UAM, will amount to interference with the delivery of justice and accordingly advised to wait for final outcome in the Supreme Court on 22/11/2017. However, the ASG has given opinion that the NDMC may take out a public notice calling upon the Assesseees to deposit Property Tax voluntarily, which NDMC may accept on provisional basis. Accordingly, a public notice was issued in the Newspapers and also uploaded on NDMC website on 18/10/2017 (Annexure-A, See page 575).

(vi) Thereafter, the arguments of NDMC and opposite counsels were heard by the Hon'ble Supreme Court on various dates in November and first week of December 2017. During proceedings held on 07/12/2017, the Hon'ble Supreme Court, while listing the matter for further arguments on 16/01/2018, also observed and gave following directions :-

"we find that some of the house owners / assesses have filed the special leave petitions challenging the High Court's order as they want to pay the property tax in accordance with the Bye Laws, 2009, the New Delhi Municipal Council will have no objection to accept the tax from those assesses. In view of this, all such parties or other assesses, who may not have come to court, shall be at liberty to pay the property tax in accordance with the Bye Laws, 2009. This, however, shall be subject to final outcome of these matters."

(vii) In view of above observations & orders of the Hon'ble Supreme Court, a public notice was issued in various Newspapers and uploaded on NDMC website on 10/12/2017, apprising the tax payers regarding aforesaid order of the Hon'ble Supreme Court and requesting the tax payer to make payment of property tax on the basis of Bye Laws, 2009 (Annexure-B, See page 576).

(viii) Meanwhile, due to above mentioned developments, the property tax bills were not issued. Therefore, the various kind of rebates which were allowed by the Council for the year 2017-18 vide Council Agenda No. 07 (E-02) dated 06/03/2017 (Annexure-C, See pages 577 - 580) could not be availed by the tax payers. As per approved proposal, contained in sub-para 10 of para- 4 of the said agenda, a prompt payment rebate of 10% of the net tax was allowed after other rebates if the tax is paid, along with a return under Section 77 of the NDMC Act, by 30th September 2017 and 5% if the tax is paid after 30/09/2017 but on or before 31/12/2017. The Council also authorized the Chairperson to **extend the date of payment of tax with rebates, generally or in specific case on facts of the case.**

(ix) In view of above circumstances, the Chairman approved to extend the period of 10% prompt payment rebate along with other rebates upto 31/12/2017 so that the tax payers may be motivated to make early payment of tax after availing the rebates which are given every year. Thereafter, the property tax bills for the year 2017-18 were issued to the tax payer during the second week of December, 2017. The response of tax payers has been found very encouraging and the NDMC could collect the property tax (including service charges from Government properties) amounting to Rs. 449.51 Crores till 31/12/2017 as against the collection of Rs. 422.30 Crores during the corresponding period last year.

(x) During the earlier years, the property tax bills were issued in the second half of August and the tax payers were allowed 10% prompt payment rebate along with other

rebate till 30th September and further 5% prompt payment rebate with other rebates, till 31st December. Therefore, after issue of the bills, the tax payers were generally given a period of more than 5 weeks for availing 10% rebate and more than 16 weeks for availing 5% rebate along with other rebates. However, during current year, due to aforesaid developments, the Property Tax Bills could be issued from 11.12.2017 to 16.12.2017 with last date of payment as 31.12.2017 for availing 10% rebate along with other rebates, after which no rebate was permissible. Thereby giving the time of 15 days only which was very short period vis-à-vis previous years.

(xi) Although, the NDMC has received very good response from the Tax Payers but many individual tax payers as well as office bearers of some Residential and Market Welfare Associations have approached the Tax Department complaining about the brief period which has been given for availing rebates. They complained that they could not get the time to arrange the funds for making payment of Tax in such short notice and accordingly requested to extend the period of prompt payment rebate till 31.03.2018. The grievance of the Tax Payer is supported with the fact that during the year 2016-2017, total 9249 tax payers had deposited the Tax till 31.12.2016, however, during the current year, though the tax amount has increased, the number of Tax Payers till 31.12.2017 is only 7854. Therefore, there is an evident short fall of 1395 Tax Payers who could not deposit tax till 31.12.2017.

(xii) Admittedly, the Tax Payers were not at fault, as such, it was felt that they should be given some relief on this grievance. Accordingly, in terms of approval, as granted by the Council vide Resolution No.07(E-02) dated 06.03.2017, the Chairman approved to extend the period of 10% prompt payment rebate along with other rebates till 31.01.2018 so that the other willing Tax Payers who could not avail the rebates earlier, may avail the same after making payment of tax till 31.01.2018. A Public Notice was accordingly given in prominent News Papers and on NDMC website on 11.01.2018(Annexure D, See page 581).

(xiii) Subsequently, during proceeding held on 16.01.2018 in the Hon'ble Supreme Court of India, the Hon'ble Court was apprised that approximately 95% Assesseees have accepted the New Bye Laws and pursuant to the order dated 07.12.2017 of the Hon'ble Supreme Court, they have come forward voluntarily and deposited the Property Tax on the basis of Self Assessment. It was submitted before the Hon'ble Court, on behalf of NDMC, that the grievances which are stated by the respondents in respect of their properties, can be looked into by the Valuation Committee, which may be having its sitting within two weeks and may give its report in this behalf within five weeks. While adjourning the matter to 06.03.2018, the Hon'ble Court directed the petitioners (NDMC) to file the written submissions during this period.

3. Financial implication of the proposed subject:-

Not applicable

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

Not applicable

5. Comments of the Finance Department

Not applicable

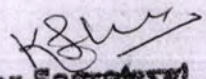
6. Comments of the Department on comments of Finance Department

Not applicable.

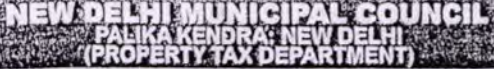
7. Legal implications of the subject/project
Not applicable
8. Details of previous Council Resolution, existing law or Parliament and Assembly on the subject
Nil
9. Comments of the Law Department on the subject/project
Not applicable
10. Comments of the Department on the comments of law Department
Law Department was in favour of filing of SLP in the matter.
11. Recommendations:-
The agenda is for information of the Council regarding latest developments in the matter and for seeking further guidance in the matter, if any.

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.

Akbar-e-Mashriq



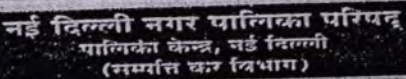
نئی دہلی میونسپل کونسل
والیکا کیڈیٹ - نئی دہلی
(پروپوزی ڈیپارٹ منٹ)

عزت آباد کا کرپٹ وکیل نے ملا خطہ کریں اس کا کہنا ہے محنت اور کم از کم تا 2017-10.08 ڈی ایچ بی (سی) نمبر 2016/3348 کیس "ایک وی ایم سی ٹی ریس اینڈ آرڈر میں غلام ابن ذی الیم سی اور دیگر" میں ابن ذی الیم سی بائی لاز 2009 (سالانہ کرایہ کا تعین) کو منسوخ کر دیا تھا جبکہ ابن ذی الیم سی مذکور بالا فیصلے کو چیلنج کیا اور عزت آباد ہیرم کوورٹ سے "دیکھیں اس کا حکم بتا رہا 22.09.2017 جو پھر اس کا گیا ایس ایل پی (بیوول) نمبر 2017/23213-23186 جس کو حتمی فیصلے کے لئے 2017-22.11 کو درج نمبرست کو لیا گیا۔ جبکہ ابن ذی الیم سی کے مذکور بالا بلا لاز 2009 کی مسمونی کے تحت ابن ذی الیم سی نے اب تک ایسی جائیدادوں کے قبضے میں رکھ کر ایچی دیکھا جاتا ہے۔ اور ان کا براہری ٹیکس برطانیہ چیز زمین VIII ابن ذی الیم سی ایک 1994 متعین ہونا ہے، 18-2017 کی مدت کے لئے کوئی پروپیٹی ٹیکس کامل جا نہیں کیا گیا ہے۔ جبکہ ایسی جائیدادوں کے سالانہ کرائے کا حساب لگانے کے بائی لاز 2009 سے عیاں کہ دفعہ (1) 63 ابن ذی الیم سی ایک میں دیا گیا ہے ابن ذی الیم کو بشور دیا گیا ہے کہ وہ مذکور بالا ایس ایل پی کے سلسلے میں عزت آباد ہیرم کوورٹ کے فیصلے کا انتظار کریں۔ بہر حال اس دوران اگر کوئی ایسی رش کار ثابت ہوئے پروپیٹی ٹیکس جمع کرنے کی خواہش رکھتا ہے تو نامی بنیاد پر ابن ذی الیم سی اسے قبول کرے گا لیکن یہ مذکور بالا ایس ایل پی کے سلسلے میں عزت آباد ہیرم کوورٹ کے فیصلے سے مشروط ہوگا اور اس کے مطابق ایس ایل پی حاصل کیا جائے گا۔

(نمبر آری لال شرما)
ڈائریکٹر (ٹیکس)

To be The Global Benchmark for a Capital City

Hindustani (Hindi)



माननीय दिल्ली उच्च न्यायालय ने "सम्बन्धित नागरिकों का संध एवं अन्य बनाम नई दिल्ली नगरपालिका परिषद एवं अन्य" के मामले में डब्ल्यू.पी. (सी) नं. 3348/2010 में अपने सामान्य निर्णय और आदेश दिनांक 10.08.2017 के द्वारा न.दिन.पा.प. (वार्षिक किराया का निर्धारण) उप नियम, 2009 को रद्द कर दिया।

जैसाकि, न.दि.न.पा.म. ने उक्त कायित निर्णय को चुनौती दी और माननीय सर्वोच्च न्यायालय में एसएलपी (सिविल) नं. 23186-23213/2017 में पारित अपने आदेश दिनांक 22.09.2017 के द्वारा अंतिम निपटान हेतु 22.11.2017 को एसएलपी को सूचीबद्ध कर दिया है।

जैसाकि, उक्त कथित नदिनयाप (यौनिक क्रिया का नियंत्रण) उप नियम 2009 को रद्द कर दिए जाने के परिणामस्वरूप, नदिनयाप के सम्पत्तिक, जो दूसरे रूप में नदिनयाप अधिनियम, 1994 के अध्याय VIII के अनुसार सम्पत्ति कर के योग्य है के संदर्भ में अवधि 2017-2018 हेतु सम्पत्ति कर के लिए अभी तक बिल जारी नहीं किया है।

जैसाकि, सम्प्रतिष्ठित के वार्षिक किराया की गणना, जिसपर किराए पर देने हेतु अपेक्षित रूप से उचित माना गया है हेतु, न.दि.न.पा.प. अधिनियम की धारा 63(1) में प्रदत्त अनुसार दर योग्य कीमत तक पहुंचने के **उद्देश्य हेतु किसी भी उप-नियम** की अनुपस्थिति में, न.दि.न.पा.प. उपरोक्त एसएलपी में माननीय सर्वोच्च न्यायालय के निर्णय की प्रतीक्षा करने की सलाह दी गई है। बहरहाल, इस बीच में अगर कोई भी निर्णायित स्वेच्छापूर्वक सम्प्रति कर जमा करने की इच्छा रखते हैं तो उसे अस्थायी तौर पर न.दि.प.पा.प. द्वारा सीसीकर किया जाएगा जो उपरोक्त एसएलपी में माननीय सर्वोच्च न्यायालय के निर्णय के अनुपालन में अपेक्षित अनुसार समायोजन के अधीन हो सकता है।

(मुरारी लाल शर्मा)
निदेशक (कर)

एक राजधानी शहर के लिए वैश्विक मानदंड बनाना

Dated:- 18.10.17

—

ITEM NO.07 (F-02)

Copy of Resolution No.03
Council of Municipalities
Dated 06-03-2017

1. Name of the Proposal

Determination of municipal tax, rates, cesses and rebates for the Financial Year 2017-18 and other related matters.

2. Name of the Department

Property Tax Department

3. Proposal for consideration of Council

- (i) Section 60 of the Act mandates that the Council shall levy certain obligatory taxes specified under Section 60(1) of the Act and may levy certain discretionary taxes as specified under Section 60 (2) of the Act. Chairperson while proposing the Budget for the Financial Year 2017-18 before the Council on 13/01/2017 stated that there would be no increase in property tax rates as for the Financial Year 2017-18 {para-10.2} of Budget speech}. The Council has already approved the budget proposals alongwith the Budget Estimates in its meeting held on 13/01/2017.
- (ii) Vide Resolution No.03 (F-01) dated 27.01.2016, Council has determined rates of various municipal taxes, rates and cesses for the year 2016-17 and permissible rebates as per Annexure-A.
- (iii) Accordingly, the rates of taxes, rates and cesses for the Financial Year 2017-18 would be as under:-

4. Property Tax

	Lands and buildings or part thereof	Rate of Tax
i.	Where the rateable value does not exceeds Rs.10 Lacs	20% of the rateable value
ii.	Where the rateable value exceeds Rs.10 lacs but does not exceeds Rs.20 lacs.	Rs.2,00,000/- plus 25% of the amount by which the rateable value exceeds Rs.10 lacs.
iii.	Where the rateable value exceeds Rs.20 lacs	Rs.4,50,000/- plus 30% of the amount by which the rateable value exceeds Rs.20 lacs.

(B) Tax on vehicles and animals: As per Schedule -II of the Act at 'NIL' rate.

(C) Theatre tax: As per Schedule - III of the Act as 'NIL' rate.

Dir (TAX)

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AO (Tax)

12/6

R-2778/AO (T)
13/6/17

R-853/Dir (TAX)
7-6-17

R-1112/JD (T)
8/6/17

(D) Tax on advertisements other than advertisements published in the Newspapers: As per Schedule-IV of the Act at maximum rate.

(E) Duty on transfer of property: Duty on transfer of property on the instruments specified in Sec. 93(2)(b) and on instruments presented for mutation under Sec.74, at the following rate:-

5. 2% in case the transferee is a woman to the extent of her share in the property.

6. 3% in case the transferees are persons other than women.

(F) Tax on building payable along with the application for sanction of the building plan.

As per Schedule-V of the Act.

(G) Tax on sale or supply of Electricity:

The tax may be @ 5% of tariff fixed by DERC for consumption, sale or supply of electricity or on sale of surplus electricity.

04. Section 124 of the NDMC Act provides that the Council may by resolution passed in this behalf exempt either wholly or in part from the payment of any taxes levied under this Act and any class of person or any class of property or goods. Under this provision, the Council has been giving rebate on the payment of tax and not from the levy of tax. These rebates for the year 2017-18 may be up to the pay by dates as decided by the Council as under:-

7. a rebate of 50% of the tax calculated on the rateable value upto Rs.5 lacs of lands and buildings used or to be used and occupied or to be occupied for residential purposes;

(ii) ~~a self~~ occupancy rebate of 25% of the property tax payable after allowing the rebate at (i) above, in respect of self occupied residential properties singly owned by a Sr. citizen who is sixty years or more in age as on 01.04.2017 or by a ~~women~~ or a physically challenged person, irrespective of their age or jointly owned by any of these categories;

Provided that no portion of the building owned by such a Sr. citizen or women or physically challenged person is on rent or is used for commercial purposes and the building is actually owned and occupied by these categories;

8. a rebate of 50% of the tax determined on rateable values upto Rs.1 lac, for properties other than residential properties;

9. a rebate of 40% of the tax payable in respect of aided schools and colleges and 20% of tax payable by unaided schools for the lands and buildings owned by Society or Body after deducting the rebate at (iii) above;

Provided that no such rebate shall be available on the portions on rent or used for commercial purposes or occupied for residential purposes by staff (employees);

10. on the net tax payable, after rebate as above from (i) to (iv), a prompt payment of rebate of 10% of the net tax may be allowed, if the tax is paid, along with a return U/s-77 of the NDMC Act by 30th September, 2017 and 5% if the tax is paid after 30th September, 2017 but on or before 31st December, 2017;

Provided that the date of payment of tax with rebates can be extended by the Chairperson, generally or in specific case on facts of the case.

Provided further that in case of any dispute on the question of grant of rebates under clause (i) to (v), the decision of the Chairperson shall be final.

05. SERVICE CHARGES

Properties of the Union constructed prior to 26th of Jan., 1950 are subject to property tax and those constructed on or after 26th January 1950 are exempt from the levy of property taxes. Under orders of the Govt. of India, as approved by the Hon'ble Supreme Court, Service Charges are payable on all such properties. There has been a change in the valuation of such properties in the Bye-laws of 2009. If the property tax and service charges are paid as per these bye-laws of 2009, the rebates under para-10(v) property tax and service charges would be admissible at the same rates as to the private properties.

06. Financial implication of the proposed subject

This is a statutory requirement.

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

Not applicable.

08. Comments of the Finance Department

N.A

09. Comments of the Department on comments of Finance Department

N/A

10. Legal implications of the subject/project
This is a legal requirement as per Section 55(2) of NDMC Act 1996. Proposed rates would be effective from 1st April, 2017.
11. Details of previous Council Resolution, existing law or Parliament and Assembly on the subject
In Financial Year 2016-17, the rates and rebates were approved vide Resolution No.03(F-01) dated 27/01/2016 by Council, enclosed as Annexure 'A' (See pages 39-42).
12. Comments of the Law Department on the subject/project
This is a requirement of statute and as such no legal implications.
11. Comments of the Department on the comments of Law Department

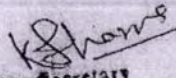
NIL

Recommendations

A detailed proposal as contained in Paras - 03 to 05 on the Determination of Municipal taxes, rates, cesses and rebates for the financial year 2017-18 is placed before the Council for ratification.

COUNCIL'S DECISION

The Council resolved to ratify the proposal contained in Paras 03 to 05 of the preamble regarding determination of municipal taxes, rates, cesses and rebates for the Financial Year 2017-18, and other related matters.


Secretary
New Delhi Municipal Council
Vaidya Kendra, New Delhi

Hindustan Times

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA, NEW DELHI
(PROPERTY TAX DEPARTMENT)
PUBLIC NOTICE

(Extension of date of rebates for payment of Property Tax: 2017-18)

The Property Tax payers of the NDMC area are hereby informed that the date of 10% prompt payment rebate has been extended upto 31.01.2018. Aforesaid 10% rebate will be applicable on the Net Tax for the year 2017-2018, after grant of other rebates as approved by the Council vide Resolution No. 07(E-02) dated 06.03.2017.

Accordingly, all the Tax payer who could not make the payment of Property Tax for the year 2017-2018 as per Bye Laws, 2009, are requested to pay the tax before 31.01.2018 after availing all the rebates, as mentioned on the bills, already sent to them. If any Tax Payer has not yet received the Property Tax Bill, a duplicate bill can be received from the office of A.O. (Tax), NDMC, 18th Floor, Palika Kendra, New Delhi, between 10 A.M. to 2.00 P.M. on all working days.

No rebates will be allowed after 31.01.2018

Director (Tax)

Him dus Tum Hindi

नई दिल्ली नगरपालिका परिषद
पालिका केन्द्र, नई दिल्ली
(सम्पत्ति कर विभाग)
सार्वजनिक सूचना

(सम्पत्ति कर 2017-18 के भुगतान के लिए छूट की तिथि का विस्तार)

एनडीएमसी क्षेत्र के सभी सम्पत्ति करदाताओं को सूचित किया जाता है कि 10 प्रतिशत शीम भुगतान छूट की तिथि 31.01.2018 तक बढ़ा दी गई है। उपरोक्त 10 प्रतिशत छूट, परिषद द्वारा मस्ताव सं. 07(ई-02) दिनांक 06.03.2017 के माध्यम से अनुमोदित किये गये अन्य छूट प्रदान करने के बाद वर्ष 2017-2018 के लिए निवल कर लागू होगी।

तदनुसार सभी करदाता जिन्होंने उपनियम 2009 के अनुसार वर्ष 2017-2018 के लिए सम्पत्ति कर का भुगतान नहीं किया है, उनसे अनुरोध है कि वह पहले से उन्हें भेजे गये बिलों पर वर्णित अनुसार सभी छूट का लाभ उठाने के बाद 31.01.2018 तक कर का भुगतान करें। यदि किसी करदाता को अभी तक सम्पत्ति कर बिल प्राप्त नहीं हुआ है तो वह ए.ओ. (कर), एनडीएमसी, 18वां तल, पालिका केन्द्र, नई दिल्ली के कार्यालय से सभी कार्यदिवसों में प्रातः 10.00 बजे से अपर 2.00 बजे के बीच डब्लीकेट बिल प्राप्त कर सकता है।

31.01.2018 के बाद कोई छूट नहीं दी जाएगी।

निदेशक (कर)

Daily Pratap

नई दिल्ली सिविल काउंसिल
पालिका केन्द्र, नई दिल्ली
(सर्वजनिक सूचना)

اطلاع عام

(جائیداد ٹیکس 2017-18 کی ادائیگی کے لئے چھوٹ کی تاریخ میں اضافہ)

این ڈی ایم سی علاقے کے سبھی جائیداد ٹیکس دہندگان کو اس کے ذریعے مطلع کیا جاتا ہے کہ 10 فیصد فوری ادائیگی چھوٹ کی تاریخ 31-01-20 کے بعد 31-01-20 تک بڑھادی گئی ہے۔ مذکورہ 10 فیصد چھوٹ، کونسل کے ذریعے پراسٹنڈنٹ نمبر 07(ای-02) مورخہ 06-03-20 کے ذریعے سے منظور کی گئی دیگر چھوٹ فراہم کرنے کے بعد سلا 20-2017 کے لئے عین پر لاگو ہوگی۔

اس کے مطابق، سبھی ٹیکس دہندگان جنہوں نے ذیلی مطابق 2008 کے مطابق سلا 20-2017 کے لئے جائیداد ٹیکس کی ادائیگی نہیں کی ہے، ان سے گزارش ہے کہ وہ پہلے سے انہیں بھیجے گئے بیلوں پر اندراج کے مطابق تمام چھوٹ کا فائدہ اٹھانے کے بعد 31-01-20 تک ٹیکس کی ادائیگی کریں۔ اگر کسی ٹیکس دہندہ کو ابھی تک جائیداد ٹیکس بل موصول نہیں ہوا ہے تو وہ ایسے او (ٹیکس)، این ڈی ایم سی 18 ویں منزل، پالیکا کے اندر، نئی دہلی کے دفتر سے بھی کام کے دنوں میں 10:00 بجے سے دوپہر 2:00 بجے کے درمیان ڈبلکیت بل حاصل کر سکتے ہیں۔

31-01-2018 کے بعد کوئی چھوٹ نہیں دی جائے گی۔

ڈائریکٹر (ٹیکس)

ITEM NO. 28 (A-36)

1. Name of the subject/project:-

Purchase/work of stainless steel items for Smart City Project from Steel Authority of India(SAIL)

2. Name of the Department/Department Concerned:-

Civil Engineering Department-II, NDMC

3. Brief History of the Subject/Project:-

Govt. of India selected the NDMC for development of New Delhi Municipal Council area under Smart City. In the past council approved resolution vide item No. 02/03/2017 for purchase of Stainless steel items for Smart City Projects from the SAIL Amount Rs. 3.00 Crore. Under the said scheme 02 Nos. Bus Q Shelters at Shanti Path & 01 No. Solar Tree at Palika Vatika Palika Parking and the Kiosk/information centre at Heritage Charkha Museum were installed besides purchase of Sitting benches and Dustbins etc, etc and the said amount of Rs. 3.00 Crore have now been exhausted as per detail given below:-

a) Kiosk/Information centre at Heritage Charkha Museum-	Rs. 8.04 Lacs.
b) Solar Tree with Dome like structure-	Rs. 53.00 Lacs
c) 02 Nos. Bus Q Shelter-	Rs. 45.60 Lacs
d) Dustbins 03/02 compartments-	Rs. 35.44 Lacs
e) Procurement of sitting benches/S.S. Lion (Make in India)	Rs. 167.43 Lacs
	Total Rs. 309.51 Lacs

The work of Solar Tree and Bus Q Shelter have been appreciated authorities concerned looking into the Scheme of Smart City Mission and MOUD. It has now been further decided that various street furniture consisting of Solar Tree, Multipurpose sitting benches, bins and kiosk/information centre may again be procured through SAIL and Solar provision wherever required shall be provided by the CEL.

4. Detailed Proposal on the Subject/Project

Recently, Under the said scheme 02 Nos. Bus Q Shelters at Shanti Path & 01 No. Solar Tree at Palika Vatika Palika Parking and the Kiosk/information centre at Heritage Charkha Museum were installed besides purchase of Sitting benches and Dustbins etc, etc. The work of Solar Tree and Bus Q Shelter have been appreciated authorities concerned looking into the Scheme of Smart City Mission and MOUD. In the Budget of 2017-2018 of NDMC, it has been emphasized to provide 04 Nos. Bus Q Shelter at Shanti Path and 04 more Solar Tree in NDMC area and more street furniture/land escape items in the NDMC through SAIL and Solar provision wherever required shall be provided by the CEL.

In terms of aesthetic usages in stainless steel for bringing in refreshing changes in the city landscape and further stated that they looked forward to working close in transforming NDMC concepts and ideas into reality, it has now been further decided that various street furniture as detailed below may be procured from SAIL and the related Solar Panel wherever required shall be provided from CEL.

1. Steel Furniture.
2. Security/ Information Kiosk.
3. Smart Multipurpose Benches.
4. Solar Tree.
5. Bollards.
6. Kiosk for Delhi Police with infrastructure panels.

8. Enclosure B. NDMC Building, Sec.
Bus Q Shelter

Further, SAIL will provide above stainless steel items depending upon the grade of steel alongwith fabrication, design etc. The products work will be executed under the relevant rules of 133(3) and 166 of GFR, 2017.

5. Financial Implications of the Proposed Project/Subject:-

Initially cost if Rs. 3.00 Crore under the head of Account of NDMC's Smart City Project.

6. Implementation Schedule with Timeliness for Each Stage including Internal processing:-

Time for completion of the project is 1 year after award of the work.

7. Final Comments of the Finance Department on the Subject with Diary No & Date.:- NIL

The Finance Department concurred in the draft Agenda subject to the following:-

- a) Preparation of Estimate and obtaining A/A & E/S at appropriate level.
- b) Approval to be obtained for the design and specification
- c) Necessary justification/certification for getting the work executed under Rules 133(3) and 166 of GFR, 2017, may also be brought on record.

w.r.t above the department comments are as under:-

- a) It is ensured that the preparation of Estimate and obtaining A/A & E/S at appropriate level.
- b) The design and specification are to be offered from the SAIL itself, however, similar nature work had already been executed very recently after having due approval of the competent authority in r/o design and specification and the same will be applicable in future also with requisite change if required.
- c) The said work related with the Smart City Mission and required to be executed urgently in time bound manner, further more the design/concept/specification is to be provided by the SAIL as well as CEL being both Govt. organization and accordingly these S.S. products/Articles will be executed under the Rules 133(3) and 166 of GFR,2017 and will be procured from Steel Authority of India as well Central Electronics Limited(both are Govt. Organization)

8. Legal Implication of the Subject/Project.-NIL

9. Details of Previous Council Resolution, Existing Law of Parliament and Assembly on the subject-

I. Reso. No. 20 (A-65) dated 02.03.2017

Deferred. The next Council meeting is scheduled at 09:30 a.m. on 06.03.2017, Enclosed as Anneuxre 'A' (See pages 585 - 587).

II. Reso. No. 20 (A-65) dated 06.03.2017

Resolved by the Council "In order to ensure quality product in time, the Council resolved that works such as stainless steel: street furniture, security/ information kiosk, smart multipurpose benches, solar tree, street lights, bollards, litterbins, etc. as a part of the Smart City initiative be awarded to M/s. Steel Authority of India (SAIL), a Maharatna Public Sector Undertaking of the Government of India on nomination basis, upto a total amount of Rs.3.00 Crore (Rs. Three Crore) in terms of GFR 126 and 154.

It was also resolved by the Council that the department may initiate further necessary action in anticipation of confirmation of the minutes of the Council." Enclosed as Annexure 'B' (See pages 588 - 590).

10. Final comments of the Law Department on the subject/Project-NIL

11. Certification by the Department that all Central Vigilance Commission(CVC) Guidelines have been followed while processing the case.

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

12. Recommendation:-

i) Resolved by the council that products such as steel furniture Security/Information Kiosk, Smart Multipurpose benches, Solar Tree, Bus Q Shelter, Bollards, Kiosk/information centre for Delhi Police with interactive panels, litterbins in NDMC buildings etc. initially amounting to Rs. 3.00 Crore be procured and installed as per design approved by NDMC at the various places under NDMC area from the Govt. undertaking i.e. M/s Steel Authority of India(SAIL) and Solar Panel wherever required from CEL. The products/work will be executed under the relevant rules of 133(3) and 166 of GFR, 2017 (Annexue 'C' See pages 591 - 593).

ii) Further, resolved by the council that subsequent action be taken in anticipation of confirmation of the Minutes of the council.

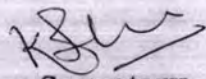
13. Draft Resolution

i) Resolved by the council that products such as Steel furniture, security/information kiosk, Smart Multipurpose benches, Solar Tree, bollards, Litterbins in NDMC building etc initially Amounting to Rs. 3.00 Crore be procured and installed as per design approved by NDMC at the various places under NDMC area from the Govt. undertaking i.e. M/s Steel Authority of India(SAIL). The Solar Panel wherever required from Central Electronics Limited(CEL), Govt. of India Enterprises. The products/work will be executed under the relevant rules of 133(3) and 166 of GFR, 2017 (Annexue 'C' See pages 591 - 593).

ii) Further, resolved by the council that subsequent action be taken in anticipation of confirmation of the Minutes of the council.

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council)
New Delhi.

RLM NO. 20 (A-05)

Convened: Extraordinary Meeting

Dated: 02-03-2017

216/12

1. NAME OF THE SUBJECT/PROJECT:
Purchase/work of Stainless Steel Items for Smart City Project from Steel Authority of India (SAIL).

2. NAME OF THE DEPARTMENT/DEPARTMENTS CONCERNED:
CIVIL ENGINEERING DEPARTMENT -II, NDMC

3. BRIEF HISTORY OF THE SUBJECT/PROJECT:

Govt. of India selected the NDMC for development of New Delhi Municipal Council area as Smart City. Accordingly, it has been decided by the competent authority that to give the NDMC area an aesthetic look products of stainless steels such as Steel Furniture, Security/ Information Kiosk, Smart multipurpose benches, solar tree, bollards, Kiosk for Delhi Police with interactive panels, litterbins in NDMC buildings etc. be provided/ installed at the various places under NDMC area.

4. DETAILED PROPOSAL ON THE SUBJECT/PROJECT:

The proposal is for providing/ installation of different stainless steel items at the NDMC area depending upon the availability of space/ surrounding atmosphere for which different grade of stainless steel required to be placed. The Steel Authority of India (SAIL) is a Govt. Enterprises and is one of the best government enterprises in steel sector including specialization in Stainless Steel products having their own plants at Salem, Tamilnadu. An e-mail along with attachment of their products/ work was received from Sh. M. Ramada, DGM (Mktg) SRM (SS) & Retail, SAIL CMO SRM Office sharing few recent additions they have created in terms of aesthetic usages in stainless steel for bringing in refreshing changes in the city landscape and further stated that they looked forward to working close in transforming NDMC concepts and ideas into reality. In view of their vast experience in the steel field, it has been decided the following products be procured and installed from the SAIL:-

1. Steel Furniture,
2. Security/ Information Kiosk,
3. Smart multipurpose benches,
4. Solar tree,
5. Bollards,
6. Kiosk for Delhi Police with interactive panels,
7. Litterbins in NDMC buildings etc.

Further, SAIL will provide above stainless steel items depending upon the grade of steel along with fabrication, design etc. A MOU will be made between NDMC and SAIL which will be duly vetted by Finance as well as Law Department of NDMC. The products/ work will be executed under the relevant rules of 126 & 154 of GFR.

5. FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT/SUBJECT:
Initially cost is Rs.3.00 crore under the head of account of NDMC's Smart City Project.

6. IMPLEMENTATION SCHEDULE WITH TIMELINESS FOR EACH STAGE INCLUDING INTERNAL PROCESSING
Time for completion of the Project is 1 Year after award of the work.

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

8. LEGAL IMPLICATION OF THE SUBJECT/PROJECT:

9. DETAILS OF PREVIOUS COUNCIL RESOLUTION, EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THE SUBJECT:

NIL

10. FINAL COMMENTS OF THE LAW DEPARTMENT ON THE SUBJECT/PROJECT.

11. CERTIFICATION BY THE DEPARTMENT THAT ALL CENTRAL VIGILANCE COMMISSION (CVC) GUIDELINES HAVE BEEN FOLLOWED WHILE PROJECTING THE CASE
Certified that necessary guidelines of CVC have been followed while processing the case.

12. RECOMMENDATION

(i) Resolved by the Council that products such as Steel Furniture, Security/ Information Kiosk, Smart multipurpose benches, solar tree, bollards, Kiosk for Delhi Police with interactive panels, litterbins in NDMC buildings etc. initially amounting to Rs.3.00 Crore be procured and installed as per design approved by NDMC at the various places under NDMC area from the Govt. Undertaking i.e. M/s. Steel Authority of India (SAIL) by creating a MOU. The products/ work will be executed under the relevant rules of 126 & 154 of GFR.

(ii) Further resolved by the Council that subsequent action be taken in anticipation of confirmation of the minutes of the Council.

13. Draft Resolution

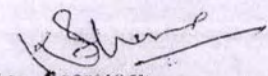
(i) Resolved by the Council that products such as Steel Furniture, Security/ Information Kiosk, Smart multipurpose benches, solar tree, bollards, Kiosk for Delhi Police with interactive panels, litterbins in NDMC buildings etc. initially amounting to Rs.3.00 Crore be procured and installed as per design approved by NDMC at the various places under NDMC area from the Govt. Undertaking i.e. M/s. Steel Authority of India (SAIL) by

Thereby, all the projects/ work will be executed under the relevant rules of 126 or 154 of GFR.

(ii) Further resolved by the Council that subsequent action be taken in anticipation of confirmation of the minutes of the Council.

COUNCIL'S DECISION

Deferred. The next Council meeting is scheduled at 09:30 a.m. on 06.03.2017.


Secy Secretary
New Delhi Municipal Council
Pahla Kendra, New Delhi

ITEM NO. 20 (A-653)

1. NAME OF THE SUBJECT/PROJECT:
Purchase/work of Stainless Steel Items for Smart City Project from Steel Authority of India (SAIL).
2. NAME OF THE DEPARTMENT/DEPARTMENTS CONCERNED:
CIVIL ENGINEERING DEPARTMENT -II, NDMC
3. BRIEF HISTORY OF THE SUBJECT/PROJECT:

Govt. of India selected the NDMC for development of New Delhi Municipal Council area as Smart City. Accordingly, it has been decided by the competent authority that to give the NDMC area an aesthetic look products of stainless steels such as Steel Furniture, Security/ Information Kiosk, Smart multipurpose benches, solar tree, bollards, Kiosk for Delhi Police with interactive panels, litterbins in NDMC buildings etc. be provided/ installed at the various places under NDMC area.

4. DETAILED PROPOSAL ON THE SUBJECT/PROJECT:

The proposal is for providing/ installation of different stainless steel items at the NDMC area depending upon the availability of space/ surrounding atmosphere for which different grade of stainless steel required to be placed. The Steel Authority of India (SAIL) is a Govt. Enterprises and is one of the best government enterprises in steel sector including specialization in Stainless Steel products having their own plants at Salem, Tamilnadu. An e-mail along with attachment of their products/ work was received from Sh. M. Ramada, DGM (Mktg) SRM (SS) & Retail, SAIL CMO SRM Office sharing few recent additions they have created in terms of aesthetic usages in stainless steel for bringing in refreshing changes in the city landscape and further stated that they looked forward to working close in transforming NDMC concepts and ideas into reality. In view of their vast experience in the steel field, it has been decided the following products be procured and installed from the SAIL:-

1. Steel Furniture,
2. Security/ Information Kiosk,
3. Smart multipurpose benches,
4. Solar tree,
5. Bollards,
6. Kiosk for Delhi Police with interactive panels,
7. Litterbins in NDMC buildings etc.

Further, SAIL will provide above stainless steel items depending upon the grade of steel along with fabrication, design etc. A MOU will be made between NDMC and SAIL which will be duly vetted by Finance as well as Law Department of NDMC. The products/ work will be executed under the relevant rules of 126 & 154 of GFR.

- 529 -

5. FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT/SUBJECT:
Initially cost is Rs.3.00 crore under the head of account of NDMC's Smart City Project.

6. IMPLEMENTATION SCHEDULE WITH TIMELINESS FOR EACH STAGE INCLUDING INTERNAL PROCESSING
Time for completion of the Project is 1 Year after award of the work.

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

8. LEGAL IMPLICATION OF THE SUBJECT/PROJECT:

9. DETAILS OF PREVIOUS COUNCIL RESOLUTION, EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THE SUBJECT:

NIL

10. FINAL COMMENTS OF THE LAW DEPARTMENT ON THE SUBJECT/PROJECT.

11. CERTIFICATION BY THE DEPARTMENT THAT ALL CENTRAL VIGILANCE COMMISSION (CVC) GUIDELINES HAVE BEEN FOLLOWED WHILE PROJECTING THE CASE
Certified that necessary guidelines of CVC have been followed while processing the case.

12. RECOMMENDATION

(i) Resolved by the Council that products such as Steel Furniture, Security/ Information Kiosk, Smart multipurpose benches, solar tree, bollards, Kiosk for Delhi Police with interactive panels, litterbins in NDMC buildings etc. initially amounting to Rs.3.00 Crore be procured and installed as per design approved by NDMC at the various places under NDMC area from the Govt. Undertaking i.e. M/s. Steel Authority of India (SAIL) by creating a MOU. The products/ work will be executed under the relevant rules of 126 & 154 of GFR.

(ii) Further resolved by the Council that subsequent action be taken in anticipation of confirmation of the minutes of the Council.

13. Draft Resolution

(i) Resolved by the Council that products such as Steel Furniture, Security/ Information Kiosk, Smart multipurpose benches, solar tree, bollards, Kiosk for Delhi Police with interactive panels, litterbins in NDMC buildings etc. initially amounting to Rs.3.00 Crore be procured and installed as per design approved by NDMC at the various places under NDMC area from the Govt. Undertaking i.e. M/s. Steel Authority of India (SAIL) by

27-590-
creating a model. The product of model will be awarded under the tendered value of 126 & 154 of GFR.

(ii) Further resolved by the Council that subsequent action be taken in anticipation of confirmation of the minutes of the Council.

COUNCIL'S DECISION

In order to ensure quality product in time, the Council resolved that works such as stainless steel; street furniture, security/ information kiosk, smart multipurpose benches, solar tree, street lights, bollards, litterbins, etc. as a part of the Smart City initiative be awarded to M/s. Steel Authority of India (SAIL), a Maharatna Public Sector Undertaking of the Government of India on nomination basis, upto a total amount of Rs.3.00 Crore (Rs. Three Crore) in terms of GFR 126 and 154.

It was also resolved by the Council that the department may initiate further necessary action in anticipation of confirmation of the minutes of the Council.

K. Sharma
Secretary
New Delhi Municipal Council
Bara Nendra, New Delhi



obtained from the appropriate authority in each case.

- (ii) sanction to incur expenditure has been obtained from the competent authority.
- (iii) a properly detailed design has been sanctioned; while designing the projects etc, principles of Life Cycle cost may also be considered.
- (iv) estimates containing the detailed specifications and quantities of various items have been prepared on the basis of the Schedule of Rates maintained by CPWD or other Public Works Organisations and sanctioned.
- (v) funds to cover the charge during the year have been provided by competent authority.
- (vi) tenders invited and processed in accordance with rules.
- (vii) a Work Order issued.

Rule 136 (2) On grounds of urgency or otherwise, if it becomes necessary to carry out a work or incur a liability under circumstances when the provisions set out under sub rule 1 of rule 136 cannot be complied with, the concerned executive officer may do so on his own judgement and responsibility. Simultaneously, he should initiate action to obtain approval from the competent authority and also to intimate the concerned Accounts Officer.

Rule 136 (3) Any development of a project considered necessary while a work is in progress, which is not contingent on the execution of work as first sanctioned, shall have to be covered by a supplementary estimate.

Rule 137 For purpose of approval and sanctions, a group of works which forms one project, shall be considered as one work. The necessity for obtaining approval or sanction of higher authority to a project which consists of such a group of work should not be avoided because of the fact that the cost of each particular work in the project is within the powers of such approval or sanction of a lower authority. This provision, however, shall not apply in case of works of similar nature which are independent of each other.

Rule 138 Any anticipated or actual savings from a sanctioned estimate for a definite project, shall not, without special authority, be

applied to carry out additional work not contemplated in the original project.

Rule 139 Procedure for Execution of Works. The broad procedure to be followed by a Ministry or Department for execution of works under its own arrangements shall be as under :-

- (i) the detailed procedure relating to expenditure on such works shall be prescribed by departmental regulations framed in consultation with the Accounts Officer, generally based on the procedures and the principles underlying the financial and accounting rules prescribed for similar works carried out by the Central Public Works Department (CPWD);
- (ii) preparation of detailed design and estimates shall precede any sanction for works;
- (iii) no work shall be undertaken before Issue of Administrative Approval and Expenditure Sanction by the competent Authority on the basis of estimates framed;
- (iv) Open tenders will be called for works costing Rs. Five lakh to Rs. Thirty lakh;
- (v) limited tenders will be called for works costing less than Rupees five lakhs;
- (vi) execution of Contract Agreement or Award of work should be done before commencement of the work;
- (vii) final payment for work shall be made only on the Personal Certificate of the Officer-in-charge of execution of the work in the format given below:
"I Executing Officer of (Name of the Work), am personally satisfied that the work has been executed as per the specifications laid down in the Contract Agreement and the workmanship is up to the standards followed in the Industry."

Rule 140 For original/minor works and repair works entrusted as per Rule 133(2) or Rule 133(3), the Administrative Approval and Expenditure Sanction shall be accorded and funds allotted by the concerned authority under these rules and in accordance with the Delegation of Financial Power Rules. The Public Works Organisation or the Public Sector Undertaking or any Organisation allotted



GENERAL FINANCIAL RULES 2017

Ministry of Finance

Department of Expenditure

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matter of procurement due to modification in the specifications or terms and conditions, may withdraw from the bidding proceedings without forfeiting any bid security that he may have been required to provide or being penalised in any way, by declaring his intention to withdraw from the procurement proceedings with adequate justification.

Rule 165 Late Bids. In the case of advertised tender enquiry or limited tender enquiry, late bids (i.e. bids received after the specified date and time for receipt of bids) should not be considered.

Rule 166 Single Tender Enquiry. Procurement from a single source may be resorted to in the following circumstances :

- (i) It is in the knowledge of the user department that only a particular firm is the manufacturer of the required goods
- (ii) In a case of emergency, the required goods are necessarily to be purchased from a particular source and the reason for such decision is to be recorded and approval of competent authority obtained.
- (iii) For standardisation of machinery or spare parts to be compatible to the existing sets of equipment (on the advice of a competent technical expert and approved by the competent authority), the required item is to be purchased only from a selected firm

Note : Proprietary Article Certificate in the following form is to be provided by the Ministry/Department before procuring the goods from a single source under the provision of sub Rule 166 (i) and 166 (iii) as applicable.

- (i) The indented goods are manufactured by M/s.....
- (ii) No other make or model is acceptable for the following reasons :
.....
- (iii) Concurrence of finance wing to the proposal vide:
- (iv) Approval of the competent authority vide:

(Signature with date and designation of the indenting officer)

Rule 167 Electronic Reverse Auction

(i) Electronic Reverse Auction means an online real-time purchasing technique utilised by the procuring entity to select the successful bid, which involves presentation by bidders of successively more favourable bids during a scheduled period of time and automatic evaluation of bids;

(ii) A procuring entity may choose to procure a subject matter of procurement by the electronic reverse auction method, if:

- (a) It is feasible for the procuring entity to formulate a detailed description of the subject matter of the procurement;
- (b) There is a competitive market of bidders anticipated to be qualified to participate in the electronic reverse auction, so that effective competition is ensured;
- (c) The criteria to be used by the procuring entity in determining the successful bid are quantifiable and can be expressed in monetary terms; and

(iii) The procedure for electronic reverse auction shall include the following, namely:

- (a) The procuring entity shall solicit bids through an invitation to the electronic reverse auction to be published or communicated in accordance with the provisions similar to e-procurement; and
- (b) The invitation shall, in addition to the information as specified in e-procurement, include details relating to access to and registration for the auction, opening and closing of the auction and Norms for conduct of the auction.

Rule 168 Contents of Bidding Document

All the terms, conditions, stipulations and information to be incorporated in the bidding document are to be shown in the appropriate chapters as below :-

Chapter – 1: Instructions to Bidders.

ITEM NO. 29 (H-12)

1	Name of the subject/project	To implement the decision of Ministry of Home Affairs, Govt. of India in the matter of regularization of contractual doctors/specialists as a follow-up action in pursuance of order dated 15.02.17 of the Hon'ble CAT in the OA No. 3856/2015 in the matter Dr. Preeti Srivastava Vs UPSC & others and OA No. 3662/2015 in the matter Dr. Ritu Paul Vs UPSC & others
2	Name of the department/ departments concerned	Personnel – Health (P-II)
3	Brief history of the subject/project	<p>1. New Delhi Municipal Council vide its resolution No.10 (H-03) dated 20.06.2014 (Annexure-I 614 - 620) & Council resolution no. 11(H-09) dated 27.08.2014 (Annexure-II See pages 621) decided, in principle to move for regularizing the services of contractual medical officers and Specialist by approaching the Union Public Service Commission(UPSC) for amendment of the relevant RRs to provide for their induction, in the manner followed by Delhi Govt. in respect of their contractual doctors as a one-time measure, and to accordingly project the number of vacancies for Direct Recruitment to the UPSC thereafter. In other words, it was inter-alia decided to de-notify proportionate number of vacancies for accommodating the existing contractual medical officers and specialists and to approach UPSC for suitable amendments in the recruitment rules of medical officer/specialists.</p> <p>2. In pursuance of in the above resolution, vide letter No. 966 /HE-II /SA-I dated 08.07.2014 (Annexure-III See page 622), 22 numbers of vacancies earlier proposed to be filled up through CMSE-2014 were de-notified. Further, UPSC was approached vide letter No. 1673/HE-II/SA-I dated 23.12.2014 (Annexure-IV See pages 623) to make suitable amendments in the Recruitment Rules on the analogy of a similar provisions made in the Recruitment Rules for the Doctors working under Delhi Government.</p> <p>3. The UPSC vide their letter No. 3/24N (1)/2014-RR dated 17.04.2015 (Annexure-V See pages 624-625) in reference to this office letter dated 23.12.2014 returned the proposal to NDMC with certain observations. The NDMC vide letter No. F-19(3)/1522/HE-II/353 dated 29.04.2015 replied point wise response to the observation raised. (Annexure-VI See pages 626 - 631).</p> <p>4. The UPSC vide their letter No. 3/24N (1)/2014-RR dated 17.4.15 and dated 23.6.15(Annexure-VII See pages 632 - 633) responded that after careful consideration, the proposal cannot be accepted for following reason:-</p>

	<p>i. Under various methods of recruitment prescribed by the DOP & T, the method of regularization of contractually appointed officials is not a method for regular appointment to any post. Any ad-hoc employee/official who has been recruited through contractual method is also required to go through the same procedure of scrutiny as any other applicant is required to follow in the case of "Direct Recruitment".</p> <p>ii. As contractual appointees have a period of break in between two contractual periods, their total contractual appointment period cannot be counted as one for the purpose of determining their seniority and grade for placement.</p> <p>iii. The NDMC proposes, to bring about the changes and seeks approval of the Commission to a method of recruitment (regularization of the contractual employees), which could result in legal intervention by the Hon'ble Courts, wherein the Commission can also be implicated to have accepted a wrongly drawn proposal.</p> <p>iv. Many representations have been received by the Commission from regular incumbents to the posts, recruited through the Combined Medical Service Examination, wherein they have objected to the proposed de-notification of posts in order to benefit contractual appointees. It is their apprehension that they may suffer if the posts are allowed to be de-notified and the Medical Cadre of NDMC is allowed to move out of the purview of the Combined Medical Service Examination. Copies of the said representations are enclosed for appropriate redressal of the points raised therein, at your end.</p> <p>v. According to DOP & T guidelines, any change in the Service Rules are required to be uploaded by a Department on its website for a minimum period of one month for view of all stakeholders and for inviting their comments, so as the objections/views received may be addressed before sending the proposal to DOP&T/UPSC, in order to avoid legal complications and delay in getting through the proposal. This has not been done in case of this proposal.</p> <p>vi. That the above observations may please be considered, and concurrence of the DOP & T may please be obtained thereon for further consideration of the proposal by the Commission.</p>
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5. As there was divergence between the stands of the council and the UPSC, there were two options i.e. either the council may agree with the UPSC withdrawing its earlier stand or to move ahead despite the views of UPSC. Accordingly the matter was submitted to the Ministry of Home Affairs, Govt. of India with the proposal that NDMC may be allowed to move ahead in accordance with the resolution dated 20.06.2014. In this regard, section 41(2) of the NDMC Act - 1994 may be referred (Annexure - VIII See pages 634 - 635) In support of this proposal, following grounds were communicated to Ministry of Home Affairs:-
- That continuation of the services of the applicants on contract basis for long may not be in the interest of individual as well as NDMC as it would perpetuate and adhoc position.
 - The circumstances, under which NDMC had recruited contract doctors, were pointedly to meet exigencies arising out of long-standing vacancies in several posts of Medical Officers/Specialists due to delay in notification of RRs, and several doctors earlier recruited by UPSC not joining NDMC. This was affecting the medical services and directly impacting our patient care obligation. The contractual appointments were therefore made in the interest of public good and expediency otherwise the medical services of NDMC would have been severely affected, for over many years.
 - The status of retention in NDMC of UPSC selected doctors is as under, in spite of policy to give all such UPSC-selected doctors incentives such as out-of-turn official accommodation in New Delhi area, and favorable even variable working conditions:-

Year	No. of post requisitioned	No. of candidates sponsored by UPSC	No. of doctors joined NDMC
2009	19 posts of GDMO	19	02 (01 resigned)
2010	11 posts GDMO	11	01
2011	04 posts of GDMO	04	Nil
2012	32 posts of GDMO	32	13 (04 resigned)
2013	11 posts of GDMO	11	02
2014	-	-	-
2015	-	-	-
2016	13 posts of GDMO	13	03 joined + 03 likely to join

		<p>6. The MHA after due deliberation, vide its note dated 22.08.2017 (Annexure-IX, See page 636) intimated that <i>the competent authority had decided that NDMC's proposal was not acceptable and the opinion of the UPSC, in their two letters no. 3/24N (1)/2014-RR dated 17.4.15 and no. 3/24N (1)/2014-RR dated 23.6.15, had to be followed.</i></p> <p>7. In view of decision of Competent Authority, MHA as mentioned above to follow the advice of UPSC vide its letter dated 17.04.2015 and 23.06.2015, NDMC is left with no option other than to fill-up the vacancies of Medical Officers and Specialists occupied by the appointment of Doctors on contractual basis through UPSC and to rescind the proposal which was sent to UPSC vide letter dated 23.12.2014 for amendment in the recruitment rules for the post of Specialist, GDMOs, Ayurvedic Physician, Homeopathic Physician and Asstt. Veterinary Surgeon. Since the earlier decision was taken at the level of Council, the matter will have to be placed before the Council for information.</p> <p>8. It will be worth mentioning here that two Original Applications, the details of which are given in point no. 1 above, were filed before the Principal Bench of the Hon'ble CAT by various doctors appointed in NDMC on contracts primarily with the request that action should be taken to regularize their services as permanent employees in NDMC. The Hon'ble CAT disposed off the matter through its order dated 15.02.2017 (Annexure - X See pages 637 - 645). The operative part of the order is as under:-</p> <p>"In the circumstances, the O.A. is disposed of by directing the respondent-NDMC to take a final view on the claim of regularization of applicants and to pass an appropriate speaking and reasoned order thereon, in accordance with law, within 90 days from the date of receipt of this order. No order as to cost."</p> <p>9. Thereafter, matter was then taken up with various authorities as detailed in proceeding paras.</p> <p>10. It will be worth mentioning that in the meantime a notice has been received from Principal Bench of the Hon'ble CAT in Contempt Petition No. 100/843/2017 in O.A. No. 100/3856/2015 MA No. 100/3518/2015 filed by Ms. Preeti Srivastava against Chairperson, NDMC alleging non-compliance of the above mentioned order dated 15.02.2017. <u>The next date of hearing is 05.02.2018.</u></p>
4.	Detailed proposal on the subject	In view of the decision of Competent Authority in MHA to follow the advice of UPSC as communicated vide their letter dated 17.04.2015 and 23.06.2015, the following is placed before the Council;

	<ol style="list-style-type: none"> 1. That all the vacancies in various cadres in medical services Department where RRs provide for recruitment through the UPSC and which are occupied by the appointment on contract basis, will be intimated to UPSC requesting it to take immediate necessary action to fill up the same. 2. That the proposal sent to UPSC vide letter dated 23.12.2014 for amendment in the recruitment rules for the posts of Specialist, GDMOs, Ayurvedic Physician, Homeopathic Physician and Asstt. Veterinary Surgeon will be rescinded. 3. That the decision of the council as mentioned in recommendation No. III, IV, V and regarding modification in the Recruitment Rules by inserting clause 5 (3) and in schedule V of the recruitment rule, as passed through council resolution no.10 (H-03) dated 20.06.2014 and council resolution no.11 (H-09) dated 27.08.2014 will not be pursued further. 4. That a speaking order will be passed rejecting the request of Medical Officers/Specialists appointed on contract to comply with the order dated 15.2.2017 of Central Administrative Tribunal in O.A. No.3856/2015 and O. A. No. 3662/2015, as per draft. (Annexure-XI See pages 646 - 649). The grounds being adduced in the speaking order for rejection of the request of the applicants in the Original Applications are being reproduced below: <ol style="list-style-type: none"> (i) That the most important basis of the Resolution dated 20/06/2014 of the Council was a fact that a similar benefit had been provided to the doctors under Delhi Government by insertion of Rule 6(2) in Delhi Health Services Rule, 2009. It has been ascertained that later on, the validity of the above mentioned Rule 6 (2) was challenged by another set of doctors in Delhi Government. It was noted by the court that earlier there were no Service Rules of the Govt. of NCT of Delhi for the appointment of doctors, and it was in the year 2006 that after the decision of the Cabinet, approved by the Lt. Governor of Delhi, an OM was issued for inclusion of the ad-hoc/contractual appointees in the initial constitution of the cadre. The court held that the said case was different from other cases because in that case, the question was of the inclusion of certain categories of the doctors in the initial constitution of the cadre. When the above position was seen with reference to the case at hand in NDMC, it was noted that such situation did not exist in NDMC as a scheme
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of thing for appointment of doctors on regular basis in NDMC was in operation.

- (ii) That in NDMC, the Recruitment Rules were amended in respect GDMOs and Specialist Doctors on 30th May, 2007. It is noted that while the earlier RRs did not provide for appointment through 'contract' at all, the revised RRs provided for appointment through contract for a period not exceeding three years, which in special circumstances be extended up to five years but such recruitment through contract had to be in consultation with UPSC. Further, any relaxation to these Recruitment Rules had also to be in consultation with UPSC only. It is learnt that in none of the cases the UPSC was consulted.
- (iii) That the doctors appointed on contract can be divided in two parts i.e., those who were appointed after 30th May 2007 and those who were appointed before that date. It is noted that after 30.05.2007, the NDMC did not have any powers to appoint doctors on contract basis at its own because the RRs provided that such appointments on contract could be done only in consultation with the UPSC.
- (iv) That the short term contract has been accepted by the Government of India as one of the 6 regular modes of recruitment and it has been defined as, "a form of deputation where officers from non Government bodies e.g. universities, research institutions, public sector undertakings for teaching, research, scientific and technical post can come to Central Government posts".
- (v) That the RRs of 2007 provide for short term contract for the candidates coming out of these categories only.
- (vi) That it is noted that the appointments of Doctors on contract basis after May 2007 were not only made without consulting UPSC but also without following the above provision of RRs. As regards the appointments made on contract prior to May 2007, it is noted that the earlier RRs did not recognize short term contract as a mode of recruitment. Further it is to be noted that during the period when the doctors concerned were appointed, the provisions of NDMC Act, 1994 were in operation, which specifically provided that the manner of selection for appointment to Group 'A' posts has to be decided in consultation with the

UPSC. It was also not done.

(vii) That thus a harmonious construction of the above position would be that the initial contract of the above mentioned Doctors was ab-initio illegal.

(viii) That it is also noted here that the Hon'ble Supreme Court in its judgment dated 10/04/2006 in Secretary, State of Karnataka vs Uma Devi and Other (Appeal No. 3595-3612 of 1999) ruled that appointments have to be made as per constitutional provisions and as per regular recruitment rules and that the Supreme Court in this judgment considered regularization of contractual employees and muster roll employees as a back door entry.

(ix) That as per records it is also noted that amongst those appointed on contract basis there was no uniform process of selection. In some cases while the selections were made on the basis of the scrutiny of the applications received in response to the advertisements given and the performance in the interview of the respective candidates, in some cases in response to the advertisements given, no applications were called and the selections were made on the basis of the performance in interview only and in some other cases no advertisement was given and the appointments were made on the basis of the individual applications received with the approval of the then Chairman.

(x) That no policy was formulated or no mechanism was followed for providing reservation in these temporary appointments, which is a must as per the instructions of the Govt. of India on the subject.

5. With reference to point no. 4(x) above, the status of the categories to which various doctors appointed in the category of GDMOs and Specialists belonged is as under:-

GDMO Gr. II Cadre

Sr. No.	Year of engagement	Total	UR	SC	ST	OBC
1	2000	1	1	0	0	0
2	2004	2	2	0	0	0
3	2007	10	7	2	0	1

Sr. No.	Year of engagement	Total	UR	SC	ST	OBC
1	2004	3	3	0	0	0
2	2005	2	2	0	0	0
3	2006	1	1	0	0	0
4	2007	2	1	0	0	1
5	2008	1	1	0	0	0
6	2010	1	1	0	0	0
7	2012	1	1	0	0	0
8	2013	3	3	0	0	0
9	2014	4	4	0	0	0
10	2015	1	1	0	0	0
	Total	19	18	0	0	1

It may be seen that against 43 appointments made in all, only 6 candidates (3 SC & 3 OBC) belonged to reserve categories whereas according to the mandate on the subject minimum 21-22 should have been recruited from these categories, even if this recruitment is considered to form a separate class.

5	Financial implications of the proposed project/subject	There are no financial implications of the present proposal.
6	Implementation schedule with timeliness for each stage including internal processing	All the vacancies as mentioned in para 4 above will be intimated to UPSC immediately.
7	Comments of the Finance Department on the subject	This is an Administrative Matter and no financial implication is involved in the proposal.
8	Comments of the department on the comments of the finance department on the subject.	N.A.
9	Legal implication of the subject/project	1. The proposed decision is in accordance with the law of the land as pronounced by Hon'ble Supreme Court of India through its order dated 10.04.2006 in the case of Secretary, State of Karnataka And... vs. Uma Devi and others, case no. Appeal (Civil) 3595-3612 of 1999 (Annexure - XII See pages 650 - 671). In this case the Hon'ble Supreme Court of India laid down the following ratio:- (I) The questions to be asked before

	<p>regularization are:-</p> <p>(a)(i) Was there a sanctioned post (court cannot order creation of posts because finances of the state may go haywire),</p> <p>(ii) is there a vacancy,</p> <p>(iii) are the persons qualified persons and</p> <p>(iv) are the appointments through regular recruitment process of</p> <p>(b) A court can condone an irregularity in the appointment procedure only if the irregularity does not go to the root of the matter.</p> <p>(II) For sanctioned posts having vacancies, such posts have to be filled by regular recruitment process of prescribed procedure otherwise, the constitutional mandate flowing from Articles 14,16,309, 315, 320 etc is violated.</p> <p>(III) In case of existence of necessary circumstances the government has a right to appoint contract employees or casual labour or employees for a project, but, such persons form a class in themselves and they cannot claim equality(except possibly equal pay for equal work) with regular employees who form a separate class. Such temporary employees cannot claim legitimate expectation of absorption/regularization as they knew when they were appointed that they were temporary inasmuch as the government did not give and nor could have given an assurance of regularization without the regular recruitment process being followed. Such irregularly appointed persons cannot claim to be regularized alleging violation of Article 21. Also the equity in favour of the millions who await public employment through the regular recruitment process outweighs the equity in favour of the limited number of irregularly appointed persons who claim regularization.</p> <p>(IV) Once there are vacancies in sanctioned posts such vacancies cannot be filled in except without regular recruitment process, and thus neither the court nor the executive can frame a scheme to absorb or regularize persons appointed to such posts without following the regular recruitment process.</p> <p>(V) At the instance of persons irregularly appointed the process of regular recruitment shall not be stopped. Courts should not pass interim orders to continue employment of such</p>
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irregularly appointed persons because the same will result in stoppage of recruitment through regular appointment procedure.

(VI) If there are sanctioned posts with vacancies, and qualified persons were appointed without a regular recruitment process, then, such persons who when the judgment of Uma Devi is passed have worked for over 10 years without court orders, such persons be regularized under schemes to be framed by the concerned organization.

(VII) The aforesaid law which applies to the Union and the States will also apply to all instrumentalities of the State governed by Article 12 of the Constitution"

2. Further, it is stated that every function of the New Delhi Municipal Council is primarily regulated by and also owes its authority to the NDMC Act - 1994. In the context on this case it would be appropriate to have a look on the provisions as contained in section 40 of the Act, which reproduced as below:

"Section 40: - Consultation with the Union Public Service Commission. - No appointment to any category A post within the meaning of clause (i) of subsection (4) of section 34 shall be made except after consultation with the Commission:

Provided that no such consultation with the Commission shall be necessary in regard to the selection for appointment

(a) to any acting or temporary post for a period not exceeding one year; or

(b) to such ministerial posts as may from time to time be specified by the Council in consultation with the Commission when such posts are to be filled by promotion; or

(c) to a post when at the time of such appointment the person to be appointed thereto is in the service of the Central Government or a State Government in a Group A post;

(d) to a permanent or temporary post, if the officer or other employee to be appointed is not likely to hold that post for more than one year; or if such officer or other employee is likely to hold the post for more than one year but not more than three years and the Commission

advises that the appointment may be made without consulting the Commission; or

(e) to such other posts, as may, from time to time, be specified by the Central Government in consultation with the Commission."

3. Further, section 41 of the Act provides as under:

"Section 41: - Power of Commission to make regulations and reference to the Central Government in case of difference between the Commission and the Council.-

(1) The Commission may make regulations for the following matters, namely:-

(a) the procedure to be followed by the Commission in advertising posts, inviting applications, scrutinizing the same and selecting candidates for interview;

(b) the procedure to be followed by the Commission for selecting candidates for appointment and by the Council for consultation with the Commission;

(c) any other matter which is incidental to, or necessary for, the purpose of consultation with the Commission.

(2) In the case of any difference of opinion between the Commission and the Council on any matter, the Council shall refer the matter to the Central Government and the decision of that Government thereon shall be final."

4. Furthermore section 43 of the Act provides under :-

"Section 43: - Power of Council to make regulations. - (1) The Council may make regulations to provide for anyone or more of the following matters, namely:-

(a) the tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence and other conditions of service of officers and other employees appointed under this Chapter;

(b) the powers, duties and functions

of Secretary;

(c) the qualifications of candidates for appointment to posts specified in section 33 and to posts dealt with in the Schedule of posts referred to in sub-section (1) of section 34 and the manner of selection for appointments to such posts;

(d) the procedure to be followed in imposing any penalty under subsection (1) of section 39, suspension pending departmental inquiries before the imposition of such penalty and the authority by whom such suspension may be ordered; the officer or authority to whom an appeal shall lie under subsection (4) of that section;

(e) Any other matter which is incidental to or necessary for, the purpose of regulating the appointment and conditions of service of persons appointed to services and posts under the Council and any other matter for which in the opinion of the Council provisions should be made by regulations.

(2) No regulation under clause (c) of sub-section (1) shall be made except after consultation with the Commission.

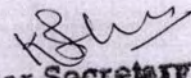
The harmonious construction of the above provisions is that the Council can make appointment to any category "A" post only after consultation with UPSC and UPSC has the powers to make regulations to decide the procedure through which candidates have to be selected and on all other such matters which would be incidental to, or necessary for, the purpose of consultation with the UPSC in the matter (Section 41(1) of the NDMC Act - 1994). In case of any difference of opinion between the UPSC and the Council the matter has to be referred to the Central Government whose decision thereon shall be final (Section 41(2) of the NDMC Act - 1994). The Act specifically provides that the manner of selection for appointment to such posts has to be decided by the Council by way of making regulations but no such regulations shall be made without consultation with the UPSC (Section 43(2) of the NDMC Act - 1994). It follows from the above very unambiguously that as per the provisions of the Act the Council is bound to make consultation with

		<p>the UPSC in all the matters relating to appointment, qualifications and manner of selection to its category "A" and "B" posts and in case of difference of opinion, the issue has to be referred to the Central Government whose decision shall be final.</p> <p>In this case there was a difference of opinion between the Commission and the Council and the same has been finally decided by the Central Government, as mentioned at point no. 6 of row no. 3 above. The council has no option but to follow the directions, which were communicated by the Ministry of Home Affairs through its communication no. 14011/16/2017-Delhi-II dated 22.08.2017 (<u>Annexure – IX See page 636</u>). The speaking order as placed as Annexure – XI See pages is being issued in compliance to the order dated 15.02.2017 (<u>Annexure – X See pages 637 - 645</u>) of the Hon'ble CAT, Principal Bench in <i>OA No. 3856/2015 in the matter Dr. Preeti Srivastava Vs UPSC & others</i> and <i>OA No. 3662/2015 in the matter Dr. Ritu Paul Vs UPSC & others</i></p>
10.	Details of previous Council Resolution, existing law of Parliament and Assembly on the subject	<p>Council Resolution No. 10 (H-03) dated 20.06.2014 (<u>Annexure – I See pages 614 - 620</u>).</p> <p>Council resolution no.11 (H-09) dated 27.08.2014 (<u>Annexure – II See page 621</u>).</p>
11.	Comments of the Law Department on the subject/project	<p>The operative part of comments of the Law department is as under:-</p> <p><i>The issues are administrative in nature and no comments are required from Law Department as such.</i></p>
12.	Comments of the department on the comments of the law department on the subject.	N.A.
13.	Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case	Not Applicable
14.	Recommendation	<p>In view of the decision of Competent Authority in MHA to follow the advice of UPSC as communicated vide their letter dated 17.04.2015 and 23.06.2015, the following is placed before the Council;</p> <ol style="list-style-type: none"> 1. That all the vacancies in various cadres in medical services Department where RRs provide for recruitment through the UPSC and which are occupied by the appointment on contract basis, will be intimated to UPSC requesting it to take immediate necessary action to fill up the same. 2. That the proposal sent to UPSC vide letter dated 23.12.2014 for amendment in the recruitment rules for the posts of Specialist, GDMOs, Ayurvedic Physician, Homeopathic Physician and Asstt. Veterinary Surgeon will be rescinded.

		<p>3. That the decision of the council as mentioned in recommendation no. III, IV, V and regarding modification in the Recruitment Rules by inserting clause 5 (3) and in schedule V of the recruitment rule, as passed through council resolution no.10 (H-03) dated 20.06.2014 and council resolution no.11 (H-09) dated 27.08.2014 will not be pursued further.</p> <p>4. That a speaking order will be passed rejecting the request of Medical Officers/Specialists appointed on contract to comply with the order dated 15.2.2017 of Central Administrative Tribunal in O.A. No.3856/2015 and O. A. No. 3662/2015, as per draft. (Annexure-XI See pages 646 - 649)</p>
15.	Draft Resolution	Resolved by the Council that the proposal as contained in para 14 is approved.

COUNCIL DECISION'S

Deferred.


 For Secretary
 New Delhi Municipal Council J
 New Delhi.

~~ANNEXURE I~~

Annexure - I

-614-

ITEM NO. 10 (H-03)

Copy of Memo. No. 10 (H-03)

Ordinary Meeting

~~20/06/2014~~

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.

Dir. (P)

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 *inter alia* 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 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.

- 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. If 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.

11/9/14
For Secretary
New Delhi Municipal Council
New Delhi

ITEM NO. 11 (H-09)

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Copy of Reso. No. 11 (H-09)
of
Council Ordinary Meeting
Dated 27/08/2014

Annexure-II

DEPARTMENT : PERSONNEL DEPTT. (HEALTH ESTABLISHMENT UNIT-II)

INFORMATION FOR COUNCIL

The Council in its meeting held on 20.06.2014 vide Resolution No. 10 (H-02) took some decisions regarding terms and condition of service of the contractual Medical Officer and Specialists.

As per the Recommendation in the Para 14 (III), a Committee consisting of Director (P), Medical Officer of Health, Director (MS) and Director (CPH) was constituted to 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.

The matter regarding constitution of Committee was reviewed by the Chairman and it was felt that the Committee's constitution is involving more upon Medical scrutiny while it is essentially a personnel issue. It has therefore, been decided to constitute the Committee with lesser and more focused persons relevant to the issue, i.e. Director (P), Director (GA) and Director (CPH) as members.

The Council is accordingly requested to approve the modified constitution of the Committee.

COUNCIL'S DECISION

Resolved by the Council to approve the modified constitution of the Committee.

For Secretary
New Delhi Municipal Council
Rajendra Kendra, New Delhi

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Annexure - II

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NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA: NEW DELHI
HEALTH ESTABLISHMENT UNIT-II

Annexure - III

Dated 08/07/2014

No. 966 /S.O.(HE-II)/SA-I

Sh. R. K. Arora,
Additional Secretary
Union Public Service Commission
Dholpur House, Shahjahan Road,
New Delhi - 110 069.

Ref.: Fax D. O. letter No.14/2/2013-E-I(B) dated 30.06.2014.

Sir,

Kindly refer to your letter No. 14/2/2013-E-I(B) dated 30.06.2014 in which it has been requested to intimate the final number of vacancies to be filled as GDMO in NDMC through Combined Medical Services Examination-2014. In this regard hereby refer to our letter No. D-909/S.O.(HE-II)/SA-I dated 18.06.2014 requesting you to hold the requisition.

With the approval of Competent Authority, I am directed to inform you that the services of no GDMO are required through CMSE-2014 in this council. Therefore, no names may please be sponsored.

(R. K. Gaur)
Director (Personnel)
Tel. No. 23348475
Extn. 2023

o/c

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NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA: NEW DELHI
HEALTH ESTT. UNIT-II

Annexure - IV

Dated: 23/12/14

No. 673/H.E.-II/SA-I

The Secretary,
Union Public Service Commission,
Shahjahan Road,
New Delhi

Sub.:- Framing of Recruitment Rules for the post of Specialist, GDMOs, Ayurvedic Physician, Homeopathic Physician & Veterinary Surgeon.

Sir,

The Council vide its Reso. No. 10(H-02) dated 20.06.2014 has taken the decision for following amendment in the RRs for the post of Group 'A' posts:

"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."**

In the light of UPSC notification dated 04.07.96, regular appointment in NDMC to Group 'A' posts are to be made in consultation with the UPSC and the Recruitment Rules for all the Group 'A' posts are to be got approved from the UPSC.

Accordingly, the Recruitment Rules for the following posts are prepared and above mentioned clause has been made in the RRs with the 6th CPC scale is enclosed herewith:-

Sr. No.	Name of Post
1	Specialists (different categories)
2	GDMOs
3	Ayurvedic Physician
4	Homeopathic Physician
5	Veterinary Surgeon

It is therefore requested that concurrence of the Commission may kindly be communicated.

Yours faithfully,

(O.P. Mishra)

Director (IT)/Project/Special Cel

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No.3/24N(1)/2014-RR
UNION PUBLIC SERVICE COMMISSION
DILOPUR HOUSE, SHAJAHAN ROAD
NEW DELHI - 110069

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Amesur-V

Dated the 17th April, 2015

To

Shri O.P. Mishra,
Director (Projects),
New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-1100 01

Subject: Amendment in Service Rules for the posts of Specialist, GDMOs, Ayurvedic Physician and Homeopathic Physician in New Delhi Municipal Corporation - Reg.

Sir,

I am directed to refer to your letter number No. D-1673/11.E.-II/SA-1 dated 23.12.2014 vide which the above mentioned proposal for amendment of Service Rules for the posts of Specialist, GDMOs, Ayurvedic Physician and Homeopathic Physician in NDMC was submitted to the Commission for approval. In this connection it is informed that the said proposal has been examined in the Commission and the same is returned herewith with the following observations:

- i) Under various methods of recruitment prescribed by the DoP&T, the method of regularization of contractually appointed officials is not a method for regular appointment to a post. Any ad-hoc employee/official who has been recruited through contractual method is also required to go through the same procedure of scrutiny as any other applicant is required to follow in the case of "Direct Recruitment".
- ii) Further, if contractual appointees have a period of break in between two contractual periods, ~~their total contractual~~ appointment period cannot be counted as one for the purpose of determining their seniority and grade of placement.
- iii) In this context, many representations have been received from regular incumbents in the posts, who have been recruited through the Combined Medical Service Examination of the

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Commission, wherein it has been highlighted that the recruitment process has been changed by the NDMC by proposing de-notification of posts in order to benefit contractual appointees. NDMC has not given any reasons for the same.

iv) It is apprehended that the regular incumbents to the Service may suffer if the posts are continued to get denotified and the Medical Cadre of NDMC is permitted to move out of the purview of the Combined Medical Service Examination with the objective of facilitating the contractual appointees to the positions.

v) In case of other similar Services of Medical Cadre, the Commission's stand is that there should be specific mention of the number of posts in SAG Grade in order to facilitate better cadre management. However, in NDMC's Medical Cadre, the number of posts at the SAG level has not been mentioned which is not appropriate.

vi) According to DoP&T guidelines, any change in the Service Rules are required to be uploaded by a Department on its website for a minimum period of one month to invite comments and after due consideration of the representations from various stakeholders, should the given proposal be sent to DoP&T/UPSC for further consideration. However, present proposal of NDMC has not been forwarded to the Commission after following said DoP&T guidelines.

2. It is, therefore, requested that the NDMC may reconsider the proposal and submit only after following the necessary guidelines of DoP&T as envisaged for amendment of any Service Rules for any Service of Civil Post. Further discussion on the same could be held with the undersigned on a mutually convenient date.

Yours faithfully

(S.K.)
Under Secretary
Union Public Service Commission
Tel: _____

OFFICE OF THE CHAIRPERSON
NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA, NEW DELHI

Annexure-VI

To

The Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi-110069

Sub.: Amendment in Service Rules for the posts of
Specialist, GDMOs, Ayurvedic Physician and
Homeopathic Physician in New Delhi Municipal
Council

In reference to letter from UPSC dated 17.04.2015
returning the proposal on the above mention subject, point-
wise response to the observations raised is as below:-

- (i) (a) Although regularization of contract appointment is not the usual method for regular appointment to a post, it carries a sanctity as long as the ad-hoc employee recruited under contractual method is also required to go through the same vigorous procedure of scrutiny. It is added that DOPT vide OO No. 21011/2180/Estt (c) dated 19/5/1983, also recognises short-term contract as a legitimate method of recruitment (3.11.1 column 10 (8)).

- b) The circumstances under which NDMC had recruited contract doctors, were pointedly to meet exigencies arising

out of long-standing vacancies in several posts of Medical Officers/Specialists due to delay in notification of RRs, and several doctors earlier recruited by UPSC not joining NDMC. This was affecting the medical services and directly impacting our patient care obligation. The contractual appointments were therefore made in the interest of public good and expediency otherwise the medical services of NDMC would have been severely affected, for over seven years.

c) I am enclosing the status of retention in NDMC of UPSC selected doctors. This is, in spite of our policy to give all such UPSC - selected doctors incentives such as out-of-turn official accommodation in New Delhi area, and favorable even variable working conditions:

Year	No. of Post requisitioned	No. of candidates sponsored by UPSC	No. of Doctors joined NDMC
2009	19 posts of GDMO	19	02 (01 resigned)
2010	11 posts of GDMO	11	01
2011	04 posts of GDMO	04	Nil
2012	32 posts of GDMO	32	13 (04 resigned)
2013	11 posts of GDMO	11	02

d) Before enactment of the New Delhi Municipal Council Act 1994, appointment of Doctors (Group A Officers) at NDMC was being done directly, in case of both General Duty

Medical Officers and Specialists. The NDMC Act, 1994 envisages that all Class 1 and 2 appointments are to be made in consultation with UPSC. The recruitment rules (RR) for various posts were, therefore, finally notified in the official gazette of Govt. of Delhi, dated May 25-31, 2007. No regular appointments were made between 1994 to May 2007.

e) This emphasized that the mode of recruitment adopted for selection of doctors on contract was all along very similar to what is being followed by UPSC. Posts were duly advertised, candidates meeting essential educational qualifications, experience and other eligibility criteria, as prescribed by UPSC, were called for interview by NDMC. The interview board invariably consisted of the Secretary NDMC along with other HODs, technical experts and External technical experts. NDMC realizes that these contractual doctors have devoted a substantial part of their professional lives to run this essential service and also have proved to be long-standing 'assets' for NDMC.

f) Even the Govt. of Delhi, while constituting its health cadre in 2006, had taken up the cases of the contractual doctors working in Govt. of Delhi all along, and took steps to absorb them in the permanent cadre, as per provisions of Rule 6 (ii) of DHS RULE 2009. The Govt. of Delhi, in fact, is actively considering regularization of services of such doctors recruited even thereafter.

(ii) In reference to the proposal sent to the UPSC by NDMC, the Council proposes to amend rule 5 by inserting para (3). Therein, the issue regarding seniority of the contract doctors has not been brought up before the UPSC as in any case, determination of their inter-se seniority will be done as per extant rules. The break in service has been considered to be "arbitrary" and they do not stand legal scrutiny. The conclusion drawn by direct recruitees (via UPSC) is presumptive in nature and does not stand intensive scrutiny.

(iii) Representation from regular incumbents to the posts, who have been recruited through the combined medical services examination of the UPSC, is in fact misplaced and based on apprehension rather than appreciation of the facts on ground. Amendment in RR rule 5 of NDMC to insert Para (3) has been proposed to facilitate implementation of decision by the NDMC Council to regularize contract employees. The intention of this one-time measure, to regularize services of the contractual **doctors, is** only to protect the long-standing interest of NDMC and public at large, so that essential medical services function smoothly and patient care services are provided uninterruptedly. The benefit to the contractual employees, if it can be called so, is a consequence of this decision, to provide smooth patient care services to general public over the last decade, which was really the

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consequence of situation created by inadequate filling up of the regular vacancies in a fast-growing health care obligations.

- (iv) Apprehension of regular incumbents, that they would suffer if the posts get de-notified, is not valid as they are already appointed to their posts. Absorbing contractual appointees in a permanent health cadre is in no way going to affect UPSC -appointed doctors' continuation in the services of NDMC. Also, de-notification is only for specific number of posts against which contractual doctors are working. It is a one-time measure taken in public interest and not a continuous process, and it is a fallacy to presume or concur that the medical cadre of NDMC might move out of the purview of combined medical services of the UPSC.
- (v) The current proposal is specifically and only for amendment of RR, rule 5. The number of posts at SAG level would continue to be by time-bound promotion, and all candidates eligible for the post would be granted the same.
- (vi) On our part, the NDMC had provided enough opportunities to members of public/any other affected parties to raise their objections/concerns on the proposed amendments to RRs, by making it available in public domain for objections, as part of the prescribed standard

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practice of transparency adopted for the past several years before minutes were finally confirmed by the Council.

Besides, the Council resolution, proposing this amendment in service rule has been uploaded on the NDMC website in August 2014 and remains available online. (www.ndmc.gov.in)

The proposal is therefore resubmitted for consideration by the UPSC, since retention of these experienced doctors is much needed in public interest for running of our hospital and dispensaries, a copy of Agenda Item, which was submitted to the Council explaining the reasons for this proposal, is annexed herewith as justification, for detailed scrutiny at your end.

Shreevastava

(JALAJ SHRIVASTAVA)
CHAIRPERSON, NDMC
29.04.2015

✓ Copy to Director(P) for info. & a/p.

Dated the 23rd June, 2015

To

The Chairperson,
New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-1100 01

Re-examine
and put up

Subject: Amendment in Service Rules for the posts of Specialist, GDMOs, Ayurvedic Physician and Homeopathic Physician in New Delhi Municipal Corporation - Reg.

Within
a week time

Sir,

I am directed to refer to your letter number No. 19(3)/1522/HE-II/353 dated 29.04.2015 on the subject mentioned above and to say that after careful consideration, the proposal cannot be accepted for the following reasons:

Chairman
Secy.

i) Under various methods of recruitment prescribed by the DoP&T, the method of regularization of contractually appointed officials is not a method for regular appointment to any post. Any ad-hoc employee/official who has been recruited through contractual method is also required to go through the same procedure of scrutiny as any other applicant is required to follow in the case of "Direct Recruitment".

ii) As contractual appointees have a period of break in between two contractual periods, their total contractual appointment period cannot be counted as one for the purpose of determining their seniority and grade for placement.

SA 2
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25/6/15

iii) The NDMC proposes to bring about the changes and seeks approval of the Commission to a method of recruitment (regularization of the contractual employees), which could result in legal intervention by the Hon'ble Courts, wherein the Commission can also be implicated to have accepted a wrongly drawn proposal.

Dis (P)
JD (H)

iv) Many representations have been received by the Commission from regular incumbents to the posts, recruited through the Combined Medical Service Examination, wherein they have objected to the proposed de-notification of posts in order to benefit contractual appointees. It is their apprehension that they may suffer if the posts are allowed to be de-notified and the Medical Cadre of NDMC is allowed to move out of the purview of the "Combined Medical Service Examination". Copy(s) of the said representations are enclosed for appropriate redressal of the points raised therein, at your end.

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v) According to DoP&T guidelines, any change in the Service Rules are required to be uploaded by a Department on its website for a minimum period of one month for view of all stake-holders and for inviting their comments, so as the objections / views received may be addressed before sending the proposal to DoP&T / UPSC, in order to avoid legal complications and delay in getting through the proposal. This has not been done in case of this proposal.

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R-1881/20/14
29/6/15

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27/6/15

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Contd.,...2/-

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2. It is requested that the above observations may please be considered, and concurrence of the DoP&T may please be obtained thereon for further consideration of the proposal by the Commission.

3. The proposal is treated as returned.

Yours faithfully

B. S. Heet
(B. S. Heet)

Under Secretary (RR)
Union Public Service Commission
Tel: 23385306

40. Consultation with the Union Public Service Commission.—No appointment to any category A post within the meaning of clause (i) of sub-section (4) of section 34 shall be made except after consultation with the Commission:

Provided that no such consultation with the Commission shall be necessary in regard to the selection for appointment—

- (a) to any acting or temporary post for a period not exceeding one year; or
- (b) to such ministerial posts as may from time to time be specified by the Council in consultation with the Commission when such posts are to be filled by promotion; or
- (c) to a post when at the time of such appointment the person to be appointed thereto is in the service of the Central Government or a State Government in a Group A post;
- (d) to a permanent or temporary post, if the officer or other employee to be appointed is not likely to hold that post for more than one year; or if such officer or other employee is likely to hold the post for more than one year but not more than three years and the Commission advises that the appointment may be made without consulting the Commission; or
- (e) to such other posts, as may, from time to time, be specified by the Central Government in consultation with the Commission.

41. Power of Commission to make regulations and reference to the Central Government in case of difference between the Commission and the Council.—

(1) The Commission may make regulations for the following matters, namely:—

- (a) the procedure to be followed by the Commission in advertising posts, inviting applications, scrutinizing the same and selecting candidates for interview;
- (b) the procedure to be followed by the Commission for selecting candidates for appointment and by the Council for consultation with the Commission;
- (c) any other matter which is incidental to, or necessary for, the purpose of consultation with the Commission.

(2) In the case of any difference of opinion between the Commission and the Council on any matter, the Council shall refer the matter to the Central Government and the decision of that Government thereon shall be final.

42. Recruitment to category B and category C posts.—The direct recruitment to category B and category C posts may be made by the Government through such agencies as may be prescribed for it.

43. Power of Council to make regulations.—(1) The Council may make regulations to provide for any one or more of the following matters, namely:—

- (a) the tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence and other conditions of service of officers and other employees appointed under this Chapter;

- (b) the powers, duties and functions of Secretary;
- (c) the qualifications of candidates for appointment to posts specified in section 33 and to posts dealt with in the Schedule of posts referred to in sub-section (1) of section 34 and the manner of selection for appointments to such posts;
- (d) the procedure to be followed in imposing any penalty under sub-section (1) of section 39, suspension pending departmental inquiries before the imposition of such penalty and the authority by whom such suspension may be ordered; the officer or authority to whom an appeal shall lie under sub-section (4) of that section;
- (e) any other matter which is incidental to or necessary for, the purpose of regulating the appointment and conditions of service of persons appointed to services and posts under the Council and any other matter for which in the opinion of the Council provisions should be made by regulations.

(2) No regulation under clause (c) of sub-section (1) shall be made except after consultation with the Commission.

CHAPTER VII REVENUE AND EXPENDITURE

The New Delhi Municipal Fund

44. Constitution of the New Delhi Municipal Fund.—(1) Save as otherwise provided in this Act—

- (a) all funds which immediately before the establishment of the Council vested in the New Delhi Municipal Committee;
- (b) all moneys received by or on behalf of the Council under the provisions of this Act or of any other law for the time being in force, or under any contract;
- (c) all proceeds of the disposal of property by, or on behalf of, the Council;
- (d) all rents accruing from any property of the Council;
- (e) all moneys raised by any tax, rate or cess levied for the purposes of this Act;
- (f) all fees collected and all fines levied under this Act or under any rule, regulation or bye-law made thereunder;
- (g) all moneys received by or on behalf of the Council from the Government or Central Government or any individual or association of individuals by way of grant or gift or deposit;
- (h) all interests and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Council, including loans advanced under this Act; and
- (i) all moneys received by or on behalf of the Council from any other source whatsoever,

shall form one Fund in this Act referred to as the New Delhi Municipal Fund.

(2) The New Delhi Municipal Council shall maintain a separate Account relating to the Fund and the same shall be maintained.

45. New Delhi Municipal Fund.—(1) All moneys payable by or for the Council shall be paid into the State Bank of India or any other bank approved by the Government. The General Account shall be maintained in the State Bank of India.

46. Operation of the Fund.—(1) No payment shall be made out of the Municipal Fund except in accordance with the following provisions:

- (a) the Finance Committee;
- (b) the Council;
- (c) the Chairperson.

(2) Payment of any sum shall be made by the Council and not in any other manner.

(3) Payments shall be made in accordance with the following provisions:

47. Payments.—(1) Payment of any sum shall be made by the Council and not in any other manner. The expenditure of the Council shall be paid out of the balance of such sum and transfer thereof shall be made by the Council.

Provided that the Council shall maintain a separate Account relating to the Fund and the same shall be maintained.

- (a) refund of any sum paid by the Council;

- (b) repayment of any sum held in the Municipal Fund;

- (c) sums received by the Council;

- (i) under the provisions of this Act;

- (ii) under the provisions of any other law;

- (iii) under the provisions of any other law;

- (iv) under the provisions of any other law;

- (v) under the provisions of any other law.

- 30N - 636 -

Annex - VIII

IX

Annexure - IX

F.No.14011/16/2017-Delhi-II
Government of India
Ministry of Home Affairs

93B, North Block, N.Delhi
New Delhi, dated the 22nd August, 2017

Subject : NDMC-UPSC disagreement proposal on RR amendment

Please refer to the NDMC's prepage notes at p/17-25/n and at p/27-29/n on above subject. The competent authority has decided that the NDMC proposal is not acceptable and the opinion of UPSC, in their two letters (No 3/24N(1)/2014-RR dated 17-4-2015 and No 3/24N(1)/2014-RR dated 23-6-2015), has to be followed.

[Signature]

22/8/17

(R.K. Pandey)

Under Secretary to the Govt. of India
Telefax: 23094008

Chairperson, NDMC

MHA's ID No 14011/16/2017-Delhi-II dated 22-08-2017

(Copy to : The Secretary, UPSC (kind attn.-- Sh BS Heet, US(RR), UPSC)

File No. 67
Dated. 25.8.17

File No. 3820
Dated. 22.8.2017

6120
25/8/17

R-1463/10(H)
25/8/17

[Signature]
Des (P.H.)

UP.
25/8/17
Please take f.n.9. accordingly.

25-08-17
SO (HE II)

[Signature]
25/8/17

CENTRAL ADMINISTRATIVE
PRINCIPAL BENCH

NAL

Annexure
- X

O.A. No. 3662/2015
M.A. No. 3312/2015

- 100 -
- 637 - Annexure-X

New Delhi, this the 15th day of February, 2017.

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. P.K. BASU, MEMBER (A)

1. Dr. Ritu, Specialist (Pediatrics),
Aged about 46 years
D/o Late Mr. Surender Paul,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o 236, Sector 37, NOIDA,
District Gautam Budh Nagar,
Uttar Pradesh.
2. Dr. Chandra Kiran Jha, Medical Officer,
Aged about 44 years
D/o Mr. K. Jha,
Posted/working at : NDMC Dispensary,
(School Health)
New Delhi Municipal Council, New Delhi.
R/o B-3, Delhi Government Residential
Complex, Sector D-2, Vasant Kunj,
New Delhi - 110 070.
3. Dr. Shivani Kapoor, Medical Officer,
Aged about 40 years
D/o late Mr. J.M. Gulati,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o 22/6, First Floor, Tilak Nagar,
New Delhi.
4. Dr. Simi Gulati, Specialist (Ophthalmology)
Aged about 40 years
D/o **Dr. J.S. Dardi**,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o B-3/185, Janakpuri,
New Delhi - 110 058.

V. ? - Annexure



5. Dr. Jasvinder Kaur, Specialist (Cardiology),
Aged about 44 years
D/o Dr. T.S. Sumni,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o SU-54, Pitampura,
New Delhi - 110 034.
6. Dr. Rekha Ghai, Specialist (Pathology),
Aged about 43 years
D/o Col. S.P. Ghai,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o 235, Vasant Enclave,
New Delhi - 110 021.
7. Dr. V.M. Saini, Specialist (Surgery),
Aged about 46 years
S/o Dr. C.M. Saini,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o B-8, Marg-2, In front of Gyan Bharti School,
Gate no.5, Saket, New Delhi.
8. Dr. Shelly Dua Chauhan, Medical Officer,
Aged about 44 years
D/o late Dr. G. Dua,
Posted/working at : NDMC Dispensary, Rohini,
New Delhi Municipal Council, New Delhi.
R/o C 8/284, Lawrence Road,
Near Keshavpuram Metro Station,
Opposite Pillar No.262, Delhi-110 035.
9. Dr. Shreela Mishra, Specialist (Pathology),
Aged about 43 years
D/o Mr. R.K. Mishra,
Posted/working at : Palika Maternity Hospital,
New Delhi Municipal Council,
Lodhi Road, New Delhi.
R/o 7G, Himalaya Legend,
Nyaykhand-I, Indrapuram,
Ghaziabad.
10. Dr. Rachna Pahuja, Medical Officer,
Aged about 38 years



V-2-aurman

D/o Mr. J.N. Pahuja,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o Flat No.601, Aster-3,
Supertech Emerald Court,
Sector -93, NOIDA-301201.

11. Dr. Anand Kumar Singh, Medical Officer,
Aged about 41 years
S/o Mr. B.B. Singh,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o 6, Satya Kutumb, Satya Marg,
Chankyapuri, New Delhi.
12. Dr. Rahul Singh, Medical Officer,
Aged about 39 years
S/o Mr. S.P. Singh,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o B-10, Flat No.7172, Vasant Kunj,
New Delhi.-110070.
13. Dr. Kamal Nayan Sharma, Medical Officer,
Aged about 39 years
S/o Mr.L.K. Sharma,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o C-203, Panchsheel Apartments,
Sector-4, Dwarka, New Delhi-110075.
14. Dr. Ankita Rai, Medical Officer,
Aged about 34 years
D/o Dr. M.K. Rai,
Posted/working at: NDMC Dispensary,
New Delhi Municipal Council, New Delhi.
R/o A-113, Madhuban,
Delhi - 110 092.
15. Dr. Sumit Nath, Medical Officer,
Aged about 36 years
S/o Mr. Jogender Nath,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.

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R/o KC-20B, Ashok Vihar Phase-I,
Delhi - 110052.

16. Dr. Sanchita Sarkar, Specialist (Anaesthesia)
Aged about 35 years
D/o late Mr. S.K. Sarkar,
Posted/working at: Palika Maternity Hospital,
New Delhi Municipal Council,
Lodhi Road, New Delhi.
R/o 37, Masjid Moth DDA Flats, Phase-I,
New Delhi-110048.
17. Dr. Afzal Ali Khan, G.D.M.O.,
Aged about 39 years
S/o Mr. A.A. Khan,
Posted/working at : NDMC Dispensary
New Delhi Municipal Council, New Delhi.
R/o A-115, First Floor, Street No.4,
Johri Farm, Jamia Nagar, Okhla,
New Delhi - 110 025.
18. Dr. Seema Jain, Specialist (Obst. & Gynae)
Aged about 52 years
D/o Mr. S.C. Jain,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o Flat No.1, Krishna Apartments,
Ground Floor, 20-B/21-A, Krishna Nagar,
Safdarjung Enclave, New Delhi-110 029.
19. Dr. Amresh Kumar, Medical Officer,
Aged about 43 years
S/o late Mr. Anmol Kumar,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o 5, XY Block, Sarojini Nagar,
~~New Delhi-110023.~~
20. Dr. Sushim Mathur, Medical Officer,
Aged about 38 years
S/o Mr. H.C. Mathur,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o Daisy Tower 202, Omaxe Green Valley,
Sector 41-42, Faridabad, Haryana-121001.

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- 641 -
21. Dr. Vivek Mehra, Medical Officer,
Aged about 37 years
S/o Mr. I.S. Mehra,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o 165, D-6, Kaveri Apartments,
Vasant Kunj, New Delhi - 110 070.
22. Dr. Amitabh Kumar, Specialist.
Aged about 43 years
S/o Mr. Awadhesh Kumar,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o B-406, Lovely Home Apartments,
Plot-5, Sector-5, Dwarka, New Delhi.
23. Dr. Sushant Saurav, Medical Officer,
Aged about 34 years
S/o Mr. G. Prasad,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o Flat 56, Suruchi Apartment,
Sector-10, Plot 31, Dwarka,
New Delhi - 110 075.
24. Dr. Willsee Dhawan, Medical Officer,
Aged about 33 years
S/o Mr. B. Dhawan,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council, Moti Bagh, New Delhi.
R/o 245C, DG2 Flats,
Vikaspuri, New Delhi - 110 018.
25. Dr. Soibam Samerika Devi, Medical Officer,
Aged about 34 years
D/o Mr. S.S. Singh,
Posted/working at : Palika Maternity Hospital,
New Delhi Municipal Council,
Lodhi Road, New Delhi.
R/o 62-M, 1st Floor, Flat No.4,
Humayunpur, Safdarjung Enclave,
New Delhi - 110 029.
26. Dr. Santosh Kumar, Medical Officer,
Aged about 40 years
S/o Mr. R.S. Sah,

4/2 *awm*



Posted/working at : NDMC Chest Clinic
New Delhi Municipal Council,
Shivaji Stadium, New Delhi.
R/o D 130/2, Chattarpur Extension,
New Delhi.

27. Dr. Seema Ahuja, Specialist (Anaesthesia)
Aged about 38 years
W/o Mr. Hitanshu Ahuja,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o HDB 7F, LIG Flats, Hari Nagar,
New Delhi.
28. Dr. Udhgeeth Bhandari, Specialist,
Aged about 36 years
S/o Mr. V.M. Bhandari,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o B-18/8, First Floor, Double Storey,
Ramesh Nagar, New Delhi - 110 015.
29. Dr. Harsha Pamecha, Specialist (Ophthalmology)
Aged about 41 years
D/o Mr. Viniyendra Pamecha,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o A-13, Type-VI,
Delhi Government Residential Complex,
D2, Vasant Kunj, New Delhi.
30. Dr. Rajesh Kumar, Medical Officer,
Aged about 46 years
s/o late Mr. Kishan Ram,
Posted/working at : NDMC Dispensary,
New Delhi Municipal Council,
Panchkuiyan Road, New Delhi.
R/o C-392, Omicron, Gautam Budh Nagar,
Greater Noida, Uttar Pradesh.
- ... Applicants

(By Advocate: Shri Pardeep Kumar)

Versus

1. Union Public Service Commission
[Through/Service to be effected upon its: Secretary

U.P. answer



- 634 - 643 -

At: Dholpur House, Shahjahan Road,
New Delhi - 110 002].

2. New Delhi Municipal Council,
[Through/Service to be effected upon its: Chairman
At : Palika Kendra, Parliament Street,
New Delhi - 110 001].
3. Government of N.C.T. Delhi,
[Through/Service to be effected upon its:
Chief Secretary, at: 5th Floor,
Delhi Secretariat, I.P. Estate,
New Delhi - 110 002].
4. Union of India
[Through/Service to be effected upon its: Secretary,
At: Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi-110 001].

...Respondents

(By Advocate: Shri R.N. Singh for Shri R.V. Sinha for R-1,
Ms. Sriparna Chatterjee for R-2)

ORDER (ORAL)

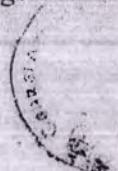
By Mr. V. Ajay Kumar, Member (J)

Heard both the sides.

2. MA 3312/2015 filed for joining together is allowed.
3. The applicants, who are presently working as Doctors in various specialities on contractual basis, filed the present O.A. seeking the following relief:

- (a) Quashing and setting aside of the impugned 'UPSC' letter No.3/24N(1)/2014-RR dated 23.06.2015;
- (b) Directing 'UPSC' to forthwith cease and desist from its attempt to assume the role of decision making authority over and above the rule making authority i.e. 'NDMC' herein, to defeat the applicants right, interest to be considered for regularization/regularized;

V.2 - *[Signature]*



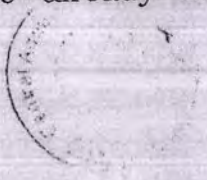
- (c) Directing 'UPSC' to suggest 'NDMC', as regard its decision to modify rule 5(1) by inserting Clause 5(3) and in schedule (V) of the regulations, the very same method of carrying out relaxation and its implementation as suggested to 'GNCTD';
- (d) Directing 'UPSC' to initiate suitability assessment of the applicants herein for regularization in manner ditto identical with the one as adopted for suitability assessment of the contractual Doctors of 'GNCTD', with due credence to the experience, work/performance, of the applicants herein, with age, other relaxations as given to contractual Doctors of 'GNCTD';
- (e) Directing respondents to regularise services of the Applicants herein;
- (f) Any other or further order or direction to grant complete relief to the applicants."

4. It is their basic grievance that in view of their long service and possession of the required essential qualifications, their services should be regularised and they should be appointed on a regular basis. The said claim is under consideration in the respondent - New Delhi Municipal Council since long time.

5. In this connection, the UPSC has written a letter expressing its views vide impugned Annexure A-1 dated 23.06.2015.

6. In our view, the O.A. is not maintainable against the impugned Annexure A-1 dated 23.06.2015, which is an internal correspondence between the UPSC and the NDMC. At this stage, the learned counsel for the applicant seeks indulgence for issuance of a direction to the respondents - NDMC to take a final view in the matter, as they have already taken a decision way back on

4/7/2015



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[Signature]
C. [illegible] (M)
[illegible]
[illegible]
Central Intelligence Agency
Washington, D.C.
Foreign Branch - New York

F. No. A-42015/4/2017-H (Estt.)-II, C. No. 2056
 NEW DELHI MUNICIPAL COUNCIL
 PALIKA KENDRA: NEW DELHI
 HEALTH ESTABLISHMENT-II

No. _____/SO (HE-II)

Dated _____

ORDER

1. **Whereas** the New Delhi Municipal Council is in receipt of a copy of the order (oral) dated 15.02.2017 passed by the Hon'ble Central Administrative Tribunal in original application number 3856/2015 with miscellaneous application number M.A. No. 3518 filed by Dr. Preeti Srivastava, Medical Officer in NDMC and others and another original application number 3662/2015 filed by Dr. Ritu Paul, a Specialist doctor in NDMC and others.

2. **Whereas** the operative para of which is as under:-

In the circumstances, the O.A. is disposed of by directing the respondent – NDMC to take a final view on the claim of regularization of the applicants and to pass an appropriate speaking and reasoned order thereon, in accordance with law, within 90 days from the date of receipt of a copy of this order. No order as to costs.

3. **Whereas** in brief, the issue is that in all 32 doctors, Specialists as well as GDMOs appointed on contract by the NDMC filed the above mentioned cases before the Principal Bench of Central Administrative Tribunal requesting, inter-alia, for quashing of the UPSC's letter dated 23.6.2015, desisting UPSC from assuming the role of policy maker, directing UPSC to agree to the proposal of NDMC regarding regularization of the doctors appointed on contract and directing the respondents to regularize the services of the applicants.

4. **Whereas** The NDMC is also in receipt of a representation dated 07.02.2017 (which seems to be a typo and may be read as 07.03.2017) from 32 Doctors citing the above mentioned order of the CAT and requesting to pass an Order regularizing their services.

5. **Whereas** from the contents of the original applications and the representation submitted by the doctors concerned, it comes out that primarily their contentions are as under:-

a. That the role of UPSC is only advisory and it should not assume the role of decision making authority, which in this case is with the NDMC, which by way of its Resolution dated 20/06/2014 has already taken a decision to regularize the services of the doctors appointed on contract.

b. ~~That in the instant case~~ the NDMC has followed exactly the same pattern which ~~was followed by~~ the GNCTD in respect of its doctors and which was accepted by the UPSC. It has been further elaborated that by way of declining the proposal of NDMC, the UPSC is acting in whimsical and arbitrary manner and its action fails at the anvil of the law of equity as enshrined by article 14 of the Constitution of India.

c. That NDMC has already accepted that the services of the applicants are a value addition to the hospitals, who have already spent the best part of their lives in the service of NDMC and have further gained the requisite experience.

d. That the services of these doctors were hired by the NDMC to meet the exigencies arising out of long standing vacancies, which the UPSC could not be able to fill.

- e. That before the enactment of NDMC Act, 1994 NDMC was recruiting doctors directly and that the selection of the applicants was also done after following the due process.
 - f. That continuation of the services of the applicants on contract basis for long would amount to exploitation and that they do not have any option but to accept the terms & conditions offered by the employer.
 - g. That Council has already committed to regularize the services of its contractual doctors on the basis of the facts already available on record and as elaborated in letter dated 29/04/2015.
 - h. That the suitability assessment of the applicants has already been completed by the NDMC at the time of making initial appointment and also later by a Committee constituted for this purpose in terms of recommendations of the Resolution dated 20/06/2014.
 - i. That the stand of the UPSC that NDMC had not provided any cutoff date for regularizing the services of the doctors appointed on contractual basis is factually wrong as it was categorically provided in the resolution dated 20.06.2014 that cutoff date would be 'on or before the date of notification of amended RRs'.
6. **Whereas** it is noted that the NDMC approached to the UPSC twice in pursuance to the Resolution passed by the Council on 20/06/2014 to make suitable amendments in the Recruitment Rules vide letter no 1673/HE-II/SA-I dated 23.12.2014 and F-19 (3)/1522/HE-II/353 dt. 29.4.2015 on the analogy of a similar amendment made in the Recruitment Rules for the Doctors working under Delhi Government but the UPSC had its reservations to the proposal.
7. **Whereas** primarily, the UPSC held the position that the method of regularization of contractually appointed officials is not a method for regular appointment to any post and any adhoc employee who has been recruited through contractual method is also required to go through the same procedure of scrutiny as any other applicant is required to follow in the case of direct recruitment.
8. **Whereas** the UPSC also apprehensive about the representations received from the Doctors recruited through CMSE who opposed the proposal and the legal intervention which may take place in future, also implicating the UPSC as one of the parties.
9. **Whereas** the UPSC has also objected to the procedure adopted by NDMC before formulating this kind of a proposal.
10. **Whereas** in view of the diversions between the resolution dated 20.06.2014 passed by the Council and the views of UPSC on the subject, the matter was placed before the Ministry of Home Affairs, which administers the NDMC Act, 1994 through which the NDMC has been constituted.
11. **Whereas** the competent authority in Ministry of Home Affairs has decided that the opinion of UPSC, as conveyed by their 2 letters i.e. dated 17.04.2015 and dated 23.6.2015 has to be followed.
12. **Whereas** in the above background, the issue has been looked into again and the following has been observed:-

- (i) That the most important basis of the Resolution dated 20/06/2014 of the Council was a fact that a similar benefit had been provided to the doctors under Delhi Government by insertion of Rule 6(2) in Delhi Health Services Rule, 2009. It has been ascertained that later on, the validity of the above mentioned Rule 6 (2) was challenged by another set of doctors in Delhi Government. It was noted by the court that earlier there were no Service Rules of the Govt. of NCT of Delhi for the appointment of doctors, and it was in the year 2006 that after the decision of the Cabinet, approved by the Lt. Governor of Delhi, an OM was issued for inclusion of the ad-hoc/contractual appointees in the initial constitution of the cadre. The court held that the said case was different from other cases because in that case, the question was of the inclusion of certain categories of the doctors in the initial constitution of the cadre. When the above position was seen with reference to the case at hand in NDMC, it was noted that such situation did not exist in NDMC as a scheme of thing for appointment of doctors on regular basis in NDMC was in operation.
- (ii) That in NDMC, the Recruitment Rules were amended in respect GDMOs and Specialist Doctors on 30th May, 2007. It is noted that while the earlier RRs did not provide for appointment through 'contract' at all, the revised RRs provided for appointment through contract for a period not exceeding three years, which in special circumstances be extended up to five years but such recruitment through contract had to be in consultation with UPSC. Further, any relaxation to these Recruitment Rules had also to be in consultation with UPSC only. It is learnt that in none of the cases the UPSC was consulted.
- (iii) That the doctors appointed on contract can be divided in two parts i.e., those who were appointed after 30th May 2007 and those who were appointed before that date. It is noted that after 30.05.2007, the NDMC did not have any powers to appoint doctors on contract basis at its own because the RRs provided that such appointments on contract could be done only in consultation with the UPSC.
- (iv) That the short term contract has been accepted by the Government of India as one of the 6 regular modes of recruitment and it has been defined as, "a form of deputation where officers from non Government bodies e.g. universities, research institutions, public sector undertakings for teaching, research, scientific and technical post can come to Central Government posts".
- (v) That the RRs of 2007 provide for short term contract for the candidates coming out of these categories only.
- (vi) That it is noted that the appointments of Doctors on contract basis after May 2007 were not only made without consulting UPSC but also without following the above provision of RRs. As regards the appointments made on contract prior to **May 2007**, it is noted that the earlier RRs did not recognize short term contract as **a mode of recruitment**. Further it is to be noted that during the period when the doctors concerned were appointed, the provisions of NDMC Act, 1994 were in operation, which specifically provided that the manner of selection for appointment to Group 'A' posts has to be decided in consultation with the UPSC. It was also not done.
- (vii) That thus a harmonious construction of the above position would be that the initial contract of the above mentioned Doctors was ab-initio illegal.
- (viii) That it is also noted here that the Hon'ble Supreme Court in its judgment dated 10/04/2006 in Secretary, State of Karnataka vs Uma Devi and Other (Appeal No. 3595-3612 of 1999) ruled that appointments have to be made as per constitutional provisions and as per regular recruitment rules and that the Supreme Court in this judgment considered regularization of contractual employees and muster roll employees as a back door entry.

(ix) That as per records it is also noted that amongst those appointed on contract basis there was no uniform process of selection. In some cases while the selections were made on the basis of the scrutiny of the applications received in response to the advertisements given and the performance in the interview of the respective candidates, in some cases in response to the advertisements given, no applications were called and the selections were made on the basis of the performance in interview only and in some other cases no advertisement was given and the appointments were made on the basis of the individual applications received with the approval of the then Chairman.

(x) That no policy was formulated or no mechanism was followed for providing reservation in these temporary appointments, which is a must as per the instructions of the Govt. of India on the subject.

13. Whereas keeping in view of the views of the UPSC, the decision of the Ministry of Home Affairs and the position as explained under para 7 above, the Council in its meeting dated _____ has resolved as under:-

"

"

14. Now, therefore the competent authority in NDMC has decided to reject the request of the applicants in the above mentioned O.A.s and to take further necessary action to fill up the post on regular basis in accordance with the provisions contained in the recruitment rules for the above mentioned posts.

CASE NO.:

Appeal (civil) 3595-3612 of 1999

Annexure XII

PETITIONER:

Secretary, State of Karnataka and others

RESPONDENT:

Umadevi and others

DATE OF JUDGMENT: 10/04/2006

BENCH:

Y.K. SABHARWAL & ARUN KUMAR & G.P. MATHUR & C.K. THAKKER & P.K.I. BALASUBRAMANYAN

JUDGMENT:

JUDGMENT

WITH

CIVIL APPEAL NO.1861-2063/2001, 3849/2001,
3520-3524/2002 and CIVIL APPEAL NO. 1968 of 2006
arising out of SLP(C)9103-9105 OF 2001

Delivered by

P.K. BALASUBRAMANYAN, J

P.K. BALASUBRAMANYAN, J.

Leave granted in SLP(C) Nos.9103-9105 of 2001

1. Public employment in a sovereign socialist secular democratic republic, has to be as set down by the Constitution and the laws made thereunder. Our constitutional scheme envisages employment by the Government and its instrumentalities on the basis of a procedure established in that behalf. Equality of opportunity is the hallmark, and the Constitution has provided also for affirmative action to ensure that unequals are not treated equals. Thus, any public employment has to be in terms of the constitutional scheme.

2. A sovereign government, considering the economic situation in the country and the work to be got done, is not precluded from making temporary appointments or engaging workers on daily wages. Going by a law newly enacted, The National Rural Employment Guarantee Act, 2005, the object is to give employment to at least one member of a family for hundred days in an year, on paying wages as fixed under that Act. But, a regular process of recruitment or appointment has to be resorted to, when regular vacancies in posts, at a particular point of time, are to be filled up and the filling up of those vacancies cannot be done in a haphazard manner or based on patronage or other considerations. Regular appointment must be the rule.

3. But, sometimes this process is not adhered to and the Constitutional scheme of public employment is by-passed. The Union, the States, their departments and instrumentalities have resorted to irregular appointments, especially in the lower rungs of the service, without reference to the duty to ensure a proper appointment procedure through the Public

Service Commission or otherwise as per the rules adopted and to permit these irregular appointees or those appointed on contract or on daily wages, to continue year after year, thus, keeping out those who are qualified to apply for the post concerned and depriving them of an opportunity to compete for the post. It has also led to persons who get employed, without the following of a regular procedure or even through the backdoor or on daily wages, approaching Courts, seeking directions to make them permanent in their posts and to prevent regular recruitment to the concerned posts. Courts have not always kept the legal aspects in mind and have occasionally even stayed the regular process of employment being set in motion and in some cases, even directed that these illegal, irregular or improper entrants be absorbed into service. A class of employment which can only be called 'litigious employment', has risen like a phoenix seriously impairing the constitutional scheme. Such orders are passed apparently in exercise of the wide powers under Article 226 of the Constitution of India. Whether the wide powers under Article 226 of the Constitution is intended to be used for a purpose certain to defeat the concept of social justice and equal opportunity for all, subject to affirmative action in the matter of public employment as recognized by our Constitution, has to be seriously pondered over. It is time, that Courts desist from issuing orders preventing regular selection or recruitment at the instance of such persons and from issuing directions for continuance of those who have not secured regular appointments as per procedure established. The passing of orders for continuance, tends to defeat the very Constitutional scheme of public employment. It has to be emphasized that this is not the role envisaged for High Courts in the scheme of things and their wide powers under Article 226 of the Constitution of India are not intended to be used for the purpose of perpetuating illegalities, irregularities or improprieties or for scuttling the whole scheme of public employment. Its role as the sentinel and as the guardian of equal rights protection should not be forgotten.

4. This Court has also on occasions issued directions which could not be said to be consistent with the Constitutional scheme of public employment. Such directions are issued presumably on the basis of equitable considerations or individualization of justice. The question arises, equity to whom? Equity for the handful of people who have approached the Court with a claim, or equity for the teeming millions of this country seeking employment and seeking a fair opportunity for competing for employment? When one side of the coin is considered, the other side of the coin, has also to be considered and the way open to any court of law or justice, is to adhere to the law as laid down by the Constitution and not to make directions, which at times, even if do not run counter to the Constitutional scheme, certainly tend to water down the Constitutional requirements. It is this conflict that is reflected in these cases referred to the Constitution Bench.

5. The power of a State as an employer is more limited than that of a private employer inasmuch as it is subjected to constitutional limitations and cannot be exercised arbitrarily (See Basu's Shorter Constitution of India). Article 309 of the Constitution gives the Government the power to frame rules for the purpose of laying down the conditions of service and recruitment of persons to be appointed to public services and posts in connection with the affairs of the Union or any of the States. That Article contemplates the drawing up of a procedure and rules to regulate the recruitment and regulate the service conditions of appointees appointed to public posts. It is well acknowledged that because of this, the entire process of recruitment for services is controlled by detailed procedure which specify the necessary qualifications, the mode of appointment etc. If rules have been made under Article 309 of the Constitution, then the Government can make appointments only in accordance with the rules. The State is meant to be a model employer. The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 was enacted to ensure equal opportunity for employment seekers. Though this Act may not oblige an employer to employ only those persons who have been sponsored by employment exchanges, it places an obligation on the employer to notify the vacancies that may arise in the various departments and for filling up of

those vacancies, based on a procedure. Normally, statutory rules are framed under the authority of law governing employment. It is recognized that no government order, notification or circular can be substituted for the statutory rules framed under the authority of law. This is because, following any other course could be disastrous inasmuch as it will deprive the security of tenure and the right of equality conferred on civil servants under the Constitutional scheme. It may even amount to negating the accepted service jurisprudence. Therefore, when statutory rules are framed under Article 309 of the Constitution which are exhaustive, the only fair means to adopt is to make appointments based on the rules so framed.

6. These two sets of appeals reflect the cleavage of opinion in the High Court of Karnataka based on the difference in approach in two sets of decisions of this Court leading to a reference of these appeals to the Constitution Bench for decision. The conflict relates to the right, if any, of employees appointed by the State or by its instrumentalities on a temporary basis or on daily wages or casually, to approach the High Court for the issue of a writ of mandamus directing that they be made permanent in appropriate posts, the work of which they were otherwise doing. The claim is essentially based on the fact that they having continued in employment or engaged in the work for a significant length of time, they are entitled to be absorbed in the posts in which they had worked in the department concerned or the authority concerned. There are also more ambitious claims that even if they were not working against a sanctioned post, even if they do not possess the requisite qualification, even if they were not appointed in terms of the procedure prescribed for appointment, and had only recently been engaged, they are entitled to continue and should be directed to be absorbed.

7. In Civil Appeal Nos. 3595-3612 of 1999 the respondents therein who were temporarily engaged on daily wages in the Commercial Taxes Department in some of the districts of the State of Karnataka claim that they worked in the department based on such engagement for more than 10 years and hence they are entitled to be made permanent employees of the department, entitled to all the benefits of regular employees. They were engaged for the first time in the years 1985-86 and in the teeth of orders not to make such appointments issued on 3.7.1984. Though the Director of Commercial Taxes recommended that they be absorbed, the Government did not accede to that recommendation. These respondents thereupon approached the Administrative Tribunal in the year 1997 with their claim. The Administrative Tribunal rejected their claim finding that they have not made out a right either to get wages equal to that of others regularly employed or for regularization. Thus, the applications filed were dismissed. The respondents approached the High Court of Karnataka challenging the decision of the Administrative Tribunal. It is seen that the High Court without really coming to grips with the question falling for decision in the light of the findings of the Administrative Tribunal and the decisions of this Court, proceeded to order that they are entitled to wages equal to the salary and allowances that are being paid to the regular employees of their cadre in government service with effect from the dates from which they were respectively appointed. It may be noted that this gave retrospective effect to the judgment of the High Court by more than 12 years. The High Court also issued a command to the State to consider their cases for regularization within a period of four months from the date of receipt of that order. The High Court seems to have proceeded on the basis that, whether they were appointed before 01.07.1984, a situation covered by the decision of this Court in Dharwad District Public Works Department vs. State of Karnataka (1990 (1) SCR 544) and the scheme framed pursuant to the direction thereunder, or subsequently, since they have worked for a period of 10 years, they were entitled to equal pay for equal work from the very inception of their engagement on daily wages and were also entitled to be considered for regularization in their posts.

8.. Civil Appeal Nos.1861-2063 of 2001 reflects the other side of the coin. The appellant association with indefinite number of members approached the High Court with a writ petition under Article 226 of the Constitution of India challenging the order of the government directing cancellation of appointments of all casual workers/daily rated workers made after 01.07.1984 and further seeking a direction for the regularization of all the daily wagers engaged by the government of Karnataka and its local bodies. A learned Single Judge of the High Court disposed of the writ petition by granting permission to the petitioners before him, to approach their employers for absorption and regularization of their services and also for payment of their salaries on par with the regular workers, by making appropriate representations within the time fixed therein and directing the employers to consider the cases of the claimants for absorption and regularization in accordance with the observations made by the Supreme Court in similar cases. The State of Karnataka filed appeals against the decision of the learned Single Judge. A Division Bench of the High Court allowed the appeals. It held that the daily wage employees, employed or engaged either in government departments or other statutory bodies after 01.07.1984, were not entitled to the benefit of the scheme framed by this Court in Dharwad District Public Works Department case, referred to earlier. The High Court considered various orders and directions issued by the government interdicting such engagements or employment and the manner of entry of the various employees. Feeling aggrieved by the dismissal of their claim, the members of the associations have filed these appeals.

9. When these matters came up before a Bench of two Judges, the learned Judges referred the cases to a Bench of three Judges. The order of reference is reported in 2003 (9) SCALE 187. This Court noticed that in the matter of regularization of ad hoc employees, there were conflicting decisions by three Judge Benches of this Court and by two Judge Benches and hence the question required to be considered by a larger Bench. When the matters came up before a three Judge Bench, the Bench in turn felt that the matter required consideration by a Constitution Bench in view of the conflict and in the light of the arguments raised by the Additional Solicitor General. The order of reference is reported in 2003 (10) SCALE 388. It appears to be proper to quote that order of reference at this stage. It reads:

1. "Apart from the conflicting opinions between the three Judges' Bench decisions in Ashwani Kumar and Ors. Vs. State of Bihar and Ors., reported in 1997 (2) SCC 1, State of Haryana and Ors vs., Piara Singh and Ors. Reported in 1992 (4) SCC 118 and Dharwad Distt. P.W.D. Literate Daily Wage Employees Association and Ors. Vs. State of Karnataka and Ors. Reported in 1990 (2) SCC 396, on the one hand and State of Himachal Pradesh vs. Suresh Kumar Verma and Anr., reported in AIR 1996 SC 1565, State of Punjab vs. Surinder Kumar and Ors. Reported in AIR 1992 SC 1593, and B.N. Nagarajan and Ors. Vs. State of Karnataka and Ors., reported in 1979 (4) SCC 507 on the other, which has been brought out in one of the judgments under appeal of Karnataka High Court in State of Karnataka vs. H. Ganesh Rao, decided on 1.6.2000, reported in 2001 (4) Karnataka Law Journal 466, learned Additional Solicitor General urged that the scheme for regularization is repugnant to Articles 16(4), 309, 320 and 335 of the Constitution of India and, therefore, these

cases are required to be heard by a Bench of Five learned Judges (Constitution Bench).

2. On the other hand, Mr. M.C. Bhandare, learned senior counsel, appearing for the employees urged that such a scheme for regularization is consistent with the provision of Articles 14 and 21 of the Constitution.

3. Mr. V. Lakshmi Narayan, learned counsel, appearing in CC Nos.109-498 of 2003, has filed the G.O. dated 19.7.2002 and submitted that orders have already been implemented.

4. After having found that there is conflict of opinion between three Judges Bench decisions of this Court, we are of the view that these cases are required to be heard by a Bench of five learned Judges.

5. Let these matters be placed before Hon'ble the Chief Justice for appropriate orders."

We are, therefore, called upon to resolve this issue here. We have to lay down the law. We have to approach the question as a constitutional court should.

10. In addition to the equality clause represented by Article 14 of the Constitution, Article 16 has specifically provided for equality of opportunity in matters of public employment. Buttressing these fundamental rights, Article 309 provides that subject to the provisions of the Constitution, Acts of the legislature may regulate the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of a State. In view of the interpretation placed on Article 12 of the Constitution by this Court, obviously, these principles also govern the instrumentalities that come within the purview of Article 12 of the Constitution. With a view to make the procedure for selection fair, the Constitution by Article 315 has also created a Public Service Commission for the Union and Public Service Commissions for the States. Article 320 deals with the functions of Public Service Commissions and mandates consultation with the Commission on all matters relating to methods of recruitment to civil services and for civil posts and other related matters. As a part of the affirmative action recognized by Article 16 of the Constitution, Article 335 provides for special consideration in the matter of claims of the members of the scheduled castes and scheduled tribes for employment. The States have made Acts, Rules or Regulations for implementing the above constitutional guarantees and any recruitment to the service in the State or in the Union is governed by such Acts, Rules and Regulations. The Constitution does not envisage any employment outside this constitutional scheme and without following the requirements set down therein.

11. In spite of this scheme, there may be occasions when the sovereign State or its instrumentalities will have to employ persons, in posts which are temporary, on daily wages, as additional hands or taking them in without following the required procedure, to discharge the duties in respect of the posts that are sanctioned and that are required to be filled in terms of the relevant procedure established by the Constitution or for work in temporary posts or projects that are not needed permanently. This right of the Union or of the State Government cannot but be recognized and there is nothing in the Constitution which prohibits such engaging of persons temporarily or on daily wages, to meet the needs of the situation. But the

fact that such engagements are resorted to, cannot be used to defeat the very scheme of public employment. Nor can a court say that the Union or the State Governments do not have the right to engage persons in various capacities for a duration or until the work in a particular project is completed. Once this right of the Government is recognized and the mandate of the constitutional requirement for public employment is respected, there cannot be much difficulty in coming to the conclusion that it is ordinarily not proper for courts whether acting under Article 226 of the Constitution or under Article 32 of the Constitution, to direct absorption in permanent employment of those who have been engaged without following a due process of selection as envisaged by the constitutional scheme.

12. What is sought to be pitted against this approach, is the so called equity arising out of giving of temporary employment or engagement on daily wages and the continuance of such persons in the engaged work for a certain length of time. Such considerations can have only a limited role to play, when every qualified citizen has a right to apply for appointment, the adoption of the concept of rule of law and the scheme of the Constitution for appointment to posts. It cannot also be forgotten that it is not the role of courts to ignore, encourage or approve appointments made or engagements given outside the constitutional scheme. In effect, orders based on such sentiments or approach would result in perpetuating illegalities and in the jettisoning of the scheme of public employment adopted by us while adopting the Constitution. The approving of such acts also results in depriving many of their opportunity to compete for public employment. We have, therefore, to consider the question objectively and based on the constitutional and statutory provisions. In this context, we have also to bear in mind the exposition of law by a Constitution Bench in *State of Punjab Vs. Jagdip Singh & Ors.* (1964 (4) SCR 964). It was held therein, "In our opinion, where a Government servant has no right to a post or to a particular status, though an authority under the Government acting beyond its competence had purported to give that person a status which it was not entitled to give, he will not in law be deemed to have been validly appointed to the post or given the particular status."

13. During the course of the arguments, various orders of courts either interim or final were brought to our notice. The purport of those orders more or less was the issue of directions for continuation or absorption without referring to the legal position obtaining. Learned counsel for the State of Karnataka submitted that chaos has been created by such orders without reference to legal principles and it is time that this Court settled the law once for all so that in case the court finds that such orders should not be made, the courts, especially, the High Courts would be precluded from issuing such directions or passing such orders. The submission of learned counsel for the respondents based on the various orders passed by the High Court or by the Government pursuant to the directions of Court also highlights the need for settling the law by this Court. The bypassing of the constitutional scheme cannot be perpetuated by the passing of orders without dealing with and ~~deciding the~~ validity of such orders on the touchstone of constitutionality. While approaching the questions falling for our decision, it is necessary to bear this in mind and to bring about certainty in the matter of public employment. The argument on behalf of some of the respondents is that this Court having once directed regularization in the Dharwad case (supra), all those appointed temporarily at any point of time would be entitled to be regularized since otherwise it would be discrimination between those similarly situated and in that view, all appointments made on daily wages, temporarily or contractually, must be directed to be regularized. Acceptance of this argument would mean that appointments made otherwise than by a regular process of selection would become the order of the day completely jettisoning the constitutional scheme of appointment. This argument also highlights the need for this Court to formally lay down the law on the question and ensure certainty in dealings relating to public employment. The very divergence in approach in this Court, the so-called equitable approach made in some, as against those decisions which have

insisted on the rules being followed, also justifies a firm decision by this Court one way or the other. It is necessary to put an end to uncertainty and clarify the legal position emerging from the constitutional scheme, leaving the High Courts to follow necessarily, the law thus laid down.

14. Even at the threshold, it is necessary to keep in mind the distinction between regularization and conferment of permanence in service jurisprudence. In *STATE OF MYSORE Vs. S.V. NARAYANAPPA* [1967 (1) S.C.R. 128], this Court stated that it was a mis-conception to consider that regularization meant permanence. In *R.N. NANJUNDAPPA Vs T. THIMMIAH & ANR.* [(1972) 2 S.C.R. 799], this Court dealt with an argument that regularization would mean conferring the quality of permanence on the appointment. This Court stated:-
"Counsel on behalf of the respondent contended that regularization would mean conferring the quality of permanence on the appointment, whereas counsel on behalf of the State contended that regularization did not mean permanence but that it was a case of regularization of the rules under Article 309. Both the contentions are fallacious. If the appointment itself is in infraction of the rules or if it is in violation of the provisions of the Constitution, illegality cannot be regularized. Ratification or regularization is possible of an act which is within the power and province of the authority, but there has been some non-compliance with procedure or manner which does not go to the root of the appointment. Regularization cannot be said to be a mode of recruitment. To accede to such a proposition would be to introduce a new head of appointment in defiance of rules or it may have the effect of setting at naught the rules."

In *B.N. Nagarajan & Ors. Vs. State of Karnataka & Ors.* [(1979) 3 SCR 937], this court clearly held that the words "regular" or "regularization" do not connote permanence and cannot be construed so as to convey an idea of the nature of tenure of appointments. They are terms calculated to condone any procedural irregularities and are meant to cure only such defects as are attributable to methodology followed in making the appointments. This court emphasized that when rules framed under Article 309 of the Constitution of India are in force, no regularization is permissible in exercise of the executive powers of the Government under Article 162 of the Constitution in contravention of the rules. These decisions and the principles recognized therein have not been dissented to by this Court and on principle, we see no reason not to accept the proposition as enunciated in the above decisions. We have, therefore, to keep this distinction in mind and proceed on the basis that only something that is irregular for want of compliance with one of the elements in the process of selection which does not go to the root of the process, can be regularized and that it alone can be regularized and granting permanence of employment is a totally different concept and cannot be equated with regularization.

15. We have already indicated the constitutional scheme of public employment in this country, and the executive, or for that matter the Court, in appropriate cases, would have only the right to regularize an appointment made after following the due procedure, even though a non-fundamental element of that process or procedure has not been followed. This right of the executive and that of the court, would not extend to the executive or the court being in a position to direct that an appointment made in clear violation of the constitutional scheme, and the statutory rules made in that behalf, can be treated as permanent or can be directed to be treated as permanent.

16. Without keeping the above distinction in mind and without discussion of the law on the question or the effect of the directions on the constitutional scheme of appointment, this Court in *Daily Rated Casual*

Labour Vs. Union of India & Ors. (1988 (1) SCR 598) directed the Government to frame a scheme for absorption of daily rated casual labourers continuously working in the Posts and Telegraphs Department for more than one year. This Court seems to have been swayed by the idea that India is a socialist republic and that implied the existence of certain important obligations which the State had to discharge. While it might be one thing to say that the daily rated workers, doing the identical work, had to be paid the wages that were being paid to those who are regularly appointed and are doing the same work, it would be quite a different thing to say that a socialist republic and its Executive, is bound to give permanence to all those who are employed as casual labourers or temporary hands and that too without a process of selection or without following the mandate of the Constitution and the laws made thereunder concerning public employment. The same approach was made in Bhagwati Prasad Vs. Delhi State Mineral Development Corporation (1989 Suppl. (2) SCR 513) where this Court directed regularization of daily rated workers in phases and in accordance with seniority.

17. One aspect arises. Obviously, the State is also controlled by economic considerations and financial implications of any public employment. The viability of the department or the instrumentality or of the project is also of equal concern for the State. The State works out the scheme taking into consideration the financial implications and the economic aspects. Can the court impose on the State a financial burden of this nature by insisting on regularization or permanence in employment, when those employed temporarily are not needed permanently or regularly? As an example, we can envisage a direction to give permanent employment to all those who are being temporarily or casually employed in a public sector undertaking. The burden may become so heavy by such a direction that the undertaking itself may collapse under its own weight. It is not as if this had not happened. So, the court ought not to impose a financial burden on the State by such directions, as such directions may turn counter-productive.

18. The Decision in Dharwad Distt. P.W.D. Literate Daily Wage Employees Association & ors. Vs. State of Karnataka & Ors. (1990 (1) SCR 544) dealt with a scheme framed by the State of Karnataka, though at the instance of the court. The scheme was essentially relating to the application of the concept of equal pay for equal work but it also provided for making permanent, or what it called regularization, without keeping the distinction in mind, of employees who had been appointed ad hoc, casually, temporarily or on daily wage basis. In other words, employees who had been appointed without following the procedure established by law for such appointments. This Court, at the threshold, stated that it should individualize justice to suit a given situation. With respect, it is not possible to accept the statement, unqualified as it appears to be. This Court is not only the constitutional court, it is also the highest court in the country, the final court of appeal. By virtue of Article 141 of the Constitution of India, what this Court lays down is the law of the land. Its decisions are binding on all the courts. Its main role is to interpret the constitutional and other statutory provisions bearing in mind the fundamental philosophy of the Constitution. We have given unto ourselves a system of governance by rule of law. The role of the Supreme Court is to render justice according to law. As one jurist put it, the Supreme Court is expected to decide questions of law for the country and not to decide individual cases without reference to such principles of law. Consistency is a virtue. Passing orders not consistent with its own decisions on law, is bound to send out confusing signals and usher in judicial chaos. Its role, therefore, is really to interpret the law and decide cases coming before it, according to law. Orders which are inconsistent with the legal conclusions arrived at by the court in the self same judgment not only create confusion but also tend to usher in arbitrariness highlighting the statement, that equity tends to vary with the Chancellor's foot.

19. In Dharwad case, this Court was actually dealing with the question of 'equal pay for equal work' and had directed the State of Karnataka to frame a scheme in that behalf. In paragraph 17 of the judgment, this Court stated that the precedents obliged the State of Karnataka to regularize the services of the casual or daily/monthly rated employees and to make them the same payment as regular employees were getting. Actually, this Court took note of the argument of counsel for the State that in reality and as a matter of statecraft, implementation of such a direction was an economic impossibility and at best only a scheme could be framed. Thus a scheme for absorption of casual/daily rated employees appointed on or before 1.7.1984 was framed and accepted. The economic consequences of its direction were taken note of by this Court in the following words.

"We are alive to the position that the scheme which we have finalized is not the ideal one but as we have already stated, it is the obligation of the court to individualize justice to suit a given situation in a set of facts that are placed before it. Under the scheme of the Constitution, the purse remains in the hands of the executive. The legislature of the State controls the Consolidated Fund out of which the expenditure to be incurred, in giving effect to the scheme, will have to be met. The flow into the Consolidated Fund depends upon the policy of taxation depending perhaps on the capacity of the payer. Therefore, unduly burdening the State for implementing the constitutional obligation forthwith would create problems which the State may not be able to stand. We have, therefore, made our directions with judicious restraint with the hope and trust that both parties would appreciate and understand the situation. The instrumentality of the State must realize that it is charged with a big trust. The money that flows into the Consolidated Fund and constitutes the resources of the State comes from the people and the welfare expenditure that is meted out goes from the same Fund back to the people. May be that in every situation the same tax payer is not the beneficiary. That is an incident of taxation and a necessary concomitant of living within a welfare society."

With respect, it appears to us that the question whether the jettisoning of the constitutional scheme of appointment can be approved, was not considered or decided. The distinction emphasized in R.N. NANJUNDAPPA Vs T. THIMMIAH & ANR. (supra), was also not kept in mind. The Court appears to have been dealing with a scheme for 'equal pay for equal work' and in the process, without an actual discussion of the question, had approved a scheme put forward by the State, prepared obviously at the direction of the Court, to order permanent absorption of such daily rated workers. With respect to the learned judges, the decision cannot be said to lay down any law, that all those engaged on daily wages, casually, temporarily, or when no sanctioned post or vacancy existed and without following the rules of selection, should be absorbed or made permanent though not at a stretch, but gradually. If that were the ratio, with respect, we have to disagree with it.

20. We may now consider, State of Haryana Vs. Piara Singh and Others [1992] 3 SCR 826. There, the court was considering the sustainability of certain directions issued by the High Court in the light of various orders passed by the State for the absorption of its ad hoc or temporary employees and daily wagers or casual labour. This Court started by saying:

"Ordinarily speaking, the creation and abolition of a post is the prerogative of the Executive. It is the Executive again that lays down the conditions of service subject, of course, to a law made by the appropriate legislature.

This power to prescribe the conditions of service can be exercised either by making rules under the proviso to Article 309 of the Constitution or (in the absence of such rules) by issued rules/instructions in exercise of its executive power. The court comes into the picture only to ensure observance of fundamental rights, statutory provisions, rules and other instructions, if any governing the conditions of service"

This Court then referred to some of the earlier decisions of this Court while stating:

"The main concern of the court in such matters is to ensure the rule of law and to see that the Executive acts fairly and gives a fair deal to its employees consistent with the requirements of Articles 14 and 16. It also means that the State should not exploit its employees nor should it seek to take advantage of the helplessness and misery of either the unemployed persons or the employees, as the case may be. As is often said, the State must be a model employer. It is for this reason, it is held that equal pay must be given for equal work, which is indeed one of the directive principles of the Constitution. it is for this very reason it is held that a person should not be kept in a temporary or ad hoc status for long. Where a temporary or ad hoc appointment is continued for long the court presumes that there is need and warrant for a regular post and accordingly directs regularization. While all the situations in which the court may act to ensure fairness cannot be detailed here, it is sufficient to indicate that the guiding principles are the ones stated above."

This Court then concluded in paragraphs 45 to 50:
"The normal rule, of course, is regular recruitment through the prescribed agency but exigencies of administration may sometimes call for an ad hoc or temporary appointment to be made. In such a situation, effort should always be to replace such an ad hoc/temporary employee by a regularly selected employee as early as possible. Such a temporary employee may also compete along with others for such regular selection/appointment. If he gets selected, well and good, but if he does not, he must give way to the regularly selected candidate. The appointment of the regularly selected candidate cannot be withheld or kept in abeyance for the sake of such an ad hoc/temporary employee."

Secondly, an ad hoc or temporary employee should not be replaced by another ad hoc or temporary employee; he must be replaced only by a regularly selected employee. This is necessary to avoid arbitrary action on the part of the appointing authority.

Thirdly, even where an ad hoc or temporary employment is necessitated on account of the exigencies of administration, he should ordinarily be drawn from the employment exchange unless it cannot brook delay in which case the pressing cause must be stated on the file. If no candidate is available or is not sponsored by the employment exchange, some appropriate method consistent with the requirements of Article 16 should be followed. In other words, there must be a notice published in the appropriate manner calling for applications and all those who apply in response thereto

should be considered fairly.

An unqualified person ought to be appointed only when qualified persons are not available through the above processes.

If for any reason, an ad hoc or temporary employee is continued for a fairly long spell, the authorities must consider his case for regularization provided he is eligible and qualified according to the rules and his service record is satisfactory and his appointment does not run counter to the reservation policy of the State "

With respect, why should the State be allowed to depart from the normal rule and indulge in temporary employment in permanent posts? This Court, in our view, is bound to insist on the State making regular and proper recruitments and is bound not to encourage or shut its eyes to the persistent transgression of the rules of regular recruitment. The direction to make permanent -- the distinction between regularization and making permanent, was not emphasized here -- can only encourage the State, the model employer, to flout its own rules and would confer undue benefits on a few at the cost of many waiting to compete. With respect, the direction made in paragraph 50 of Piara Singh (supra) are to some extent inconsistent with the conclusion in paragraph 45 therein. With great respect, it appears to us that the last of the directions clearly runs counter to the constitutional scheme of employment recognized in the earlier part of the decision. Really, it cannot be said that this decision has laid down the law that all ad hoc, temporary or casual employees engaged without following the regular recruitment procedure should be made permanent.

21. We shall now refer to the other decisions. In State of Punjab and others Vs. Surinder Kumar and others (1991 Suppl. (3) SCR 553), a three judge bench of this Court held that High Courts had no power, like the power available to the Supreme Court under Article 142 of the Constitution of India, and merely because the Supreme Court granted certain reliefs in exercise of its power under Article 142 of the Constitution of India, similar orders could not be issued by the High Courts. The bench pointed out that a decision is available as a precedent only if it decides a question of law. The temporary employees would not be entitled to rely in a Writ Petition they filed before the High Court upon an order of the Supreme Court which directs a temporary employee to be regularized in his service without assigning reasons and ask the High Court to pass an order of a similar nature. This Court noticed that the jurisdiction of the High Court while dealing with a Writ Petition was circumscribed by the limitations discussed and declared by judicial decisions and the High Court cannot transgress the limits on the basis of the whims or subjective sense of justice varying from judge to judge. Though the High Court is entitled to exercise its judicial discretion in deciding Writ Petitions or Civil Revision Applications coming before it, the discretion had to be confined in declining to entertain petitions and refusing to grant reliefs asked for by the petitioners on adequate considerations and it did not permit the High Court to grant relief on such a consideration alone. This Court set aside the directions given by the High Court for regularization of persons appointed temporarily to the post of lecturers. The Court also emphasized that specific terms on which appointments were made should be normally enforced. Of course, this decision is more on the absence of power in the High Court to pass orders against the constitutional scheme of appointment.

22. In Director, Institute of Management Development, U.P. Vs. Pushpa Srivastava (Smt.) (1992 (3) SCR 712), this Court held that since the appointment was on purely contractual and ad hoc basis on consolidated pay for a fixed period and terminable without notice, when the appointment came to an end by efflux of time, the appointee had no right to continue in the post and to claim regularization in service in the absence of

any rule providing for regularization after the period of service. A limited relief of directing that the appointee be permitted on sympathetic consideration to be continued in service till the end of the concerned calendar year was issued. This Court noticed that when the appointment was purely on ad hoc and contractual basis for a limited period, on the expiry of the period, the right to remain in the post came to an end. This Court stated that the view they were taking was the only view possible and set aside the judgment of the High Court which had given relief to the appointee.

23. In Madhyamik Shiksha Parishad, U.P. Vs. Anil Kumar Mishra and Others [AIR 1994 SC 1638], a three judge bench of this Court held that ad hoc appointees/temporary employees engaged on ad hoc basis and paid on piece-rate basis for certain clerical work and discontinued on completion of their task, were not entitled to reinstatement or regularization of their services even if their working period ranged from one to two years. This decision indicates that if the engagement was made in a particular work or in connection with particular project, on completion of that work or of that project, those who were temporarily engaged or employed in that work or project could not claim any right to continue in service and the High Court cannot direct that they be continued or absorbed elsewhere.

24. In State of Himachal Pradesh Vs. Suresh Kumar Verma (1996 (1) SCR 972), a three Judge Bench of this Court held that a person appointed on daily wage basis was not an appointee to a post according to Rules. On his termination, on the project employing him coming to an end, the Court could not issue a direction to re-engage him in any other work or appoint him against existing vacancies. This Court said: "It is settled law that having made rules of recruitment to various services under the State or to a class of posts under the State, the State is bound to follow the same and to have the selection of the candidates made as per recruitment rules and appointments shall be made accordingly. From the date of discharging the duties attached to the post the incumbent becomes a member of the services. Appointment on daily wage basis is not an appointment to a post according to the Rules."

Their Lordships cautioned that if directions are given to re-engage such persons in any other work or appoint them against existing vacancies, "the judicial process would become another mode of recruitment dehors the rules."

25. In Ashwani Kumar and others Vs. State of Bihar and others (1996 Supp. (10) SCR 120), this Court was considering the validity of confirmation of the irregularly employed. It was stated: "So far as the question of confirmation of these employees whose entry was illegal and void, is concerned, it is to be noted that question of confirmation or regularization of an irregularly appointed candidate would arise if the candidate concerned is appointed in an irregular manner or on ad hoc basis against an available vacancy which is already sanctioned. But if the initial entry itself is unauthorized and is not against any sanctioned vacancy, question of regularizing the incumbent on such a non-existing vacancy would never survive for consideration and even if such purported regularization or confirmation is given it would be an exercise in futility."

This Court further stated :

"In this connection it is pertinent to note that question of regularization in any service including any government service may arise in two contingencies. Firstly, if on any available clear vacancies which are of a long duration appointments are made on ad hoc basis or daily-wage basis by a competent authority and are

continued from time to time and if it is found that the incumbents concerned have continued to be employed for a long period of time with or without any artificial breaks, and their services are otherwise required by the institution which employs them, a time may come in the service career of such employees who are continued on ad hoc basis for a given substantial length of time to regularize them so that the employees concerned can give their best by being assured security of tenure. But this would require one precondition that the initial entry of such an employee must be made against an available sanctioned vacancy by following the rules and regulations governing such entry. The second type of situation in which the question of regularization may arise would be when the initial entry of the employee against an available vacancy is found to have suffered from some flaw in the procedural exercise though the person appointing is competent to effect such initial recruitment and has otherwise followed due procedure for such recruitment. A need may then arise in the light of the exigency of administrative requirement for waiving such irregularity in the initial appointment by a competent authority and the irregular initial appointment may be regularized and security of tenure may be made available to the incumbent concerned. But even in such a case the initial entry must not be found to be totally illegal or in blatant disregard of all the established rules and regulations governing such recruitment."

The Court noticed that in that case all constitutional requirements were thrown to the wind while making the appointments. It was stated, "On the contrary all efforts were made to bypass the recruitment procedure known to law which resulted in clear violation of Articles 14 and 16(1) of the Constitution of India, both at the initial stage as well as at the stage of confirmation of these illegal entrants. The so called regularizations and confirmations could not be relied on as shields to cover up initial illegal and void actions or to perpetuate the corrupt methods by which these 6000 initial entrants were drafted in the scheme."

26. It is not necessary to notice all the decisions of this Court on this aspect. By and large what emerges is that regular recruitment should be insisted upon, only in a contingency an ad hoc appointment can be made in a permanent vacancy, but the same should soon be followed by a regular recruitment and that appointments to non-available posts should not be taken note of for regularization. The cases directing regularization have mainly proceeded on the basis that having permitted the employee to work for some period, he should be absorbed, without really laying down any law to that effect, after discussing the constitutional scheme for public employment.

27. In A. Umarani Vs. Registrar, Cooperative Societies and Others (2004 (7) SCC 112), a three judge bench made a survey of the authorities and held that when appointments were made in contravention of mandatory provisions of the Act and statutory rules framed thereunder and by ignoring essential qualifications, the appointments would be illegal and cannot be regularized by the State. The State could not invoke its power under Article 162 of the Constitution to regularize such appointments. This Court also held that regularization is not and cannot be a mode of recruitment by any State within the meaning of Article 12 of the Constitution of India or any body or authority governed by a statutory Act or the Rules framed thereunder. Regularization furthermore cannot give permanence to an employee whose services are ad hoc in nature. It was also held that the fact that some persons had been working for a long time would not mean that they had acquired a right for regularization.

advertisement made. A regular appointment to a post under the State or Union cannot be made without issuing advertisement in the prescribed manner which may in some cases include inviting applications from the employment exchange where eligible candidates get their names registered. Any regular appointment made on a post under the State or Union without issuing advertisement inviting applications from eligible candidates and without holding a proper selection where all eligible candidates get a fair chance to compete would violate the guarantee enshrined under Article 16 of the Constitution (See B.S. Minhas Vs. Indian Statistical Institute and others AIR 1984 SC 363)."

31. There have been decisions which have taken the cue from the Dharwad (supra) case and given directions for regularization, absorption or making permanent, employees engaged or appointed without following the due process or the rules for appointment. The philosophy behind this approach is seen set out in the recent decision in The Workmen of Bhurkunda Colliery of M/s Central Coalfields Ltd. Vs. The Management of Bhurkunda Colliery of M/s Central Coalfields Ltd. (JT 2006 (2) SC 1), though the legality or validity of such an approach has not been independently examined. But on a survey of authorities, the predominant view is seen to be that such appointments did not confer any right on the appointees and that the Court cannot direct their absorption or regularization or re-engagement or making them permanent.

32. At this stage, it is relevant to notice two aspects. In Kesavananda Bharati Vs. State of Kerala (1973 Supp. S.C.R. 1), this Court held that Article 14, and Article 16, which was described as a facet of Article 14, is part of the basic structure of the Constitution of India. The position emerging from Kesavananda Bharati (supra) was summed up by Jagannatha Rao, J., speaking for a Bench of three Judges in Indira Sawhney Vs. Union of India (1999 Suppl. (5) S.C.R. 229). That decision also reiterated how neither the Parliament nor the Legislature could transgress the basic feature of the Constitution, namely, the principle of equality enshrined in Article 14 of which Article 16 (1) is a facet. This Court stated, "The preamble to the Constitution of India emphasises the principle of equality as basic to our constitution. In Keshavananda Bharati v. State of Kerala, it was ruled that even constitutional amendments which offended the basic structure of the Constitution would be ultra vires the basic structure. Sikri, CJ. laid stress on the basic features enumerated in the preamble to the Constitution and said that there were other basic features too which could be gathered from the Constitutional scheme (para 506 A of SCC). Equality was one of the basic features referred to in the Preamble to our Constitution. Shelat and Grover, JJ. also referred to the basic rights referred to in the Preamble. They specifically referred to equality (paras 520 and 535A of SCC). Hegde & Shelat, JJ. also referred to the Preamble (paras 648, 652). Ray, J. (as he then was) also did so (para 886). Jaganmohan Reddy, J. too referred to the Preamble and the equality doctrine (para 1159). Khanna, J. accepted this position (para 1471). Mathew, J. referred to equality as a basic feature (para 1621). Dwivedi, J. (paras 1882, 1883) and Chandrachud, J. (as he then was) (see para 2086) accepted this position. What we mean to say is that Parliament and the legislatures in this Country cannot transgress the basic feature of the Constitution, namely, the principle of equality enshrined in Article 14 of which Article 16(1) is a facet."

23. In the earlier decision in Indra Sawhney Vs. Union of India [1992 Supp. (2) S.C.R. 454], B.P. Jeevan Reddy, J. speaking for the majority, while acknowledging that equality and equal opportunity is a basic feature of our Constitution, has explained the exultant position of Articles 14 and 16 of the Constitution of India in the scheme of things. His Lordship stated:-

"6. The significance attached by the founding fathers to the right to equality is evident not only from the fact that they employed both the expressions 'equality before the law' and 'equal protection of the laws' in Article 14 but proceeded further to state the same rule in positive and affirmative terms in Articles 15 to

[illegible]

7. Inasmuch as public employment always gave a certain status and power --- it has always been the repository of State power ---besides the means of livelihood, special care was taken to declare equality of opportunity in the matter of public employment by Article 16. Clause (1), expressly declares that in the matter of public employment or appointment to any office under the state, citizens of this country shall have equal opportunity while clause (2) declares that no citizen shall be discriminated in the said matter on the grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them. At the same time, care was taken to, declare in clause (4) that nothing in the said Article shall prevent the state from making any provision for reservation of appointments or posts in favour of any backward class of citizen which in the opinion of the state, is not adequately represented in the services under the state\005\005\005\005\005\005.."

(See paragraphs 6 and 7 at pages 544 and 545)

These binding decisions are clear imperatives that adherence to Articles 14 and 16 of the Constitution is a must in the process of public employment.

34. While answering an objection to the locus standi of the Writ Petitioners in challenging the repeated issue of an ordinance by the Governor of Bihar, the exalted position of rule of law in the scheme of things was emphasized, Chief Justice Bhagwati, speaking on behalf of the Constitution Bench in *Dr. D.C. Wadhwa & Ors. Vs. State of Bihar & Ors.* (1987 (1) S.C.R. 798) stated:

"The rule of law constitutes the core of our Constitution of India and it is the essence of the rule of law that the exercise of the power by the State whether it be the Legislature or the Executive or any other authority should be within the constitutional limitations and if any practice is adopted by the Executive which is in flagrant and systematic violation of its constitutional limitations, petitioner No. 1 as a member of the public would have sufficient interest to challenge such practice by filing a writ petition and it would be the constitutional duty of this Court to entertain the writ petition and adjudicate upon the validity of such practice."

Thus, it is clear that adherence to the rule of equality in public employment is a basic feature of our Constitution and since the rule of law is the core of our Constitution, a Court would certainly be disabled from passing an order upholding a violation of Article 14 or in ordering the overlooking of the need to comply with the requirements of Article 14 read with Article 16 of the Constitution. Therefore, consistent with the scheme for public

employment, this Court while laying down the law, has necessarily to hold that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the court to prevent regular recruitment at the instance of temporary employees whose period of employment has come to an end or of ad hoc employees who by the very nature of their appointment, do not acquire any right. High Courts acting under Article 226 of the Constitution of India, should not ordinarily issue directions for absorption, regularization, or permanent continuance unless the recruitment itself was made regularly and in terms of the constitutional scheme. Merely because, an employee had continued under cover of an order of Court, which we have described as 'litigious employment' in the earlier part of the judgment, he would not be entitled to any right to be absorbed or made permanent in the service. In fact, in such cases, the High Court may not be justified in issuing interim directions, since, after all, if ultimately the employee approaching it is found entitled to relief, it may be possible for it to mould the relief in such a manner that ultimately no prejudice will be caused to him, whereas an interim direction to continue his employment would hold up the regular procedure for selection or impose on the State the burden of paying an employee who is really not required. The courts must be careful in ensuring that they do not interfere unduly with the economic arrangement of its affairs by the State or its instrumentalities or lend themselves the instruments to facilitate the bypassing of the constitutional and statutory mandates.

35. The concept of 'equal pay for equal work' is different from the concept of conferring permanency on those who have been appointed on ad hoc basis, temporary basis, or based on no process of selection as envisaged by the Rules. This Court has in various decisions applied the principle of equal pay for equal work and has laid down the parameters for the application of that principle. The decisions are rested on the concept of equality enshrined in our Constitution in the light of the directive principles in that behalf. But the acceptance of that principle cannot lead to a position where the court could direct that appointments made without following the due procedure established by law, be deemed permanent or issue directions to treat them as permanent. Doing so, would be negation of the principle of equality of opportunity. The power to make an order as is necessary for doing complete justice in any cause or matter pending before this Court, would not normally be used for giving the go-by to the procedure established by law in the matter of public employment. Take the situation arising in the cases before us from the State of Karnataka. Therein, after the Dharwad decision, the Government had issued repeated directions and mandatory orders that no temporary or ad hoc employment or engagement be given. Some of the authorities and departments had ignored those directions or defied those directions and had continued to give employment, specifically interdicted by the orders issued by the executive. Some of the appointing officers have even been punished for their defiance. It would not be just or proper to pass an order in exercise of jurisdiction under Article 226 or 32 of the Constitution or in exercise of power under Article 142 of the Constitution of India permitting those persons engaged, to be absorbed or to be made permanent, based on their appointments or engagements. Complete justice would be justice according to law and though it would be open to this Court to mould the relief, this Court would not grant a relief which would amount to perpetuating an illegality.

36. While directing that appointments, temporary or casual, be

regularized or made permanent, courts are swayed by the fact that the concerned person has worked for some time and in some cases for a considerable length of time. It is not as if the person who accepts an engagement either temporary or casual in nature, is not aware of the nature of his employment. He accepts the employment with eyes open. It may be true that he is not in a position to bargain -- not at arms length -- since he might have been searching for some employment so as to eke out his livelihood and accepts whatever he gets. But on that ground alone, it would not be appropriate to jettison the constitutional scheme of appointment and to take the view that a person who has temporarily or casually got employed should be directed to be continued permanently. By doing so, it will be creating another mode of public appointment which is not permissible. If the court were to void a contractual employment of this nature on the ground that the parties were not having equal bargaining power, that too would not enable the court to grant any relief to that employee. A total embargo on such casual or temporary employment is not possible, given the exigencies of administration and if imposed, would only mean that some people who at least get employment temporarily, contractually or casually, would not be getting even that employment when securing of such employment brings at least some succor to them. After all, innumerable citizens of our vast country are in search of employment and one is not compelled to accept a casual or temporary employment if one is not inclined to go in for such an employment. It is in that context that one has to proceed on the basis that the employment was accepted fully knowing the nature of it and the consequences flowing from it. In other words, even while accepting the employment, the person concerned knows the nature of his employment. It is not an appointment to a post in the real sense of the term. The claim acquired by him in the post in which he is temporarily employed or the interest in that post cannot be considered to be of such a magnitude as to enable the giving up of the procedure established, for making regular appointments to available posts in the services of the State. The argument that since one has been working for some time in the post, it will not be just to discontinue him, even though he was aware of the nature of the employment when he first took it up, is not one that would enable the jettisoning of the procedure established by law for public employment and would have to fail when tested on the touchstone of constitutionality and equality of opportunity enshrined in Article 14 of the Constitution of India.

37. Learned Senior Counsel for some of the respondents argued that on the basis of the doctrine of legitimate expectation, the employees, especially of the Commercial Taxes Department, should be directed to be regularized since the decisions in Dharwad (supra), Piara Singh (supra), Jacob, and Gujarat Agricultural University and the like, have given rise to an expectation in them that their services would also be regularized. The doctrine can be invoked if the decisions of the Administrative Authority affect the person by depriving him of some benefit or advantage which either (i) he had in the past been permitted by the decision-maker to enjoy and which he can legitimately expect to be permitted to continue to do until there have been ~~communicated~~ to him some rational grounds for withdrawing it on which he has been given an opportunity to comment; or (ii) he has received assurance from the decision-maker that they will not be withdrawn without giving him first an opportunity of advancing reasons for contending that they should not be withdrawn (See Lord Diplock in Council of Civil Service Unions V. Minister for the Civil Service (1985 Appeal Cases 374), National Buildings Construction Corpn. Vs. S. Raghunathan, (1998 (7) SCC 66) and Dr. Chanchal Goyal Vs. State of Rajasthan (2003 (3) SCC 485). There is no case that any assurance was given by the Government or the concerned department while making the appointment on daily wages that the status conferred on him will not be withdrawn until some rational reason comes into existence for withdrawing it. The very engagement was against the constitutional scheme. Though, the Commissioner of the Commercial Taxes Department sought to get the appointments made permanent, there is no case that at the time of appointment any promise was held out. No such promise could also have

been held out in view of the circulars and directives issued by the Government after the Dharwad decision. Though, there is a case that the State had made regularizations in the past of similarly situated employees, the fact remains that such regularizations were done only pursuant to judicial directions, either of the Administrative Tribunal or of the High Court and in some case by this Court. Moreover, the invocation of the doctrine of legitimate expectation cannot enable the employees to claim that they must be made permanent or they must be regularized in the service though they had not been selected in terms of the rules for appointment. The fact that in certain cases the court had directed regularization of the employees involved in those cases cannot be made use of to found a claim based on legitimate expectation. The argument if accepted would also run counter to the constitutional mandate. The argument in that behalf has therefore to be rejected.

38. When a person enters a temporary employment or gets engagement as a contractual or casual worker and the engagement is not based on a proper selection as recognized by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection and in concerned cases, in consultation with the Public Service Commission. Therefore, the theory of legitimate expectation cannot be successfully advanced by temporary, contractual or casual employees. It cannot also be held that the State has held out any promise while engaging these persons either to continue them where they are or to make them permanent. The State cannot constitutionally make such a promise. It is also obvious that the theory cannot be invoked to seek a positive relief of being made permanent in the post.

39. It was then contended that the rights of the employees thus appointed, under Articles 14 and 16 of the Constitution, are violated. It is stated that the State has treated the employees unfairly by employing them on less than minimum wages and extracting work from them for a pretty long period in comparison with those directly recruited who are getting more wages or salaries for doing similar work. The employees before us were engaged on daily wages in the concerned department on a wage that was made known to them. There is no case that the wage agreed upon was not being paid. Those who are working on daily wages formed a class by themselves, they cannot claim that they are discriminated as against those who have been regularly recruited on the basis of the relevant rules. No right can be founded on an employment on daily wages to claim that such employee should be treated on a par with a regularly recruited candidate, and made permanent in employment, even assuming that the principle could be invoked for claiming equal wages for equal work. There is no fundamental right in those who have been employed on daily wages or temporarily or on contractual basis, to claim that they have a right to be absorbed in service. As has been held by this Court, they cannot be said to be holders of a post, since, a regular appointment could be made only by making appointments consistent with the requirements of Articles 14 and 16 of the Constitution. The right to be treated equally with the other employees employed on daily wages, cannot be extended to a claim for equal treatment with those who were regularly employed. That would be treating unequals as equals. It cannot also be relied on to claim a right to be absorbed in service even though they have never been selected in terms of the relevant recruitment rules. The arguments based on Articles 14 and 16 of the Constitution are therefore overruled.

40. It is contended that the State action in not regularizing the employees was not fair within the framework of the rule of law. The rule of law compels the State to make appointments as envisaged by the Constitution and in the manner we have indicated earlier. In most of these cases, no doubt, the employees had worked for some length of time but this

has also been brought about by the pendency of proceedings in Tribunals and courts initiated at the instance of the employees. Moreover, accepting an argument of this nature would mean that the State would be permitted to perpetuate an illegality in the matter of public employment and that would be a negation of the constitutional scheme adopted by us, the people of India. It is therefore not possible to accept the argument that there must be a direction to make permanent all the persons employed on daily wages. When the court is approached for relief by way of a writ, the court has necessarily to ask itself whether the person before it had any legal right to be enforced. Considered in the light of the very clear constitutional scheme, it cannot be said that the employees have been able to establish a legal right to be made permanent even though they have never been appointed in terms of the relevant rules or in adherence of Articles 14 and 16 of the Constitution.

41. It is argued that in a country like India where there is so much poverty and unemployment and there is no equality of bargaining power, the action of the State in not making the employees permanent, would be violative of Article 21 of the Constitution. But the very argument indicates that there are so many waiting for employment and an equal opportunity for competing for employment and it is in that context that the Constitution as one of its basic features, has included Articles 14, 16 and 309 so as to ensure that public employment is given only in a fair and equitable manner by giving all those who are qualified, an opportunity to seek employment. In the guise of upholding rights under Article 21 of the Constitution of India, a set of persons cannot be preferred over a vast majority of people waiting for an opportunity to compete for State employment. The acceptance of the argument on behalf of the respondents would really negate the rights of the others conferred by Article 21 of the Constitution, assuming that we are in a position to hold that the right to employment is also a right coming within the purview of Article 21 of the Constitution. The argument that Article 23 of the Constitution is breached because the employment on daily wages amounts to forced labour, cannot be accepted. After all, the employees accepted the employment at their own volition and with eyes open as to the nature of their employment. The Governments also revised the minimum wages payable from time to time in the light of all relevant circumstances. It also appears to us that importing of these theories to defeat the basic requirement of public employment would defeat the constitutional scheme and the constitutional goal of equality.

42. The argument that the right to life protected by Article 21 of the Constitution of India would include the right to employment cannot also be accepted at this juncture. The law is dynamic and our Constitution is a living document. May be at some future point of time, the right to employment can also be brought in under the concept of right to life or even included as a fundamental right. The new statute is perhaps a beginning. As things now stand, the acceptance of such a plea at the instance of the employees before us would lead to the consequence of depriving a large number of other aspirants of an opportunity to compete for the post or employment. Their right to employment, if it is a part of right to life, would stand denuded by the preferring of those who have got in casually or those who have come through the back door. The obligation cast on the State under Article 39(a) of the Constitution of India is to ensure that all citizens equally have the right to adequate means of livelihood. It will be more consistent with that policy if the courts recognize that an appointment to a post in government service or in the service of its instrumentalities, can only be by way of a proper selection in the manner recognized by the relevant legislation in the context of the relevant provisions of the Constitution. In the name of individualizing justice, it is also not possible to shut our eyes to the constitutional scheme and the right of the numerous as against the few who are before the court. The Directive Principles of State Policy have also to be reconciled with the rights available to the citizen under Part III of the Constitution and the obligation of the State to one and all and not to a particular group of citizens. We, therefore, overrule the argument based on Article 21 of the Constitution.

Incidentally, the Bench also referred to the nature of the orders to be passed in exercise of this Court's jurisdiction under Article 142 of the Constitution. This Court stated that jurisdiction under Article 142 of the Constitution could not be exercised on misplaced sympathy. This Court quoted with approval the observations of Farewell, L.J. in *Latham vs. Richard Johnson & Nephew Ltd.* (1913 (1) KB 398) "

"We must be very careful not to allow our sympathy with the infant plaintiff to affect our judgment. Sentiment is a dangerous will o' the wisp to take as a guide in the search for legal principles."

This Court also quoted with approval the observations of this Court in *Teri Oat Estates (P) Ltd. Vs. U.T., Chandigarh* (2004 (2) SCC 130) to the effect:

"We have no doubt in our mind that sympathy or sentiment by itself cannot be a ground for passing an order in relation whereto the appellants miserably fail to establish a legal right. It is further trite that despite an extraordinary constitutional jurisdiction contained in Article 142 of the Constitution of India, this Court ordinarily would not pass an order which would be in contravention of a statutory provision."

This decision kept in mind the distinction between 'regularization' and 'permanency' and laid down that regularization is not and cannot be the mode of recruitment by any State. It also held that regularization cannot give permanence to an employee whose services are ad hoc in nature.

29. It is not necessary to multiply authorities on this aspect. It is only necessary to refer to one or two of the recent decisions in this context. In *State of U.P. vs. Niraj Awasthi and others* (2006 (1) SCC 667) this Court after referring to a number of prior decisions held that there was no power in the State under Art. 162 of the Constitution of India to make appointments and even if there was any such power, no appointment could be made in contravention of statutory rules. This Court also held that past alleged regularisation or appointment does not connote entitlement to further regularization or appointment. It was further held that the High Court has no jurisdiction to frame a scheme by itself or direct the framing of a scheme for regularization. This view was reiterated in *State of Karnataka vs. KGSD Canteen Employees Welfare Association* (JT 2006 (1) SC 84).

30. In *Union Public Service Commission Vs. Girish Jayanti Lal Vaghela & Others* [2006 (2) SCALE 115], this Court answered the question, who was a Government servant and stated:-

"Article 16 which finds place in Part III of the Constitution relating to fundamental rights provides that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. The main object of Article 16 is to create a constitutional right to equality of opportunity and employment in public offices. The words "employment" or "appointment" cover not merely the initial appointment but also other attributes of service like promotion and age of superannuation etc. The appointment to any post under the State can only be made after a proper advertisement has been made inviting applications from eligible candidates and holding of selection by a body of experts or a specially constituted committee whose members are fair and impartial through a written examination or interview or some other rational criteria for judging the inter se merit of candidates who have applied in response to the

43. Normally, what is sought for by such temporary employees when they approach the court, is the issue of a writ of mandamus directing the employer, the State or its instrumentalities, to absorb them in permanent service or to allow them to continue. In this context, the question arises whether a mandamus could be issued in favour of such persons. At this juncture, it will be proper to refer to the decision of the Constitution Bench of this Court in Dr. Rai Shivendra Bahadur Vs. The Governing Body of the Nalanda College [(1962) Supp. 2 SCR 144]. That case arose out of a refusal to promote the writ petitioner therein as the Principal of a college. This Court held that in order that a mandamus may issue to compel the authorities to do something, it must be shown that the statute imposes a legal duty on the authority and the aggrieved party had a legal right under the statute or rule to enforce it. This classical position continues and a mandamus could not be issued in favour of the employees directing the government to make them permanent since the employees cannot show that they have an enforceable legal right to be permanently absorbed or that the State has a legal duty to make them permanent.

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

45. It is also clarified that those decisions which run counter to the principle settled in this decision, or in which directions running counter to what we have held herein, will stand denuded of their status as precedents.

46. In cases relating to service in the commercial taxes department, the High Court has directed that those engaged on daily wages, be paid wages equal to the salary and allowances that are being paid to the regular employees of their cadre in government service, with effect from the dates from which they were respectively appointed. The objection taken was to the direction for payment from the dates of engagement. We find that the High Court had clearly gone wrong in directing that these employees be paid salary equal to the salary and allowances that are being paid to the regular employees of their cadre in government service, with effect from the dates from which they were respectively engaged or appointed. It was not open to the High Court to impose such an obligation on the State when the very question before the High Court in the case was whether these employees were entitled to have equal pay for equal work so called and were entitled to any other benefit. They had also been engaged in the teeth of directions not to do so. We are, therefore, of the view that, at best, the Division Bench of the High Court should have directed that wages equal to the salary that are being paid to regular employees be paid to these daily wage employees with effect from the date of its judgment. Hence, that part of the direction of the Division Bench is modified and it is directed that these daily wage earners be paid wages equal to the salary at the lowest grade of employees of their

cadre in the Commercial Taxes Department in government service, from the date of the judgment of the Division Bench of the High Court. Since, they are only daily wage earners, there would be no question of other allowances being paid to them. In view of our conclusion, that Courts are not expected to issue directions for making such persons permanent in service, we set aside that part of the direction of the High Court directing the Government to consider their cases for regularization. We also notice that the High Court has not adverted to the aspect as to whether it was regularization or it was giving permanency that was being directed by the High Court. In such a situation, the direction in that regard will stand deleted and the appeals filed by the State would stand allowed to that extent. If sanctioned posts are vacant (they are said to be vacant) the State will take immediate steps for filling those posts by a regular process of selection. But when regular recruitment is undertaken, the respondents in C.A. No. 3595-3612 and those in the Commercial Taxes Department similarly situated, will be allowed to compete, waiving the age restriction imposed for the recruitment and giving some weightage for their having been engaged for work in the Department for a significant period of time. That would be the extent of the exercise of power by this Court under Article 142 of the Constitution to do justice to them.

47. Coming to Civil Appeal Nos. 1861-2063 of 2001, in view of our conclusion on the questions referred to, no relief can be granted, that too to an indeterminate number of members of the association. These appointments or engagements were also made in the teeth of directions of the Government not to make such appointments and it is impermissible to recognize such appointments made in the teeth of directions issued by the Government in that regard. We have also held that they are not legally entitled to any such relief. Granting of the relief claimed would mean paying a premium for defiance and insubordination by those concerned who engaged these persons against the interdict in that behalf. Thus, on the whole, the appellants in these appeals are found to be not entitled to any relief. These appeals have, therefore, to be dismissed.

48. C.A. Nos. 3520-24 of 2002 have also to be allowed since the decision of the Zilla Parishads to make permanent the employees cannot be accepted as legal. Nor can the employees be directed to be treated as employees of the Government, in the circumstances. The direction of the High Court is found unsustainable.

49. In the result, Civil Appeal Nos. 3595-3612 of 1999, Civil Appeal No. 3849 of 2001, Civil Appeal Nos. 3520-3524 of 2002 and Civil appeal arising out of Special Leave Petition (Civil) Nos. 9103-9105 of 2001 are allowed subject to the direction issued under Article 142 of the Constitution in paragraph 46 and the general directions contained in paragraph 44 of the judgment and Civil Appeal Nos. 1861-2063 of 2001 are dismissed. There will be no order as to costs.

Copy of Reso. No. 30(L-25)
of
Council's Ordinary Meeting
Dated 29/01/18

ITEM NO. 30 (L-25)

1. Name of the subject/project:

Conversion charges for change of land use from residential to commercial.

2. Name of the Department:

Estate-II Department.

3. Brief History of the subject/project:

3.1 In terms of the Government of India Notification dated 24th March, 2006, the following 10 markets were transferred to New Delhi Municipal Council (NDMC) by the Land & Development Office, Ministry of Urban Development, Govt. of India for lease management from 1st April, 2006 :-

- | | |
|---|--------------------------|
| 1. Khan Market | 2. Khanna Market |
| 3. New Central Market
(Shankar Market) | 4. Bhagat Singh Market |
| 5. Bengali Market | 6. Sarojini Nagar Market |
| 7. Babu Market | 8. Jor Bagh Market |
| 9. Diplomatic Enclave
(Malcha Marg Market) | 10. Aliganj Market |

A copy of the above said Notification is at Annexure-I (See pages 677 – 682) of the Agenda Note dated 24.03.2006. The Para-3 of the notification states *"The guidelines and procedure followed by Land & Development Office and Directorate of Estates in the matter of substitution / mutation of title, Gift Permission, Sale Permission, Mortgage Permission, Conversion of lease hold into freehold, change of use of premises, regularization / restoration of allotment of shops etc. change of trade, conferment of ownership rights, recovery of misuse / damages charges etc. may also be followed by the local bodies viz. New Delhi Municipal Council and Municipal Corporation of Delhi"*.

3.2 The Council had, in its meeting held on 19.04.2006, passed a resolution which empowers NDMC to carry on the lease management of transferred markets by following the policy & guidelines of L&DO. The NDMC is now functioning as the LESSOR, in respect of shops and flats in these markets and exercising all powers performed by Land & Development Office, Directorate of Estates, as the case may be, as the Lessor.

3.3 The notification further stipulates that in addition to performing the function as lessor/licensor, the local bodies can also take appropriate action against violation of building bye-laws, municipal bye-laws and exercise other statutory powers.

3.4 As approved by the Competent Authority, NDMC, a circular No. 198/SO (STC), dated 06.05.2014 (Annexure – II (See pages 683 - 687) was issued for Freehold Conversion and for change in use from Residential to Commercial in respect of Markets transferred from L&DO to NDMC vide notification dated 24.03.2006. As per the circular dated 06.05.2014, where the lessee is interested to maintain the land on leasehold basis and pay use conversion charges, the same shall be allowed as per Notification of 10th July, 2012 (Annexure – III See page 688) by charging a rate of Rs.89094/- per sq. mtrs of the built up area. The land shall continue to be on lease but the user of the residential portions shall be allowed on payment of use of use conversion charges at Rs.89,094/- per sq. mtrs. of the built up area as aforesaid. This is to make it clear that the conversion from leasehold land to freehold land has be of the area of the land which is being converted from leasehold to freehold, while in the case of residential flats, it is the use conversion of built up area of the flat and not the area of the land. Relevant Notification of the DDA is re-produced hereunder:-

"Sub: - Fixation of use conversion charges on upper residential floors of various markets [Sarojini Nagar Market, Khan Market and Green Park Extension etc.]

"D.O. 1542(F) – In exercise of the powers conferred by Section-57 of the Delhi Development Authority with the prior approval of the Central Government hereby notifies the rates of use conversion charges for use of proper residential floors of various markets [Sarojini Nagar Market, Khan Market, Green Park Extension etc.] to commercial use subject to charging additional rates @100% of difference between the commercial rate and the residential rates as one time conversion charges and further subject to the conditions that the building shall remain in the shape and structure as was approved in the original plan sanctioned by the Competent Authority.

Accordingly, the rate structure for Use Conversion Charges on upper floors of the following Market will be as under:-

*Sarojini Nagar Market, Khan Market {Rate in Rs. Per sq. Mtr.
And Green Park Extension etc. built up area}
Rs. 89,094/-*

These rates will remain in force till these are further modified and notified with the approval of the Central Government".

These charges shall be deposited in accounts of the Council and not L&DO.

3.5 The Ministry of Housing and Urban Affairs, Government of India vide letter No. K - 12016/3/2014-DD-I, dated 29.12.2017 Annexure-IV (See page 689) has conveyed approval of Central Government on that the DDA's proposal for rationalization of user Conversion Charges for Sarojini Nagar Market, Khan Market and Green Park Extension etc. subject to the following conditions:

- A. Use Conversion Charges for Sarojini Nagar, Khan Market, Green Park Extension, etc. shall be fixed as Rs. 22,274/- per Sq. Mtr. for conversion from Residential to Commercial.
- B. The conversion scheme shall be available till 30 June 2018.
- C. Conversion cases already finalized as per the charges mentioned in the gazette notification dated 10.07.2012 shall not be re-opened.
- D. The procedure for conversion shall be kept simple and transparent.

3.6 In exercise of the powers conferred by section 57 of the Delhi Development Act 1957, the DDA vide their notification F. No. 100 (10)2015/CL, dated 28.12.2017 (Annexure – V (See pages 690 - 691) notified that with the prior approval of the Central Government in partial modification of the rates notified vide S.O. No. 1542 (E) dated 10.07.2012, hereby notifies reduced rates of use conversion charges for use of upper residential floors of various markets (Sarojini Nagar Market, Khan Market and Green Park Extension etc.) to commercial use subject to charging additional rates @ 25% of difference between the commercial rate and the residential rates as one time conversion charges and further subject to the condition that the building shall remain in the shape and structure as was approved in the original plan sanctioned by the competent authority.

Accordingly, the reduced rate structure for use conversion charges on upper floors of the following markets will be as under:

Sarojini Nagar Market,	Rates (in Rs. Per Sqm.
Khan Market and	built up area)
Green Park Extension	Rs. 22,274/-

These reduced rates will remain in force only till 30th June, 2018 subject to the following conditions:

- (i) Conversion cases already finalized as per charges mentioned in the Gazette Notification 10.07.2012 shall not be reopened.

- (ii) The procedure for conversion shall be kept simple and transparent.

3.7 It is relevant to mention here that land rates have been finalized by the Council of NDMC vide Reso. No. 30 (L-06), dated 21.08.2017 w.e.f. 01.04.2000 as fixed by the L&DO vide their letter No. L&DO/F-24013/3/2013-CDN/07 dated 02.05.2017 *mutatis mutandis* and the same has been adopted/implemented vide circular No. D/1041/SO (Estate – II)/2017, dated 12.09.2017 at Annexure – VI (See pages 692 - 695) for freehold conversion including computing of government dues. However for change of land use from residential to commercial, department is still following the rates of Rs. 89024/- per Sq. Mtr. as approved by the Competent Authority, NDMC which needs to be reviewed in the light of DDA's notification dated 28.12.2017.

3.8 Proposal of the Department:

Since NDMC is following the DDA's rates for Commercial Conversion and now DDA has reduced the rates for Commercial conversion, it is proposed that NDMC may adopt the commercial conversion rates as Rs.22,274/- upto 30.06.2018 with the same conditions as prescribed in the DDA's notification dated 28.12.2017.

4. Comments of the Finance Department:

The Finance Department has seen draft agendum and conveyed that it may be placed before the Council for consideration. Further, the Department may bring on the record/ensure the following points :-

- (i) The recommendations of the department in the Draft Agendum are in general and needs clarification whether the rates proposed to be adopted are only for the markets mentioned in the notification in respect of DDA or for all L&DO markets handed over to NDMC and further whether these are for the upper floors as stipulated in the notification.
- (ii) The rates fixed in the notification for DDA are applicable for NDMC also and there are no any other guidelines for NDMC in this regard by L&DO.
- (iii) The proposal is not in contravention of NDMC policy.
- (iv) Department may also apprise the Council regarding conversion charges applicable in MCD area.
- (v) It may be ensured that the revenue received from the different markets is not lesser than the expenditure incurred on these markets.

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

The Department has noted the comments of Finance Department and clarifies the following :-

- a) The ~~conversion~~ charges for change of land use from residential to commercial will be applicable for all the markets transferred by L&DO to NDMC in the year 2006 and for the flats constructed as per the standard plan.
- b) NDMC has adopted the DDA rates for conversion from residential to commercial and processing the cases as per the guidelines of L&DO.
- c) The proposal is not in contravention of NDMC policy.
- d) The Department will apprise the Council regarding conversion charges applicable in MCDs area.
- e) Since the policy of commercial conversion is optional, it cannot be ensured that the revenue received from different markets is not lesser than the expenditure incurred on these markets.

6. Financial implications of the proposed project/subject:
As the cases which have already been decided on the land rates applicable till date shall not be reviewed, there does not seem to be any adverse financial implication.
7. Implementation schedule with timeliness for each stage including internal processing:

Not applicable.
8. Comments of the Architect Department:

A copy of draft agendum has been forwarded to the Department on 22.01.2018 and their comments are awaited. In case, the comments are received before the date of Council meeting, the Council will be apprised about the same.
9. Comments of the department on the comments of Architect Department.

No comments.
10. Comments of the Law Department:

A copy of draft agendum has been forwarded to the Department on 22.01.2018 and their comments are awaited. In case, the comments are received before the date of Council meeting, the Council will be apprised about the same.
11. Comments of the department on the comments of Law Department.

No comments.
12. Comments of EBR Department:

A copy of draft agendum has been forwarded to the Department on 22.01.2018 and their comments are awaited. In case, the comments are received before the date of Council meeting, the Council will be apprised about the same.
13. Comments of the department on the comments of EBR Department.

No comments.
14. Details of previous Council Resolution, existing law of Parliament and Assembly on the subject:
15. Certificate by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case:

Not required.

Recommendation:-

The Council may consider the following proposal of Department through circulation:

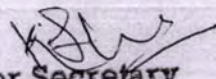
"Since NDMC is following the DDA's rates for Commercial Conversion and now DDA has reduced the rates for Commercial conversion, it is proposed that NDMC may adopt the commercial conversion rates as Rs. 22,274/- upto 30.06.2018 with the same conditions as prescribed in the DDA notification dated 28.12.2017".

COUNCIL'S DECISION

Since NDMC is following the DDA's rates for Commercial Conversion and now DDA has reduced the rates for Commercial conversion for use of upper residential floors of various markets (Sarojini Nagar Market, Khan Market and Green Park Extension etc.) to commercial use, the Council resolved to adopt the DDA's notification No. 100 (10)2015/CL dated 28.12.2017 in this regard.

The Council further resolved that in future any further amendment by the DDA in this regard for change in rates for Commercial Conversion would be applicable to NDMC, *mutatis mutandis*.

It was also resolved that the department may initiate further necessary action in anticipation of confirmation of the minutes of the Council.


For Secretary
New Delhi Municipal Council
New Delhi.

MINISTRY OF URBAN DEVELOPMENT
NOTIFICATION

New Delhi, the 24th March, 2006

S.O. 404(E).—Whereas the Land and Development Office, Directorate of Estates and Central Public Works Department under the Ministry of Urban Development are administering various markets in Delhi.

2. And whereas the Central Government has decided to transfer the markets under Land & Development Office, Directorate of Estates and Central Public Works Department (except Indira Chowk, Rajiv Chowk and I.N.A. Market Complex) comprising of shops and flats over the shops (excluding the general pool flats over the shops in R.K. Puram Market, Srinivaspuri, Andrews Ganj, Nanakpura and Lancer Road Markets) to the New Delhi Municipal Council and Municipal Corporation of Delhi on "as is where is" basis, it is decided as follows;

3. On transfer of these markets, New Delhi Municipal Council and Municipal Corporation of Delhi will function as the lessor or Licensor, in respect of shops and flats in these markets and shall exercise all powers being performed by Land & Development Office, Directorate of Estates and Central Public Works Department, as the case may be, as the lessor or licensor. The guidelines and procedure followed by Land & Development Office and Directorate of Estates in the matter of substitution/mutation of title, Gift Permission, Sale Permission, Mortgage Permission, Conversion of lease hold into freehold, change of use of premises, regularization/restoration of allotment of shops etc., change of trade, conferment of ownership rights, recovery of misuse/damages charges etc. may also be followed by the local bodies viz. New Delhi Municipal Council and Municipal Corporation of Delhi.

4. In addition to performing the functions as lessor/licensor, local bodies can also take appropriate action against violation of building bye-laws, municipal bye-laws and exercise other statutory powers.
5. Both New Delhi Municipal Council and Municipal Corporation of Delhi shall create a separate Corpus of Fund to which the revenue generated from the transfer of markets by way of receipt of rent, licences, unearned increase, premium, conversion fee, damages/misuse charges etc. shall be deposited. If for any reason the amount is credited in the common Municipal Fund, then a separate Account shall be maintained in respect of the revenue realized from transfer of markets and this be duly accounted for. These Funds shall be utilized only for the purpose of development of the markets and for no other purpose. A quarterly report of the deposits made and the amounts spent are to be furnished to the Land and Development Office and Ministry of Urban Development, Nirman Bhawan, New Delhi.
6. The details of the markets being transferred to the New Delhi Municipal Council are listed under **Annexure-I**. Similarly, the details of the markets being transferred to the Municipal Corporation of Delhi are at **Annexure-II**.
7. The transfer of Markets will take effect from 1st April, 2006 and transfer of all records shall be completed by 30th April, 2006

[No. L & DO/PS-IV/Policy/1/2004]

P. K. PRADHAN, Jt. Secy.

List of Markets under the Land & Development Office, Directorate of Estate and CPWD, transferred to the New Delhi Municipal Council (NDMC).

Sr. No.	Name of the Market	
1.	Baird Road Market	
2.	Bhagat Singh Mkt.	(i) Shops
		(ii) residential flats over shops
3.	Khan Market	(i) Shops
		(ii) residential flats over shops
4.	Khanna Market	
5.	Ali Ganj Market	
6.	Bengali Market Shop-cum-Residence	
7.	Jor Bagh Shop-cum-Residence	
8.	Diplomatic Enclave	
9.	N. C. Market	(i) Shops
		(ii) residential flats over shops
		(iii) stalls
10.	S.N. Market	(i) Shops
		(ii) residential flats over shops
11.	Babu Market, Sarojini Nagar – shops	
12.	Kidwai Nagar(South)	
13.	Kidwai Nagar (Centre)	
14.	Moti Bagh-I	
15.	Begum Zaidi Market	
16.	Basurkar Market	
17.	Naroji Nagar	
18.	Pandara Road Market	
19.	Laxmi Bai Nagar Market	
20.	NetajiNagar Market	
21.	Prithviraj Road Market	
22.	Lodhi Colony Main Market	
23.	Janpath Market	
24.	DIZ Area, Sec IV, B.K.S. Marg (convenient shopping Centre)	
25.	Hanuman Road	
26.	Asia House Market	
27.	Ring Road Market	

List of Markets under the Land & Development Office, Directorate of Estate and CPWD, transferred to the Municipal Corporation of Delhi (MCD).

<u>Sr. No.</u>	<u>Name of the Market</u>
1.	Ansari Market
2.	Ashoka Market
3.	Azad Market
4.	Desh Bandhu Gupta Mkt. (i) Shops (ii) Comm. flats.
5.	Gaffar Market
6.	Gokhale Market
7.	Indra Market
8.	Khursheed Market (Shops & Comm. flats)
9.	Lajpat Nagar Market
10.	Lehna Singh Market
11.	Mirdard Road Market
12.	Old Rohtak Road Market
13.	Rani Jhansi Market
14.	Roshnara Road Market
15.	Sewa Nagar Market
16.	Teliwara Market
17.	Timar Pur Market
18.	Gulabi Bagh Market
19.	Tilak Nagar (New Market)
20.	Tilak Nagar (Old Market)
21.	Defence Colony Market
22.	Kalkaji Market
23.	Jung Pura Market
24.	Moti Nagar Market
25.	Tehar-I Market
26.	Old Rajender Nagar Mkt.
27.	Ramesh Nagar Market
28.	West Patel Nagar (New Mkt.)
29.	West Patel Nagar (Old Mkt.)
30.	Nizamuddin Mkt.
31.	New Qutab Road Market
32.	South Patel Nagar Market
33.	Central Market, LPN
34.	Pushpa Market, LPN
35.	Krishna Market, LPN
36.	Malviya Nagar Market
37.	Malka Ganj Market

38.	Inner Market, Malka Ganj	
39.	Main Road Mkt., Malka Ganj	
40.	East Patel Nagar Market	
41.	New Rajinder Nagar Market	
42.	Edward Lane Market	
43.	Punchkuian Road Market	
44.	Pahar Ganj Market	
45.	Sunder Nagar Market Shop-cum-Residence	
46.	Prem Nagar Market	
47.	M.B. Road - Shops	
48.	Kamla Market	(i) Shops
		(ii) residential flats over shops
49.	Meharchand Market - Shops	
50.	R.K.Puram Market, Sector-I	
51.	R.K.Puram Market Sector-II	
52.	R.K.Puram Market Sector-III	
53.	R.K.Puram Market Sector-IV	
54.	R.K.Puram Market Sector-V	
55.	R.K. Puram Market Sector-VI	
56.	R.K.Puram Market Sector-VII(Centre-I)	
57.	R.K.Puram Market Sector-VII(Centre-II)	
58.	R.K.Puram Market Sector-VIII	
59.	R.K.Puram Market Sector-IX	
60.	R.K.Puram Market Sector-XII	
61.	Site-D Market, Sector-VI, R.K. Puram(Platforms)	
62.	Kasturba Nagar- Shops	
63.	Sri Nivas Puri - Shops	
64.	Nanak Pura - Shops	
65.	Pleasure Garden Market - Shops	
66.	Lancer Road - Shops	
67.	"Y" Shape Building I.P. Bhawan	
68.	Vasant Vihar Shopping Complex	
69.	Mohammadpur Shopping Complex	
70.	Sadiq Nagar Market	(i) shops
		(ii) stalls
		(iii) platforms
		(iv) Kiosks
		(v) cycle repairs shop
		(vi) scooter repair shop
71.	M.B.Road, Sec-I, Market	(i) shops
		(ii) office
		(iii) scooter repairs shop
		(iv) cycle repair shop
72.	M.B.Road, Sec-III, Market	

73.	M.B.Road, Sec-III-A Markets
74.	M.B.Road Sec-III B, Markets
75.	M.B.Road, Sec-IV, Market(Local Shopping Centre)
76.	M.B.Road, Sec-IV, Market(Convenient Shopping Centre)
77.	M.B. Road, Sec-V, Markets
78.	Lodhi Road Complex, Centre-I Shops
79.	Lodhi Road Complex, Centre-II Market

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ESTATE-II DEPARTMENT
NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

Annex - D

No. 198/50(SO)

Dated 2/5/14

CIRCULAR

Sub. Internal instructions on provisional adoption of Land Rates, review of Policy/guidelines for Freehold Conversion and for change in use from Residential to Commercial in respect of Markets transferred from L&DO.

1. In respect of the ten markets, transferred by L&DO to NDMC, vide the Notification dated 24th March, 2006, the NDMC is to follow the procedure and guidelines which were being followed by the L&DO. After this Notification lease management of the markets is with the New Delhi Municipal Council and in addition to the mutation, substitution, transfer etc., conversion from leasehold to freehold, charging of misuse charges for misuse and damages for unauthorized construction are to be regulated, as aforesaid, as per the guidelines and the procedure decided by L&DO.

2. The present instructions covers the cases of (i) conversion from leasehold to freehold in respect of the commercial units and residential units and (ii) charging of use conversion charges in respect of upper residential floors, in the market received from L&DO for management by NDMC.

2(i) Conversion from leasehold to freehold of commercial shops :-

Procedure to be followed for such conversion is as per L&DO guidelines adopted by NDMC. The land rate to be adopted for conversion from leasehold to freehold are as per Annexure-"A".

2(ii) While processing the cases for conversion from leasehold to freehold, on inspection, misuse is found, misuse charges are to be levied till the date of conversion and the Chief Architect is to be informed about the misuse of the premises for action at his end. Similarly, if any unauthorized construction is found, damage charges, till the date of conversion are to be charged and EBR Department informed of the unauthorized construction. The conversion from leasehold to freehold shall not be withheld due to misuse or unauthorized construction, as per the guidelines of the L&DO.

2(iii) All other charges as per L&DO guidelines are to be calculated and collected.

3. Conversion of leasehold rights to freehold in respect of residential units:-

The above guidelines for conversion from leasehold to freehold in respect of commercial spaces shall also be followed for residential flats as well. The land rates for this purpose shall be as per Annexure-"B".

The amount so collected on conversion from leasehold to freehold shall be deposited in the account being maintained in NDMC on behalf of L&DO.

4. Use conversion from residential to commercial :-

The DDA has issued guidelines for collection of use conversion charges from residential to commercial. Where the lessee is interested to maintain the land on leasehold basis and pay use conversion charges, the same shall be allowed as per Notification of 10th July, 2012 by charging a rate of Rs.8094/- per sq. mtrs. of the built up area. The land shall continue to be on lease but the user of the residential portions

shall be allowed on payment of use conversion charges at Rs 39,094/- per sq. mtrs. of the built up area as aforesaid. This is to make it clear that the conversion from leasehold land to freehold land has to be of the area of the land which is being converted from leasehold to freehold, while in the case of residential flats, it is the use conversion of built up area of the flat and not the area of the land. Relevant Notification of the DDA is re-produced hereunder :-

"Sub:- Fixation of use conversion charges on upper residential floors of various markets [Sarojini Nagar Market, Khan Market and Green Park Extension etc.]

"D.O. 1542(F.)—In exercise of the powers conferred by Section-57 of the Delhi Development Authority with the prior approval of the Central Government hereby notifies the rates of use conversion charges for use of upper residential floors of various markets [Sarojini Nagar Market, Khan Market Green Park Extension etc.] to commercial use subject to charging additional rates @100% of difference between the commercial rate and the residential rate as one time conversion charges and further subject to the condition that the building shall remain in the shape and structure as was approved in the original plan sanctioned by the Competent Authority.

Accordingly, the rate structure for Use Conversion Charges on upper floors of the following Market will be as under :-

<i>Sarojini Nagar Market, Khan Market And Green Park Extension etc.</i>	<i>[Rate in Rs. Per sq.m built up area] Rs. 39,094/-.</i>
---	---

These rates will remain in force till these are further modified and notified with the approval of the Central Government".

These charges shall be deposited in the accounts of the Council and not L&DO.

5. If the lessee is interested to have the flat converted from leasehold to freehold, he will have to get it converted from leasehold to freehold by following the procedure as at (i) above. Lessee has both the options i.e. to continue with their use of the land on leasehold basis and use the flat for commercial purpose by paying use conversion charges or have the leasehold rights converted into freehold and also pay use conversion charges for the built up area of the flat. This would mean freehold land covered by the flat and also use it for commercial purposes.

6. If there is misuse or unauthorized construction of the flat and the lessee is interested to have it converted from leasehold to freehold, the misuse charges and the unauthorized construction charges shall be levied from the date of inspection till the date of conversion in the manner discussed herein before.

7. Priority for cases where applications received and payments made :-

~~There are~~ a number of cases in which the lessee have paid leasehold to freehold charges but the conversion has not been allowed as they failed to give undertaking that the misuse shall be removed. These cases have to be taken up on priority basis and if the land rates of the year in which the lessee applied for the conversion from leasehold to freehold and paid the charges is higher than the rate at which the charges have to be paid, the difference shall be collected. Similarly, all other charges which have been calculated at the old land rates shall be revised at new land rates and demand raised. The lessee will have to pay the misuse charges or damages, on the date of conversion from leasehold to freehold.

- 685 -

Other cases :-

After attending to the cases where the payment has already been made, cases shall be taken up for conversion from leasehold to freehold by collecting the conversion charges as per the land rates specified in Annexure-"A" and Annexure-"B". The cases should be taken up on "First Come First Serve Basis". An application for conversion is deemed to have been made when the application alongwith payment of conversion charges are made and not that an application has been made without payment of conversion charges. This applies to use conversion from residential to commercial also.

9. Inspection Team :-

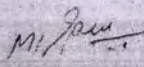
The premises shall be inspected by an inspection team within one month of the application. The team shall consist of the following :-

- (i) Deputy Chief Architect of the Architect Department.
- (ii) A Jr. Engineer of the EBR Department.
- (iii) Section Officer of the Estate-II Department ; and
- (iv) A representative of the Vigilance Department.

10. The inspection team shall submit its report to the Jt./D. Director(Estate-II) who will get the same processed for issue of letters to CA & EBR and for getting the charges to be paid by applicants worked out after payment has been received, the file shall be put up to the Director recommending conversion from leasehold to freehold or permitting user from residential to commercial. The Director shall be competent to take a decision and allow conversion and put up the file for perusal of the Secretary and Chairperson.

11. The above conversion shall be subject to any decision of the Court and payment of additional charges on the fixation of land rates by the L&DC. The cases which have already been decided shall not ordinarily be reviewed.

12. These departmental instructions are issued with the approval of Chairman and are effective from 1st May 2014.


Director(Estates)

- | | | |
|-------|--------------------------|--------|
| ✓ 1. | Chief Architect | 6/5 |
| ✓ 2. | Director(Vigilance) | 6/5/14 |
| ✓ 3. | Director(EBR) | |
| ✓ 4. | Jt. Director(E-II) | |
| ✓ 5. | Jt. Director(E-I) | |
| ✓ 6. | Dy. Director(Estate/Tax) | |
| ✓ 7. | A.O.(Estates) | 6/5/14 |
| ✓ 8. | S.O.(Estate-II) | |
| ✓ 10. | AAO(E-II) | |

Copy also forwarded for kind information to:

- | | | |
|------|-------------------------|--------|
| ✓ 1. | PS to Chairperson | 6/5/14 |
| ✓ 2. | PS to Secretary | 6/5/14 |
| ✓ 3. | PS to Financial Advisor | |
| ✓ 3. | PS to Advisor(R&L) | 6.5.14 |
| ✓ 4. | PA to Director(Estates) | 6/5/14 |

- 686 -

ANNEXURE-B															
RESIDENTIAL LAND RATE OF DDA															
Year	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Market															
Zone-I(Central Zone)															
Cannuaght Place	18480	18480	18480	18480	18480	18480	27720	27720	27720	27720	27720	27720	41580	46035	50639
Bhagat Singh Market	18480	18480	18480	18480	18480	18480	27720	27720	27720	27720	27720	27720	41580	46035	50639
Babar Road	18480	18480	18480	18480	18480	18480	27720	27720	27720	27720	27720	27720	41580	46035	50639
Zone-II(South Zone)															
Khan Market	13860	13860	13860	13860	13860	13860	20790	20790	20790	20790	20790	20790	31185	34304	37734
Diplomatic Enclave	13860	13860	13860	13860	13860	13860	20790	20790	20790	20790	20790	20790	31185	34304	37734
Ind. Bagh	13860	13860	13860	13860	13860	13860	20790	20790	20790	20790	20790	20790	31185	34304	37734
Lodhi Road	13860	13860	13860	13860	13860	13860	20790	20790	20790	20790	20790	20790	31185	34304	37734
Aliganj	13860	13860	13860	13860	13860	13860	20790	20790	20790	20790	20790	20790	31185	34304	37734

M

2

ANNEXURE-A

COMMERCIAL LAND RATE OF DDA															
YEAR	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Market															
Zone-I(Central Zone)															
	57960	57960	57960	57960	57960	57960	57960	57960	57960	57960	63249	69574	76531	84184	92602
Bhagat Singh Market	57960	57960	57960	57960	57960	57960	57960	57960	57960	57960	63249	69574	76531	84184	92602
Babar Road	57960	57960	57960	57960	57960	57960	57960	57960	57960	57960	63249	69574	76531	84184	92602
Zone-II(South Zone)															
Khan Market	28980	28980	28980	28980	36000	36000	43200	47520	52272	57499	63249	69574	76531	84184	92602
Diplomatic Enclave	28980	28980	28980	28980	36000	36000	43200	47520	52272	57499	63249	69574	76531	84184	92602
Jor Bagh	28980	28980	28980	28980	36000	36000	43200	47520	52272	57499	63249	69574	76531	84184	92602
Lodhi Road	28980	28980	28980	28980	36000	36000	43200	47520	52272	57499	63249	69574	76531	84184	92602
Aliganj	28980	28980	28980	28980	36000	36000	43200	47520	52272	57499	63249	69574	76531	84184	92602



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1301]

नई दिल्ली, बुधवार, जुलाई 11, 2012/आषाढ़ 20, 1934

No. 1301]

NEW DELHI, WEDNESDAY, JULY 11, 2012/ASADHA 20, 1934

दिल्ली विकास प्राधिकरण अधिसूचना

नई दिल्ली, 10 जुलाई, 2012

विषय : विभिन्न मार्किटों (सरोजिनी नगर मार्किट, खान मार्किट और ग्रीन पार्क एक्सटेंशन आदि) के ऊपरी आवासीय तलों पर उपयोग परिवर्तन प्रभारों का निर्धारण ।

का.आ. 1542(अ).—दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 57 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दिल्ली विकास प्राधिकरण केन्द्र सरकार के पूर्व अनुमोदन से एतद्द्वारा विभिन्न मार्किटों (सरोजिनी नगर मार्किट, खान मार्किट, ग्रीन पार्क एक्सटेंशन आदि) के ऊपरी आवासीय तलों के उपयोग हेतु उपयोग परिवर्तन प्रभारों की दरों को व्यावसायिक उपयोग के लिए अधिसूचित करता है, जो व्यावसायिक दर और आवासीय दर के बीच के अंतर के 100 प्रतिशत की दर से अतिरिक्त दरें वसूल करने के आधार पर होंगी और एकमुश्त परिवर्तन प्रभार के रूप में होंगी । यह इस शर्त के आधार पर भी होंगी कि भवन सक्षम प्राधिकारी द्वारा स्वीकृत मूल नक्शे में यथा अनुमोदित आकृति और ढांचे में रहेगा ।

तदनुसार निम्नलिखित मार्किटों के ऊपरी तलों पर उपयोग परिवर्तन प्रभारों की दर निम्नानुसार होंगी :

सरोजिनी नगर मार्किट,	(निमित्त क्षेत्र के प्रति वर्ग मीटर
खान मार्किट और ग्रीन	के लिए दरें रुपये में)
पार्क एक्सटेंशन आदि,	89094 रुपये

ये दरें, केन्द्र सरकार के अनुमोदन से भविष्य में संशोधित और अधिसूचित किए जाने तक लागू रहेंगी ।

(फा. सं. एफ. 2(163)08/ए ओ (पी)/पार्ट II]

डी. सरकार, आयुक्त एवं सचिव

DELHI DEVELOPMENT AUTHORITY NOTIFICATION

New Delhi, the 10th July, 2012

Sub:— Fixation of Use Conversion Charges on upper residential floors of various markets (Sarojini Nagar Market, Khan Market and Green Park Extension etc.).

S.O. 1542(E).—In exercise of the powers conferred by Section 57 of the Delhi Development Act, 1957 (No. 61 of 1957), the Delhi Development Authority with the prior approval of the Central Government hereby notifies the rates of Use Conversion Charges for use of upper residential floors of various markets (Sarojini Nagar Market, Khan Market, Green Park Extension etc.) to commercial use subject to charging additional rates @100% of difference between the commercial rate and the residential rate as one time conversion charges and further subject to the condition that the building shall remain in the shape and structure as was approved in the original plan sanctioned by the competent authority.

Accordingly the rate structure for Use Conversion Charges on upper floors of the following Market will be as under:

Sarojini Nagar Market, Khan	(Rates in ₹ per Sq.m.
Market and Green Park	built up area)
Extension etc.	₹ 89094

These rates will remain in force till these are further modified and notified with the approval of the Central Government.

[F.No. F.2(163)/08/AC(P)/Pt-II]

D. SARKAR, Commr-cum-Secy.

Most Immediate

No. K-12016/3/2014-DD-I

भारत सरकार/Government of India

आवासन और शहरी कार्य मंत्रालय/Ministry of Housing and Urban Affairs

निर्माण भवन/Nirman Bhawan,

नई दिल्ली/New Delhi.

Dated the 29th December, 2017.

The Vice Chairman,
Delhi Development Authority,
Vikas Sadan, INA,
New Delhi.

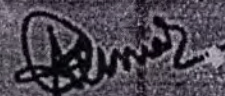
Subject: DDA's proposal for rationalization of User Conversion Charges for Sarojini Nagar Market, Khan Market and Green Park Extension, etc.

Sir,

I am directed to convey the approval of Central Government on DDA's proposal sent to this Ministry vide letter No. F. 100(10)/2015-CL/01 dated 28 December 2017 on the subject mentioned above with the following conditions:

- *Use Conversion Charges for Sarojini Nagar, Khan Market, Green Park Extension, etc. shall be fixed as Rs. 22,274/- (Rupees Twenty two thousand two hundred seventy four only) per sqm for conversion from Residential to Commercial.*
- *The conversion scheme shall be available till 30 June 2018.*
- *Conversion cases already finalized as per the charges mentioned in gazette notification dated 10 July 2012 shall not be re-opened.*
- *The procedure for conversion shall be kept simple and transparent.*

Yours faithfully



(Anil Kumar)

Under Secretary to the Govt. of India

Telefax: 23061681

भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग- खण्ड- उप-खण्ड

PART-II-SECTION-SUB SECTION

प्राधिकरण से प्रकाशित

PUBLISHED BY AUTHORITY

संख्या

नई दिल्ली, शुक्रवार, दिसम्बर 28, 2017

NO.

NEW DELHI, FRIDAY 28, 2017

दिल्ली विकास प्राधिकरण
अधिसूचना
नई दिल्ली 28 दिसम्बर 2017

विषय : विभिन्न मार्किटों (सरोजिनी नगर मार्किट, खान मार्किट और ग्रीन पार्क एक्सटेंशन आदि) के ऊपरी आवासीय तलों के लिए उपयोग परिवर्तन प्रसारों का निर्धारण।

अब आ : दिल्ली विकास प्राधिकरण केन्द्रीय अधिनियम 1957 (1957 का 61) की धारा 57 द्वारा प्रदत्त शक्तों के अन्तर्गत विभिन्न मार्किटों जैसे (सरोजिनी नगर मार्किट, खान मार्किट और ग्रीन पार्क एक्सटेंशन आदि) के ऊपरी आवासीय तलों के उपयोग रूपांतरण के रूप में करने के लिए अब आ स 1342 (ई) दिनांक 10 जुलाई, 2012 द्वारा अधिसूचित दरों में आंशिक संशोधन करते हुए एतद्वारा उपयोग परिवर्तन प्रसारों की दरों की गहरी दरों की अधिसूचित करता है। ये दरें इस शर्त पर अधिसूचित की जाती हैं कि व्यावहारिक दर और आवासीय दरों के बीच के अन्तर के 25 प्रतिशत की दर में अतिरिक्त दर एकमुश्त परिवर्तन प्रसार के रूप में वसूल की जाएगी और यह इस शर्त के अधीन की होगी कि भवन पर्याप्तता एवं बांध उसी रूप में रहेगा, जिसे मूलम प्राधिकारी द्वारा संश्लेषित मूल प्लान में अनुमोदित किया गया था।

तदनुसार निम्नलिखित मार्किटों के ऊपरी तलों के उपयोग परिवर्तन प्रसारों की दरों की गहरी दरों की विवरण निम्नानुसार होगा।

सरोजिनी नगर मार्किट, दर प्रति वर्ग
खान मार्किट मीटर मिश्रित क्षेत्र
और ग्रीन पार्क लिए रूपों में)
एक्सटेंशन 22,274/- रुपये
आदि।

DELHI DEVELOPMENT AUTHORITY
NOTIFICATION

New Delhi, the 28th December, 2017

Sub-Fixation of Use Conversion Charges on upper residential floors of various markets (Sarojini Nagar Market, Khan Market and Green Park Extension etc.)

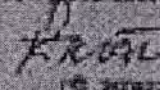

S.O. in exercise of the powers conferred by Section 57 of the Delhi Development Act, 1957 (No. 61 of 1957) the Delhi Development Authority with the prior approval of the Central Government in partial modification of the rates notified vide S.O. No. 11431N dated 10 July 2012, hereby notifies reduced rates of use conversion charges for use of upper residential floors of various markets (Sarojini Nagar Market, Khan Market and Green Park Extension etc.) to commercial use subject to charging additional rates @ 25% of difference between the commercial rate and the residential rates as one time conversion charges and further subject to the condition that the building shall remain in the shape and structure as was approved in the original plan sanctioned by the competent authority.

Accordingly, the reduced rate structure for use conversion charges on upper floors of the following markets will be as under:-

Markets	Rates in Rs. Per Sqm built up area)
Sarojini Nagar Market, Khan Market and Green Park Extension Etc.	Rs. 22,274/-

सिद्धांत

—

<p>ये कानूनी मई 07 केवल 10 जून, 2018 तक लागू रहेंगे। यह निर्देश जारी है कि सभी को -</p> <p>i. जो कानून लागू 10 जून 2017 के अनुसार जारी किया गया है उसे 3 जून 2018 तक लागू रखें।</p> <p>ii. जिसके लिए कोई भी नया प्रारंभ नहीं है।</p> <p>100/100/2015/CL  (D. SARAN) जूनियर एस.एस.डी.</p>	<p>These reduced rates will remain in force only till 30th June 2018 subject to the following conditions</p> <p>i. Conversion cases already finalized as per the charges mentioned in the Gazette Notification 10.07.2017 shall not be reopened.</p> <p>ii. The procedure for conversion shall be kept simple and transparent.</p> <p>100/100/2015/CL  (D. SARAN) (COMMITTEE SECRETARY)</p>
--	---



ESTATE-II DEPARTMENT
NEW DELHI MUNICIPAL COUNCIL

No D/ 1041 SO(Estate-II)/2017

Dated 12/09/2017

ORDER

Sub:-Adoption of Land Rates for leasehold to freehold conversion in respect of markets transferred from L&DO.

In terms of the Government of India Notification dated 24.03.2006, the following 10 markets were transferred to New Delhi Municipal Council (NDMC) by the Land & Development Office (L&DO), Ministry of Urban Development, Govt. of India for lease management from 01.04.2006:-

- | | |
|--|--------------------------|
| 1. Khan Market | 2. Khanna Market |
| 3. New Central Market (Shankar Market) | 4. Bhagat Singh Market |
| 5. Bengali Market | 6. Sarojini Nagar Market |
| 7. Babu Market | 8. Jor Bagh Market |
| 9. Diplomatic Enclave (Malcha Marg Market) | 10. Aliganj Market |

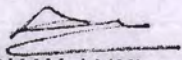
2. Consequent upon the transfer of these markets, the land rates prevalent in L&DO were continued upto 24.01.2008 and thereafter NDMC adopted the circle rates vide O.O. No. D-SO (STC)/77/2008, dated 25.01.2008 and DDA land rates vide circular No. 198/D/SO (STC) dated 06.05.2014.

3. New Delhi Municipal Council has now decided to adopt the Land Rates for leasehold to freehold w.e.f. 01.04.2000 as fixed by L&DO vide letter No. L&DO/F-24013/3/2013-CDN/07 dated 02.05.2017, mutatis mutandis, as per the schedule of land rates placed at Annexure-A of this order subject to the following:

- (i) The cases which have already been decided on the Land Rates applicable till date will not be reviewed.
- (ii) There will be provisional increase of 10% in the land rates every year on the analogy of L&DO letter No. L&DO/F-24013/3/2013-CDN/07 dated 02.05.2017 w.e.f. 01.04.2016 onwards. Subsequent changes in the rates by L&DO for the period beyond 01.04.2016 will be followed by NDMC and difference in dues, if any, due to revision in such rates by L&DO will be claimed by NDMC for the period **01.04.2016 onwards**. Therefore, an Affidavit (Annexure-B) would be taken from applicant.
- (iii) An Affidavit (Annexure-B) would be taken from the person in whose favour conversion is sought on the prescribed format regarding timely payment, stoppage of misuse, unauthorized construction and payment of dues due to enhanced rates, if any, for the period from 01.04.2016 onwards.

4. All the cases for conversion from leasehold to freehold, substitution, mutation etc. now shall be dealt with as per the Land Rates at Annexure "A" including calculation of damage, misuse charges & other Govt. Dues. The Land Rates w.e.f. 01.04.2004 will be applicable based on 100 FAR while calculating the charges/Govt. Dues. These rates will increase in proportion to increase in FAR.

5. This issues with the approval of Competent Authority.


(ABHAY JAIN)
DIRECTOR (ESTATE-II)

Copy to:-

1. Financial Advisor
2. Chief Legal Advisor
3. Director (Accounts)
4. Director (Law)
5. Director (IT) – To upload the same on website under Estate-II Department.
6. PS to Chairman, NDMC - for information please.
7. PS to Secretary, NDMC - for information please.
8. Dy. Director (Estate-II)
9. Account Officer (Estate-II)
10. A.A.O. (Estate-II)
11. Office Copy

ESTATE-II DEPARTMENT**SCHEDULE OF LAND RATES FOR LEASEHOLD TO FREEHOLD CONVERSION**

Markets	Rates(Rs. Per Sq. Mtr) for 100 FAR														
	w.e.f. 1.4.2000 to 31.3.2004	w.e.f. 1.4.2004 to 31.3.2005	w.e.f. 1.4.2005 to 31.3.2006	w.e.f. 1.4.2006 to 31.3.2007	w.e.f. 1.4.2007 to 31.3.2008	w.e.f. 1.4.2008 to 31.3.2009	w.e.f. 1.4.2009 to 31.3.2010	w.e.f. 1.4.2010 to 31.3.2011	w.e.f. 1.4.2011 to 31.3.2012	w.e.f. 1.4.2012 to 31.3.2013	w.e.f. 1.4.2013 to 31.3.2014	w.e.f. 1.4.2014 to 31.3.2015	w.e.f. 1.4.2015 to 31.3.2016	w.e.f. 1.4.2016 to 31.3.2017	w.e.f. 1.4.2017 to 31.3.2018
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
N.C. Market (Shankar Market), Bengali Market, Bnagat Singh Market	57960														
Khan Market, Diplomatic Enclave, Jor Bagh	28980	36000	36000	43200	47520	52272	57499	63249	69574	76531	84184	92603	101864	112050	123255
Aliganj Market, Khanna Market, Sarojini Nagar Market, Babu Market	24150														



DIRECTOR (ESTATE - II)

AFFIDAVIT

(To be sworn by person in whose favor the conversion is sought on non-judicial stamp paper of Rs. 10/- duly attested by Notary Public with notarial stamp. Must be submitted separately in case of joint Alottee/Alottee/Co-leasee).

I _____ S/o,D/o,W/o Sh. _____ r/o _____
do hereby solemnly affirm and declare under:-

1. That I am in possession of the property bearing No. _____ being the lessee.
2. That up to date dues of NDMC has been paid in respect of the above referred property. It is accepted that dues w.e.f. 01.04.2016 onwards are provisional, and in case L&DO undertakes upwards revision in rates for period from 01.04.2016 onwards, then in such case, I will be liable to pay to NDMC the difference in dues arises on such upward revision in rates. In case of any arrears of dues and /or interest thereon, I shall pay to NDMC, immediately on demand, such amount as may be demanded.
3. That on my failure to pay any sum referred above, the conversion of lease hold rights into freehold rights in respect of the above referred property shall be deemed to be null and void.
4. That the property referred above is free from lien/mortgage and any legal encumbrance and there is no unauthorized encroachment and misuse.
5. That the contents of the accompanying application for conversion from lease hold rights into free hold rights in respect of the above referred property are true and correct and the documents annexed thereto are genuine. The deponent herein shall be solely liable for consequences of filing the false affidavit /documents & NDMC shall have all the rights to cancel the conveyance deed to take action as per law.

Deponent

VERIFICATION

Verified at Delhi this _____ day of _____ 20____ that the **contents** of the above affidavit are correct to my knowledge and belief. Nothing contained herein is untrue and noting material is concealed there from.

Deponent

ITEM NO. 31 (H-13)**1 Name of the subject/project**

Draft note to be submitted to Ministry of Home Affairs with respect to grant of pay scales to NDMC employees in light of the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulation 2016

2 Name of the department/departments concerned

Personnel Department

3 Brief history of the subject/project

3.1 The then Chief Commissioner, Delhi vide his notification No. F.3(64)41-LSG dated 6th August, 1941 approved the revised bye-laws under Section 31 of the Punjab Municipal Act, 1911 (Punjab Act 3 of 1911) to regulate the business of the New Delhi Municipal Committee. These bye-laws contained inter-alia provisions relating to Z(i) Appointment, punishment and retirement of official and servants of the Committee and (ii) Duties of Heads of Departments, Officers and servants of the Committee.

3.2 The following developments took place during the period 1971 to 2009:

14.01.1971	Shiv Shankaran Committee (SSC) was constituted by the Ministry of Irrigation and Power to consider the demand of engineers of the erstwhile DESU for enhancement of pay scales on the basis of higher pay scales in States like Punjab, Haryana, Andhra Pradesh and Tamil Nadu etc.
13.01.1972	The Shiv Shankaran Committee recommended about 66% higher pay scales for the engineers of the only Tech. Staff erstwhile DESU than the prevalent CPC Scales. Subsequently, the non-technical staff of the DESU was also extended the benefit of SS Scale w.e.f. 01.04.1971, despite the fact that they were not strictly covered by the report.
19.10.1972	On same pattern New Delhi Municipal Committee also extended the higher scales to the staff working in the Electricity Department vide Resolution No. 15 dated 19.10.1973 read with Resolution No. 1 dated 07.01.1974. The ministerial staff working in the Electricity Department was also extended the SS Scales but the benefit was not given to the ministerial staff working in other department viz. General Wing and Water Supply etc.
23.05.1974	In 1974, employees of General Department moved Hon'ble Delhi High Court of Delhi for extension of benefit of Shiv Shankaran Committee (SSC) Pay Scales to them. In its judgment, the Hon'ble High Court of Delhi held the resolution of NDMC dated 07.01.1974 discriminatory. In view of the said judgment, benefit extended to ministerial staff in Electricity Department in terms of resolution dated 07.01.1974 were withdrawn.
07.08.1987	Hon'ble Supreme Court in the case titled " <i>R.D. Gupta & Ors. Etc vs. Lt. Governor. Delhi Admn. & Ors.</i> " [1987 SCC (4) 2086] on 07 th August, 1987 held that all sections of ministerial staff should be treated alike and all of them were held as entitled to the same scale of pay if the nature of work was similar. In its judgment, Hon'ble Supreme Court had fixed the following parameters for treating all the cases for grant of DTL pay scales: (i) Unified cadre governed through common recruitment policy (ii) Common transfer policy (iii) Common seniority list.

	As per the said parameters, Hon'ble Supreme Court in the year 1987 rejected the case of Jr. Engineers (Civil) and Assistant Engineers (Civil) for grant of SSC Pay Scales on the ground that they had no common seniority with engineers in the Electricity Department. Their posts/cadres were separate with independent recruitment rules; their posts were not interchangeable and; they had separate seniority lists and therefore they could not drawn comparison from the implementing pattern of Engineers in DESU (DTL).
09.02.1988	<p>Vide Resolution No. 26 dated 9.2.88 read with Resolution No.52 dated 9.6.88 the judgment of the Apex Court dated 7.8.87 was implemented and the benefit of SS Scales extended to 496 posts comprising of the following categories :</p> <ol style="list-style-type: none"> 1. Office Supdt. 2. H.A. / Accountant 3. Personal Assistant 4. Sr. Clerk 5. Stenographer 6. Jr. Clerk 7. Storekeeper 8. Adrema Operator 9. Asstt. Adreama Operator 10. Asstt. Record keeper 11. Daftary 12. Peon 13. Bill Collector 14. Sorter 15. Ferro Printer 16. Chowkidar 17. Sewer man 18. Sweeper <p>Workers Action come strike from 25.2.1988, 10 cadres given SS Scales but except for 9, 10 & 11 other 7: not ministerial but common + inter cadres.</p>
26.2.1988	On account of discontentment amongst the staff of the General Wing (Other than those working in the Electricity Department other than the ministerial cadre), N.D.M.C. vide Resolution No. 1 dated 26.2.1988 decided to extend the benefit of SS Scales to all the left out categories. However, it was resolved that after taking clarification from Labour Commissioner / Delhi Administration, the judgment of the Supreme Court judgment i.e. equal pay for equal work would be considered favourably. The approval of the Delhi Govt. was applied for but the same was not received, hence the aforesaid Resolution was not implemented. The said Resolution was in contradiction of the judgment of the Apex Court in the case of RD Gupta & Others Vs. Lt. Governor & Others, in which the Court had already declined to extend the benefit of SS Scale to some categories of the staff.
09.01.1991	As feeder category of sweepers were getting higher scales than the supervisory categories, vide Resolution No.1076 dated 9.1.1991 the benefit of SS Scales extended to the following categories :

	<ol style="list-style-type: none"> 1. Assistant Sanitary Inspectors 2. Sanitary Inspectors 3. Chief Sanitary Inspectors 4. Deputy Sanitation Officer
15.01.1991	Further vide Resolution No.1 dated 15.01.91 the categories of Sewer Mate and Sewer Pump Operator were also included in the list of categories to which benefit of SS Scale was extended vide Resolution No. 1076 dated 09.1.91.
17.3.1993	<p>Supreme Court in the case of Narender Kumar & Others allowed the benefit of SS Scales to the following categories of employees:</p> <ol style="list-style-type: none"> 1. Employees of Auto Workshop 2. Duplicating machine Operator, Gun Man & Dog Shooter 3. Junior Technical Assistant (Hindi) & Translator (Hindi) 4. Assistant Storekeeper 5. Pump Driver <p>The claim of the employees of the Jr. Navyug School for extension of SS Scale was however, turned down by the Court as their posts were not inter-changeable and inter-transferable with other posts under the NDMC.</p> <p>The petitions of the Telephone Operators were also turned down by the Apex Court on the ground that their posts were neither interchangeable nor transferable with the members of the service in NDMC. Further, they did not fall within the category of ministerial staff.</p>
27.7.1988	<p>As per orders of the Administrator, the following allied categories of Sweepers were also extended the benefit of SS Scale as they formed the common cadre of Sweepers:</p> <ol style="list-style-type: none"> 1. Lorry Beldars 2. Dumping Ground Beldars 3. Bhisities 4. Rat Catchers 5. Verandah Beldars 6. Hwker ERaid Beldars 7. Sweepers-cum-Chowkidars 8. Dog Catchers
02.08.1988	The Drivers posted in the Electricity Department were granted SS Scale while the drivers working in other departments were being paid the salary under the CPC Scales. The Committee vide Resolution No.25 dated 02.08.1988 decided to grant SS Scale to all the Drivers of the Committee, including those not working in Electricity Department.
28.08.1990	<p>The following categories, which also formed common cadre of Sweepers and inadvertently not included along with allied categories of Sweepers, were also extended the benefit of SS Scales vide Resolution No.36 dated 28.08.1990:</p> <ol style="list-style-type: none"> 1. SWD Lorry Beldar, 2. Gilt Lorry Beldar, 3. Filth Cartman,

	<ol style="list-style-type: none"> 4. Rubbish Cartman 5. D.G. mate 6. Sewerman cum Beldars
29.12.1990	The staff went on strike and a settlement was made after the employees went on strike according to which all the employee upto 'B' category excluding the staff governed by Chattopadhyaya Committee and pay packages announced by the Govt. of India were given an adhoc irrecoverable increase of Rs.100/- p.m. w.e.f. 01.03.1990. A committee under Secy. Was also setup to examine Resolution dated 26.02.1988 and other demands of the Federation.
27.02.1997	<p>CGIT vide its award dated 27.02.1997 in the case of Rajinder Prasad & Others Vs. Lt. Governor of Delhi & others granted SS Scale to the following categories:</p> <ol style="list-style-type: none"> 1. Helper (Nutrition-cum-Health Scheme) 2. Caretakers 3. Labour Welfare Supervisor 4. Enforcement Inspector <p>The award was accepted vide Resolution No. 3(1) dated 26.09.1997. However, Sports Assistants was declined the benefit of SS Scale in this case.</p>
06.11.2003	<p>The following categories of employees in 22 different petitions (leading case – Jagdish & others Vs. L.G. Delhi and others and NDMC approached the CGIT:</p> <ol style="list-style-type: none"> (i) Beldar, Khassie, mason, Peon, mate, Painter, Fitter, Inspector, lab. Attendant, lab Asst. – Cum-Sample takers, Bacteriologist and Chemist. (ii) Senior Draftsman and Head Draftsman (Electricity Department) (iii) Senior Librarian, Asstt. Librarian, Library Attendant. <p>The Tribunal allowed SS Scales to them w.e.f. 01.07.1991.</p>
17.09.2004	The award of the CGIT was challenged by NDMC before the High Court, which allowed the petitioners the benefit of SS Scales with effect from 01.04.1998. Clarification: Supreme Court flues exercise, no clarification on RD Gupta was regarding for all cadres (Md. M.M.) with Unified Cadre & Inter traceable. Benefit of RD Gupta extended to second cadre well beyond HSC decision, but as per 26.02.1988 Resolution. Alternative (withdraw) of Secy. Sub Committee; Note as per HSC decision RD Gupta, supreme Court decisions have to be implemented. No Clarification regd.
14.02.2005	The Double Bench vide its judgment dated 14.02.2005 dismissed NDMC appeals preferred by the NDMC.
16.07.2008	<p>NDMC filed SLP before Hon'ble Supreme Court against the said judgment of the Hon'ble High Court. Hon'ble Supreme Court vide its order dated 16.7.2008 passed in SLP (Civil) Nos. 13301/2005 case titled '<i>NDMC Vs. R.L. Gautam and Batch</i>' disposed of various appeals with following observations:</p> <p><i>"...However, these anomalies should not have been brought on record but these should have been settled by the authorities themselves by rationalizing the pay scales to all the employees working in the department."</i></p>
08.08.2008	Pursuant to Hon'ble Supreme Court's directions dated 27.10.2008 above, the then Chairman, NDMC constituted a Committee under the

	Chairmanship of Shri Bharat Bhushan, Member(Judicial), Appellate Tribunal (VAT), GNCTD vide order No. SO (E)/4237 dated 08.08.2008. The other members of the Committee were Chief Auditor, FA, LA and Director (personnel).
30.04.2009	<p>The Bharat Bhushan Committee submitted its report on 30.04.2009 and the said Committee recommended the 6th CPC Scales to all NDMC employees w.e.f. 01.01.2006. The recommendations of Bharat Bhushan Committee recommended 6th CPC are as under:</p> <p><i>5.5.6 The combined reading of provisions of section 34,36, 42 and 43 of the NDMC Act, 1994, the Central Civil Services [Revised pay] Rules, 2008 and the notification dated 9th April 2009 regarding classification of posts leave no scope for the Council to have any other classification/categorization and scale of pay for its officers and employees except the categorization/classifications and scale of pay as per Central Civil Services [Revised pay] Rules, 2008.</i></p> <p><i>5.5.7 The NDMC Act, 1994 is a Central Legislation and the legislature in its wisdom has legislated that Central Govt. shall have control over the Council and officer and employees of the Council shall be appointed in A,B, C or D category of posts, which would have is scales and emoluments similar to Group A, B C or D posts in Central Govt. This ensures that Council should not appoint officers and employees in inferior or superior scales and would maintain parity in the scales of pay with the Central Govt. employees and Municipal Corporation of Delhi. The scales of pay in Delhi Cantonment Board, DDA, Delhi Jal Board and Government of NCT of Delhi are also the same.</i></p> <p><i>5.5.8 While framing regulations under Section 43(10 (a), the Council has already resolved that all is employees would be governed by the rules and regulations applicable to an employee of Central Govt. These include FR, SR, Conduct Rules and pay Rules.</i></p>
15/22.07.2009	<p>The report of the Committee was placed before the Council, which vide item No. 21(H-03) resolved that:</p> <p><i>"Resolved by the Council that those employees who have been left out of the benefit of Shiv Shankaran Scale, may also be given the benefit of the Shiv Shankaran Scale, in view of the directions given by Hon'ble Supreme Court of India in SLP (Civil) No.(s) 13301/2005 & Batch.</i></p> <p><i>It was further resolved by the Council that the present report of the Bharat Bhushan Committee may be referred back to the same Committee for giving its further recommendations within two weeks from the receipt of report of the Pay Revision Committee constituted for the Delhi Transco Limited.</i></p>
03.09.2009	On the recommendations of Bharat Bhushan Committee, an Anomaly Committee was constituted to decided the cases of each of the cadres covered by the Supreme Court decision in the use of Sh. R.L. Gautam Vs. NDMC and others and also to take up the cases pending in various courts as well as individual representation, if any.

10.11.2009	The pay scales of all employees drawing their salary either under CPC or SS Pattern were revised as per 6 th CPC pay scales with approval of the then Chairperson.
24.12.2009	With approval of the Chairperson, the pay scales of employees drawing their salary under 5 th CPC or SS Scales respectively pattern were revised as per 6 th CPC scales and revised DTL Scales respectively.

3.3 The Council vide its resolution No. 10(H-02) dated 25.06.2012 resolved as under:
"Deferred by the Council in view of additional information, sought by the members."

3.4 The Council vide its resolution No. 7 (H-06) dated 31.01.2013 resolved as under:
"Pending notification of regulations, the Council resolved to modify its Resolution dated 22nd of July, 2009 and to give the Nursing staff the CPC Pay Scales and fix their pay in the CPC Scales on 1st January, 2013 so that there is no reduction in the pay of these Nurses while switching over from DTL Scale to CPC Scale w.e.f. 1st January, 2013. However for all practical purposes the new scales will be available to them from 01.01.2006 as requested for and the cadre will not be allowed to revert back from CPC Scale henceforth."

It was further resolved that pending notification of the regulations, the above decision may be made available to all those employees / categories who are in DTL Scale and want to opt for CPC Scales, with the approval of the Chairperson, NDMC." (emphasis added)

3.5 The Council vide its resolution No. 15/2013-14 dated 26.02.2014 resolved as under:

"After detailed deliberations and discussion, it was resolved that SS Scale should be given to the affected employees as decided in the Council meeting vide Resolution No. 21(H-03) dated 22.07.2009."

3.6 In order to implement Council's Resolution dated 22.07.2009 and 26.02.2014 - for grant of DTL pay scales to the left out categories of NDMC employees as also for removal of anomalies in the pay scales of different posts in various Departments due to grant of DTL pay scales to some categories of posts, a sub-Committee was constituted vide Office Order No. PA/Dir(P)/134/2015 dated 07.04.2015 with the following Members:

1. Ms. Rita Kumar, Special Advisor (Estt.)	Chairperson
2. Sh. T. K. Sanyal, Advisor (Law and Revenue)	Member
3. Dy. Chief Auditor (Presently -Sh. A.S. Budhwar)	Member
4. Dy. Fin. Adviser -III (Presently Sh. Chandrashekhar)	Member
5. Joint Dir.(CGIT Cell (Presently Sh. Anil Kumar)	Convener
6. Joint Dir./Dy. Dir. of Establishments	Members

3.7 Various Establishment Branches/Units of Personnel Department of NDMC i.e., Health Establishment, Social Education Establishment, Civil Establishment, Electrical Establishment, A&H Establishment and Main Establishment had provided detailed information of CPC scales/DTL scales in respect of the left out categories of employees under their administrative control which were examined by the Sub-Committee for resolving anomalies resulting from grant of DTL pay scales.

3.8 Pursuant to the Council Resolution, DTL pay scales were granted to NDMC's Civil Engineering Department vide Office Order No. SO(CE-II)/2672/SAG-1 dated 17.12.2015,

3.9 The said Committee submitted its report on 25.02.2016 which was considered and approved by the Council, except for 61 categories of posts, vide agenda item No. 36(H-03) dated 27.06.2016.

3.10 Further, an anomaly Committee was formed to examine DTL pay scales for 61 categories of posts which have been recommended higher pay scales. The Anomaly Committee submitted its report on 18.08.2017 which except for the posts in three Department namely Accounts/Audit, Law and Social Education Departments, was approved by the Council in its meeting held on 23.08.2017.

3.11 It is relevant to mention here that the benefit of DTL pay scales have been extended to non-Teaching staff of NDMC Schools. As on date, except for doctors and nurses in Health Department and Teachers in Education Department, all municipal employees in NDMC are drawing salary in DTL pay scales.

4 Statutory Provisions

4.1 The New Delhi Municipal Council Bill having been passed by both the Houses of Parliament received assent of the Hon'ble President on 14.07.1994. It came into force as the New Delhi Municipal Council Act, 1994 (44 of 1994). The Act has been amended vide New Delhi Municipal Council (Amendment) Act, 2011 declaring that the Council shall be a body corporate having thirteen Members comprising of the Hon'ble Member of Parliament from New Delhi, two Member of Legislative Assembly, Chairperson, four nominated Members and five official members nominated by Central Government.

4.2 The obligatory and discretionary functions of the Council are enumerated in Section 11 and Section 12 of the NDMC Act, 1994 respectively. To discharge its obligatory and discretionary functions, the NDMC has employed manpower in its various Department.

4.3 NDMC Act 1994 stipulates that the salaries and other service conditions of the NDMC employees are required to be regulated as per the regulations to be notified by the Government as per the provisions mentioned in Section 43 (1) (a) are as under:-

"the tenure of office, salaries and allowances, provident fund, pensions, gratuities leave of absence and other conditions of service of officers and other employees appointed under this Chapter;"

4.4 Clause (43) of Rule 2 of NDMC Act, 1994 defines the word regulation as under:
"regulation" means a regulation made by the Council under the Act by notification in the Official Gazette.

4.5 Clause (31) of Rule 2 of NDMC Act, 1994 defines the word regulation as under:
"Official Gazette" means the Official Gazette of the National Capital Territory of Delhi.

4.6 As per the provisions of section 34 (4) of the NDMC Act, 1994, the classification of various categories (A, B, C & D) of posts would be decided having regard to scale of pay or emoluments as classified under the Central Government in accordance with the orders issued by the Government from time to time. Section 34(4)(iv) of the Act stipulates that Category 'D' post mean any post other than Category 'A' or Category 'B' or Category 'C' post.

4.7 Sub-section (2) of section 387 of the NDMC Act, 1994 stipulates that no regulation made by the Council under this Act shall have effect until it has been approved by the Central Government and published in the Official Gazette. Section 387(2) of the Act provides as under:

"No regulation made by the Council under this Act shall have effect until it has been approved by the Central Government and published in the Official Gazette."

4.8 Clause (a) of Sub-section (2) of Section 416 of the N.D.M.C. Act, 1994 provides inter-alia that any appointment, notification, order, scheme, rule, bye-law, etc. Issued or made under the said Punjab Municipal Act, 1911 and in force immediately before the establishment of the Council, shall, in so far as it is not inconsistent with the provisions of the N.D.M.C. Act continue in force and be deemed to have been made or issued under the provisions of the N.D.M.C. Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, bye-laws, etc. made or issued under the said provisions.

4.9 New Delhi Municipal Council (Conditions of Service of Municipal Officer) Regulations, 2016

4.9.1 In exercise of power under section 43(1)(a) of the NDMC Act, 1994, the Council passed resolution No. 28(C-35) dated 17.10.2007 approving the New Delhi Municipal Council (Conditions of Service of Municipal Officer) Regulations, 2007 for regulating conditions of service of NDMC employees be governed by the Rules and Regulations as applicable to an employee of Central Government, after resolving that:

"Resolved by the Council that the New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2007 is approved and the same be sent to the Central Government for approval in anticipation of the confirmation of the minutes and after receipt such approval they be sent to the Government of NCT of Delhi for publication in the Official Gazette."

4.9.2 New Delhi Municipal Council (Conditions of Service of Municipal Officer) Regulations, 2010 were approved by the MHA as communicated vide its letter dated 20.05.2010.

4.9.3 Subsequently a clarification was sought by NDMC from the MHA on 25.06.2010 on whether the addition of the expression *"appointed to the New Delhi Municipal Council under Chapter VI of the Act"* in the definition would not exclude a municipal officer/employee who had been appointed prior to coming into force of the NDMC Act, 1994.

4.9.4 MHA vide its letter dated 18.09.2010 clarified that in terms of clause (a) of sub section (2) of Section 416 of NDMC Act, 1994, the Municipal Officers and employees appointed prior to coming into force of the NDMC Act, 1994 shall be deemed to have been appointed under Chapter VI of the New Delhi Municipal Council Act, 1994.

4.9.5 The Department placed agenda item No. 10(H-02) dated 25.06.2012 before the Council about the approval of the MHA on the New Delhi Municipal Council (Conditions of Service of Municipal Officer) Regulations, 2010 before their notification in the Official Gazette of ~~Government of NCT of Delhi~~ for information, wherein the Council deferred the matter for want of additional information. It is observed that the agenda dated 25.06.2012 was placed only for information of the Council, which was deferred. The Council neither directed to stop sending the regulations approved by the MHA for their publication in the Official Gazette of GNCTD, nor directed to deviate from its resolution dated No. 28(C-35) dated 17.10.2007.

4.9.6 While processing a disciplinary proceedings case, it was observed that several reminders were received from the MHA about the action taken for implementation of the said regulations, 2010, which were to be sent to the GNCTD for notification. With the approval of the then Chairperson on 23.09.2014, NDMC requested the Government of NCT of Delhi on 30.09.2014 (Annexure I, See page 716) to get the said regulations be published in the Official Gazette.

4.9.7 The Government of NCT of Delhi vide its letter No. 13(126)/MB/UD/2014/268 dated 21.06.2016, which was received in NDMC on 27.06.2016, intimated that the New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2016 have been notified in the Official Gazette on 07.04.2016 (Annexure II, See pages 717 - 719). These Regulations have come into effect from the date of their publication in the official gazette i.e. 07.04.2016.

4.9.8 As on date, the service condition of all categories of employees in NDMC is regulated in terms of rules/guidelines/instructions notified by DoPT/Ministry of Finance as enumerated in the New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2016.

4.9.9 As per Regulation 4(x) of the New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2016, the salary of all municipal employees is to be regulated in terms of Central Civil Service (Revised Pay) Rules, 2008 as amended from time to time.

5 Detailed proposal on the subject

5.1 The notification of New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2016 was brought before the Council for information vide agenda item Nos. 28(H-05) dated 25.07.2016 and 05(H-07) dated 17.08.2016. It was specifically submitted that with notification of these regulations, the NDMC have no option but to regulate pay and allowance of its employees in terms of CCS (Revised Pay) Rules, 2016, wherein the Council deferred the matter.

5.2 The notification of New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2016 was brought before the Council for information vide agenda item No. 02(H-08) dated 05.09.2016, wherein the Council resolved as under:

"Resolved by the Council that the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations, 2016, as notified, be adopted by the Council, except the implementation of new Pay Scales of Central Pay Commission (CPC) and Delhi Transco Ltd. (DTL). The concerned department would bring a detailed report explaining the ramifications of implementing the 7th CPC pay scale vis-à-vis DTL pay scale to the employees of the Council.

The Council resolved to constitute a committee to look into the implementation of pay scale to the NDMC employees, composition of which is as follows:-

1. Sh. Naresh Kumar	-	Presiding Officer
2. Sh. Karan Singh Tanwar	-	Vice Chairperson
3. Sh. Surender Singh	-	Member
4. Sh. Abdul Rasheed Ansari	-	Member
5. Dr. Anita Arya	-	Member
6. Sh. B.S. Bhati	-	Member
7. Secretary, NDMC	-	Member
8. Financial Advisor, NDMC	-	Member
9. Director (Finance), NDMC	-	Member
10. Director (P), NDMC	-	Convener

It was further resolved by the Council that the department may initiate further necessary action in anticipation of confirmation of the minutes of the Council."

The Council vide resolution No. 01(H-04) dated 28.08.2017 considered the report of the Anomaly Committee dated 18.08.2017, and inter-alia resolved the following:

- (i) to accord approval to grant DTL pay scales upto 06.04.2016 to all left out categories as contained in para 4 of the Preamble and as recommended by the Anomaly Committee in para 17 of its report dated 18.08.2017, except in the case of posts in Account/Audit Cadre, Law Department and Social Education Department;
- (ii) where grant of DTL pay scales to all categories since 01.04.1998 results into upgraded /replacement pay scale in category 'A' from category 'B', the suitability of official will continue to be assessed, and the proposal would have to be submitted to the UPSC;
- (iii) the replacement DTL pay scales to be granted w.r.t. posts in Account/Audit Cadre, Law Department and Social Education Department would be decided separately.

5.2 The notification of New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2016 was brought before the Council vide agenda item No. 07(H-06) dated 22.09.2017, wherein the Council deferred the following proposal of the Personnel Department:

- (i) two pay scales viz. the CPC pay scales and DTL pay scales cannot be operated in the NDMC, and all employees are to be covered under one regulation in terms of provisions of section 43 of the NDMC Act, 1994;
- (ii) pending the final recommendations of 7th DTL on revision of pay scales of its employees w.e.f. 01.01.2016 till 06.04.2016, decision with regards to CPC pay scales that would be applicable to employees in NDMC w.e.f. 07.04.2016 [i.e. date on which NDMC (Condition of Service of Municipal Officers) Regulation, 2016 duly approved by the Government of India as per provisions of section 387(2) of the NDMC Act, 1994 and duly notified by the Government of NCT of Delhi in its Official Gazette] should be implemented, being law in force at present.

5.3 The Department again brought the same proposal before the Council vide agenda item No. 24(H-09) dated 16.10.2017, wherein the Council resolved as under:

"Director(Personnel-I) informed the Council that vide notification No. F.13(126)UD/MB/2014/420 dated 07.04.2016, the New Delhi Municipal Council (Conditions of Services of Municipal Officers) Regulation, 2016 has come into force. Regulation 4 of the said regulations enumerates the service rules as amended from the time, including orders issued there under by the Central Government, including the Central Civil Service (Revised Pay) Rules, 2008, shall apply to the municipal Officers. With notification of the aforesaid regulation, the salary of all the employees in NDMC including those drawing DTL scales, is to be regulated in terms of Central Civil Services (Revised Pay) Rules, 2016 w.e.f. 07.04.2016. IT was further brought to the notice that at present the percentage of expenditure incurred on establishment has risen to around 60% of the total expenditure after excluding expenditure on electricity and water, which is not tenable in long term. Therefore, NDMC should implement Central Civil Services (Revised Pay) Rules, 2016, w.e.f. 07.04.2016. Till the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulation are amended, the same will remain in operation being the statutory provisions.

However, the Council desired to continue DTL pay scales for its employees beyond 06.04.2016. The Council was informed that for this purpose, the regulation 4(x) of the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations, 2016 has to be amended suitably to incorporate DTL pay scales after following due procedure prescribed in the NDMC, Act 1994.

The Council further resolved that draft regulation for amendment in the 2016 Regulations proposed to be sent to the Ministry of Home Affairs be prepared and placed before the Council for its consideration".

5.4 The following facts are being brought before the Council for its information and consideration:

5.4.1 Manpower position in NDMC

Category of the post	Sanctioned strength	Total number of Employees in position
Category A	406	215
Category B	1965	1277
Category C	5439	2688
Category D	9553	6814
Contractual Employees	-	1215
Muster Roll(Regular)	-	5117
Muster Roll(Temporary)	-	-
Consultants	-	34
Total	17363	17360

*These figures are approximate figures and may vary. The actual figures will be updated before sending the proposal to the MHA.

5.4.2 Prior to notification of New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations, 2016, the salary of NDMC employees was being regulated in terms of following two pay scales:

- a) CPC Pay Scales as applicable to Central Government employees- Health Department (Medical Doctors), Education (Teachers), Architect Department, Horticulture Department, Account Department etc.
- b) DTL pay scales as applicable to employees of Delhi Transco Limited (erstwhile DVB) - Electricity Department, Civil Engineering Department, Public Health Department, some post of Ministerial cadre and other Departments.

5.4.3 It is submitted before the Council that it is administratively advisable and financially prudent to adopt a single pay scale system for all employees. Different pay scales is causing inter-departmental conflict and is giving rise of industrial dispute in term of Industrial Dispute Act, 1947 with regards to service condition and salary being drawn by the employees. Delhi Transco Limited, based on agreement with employees association follow a pattern different from that being followed in Departments/~~Organisation~~ where CPC pay scales are applicable.

5.4.4 With notification of New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2016 on 07.04.2016 in official gazette of Government of NCT of Delhi, NDMC is bound to pay salary only in CPC Pay Scales. However, as per directions of the Council dated 16.10.2017, salary to NDMC employees are still given in 6th DTL pay scales as well as 7th CPC pay scales.

5.4.5 The Wage Revision Committee of Govt. of NCT of Delhi has in its meeting 12.06.2017 has recommended as under:

".....upon examining the pros and cons of matter relating to grant of interim relief from various angles is of the unanimous view that all the employees of Transmission and Generation companies must be granted the benefit of the recommendation of 7th Central Pay Commission w.e.f. 01.01.2016 by way of

interim relief for the time being, by revising their pay fixed as per recommendations of the previous Wage Revision Committee accepted by the then Hon'ble Lt. Governor, Delhi in 2009 and the exercise in this regard may be undertaken by multiplying their present pay in the applicable pay band alongwith the grade pay with multiplier of 2.57, rounded off to the next multiple of ten. The dearness allowance in the revised pay structure to be so fixed shall be zero w.e.f. 01.01.2016, but subsequent dearness allowance shall be paid as per the rate notified by the Government".

5.4.6 The final pay scales that would be adopted under 7th DTL for its employees are not yet finalised by the Wage Revision Committee as per information available on records.

5.4.7 The employees in Health and Education Department, who are drawing their salary under the 7th CPC, are also demanding grant of DTL pay scale which have sizeable financial implications for NDMC. It is relevant to mention here that Teachers in Education Department and Doctor/Nurses in Health Department have been granted CPC pay scales as in their case, the 5th/6th CPC scale were more beneficial.

5.4.8 Nursing Staff, who were given DTL Pay scales requested for 6th CPC Pay Scales as it was more beneficial to them. The Council considered the same vide its resolution No. 07(H-06) dated 31.01.2013, wherein the Council resolved as under:

"Pending notification of regulations, the Council resolved to modify its Resolution dated 22nd of July, 2009 and to give the Nursing staff the CPC Pay Scales and fix their pay in the CPC Scales on 1st January, 2013 so that there is no reduction in the pay of these Nurses while switching over from DTL Scale to CPC Scale w.e.f. 1st January, 2013. However for all practical purposes the new scales will be available to them from 01.01.2006 as requested for and the cadre will not be allowed to revert back from CPC Scale henceforth.

It was further resolved that pending notification of the regulations, the above decision may be made available to all those employees / categories who are in DTL Scale and want to opt for CPC Scales, with the approval of the Chairperson, NDMC." (emphasis added)

Herein, it is observed that the employees keep requesting for shuffling their pay scales from CPC to DTL and vice-versa, considering which pay scale is more beneficial to them at a given point of time, and such practice nowhere exists in the Country.

5.4.9 Earlier directions of the Ministry of Home Affairs and Dissolution of the Council in the year 2014

5.4.9.1 It is relevant to mention here that the issue of Personnel Department has been receiving the attention of Ministry of Home Affairs. In 2014, under the provisions of Section 394 of New Delhi Municipal Council Act, 1994, the Central Government had deputed two senior officers of the Ministry of Home Affairs on 20.06.2014, who inspected the relevant documents, files etc. of the New Delhi Municipal Council including those related to the following issues, namely:-

- (i) Power revenue losses in the New Delhi Municipal Council;
- (ii) Unresolved problems of illegal squatters in the New Delhi Municipal Council area; and
- (iii) Personnel mis-management in the New Delhi Municipal Council in respect of categories of workers such as casual, dialy-wages, muster roll, temporary muster roll, regular muster roll, contract workers, etc.

5.4.9.2 An abstract of shortcoming noticed and as stated in Government of India Notification No. S.O. 2238(E) dated 05.09.2014 relating to Personnel Department is reproduced as under:

"(iii) Personnel mis-management in the New Delhi Municipal Council in respect of categories of works such as casual, daily-wages, muster roll, temporary muster roll, regular muster roll, contract workers, etc:-

The situation has obviously resulted in an enhanced expenditure on manpower while no reduction in expenditure has been made in respect of out-sourcing of personnel by the New Delhi Municipal Council. In fact, enhanced out-sourcing of services is being undertaken simultaneously for transport, health and sanitation, security, fire and operation and maintenance for the New Delhi Municipal Council buildings. If this trend continues, the New Delhi Municipal Council would be under immense financial strain on this account. The New Delhi Municipal Council will have to immediately rectify this highly skewed manpower position, not matching the need/requirement of the activities of the New Delhi Municipal Council and its future plans/proposals."

5.4.9.3 Keeping in view the aforesaid observations, a Show Cause Notice under the provision of Section 395 of the New Delhi Municipal Council Act, 1994 was issued to the Council on 30th June, 2014. Reply to the Show Cause Notice was given on 07.07.2014. An extract of the reply given to Ministry of Home Affairs show cause notice is attached as Annexure III (See pages 720 – 724) . After examination of the Council's reply, the Central Government was of the view that the Council had persistently defaulted:

- (a) in the performance of the duties imposed on it by or under the New Delhi Municipal Council Act, 1994; and
- (b) failed to deliver efficient service to the public and generally in regard to the municipal administration.
- (c) the Council has never kept this Ministry informed about on such serious/sensitive issues relating to revenue loss and security.

5.4.9.4 Keeping in view the said observations, in exercise of the powers conferred by sub-section (1) and Section 398 of the New Delhi Municipal Council Act, 1994 and in supersession of the notification number S.O. 101(E) dated the 18.01.2011, the Central Government dissolved the New Delhi Municipal Council. The present Council was constituted vide Central Government's Notification No. S.O. 2239(E) dated 05.09.2014.

5.4.10 Problems of Personnel Management in NDMC

- a) Rising Establishment expenditure
- b) Dual Pay Scales applicable in NDMC

5.4.10.1 Rising Establishment Expenditure

5.4.10.1.1 To analyse the impact of DTL pay scales, as a case study the salary drawn by Engineers of Civil Department, to whom the DTL pay scales have been extended on 17.12.2015 (w.e.f. 01.04.1998), have been considered.

Salary Month	Amount
Salary for the month of July 2014 (in CPC pay scales)	Rs. 1, 34, 17,924/-
Salary for the month of August 2014 (in DTL pay scales)	Rs. 2,31,62,386/-
Salary for the month of August 2014 (in CPC pay scales)	Rs. 1,57,53,300/-

It may be seen that the net salary in DTL pay scale is 47% higher as compare to salary in CPC pay scales.

5.4.10.1.2 Additional expenditure in case all the sanctioned posts are filled up

Category of post	Sanctioned strength	Persons in position	Vacancies	Expenditure on one post under 6th CPC (in Rs. per month)	Total expenditure, if all posts are filled up (Rs. per month)
A	406	215	191	72521	1,38,51,511
B	1965	1277	688	45265	3,11,42,320
C	5439	2688	2751	36904	10,15,22,904
D	9553	6814	2739	21852	5,98,52,628
	17363	10994	6369		20,63,69,363
Total expenditure for one month					Rs. 20,63,69,363
Total expenditure for 12 months					Rs. 2,47,64,32,356

The above salary is in CPC pay scales. If an increase of 20% over the existing salary is allowed by 7th DTL (which is still pending), the additional expenditure on salary will go up by around Rs.297.17 crores over and above expected Rs.1496.73 crores in the BE 2018-19, which is unsustainable in near future.

5.4.10.1.3 The expenditure on salaries, wages, bonuses, pension, benefits, allowances and retirement benefits is increasing continuously and will become unsustainable at this pace, as per the following data:

Year	Total receipt after excluding receipt on electricity and water (in Crores)	Total expenditure after excluding expenditure on electricity and water (in crores)	Establishment Expenditure (in crores)	Percentage of Establishment Expenditure incurred as percentage of total expenditure after excluding expenditure on electricity and water (in %)
2013-2014	1691.18	1426.92	753.03	52.77%
2014-2015	1975.77	1614.15	986.21	61.10%
2015-2016	1990.02	1683.31	1120.74	66.58%
2016-2017	2190.58	2041.52	1220.82	59.80%
2017-2018	2312.99	2159.58	1381.23	63.95%
2018-2019	2491.23	2409.93	1496.73	62.10%*

* In case all the posts are filled up that the Establishment expenditure will rise to 75% of the total expenditure after excluding expenditure on electricity and water thereby further restraining the financial resources of NDMC especially when the earning from property tax and lease rent have reached a plateau and which are unlikely to rise further.

5.4.10.2 Dual Pay Scales applicable in NDMC

5.4.10.2.1 At present there are two different type of pay scales applicable in NDMC.

- Central Pay Scales (announced by 7th CPC):** Doctors/Nurses in Health Department and Teachers in Education Department are drawing salary as per Central Pay Scales Rules followed by Central Government.
- DTL pay Scales -** All the employees other than those mentioned at S.No.(i) above are drawing salary in DTL pay scales(those drawn by employees of Delhi Transco Ltd.) which are higher than CPC pay scales.

5.4.10.2.2 Comparison of DTL Pay Scales Vs. CPC Pay Scales

A comparative table indicating differences between CPC and DTL pay scales is at Annexure IV (See page 725)

5.4.10.2.3 Peculiarity of DTL pay Scales

At present employees drawing salary in Central Pay Commission have been extended the benefit of 7th CPC pay scales. However as the revised recommendation of 7th DTL Pay scales are not yet available, for the sake of easy comprehension, comparison between 6th CPC pay scales and 6th DTL pay scales is being presented:

Group/ Category	Pay Band under 6 th CPC pay scales	Pay Band under 6 th DTL pay scales
D	-1S 4440-7440	PB-1 6000-20200
C	PB-1 5200-20200	PB-2 8500-26300
C	PB-2 9300-34800	PB-3 10900-34800
B	PB-3 15600-39100	PB-4 19000-39100
A	PB-4 37400-67000	PB-5 37400-67000

It may be seen that starting pay scales for each pay band is higher for DTL as compared to the 6th CPC pay scales though the higher pay scales for each band is same in all Pay Bands.

Further minimum Grade pay under CPC and DTL for entry grade Group C post are as under:

Minimum Grade Pay under CPC pay Scales	Minimum Grade Pay under DTL pay Scales
PB-1 Rs. 1800	PB-1 Rs. 2800

5.4.11 Other effect of grant of DTL Pay Scales

5.4.11.1 Problem in direct recruitment to a post subsequent to grant of DTL pay scales

As per recommendation of 6th CPC, the '*status*' of a post was determine by the Grade Pay assigned to the posts. With grant of DTL pay scale, few posts like Assistant Engineer in Civil Engineering Department will be upgraded to that of Category 'A' for which, as per NDMC act, the recruitment agency is UPSC. With upgradation of the Grade Pay, the recruitment to the post would be outside the purview of DSSSB. The Recruitment Rules to the posts would have to be revised as per guidelines on subject issued by DoPT.

5.4.11.2 Adverse impact on claim of SC/ST for reservation in promotion

As per extant policy of Government of India on reservation of posts for persons belonging to SC/ST category in promotions, the posts on being included in Category 'A', after being granted DTL pay scale, would come out of purview of reservation as no reservation is applicable to promotion within Group 'A'. To that extent, it would restrict the career progression opportunities of persons belonging to SC/ST category.

5.4.11.3 Limited Career Progression avenues

At present, there are limited career progression opportunities for each post in NDMC as there are large number of isolated posts. Any person joining these posts on direct recruitment basis may rise by two level in many cases. Such a situation may not attract best of talent available in market and may remain vacant for indefinite period or may have very high attrition rate as the selected persons would always be looking for better options that may be available.

5.4.11.4 Demand for grant of DTL pay scales from similarly situated employees in Education and Medical Department

Grant of DTL pay scale will invite similar demand for grant of such pay scales by Teacher in Education and Nurses in Medical Department. This will further inflate the salary bill of NDMC.

5.4.12 Manpower Requirement Study

The Council vide resolution No. 09(H-02) dated 21.08.2017 resolved as under:

"With a view to bring administrative reforms, determining the staffing patterns and designing suitable organizational structure and methods of work, the Council resolved that third party studies of work measurement and existing man power and organizational set-up of all NDMC's Departments have to be carried out by Personal Department, NDMC through specialized agencies like the Staff Inspection Unit of the Department of Expenditure, Ministry of Finance Government of India, or Department of Administrative Reforms and Public Grievances, Indian Institute of Public Administration, etc., to ascertain the staff requirement in all the Departments of NDMC. Thereafter, the proposal of the Department would be considered."

This issue of man power study was also raised in the Sub-Committee constituted under Section 9 to consider issue of regularisation of contractual employee. Keeping in view the facts stated above, the following five Institutes were addressed to undertake the study:

- i. MDI, Gurgaon
- ii. IIPA, New Delhi
- iii. NIFM, New Delhi
- iv. ASCI, Hyderabad
- v. NPC New Delhi

On examination of proposals received, IIPA has been awarded the project for manpower study of all Department in NDMC in October 2017 and Council informed vide Resolution No. 02(H-05) dated 12.12.2017. The IIPA has been requested to submit report within a period of five months.

5.4.13 Directions of DERC with regard to separate accounts for Electricity Supply and distributions

5.4.13.1 NDMC, being primarily a Municipal Body, currently maintains consolidated Accounts for all its activities in accordance with the provision of NDMC Act, and segregated Accounts for the Electric Supply and Distributions activities are not maintained. To ensure transparent tariff settings, DERC has issued directions to NDMC for segregating the financial records pertaining to its Electricity Distribution Function and to furnish separate details on independent Accounts of Electricity Distribution Function while filling the Annual Revenue Requirement (ARR). To comply with directions issued by DERC, SBI Capital Market Ltd.(SBICAP) was appointed to study the present set up and suggest a plan for formation of *Electricity Distribution Strategic Business Unit(EDBSU)* within NDMC, as well as assist in its implementation.

5.4.13.2 M/s. SBICAP has since submitted its final report to NDMC suggesting the re-organised structure for creating the proposed EDSBU, preparation of opening Balance Sheet and Accounting Policies including Policies for shared expenses suggesting corresponding changes in NDMCs Accounting Software and undertaking computation of actuarial valuation for the employees to be domiciled in EDSBU.

5.4.13.3 Accounting of EDSBU has been separately w.e.f. 01.04.2017.

5.4.13.4 The employees under EBSBU of the Electricity Department of NDMC has similar duties/functions of post as those in DTL.

5.5 With the introduction of CPC Pay Scales w.e.f. 07.04.2016, the salary of employees that they may be drawing as on 06.04.2016 will be protected to ensure that none of them is adversely effected at present as per Government of India's instructions, as amended from time to time.

5.6 It is relevant to mention here that the recommendation of 7th DTL pay scales are still awaited. As such, all the employees would have to be given 7th DTL replacement scales for the period 01.01.2016 till 06.04.2016, and their salary will be re-fixed in 7th CPC as on 07.04.2016 by protecting the salary that they may be drawing on 06.04.2016. This will cause sizeable financial burden to NDMC.

5.7 Further, all the employees of the NDMC have been extended the benefit of DTL pay scales w.e.f. 01.04.1998. There would be a large number of employees who have retired during the period 01.04.1998 to 06.04.2016. The pension of these retired employees would be fixed in term of DTL pay scales and the pension w.e.f 07.04.2016 would be fixed in term of CPC pay scales. This will cause sizeable financial burden to NDMC.

6 Implementation schedule with timeliness for each stage including internal processing

The decision of the Council will be submitted to Ministry of Home Affairs in terms of Section 43(1)(a) read with Section 387(2) of NDMC Act 1994.

7 Comments of the Finance Department on the subject

Comments of Finance Department	Addl. Comments of Personnel Department.
1. Case is regarding placing the draft agendum before the Council on the matter is continuation of grant of DTL pay scales in NDMC as decided in the Council Meeting held on 23.01.2018.	No comments
2. In para 5 of the draft agendum, it has been stated by all the members of the Council that the demand of NDMC employees should be sympathetically considered regarding continuation of DTL pay scales beyond 07.04.2016 for which Council may now pass a fresh resolution and inform MHA for modification in regulation dated 07.04.2016 by de-notification of existing regulation.	No comments
3. At para 11 of the draft agendum the department has not placed their recommendation.	Recommendations added in para 11 of the agenda Note
4. Para 2 of the proposed notification enclosed with the draft agendum states for amendment in Regulation No. 4 of NDMC as under:- a) In respect of employees drawing salary under CPC Pay Rules the Central Civil Services (Revised Pay) Rule 2008. b) In respect of the employees drawing salary under DTL pay scales, DTL pay scales as amended from time to time. "They shall come into force w.e.f. 01.01.2016.	Modified accordingly as under: "They shall come into force w.e.f. 07.04.2016.

<p>The department is advised to relook at the above in the light of the fact that the existing notification came into force from the date of publication which has been mentioned as 07.04.2016.</p>	
<p>5. In para 7.3 of the note enclosed with the draft agendum to be submitted to MHA, it has been stated with reference to the establishment expenditure as worked out by the department that "in case all the posts are filled up the establishment expenditure will rise to 75% of the total expenditure after excluding expenditure on electricity and water thereby further restraining the financial resources of NDMC especially when the earnings from property have reached a plateau which are unlikely to rise further". The department is advised to:</p> <ol style="list-style-type: none"> Clarify whether the establishment expenditure reflected under Para 7.3 excludes establishment expenditure of Electric & Water department. Accordingly, the %age reflected as portion of NDMC's overall expenditure may also undergo change. It may also be clarified whether arrears payments were included in the above calculation. Department has stated that earnings from property tax and lease rent have reached a plateau which are unlikely to rise further. The needs to be relooked since there is continuous enhancement in revenue as License fees undergo annual enhancement as per the policy of NDMC and Licence agreement. 	<p>This has been prepared after obtaining data from Finance Department. It is learned that segregation of budget has been effected only from year 2017-18.</p>
<p>6. The Comparative statement showing comparison between CPC and DTL pay scales, two PB-3 have been mentioned in DTL pay scales column needs a relook.</p>	<p>Have been modified now.</p>
<p>7. FD concurs in the proposal of the department for placing the draft agendum before the Council for continuation of DTL pay scales in NDMC. However, the department is advised to (i) look into the above points of the FD before placing the case before the Council and ensure that all data & information are correct and (ii) incorporate its recommendation in para 11 of the draft agendum.</p>	<p>No comments</p>

8 Legal implication of the subject/project
New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations 2016 notified vide Government of NCT of Delhi's notification No. 13(126)UD/MB/2014/420 dated 07.04.2016 are binding on the Council as per provision of the NDMC Act, 1994.

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

Resolution No 28(C-35) dated 17.10.2007
Resolution No. 21(H-03) dated 22.07.2009
Resolution No. 10(H-02) dated 25.06.2012
Resolution No. 7(H-06) dated 31.01.2013
Resolution No. 15/2013-14 dated 26.02.2014
Resolution No. 36(H-03) dated 27.06.2016
Resolution No. 28(H-05) dated 25.07.2016
Resolution No. 05(H-07) dated 17.08.2016.
Resolution No. 02(H-08) dated 05.09.2016
Resolution No. 01(H-04) dated 28.08.2017
Resolution No. 07(H-06) dated 22.09.2017
Resolution No. 24(H-09) dated 16.10.2017

10 Comments of the Law Department on the subject/project

This pertains to the placing of draft agendum before the Council for continuation of DTL pay scales in NDMC. The Law Department has looked into the Annexures as well as the noting dated 24.01.2018 of F.A., in which F.A. has concurred to the proposal of Department for placing the same for continuation, subject, however, to consideration of two conditions (as in para - 7 of noting dated 24.01.2018).

The opinion of Law Department is sought on the subject in issue. In judgment in R.L. Gautam & Ors. Vs NDMC & Ors., Hon'ble Apex Court directed that it is for the department to settle the anomalies brought on record by rationalization of pay scales to all the employees working in the Department. It seems subsequent thereto, by way of 03 Resolutions dated 22.07.2009, dated 26.02.2014 and 27.06.2016, the Department decided to extend the benefits of DTL pay scales to other categories of the employees.

The demand of grant of DTL pay scales to NDMC employees was again discussed in the Council Meeting dated 06.09.2017 for continuation of DTL Pay scales beyond 07.04.2016. It was decided to pass a fresh Resolution to this effect. The Law Department is further apprised that the employees in Health & Education Department who are drawing their salaries under 7th CPC are also demanding grant of DTL pay scales. The Department has no comment to offer as to the huge financial implications as elaborated by the Deptt. (P-I), which is the subject matter of F.A.

The Department concerned has opined that complete de-notification of the NDMC Resolution 2016 dated 07.04.2016 would create a vacuum and would further lead to legal implications especially w.r.t. the decision taken in Vigilance, pension and leave cases etc. The Department concerned is of the view that two pay scales i.e. CPC and DTL pay scales cannot operate in NDMC and all employees must be covered under one regulation as per Section 43 of NDMC Act, 1994. The Department has further opined as to the decision w.r.t. CPC pay scales which would be applicable to all employees of NDMC w.e.f. 07.04.2016 in uniformity.

Having examined the views of the Department, Law Department suggests that while considering the implementation of one pay scales to all employees any rationalization w.r.t. pay scales to the employees of NDMC; being the prerogative of the Department concerned, the same has to be strictly in accordance with what is suggested in the decision of Hon'ble Supreme Court dated 16.07.2008 in R.L. Gautam & Ors. Vs NDMC & Ors. (Supra).

Since the Personnel Department has already elaborated the facts and Law in its right perspective and examined the same thoroughly, Law Department has nothing to supplant or supplement therein.

May be submitted to Council for consideration please.

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

No vigilance angle involved. Proposal relates to policy for regulating the salary of NDMC employees.

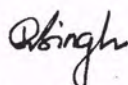
12 Recommendation

Keeping in view the above stated facts and the statutory provisions, the Department reiterate its proposal mentioned in agenda item No. 24(H-09) dated 16.10.2017, and the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations, 2016 be implemented being law in force. In case, the Council decides to continue with its resolution No. 24(H-09) dated 16.10.2017, a draft Note to be sent to the Ministry of Home Affairs is enclosed as (Annexure V See pages 726 - 743) for consideration of the Council.

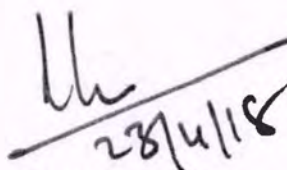
13 Council's Resolution

COUNCIL'S DECISION

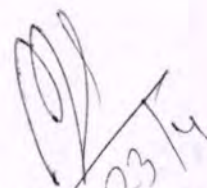
Deferred.



(RASHMI SINGH)
SECRETARY



(NARESH KUMAR)
CHAIRPERSON



(ARVIND KEJRIWAL)
PRESIDING OFFICER

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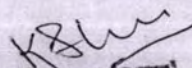
12 Recommendation

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13 Council's Resolution

COUNCIL'S DECISION

Deferred.


For Secretary
New Delhi Municipal Council
New Delhi.

CONFIDENTIAL

**NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI
(VIGILANCE DEPARTMENT)**

NO. 245 / 11 / Vig / Imp / TO (C-III) / DD-1 / 2014 Dated 31/11/14

The Secretary (UD),
Govt. of NCT of Delhi
Urban Development Department
9th Level, Delhi Secretariat,
IP Estate
New Delhi - 110002

Sub: - The New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2010.

Sir,

Director (Delhi), Ministry of Home Affairs, Govt. of India, vide letter no. U.14011/10/08-Delhi-II dated 20th May 2010, has conveyed that the draft notification 'New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2010' have been approved by the Central Govt. with the directions for getting the same published in the official Gazette of National Capital Territory of Delhi. The copy of aforesaid communication of MHA dated 20.05.2010 is enclosed and forwarded herewith the said notification.

I am directed to request that the same may kindly be published in the official Gazette of National Capital Territory of Delhi. Copies of the Gazette Notification may also be sent to this office for record and further compliance and for forwarding the same to the Govt. of India, MHA, for information.

This issues with the approval of Chairman, NDMC.

Thanking you,

Yours faithfully

(Signature)

Encl: As above

26.09.14
(KULANAND JOSHI)
Director (Vigilance)

Copy to:

Director (Delhi), Ministry of Home Affairs, Govt. of India, North Block, New Delhi.

Now, therefore, in exercise of the powers conferred upon the Election Commission under the proviso to Section 7E of the Delhi Municipal Corporation Act, 1957 as amended by DMC (Amendment) Act, 2011 read with the provisions of Rules 27 of the Delhi Municipal Corporation (Preparation of Electoral Rolls) Rules, 1975, I, Rakesh Mehta, State Election Commissioner of the National Capital Territory of Delhi, hereby direct that the electoral rolls of such Assembly Constituencies, for the time being in force, as relating to the above-mentioned wards of the three Municipal Corporations of Delhi, shown against each, shall be the electoral rolls for the said Municipal wards, for the purposes of the ensuing bye-elections to the said Wards as indicated above, to be held on 15th May, 2016.

RAKESH MEHTA, State Election Commissioner

शहरी विकास विभाग

अधिसूचनाएं

नई दिल्ली, 7 अप्रैल, 2016

फा.सं.13(126)/गूटी/एचसी/2014/420.—नई दिल्ली नगर पालिका परिषद् अधिनियम, 1994 (1994 का 44) की धारा 387 की उपधारा (2) के साथ पठित धारा 43 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नई दिल्ली नगर पालिका परिषद्, केन्द्रीय सरकार के अनुमोदन से एतद्वारा नगर पालिका के अधिकारियों की सेवा शर्तों को विनियमित करने के दिने निम्नलिखित विनियम बनाती है, अर्थात् :-

1. संक्षेप शीर्षक एवं प्रारंभ :- (1) इन विनियमों को नई दिल्ली नगर पालिका परिषद् (नगर पालिका के अधिकारियों की सेवा शर्तों) विनियम, 2016 कहा जाएगा।
- (2) ये शारदाकीय राजपत्र में इनके प्रकाशन की तिथि से प्रभावी होंगे।
2. परिभाषाएं :- (1) इन विनियमों में, जब तक संदर्भ से अन्यथा उपस्थित न हो;
 - (क) "अधिनियम" का अर्थ नई दिल्ली नगर पालिका परिषद् अधिनियम, 1994 (1994 का 44) से है;
 - (ख) "श्रेणी-क", "श्रेणी-ख", "श्रेणी-ग", "श्रेणी-घ" शब्दों का अर्थ अधिनियम की धारा 34 की उपधारा (4) में व्यवस्थितरूप से है;
 - (ग) "नगर पालिका अधिकारी" में अधिनियम के अध्याय VI के अन्तर्गत नई दिल्ली नगर पालिका परिषद् के लिए नियुक्त नई नगर पालिका अधिकारी अथवा अन्य नगर पालिका कर्मचारी सम्मिलित है;
 - (घ) "धारा" का अर्थ अधिनियम की धारा से है;
 - (ङ) "सेवा नियम" का अर्थ विनियम 4 में संदर्भित नियमों से है।
- (2) अधिनियम में तथा इन विनियमों में प्रयोग किए गए शब्दों तथा अभिव्यक्तियों का अर्थ, जब तक संदर्भ से अन्यथा उपस्थित न हो, वही होगा जो अधिनियम में उनके लिए दिया गया है।
3. किन पर लागू होंगे :- जब तक अधिनियम या इन विनियमों में उपरिष्ठित न हो, इन तक ये विनियम उन सभी नगर पालिका अधिकारियों पर लागू होंगे, जिनके वेतन तथा भत्ते धारा 44 की उपधारा (1) में संदर्भित नई दिल्ली नगर परिषद् निधि के "सामान्य (जनरल) खाते" से प्रवाह हैं।

शर्त यह है कि किसी व्यक्ति के संबंध में, जिसके संबंध में इन विनियमों के अन्तर्गत मामले आते हैं, तत्समय प्रयुक्त किसी विधि द्वारा अथवा उसके अधीन बनाए गए विशेष उपबंध, उन व्यक्तियों पर लागू होंगे और उक्त उपबंध के अन्तर्गत न होने वाले विषयों के संबंध में ये विनियम लागू होंगे।
4. कूटंक नियमों का अनुप्रयोग :- सामान्य-समय पर यथा संशोधित निम्नलिखित नियम, जिसमें केन्द्रीय सरकार द्वारा इसके अन्तर्गत जारी आदेश सम्मिलित है, ऐसे नियमों या आदेशों के तत्पर जब तक अधिनियम या इसके अन्तर्गत बनाए गए नियमों या विनियमों के उपबंधों के पतिकूल या असंगत न हो, नगर पालिका अधिकारियों पर लागू होंगे, अर्थात् :-
 - (i) गृहमूल नियम तथा अनुसूक्त नियमावली (सांख्यिकीय नियमों सहित);
 - (ii) केन्द्रीय भवन सेवा (अवकाश) नियमावली, 1972;
 - (iii) केन्द्रीय सिविल सेवा (पेंशन) नियमावली, 1972;
 - (iv) केन्द्रीय सिविल सेवा (पेंशन विनियम) नियमावली, 1971;
 - (v) पेंशन नकाया पुनर्गठन (नियमित), नियमावली, 1983;
 - (vi) सामान्य मजदूर विधि (केन्द्रीय नियमावली), 1960;
 - (vii) केन्द्रीय सिविल सेवा (आवरण) नियमावली, 1964;
 - (viii) केन्द्रीय सिविल सेवा (नियंत्रण, नियम तथा अपील) नियमावली, 1965;

- (v) केंद्रीय सिविल सेवा (प्रवर्धन यात्रा सूच), नियमावली, 1994
- (x) केंद्रीय सिविल सेवा (संशोधित वेतन), नियमावली, 2000; तथा
- (xi) केंद्रीय सिविल सेवा (प्रवर्धन सेवा), नियमावली, 1965
5. नगर पालिका अधिकारियों की सेवा शर्तों :- (1) केंद्रीय सरकार की सेवा में सरकारी सेवकों पर लागू सेवा नियम, जहां तक नगर पालिका अधिकारियों की सेवा शर्तों का विनियमित करते हैं, अंशोद्योग सहित कि "किसी सरकारी सेवक", "भारत की सम्पत्ति विधि", "सिद्धि सज्जन" और "चिकित्सा समिति" के लिये सेवा नियमों के किसी संदर्भ में क्रमशः "किसी नगर पालिका अधिकारी", "नई दिल्ली नगर पालिका विधि", "स्वास्थ्य चिकित्सा अधिकारी" तथा "चिकित्सा बोर्ड" के किसी संदर्भ के अर्थ में मान लिया जाएगा।
- (2) सेवा नियमावली के अन्तर्गत प्रयोज्य कोई शक्ति (सेवा नियमावली बनाने की शक्ति के अतिरिक्त) :-
- (क) राष्ट्रपति द्वारा, अध्यक्ष द्वारा प्रयोग की जाएगी।
- (ख) विभागाध्यक्ष द्वारा, सचिव द्वारा अथवा आदेश द्वारा निर्दिष्ट अध्यक्ष के रूप में ऐसे अन्य नगर पालिका अधिकारी द्वारा प्रयोग की जाएगी।
- (ग) कार्यालयध्यक्ष द्वारा, निदेशक (कार्मिक) द्वारा अथवा आदेश द्वारा निर्दिष्ट अध्यक्ष के रूप में ऐसे अन्य नगर पालिका अधिकारी द्वारा प्रयोग की जाएगी।

राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल
के आदेश से तथा उनके नाम पर,
संजीव मनमोहिया, उप सचिव (एग्री)

URBAN DEVELOPMENT DEPARTMENT

NOTIFICATIONS

New Delhi, the 7th April, 2016

No. F. 13(126)UD/MH/2014/420.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 43, read with sub-section (2) of section 387, of the New Delhi Municipal Council Act, 1994 (44 of 1994), the New Delhi Municipal Council, with the approval of the Central Government, hereby makes the following regulations regulating the conditions of service of municipal officers, namely: -

1. Short title and commencement.- (1) These regulations may be called the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations, 2016.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- (1) In these regulations, unless the context otherwise requires,-

- (a) "Act" means the New Delhi Municipal Council Act, 1994 (44 of 1994);
- (b) "Category-A", "Category-B", "Category-C" and "Category-D" posts means the post as specified in sub-section (4) of section 34 of the Act;
- (c) "municipal officer" includes a municipal officer or other municipal employee appointed to the New Delhi Municipal Council under Chapter VI of the Act;
- (d) 'section' means a section of the Act;
- (e) 'service rule' means the rules referred to in regulation 4.

(2) Words and expressions used in the Act and also in these regulations shall, unless the context otherwise requires, have the meanings assigned to them in the Act.

3. To whom applicable.- Unless otherwise provided in the Act or these regulations, these regulations shall apply to all municipal officers whose pay and allowances are chargeable to the 'General Account' of the New Delhi Municipal Fund, referred to in sub-section (1) of section 44:

Provided that in regard to any person for whom in respect of matters covered by these regulations, special provision is made by or under any law for the time being in force, that special provision will apply and in respect of matters not covered by the said provision, these regulations shall apply.

4. Application of certain rules.- The following rules, as amended from time to time, including orders issued thereunder by the Central Government, in so far as the provisions of such rules or orders are not inconsistent with the provisions of the Act or rules or regulations made thereunder, shall apply to the municipal officers, namely:-

- (i) the Fundamental Rules and Supplementary Rules (including Travelling Allowance Rules);
- (ii) the Central Civil Services (Leave) Rules, 1972;
- (iii) the Central Civil Services (Pension) Rules, 1972;
- (iv) the Central Civil Services (Commutation of Pension) Rules, 1981;
- (v) the Payment of Arrears of Pension (Nomination) Rules, 1983;
- (vi) the General Provident Fund (Central Rules), 1960;
- (vii) the Central Civil Service (Conduct) Rules, 1964;
- (viii) the Central Civil Services (Classification, Control and Appeal) Rules, 1965;
- (ix) the Central Civil Services (Leave Travel Concessions) Rules, 1988;
- (x) the Central Civil Services (Revised Pay) Rules, 2008; and
- (xi) the Central Civil Services (Temporary Service) Rules, 1965.

5. Conditions of service of municipal officers. (1) The service rules applicable to the Government servants in the service of the Central Government shall, as far as may be, regulate the conditions of service of municipal officers, subject to the modifications that any reference in those service rules to a "Government servant", "the Consolidated Fund of India", "the Civil Surgeon" and "the Medical Committee" shall be construed as a reference respectively to a "municipal officer", "the New Delhi Municipal Fund", "the Medical Officer of Health" and "the Medical Board".

(2) Any power under the service rules (other than the power to make service rules) exercisable--

- (a) by the President, shall be exercised by the Chairperson;
- (b) by the Head of Department, shall be exercised by the Secretary or such other municipal officer as the Chairperson may, by order, specify; and
- (c) by the Head of Office, shall be exercised by the Director (Personnel) or such other municipal officer as the Chairperson may, by order, specify.

By Order and in the Name of the Lt. Governor
of the National Capital Territory of Delhi,
SANJEEV MANKOTIA, Dy. Secy. (M.B.)

नई दिल्ली, 7 अप्रैल, 2016

सं. फा. 16(521)/श0वि0/डब्ल्यू /2015/481-दिल्ली जल बोर्ड अधिनियम, 1998 (1998 का दिल्ली अधिनियम संख्या 4) की धारा 7 तथा 51 के साथ पठित धारा 109 की उपधारा (2) के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा राक्षम प्राधिकारी की दिनांक 30.1.2015 के आदेशों के अनुसार अनुमोदित तथा दिनांक 07.07.2015 के पत्र सं० 3/24(4)/2015-आरआर के अनुसार संघ लोक सेवा आयोग द्वारा दी गई सहमति से तथा दिनांक 29.08.2003 की अधिसूचना संख्या फा० 16(388)/श0वि0/जल/2003/7913 द्वारा अधिसूचित मुख्य जल विश्लेषक भर्ती तथा पदोन्नति विनियमों के अधिक्रमण में, ऐसे अधिक्रमण से पूर्व की गई बातें या हटाई जाने वाली बातों को छोड़कर दिल्ली जल बोर्ड में मुख्य जल विश्लेषक के पद की भर्ती पद्धति संबंधी दिल्ली जल बोर्ड द्वारा बनाए गए विनियम इसके द्वारा प्रकाशित किए जाते हैं, अर्थात् :-

1. **संक्षिप्त शीर्षक तथा प्रारंभ :-** (1) इन विनियमों को दिल्ली जल बोर्ड मुख्य जल विश्लेषक के पद की भर्ती विनियम, 2016 कहा जाएगा।
2. **पदों की संख्या, वर्गीकरण तथा वे बैंड एवं ग्रेड पे/वेतनमान :-** उक्त पदों की संख्या, इसका वर्गीकरण तथा उसके साथ संलग्न वे बैंड एवं ग्रेड पे/वेतनमान इन विनियमों के साथ संलग्न अनुसूची के कॉलम 2 से 4 में यथाविनिर्दिष्ट होंगे।
3. **भर्ती पद्धति, आयु सीमा, अन्य योग्यताएं :-** उक्त पद की भर्ती पद्धति, आयु सीमा, योग्यताएं तथा उससे संबंधित अन्य मामले उक्त अनुसूची के कॉलम 5 से 13 में यथाविनिर्दिष्ट होंगे।
4. **अयोग्यता :-** कोई भी व्यक्ति
 - (क) जिसने किसी ऐसे व्यक्ति से विवाह किया है जिसका जीवित पति/पत्नी है; या
 - (ख) जिसने जीवित पत्नी/पति के सहित हुए किसी अन्य व्यक्ति के साथ विवाह या विवाह का अनुबंध किया है; वह उक्त पद पर नियुक्ति के लिये अयोग्य होगा।

ITEM NO.(iii): PERSONNEL MANAGEMENT IN NDMC IN RESPECT OF CATEGORIES IN CASUAL/DAILY WAGES/MUSTER ROLL/TMR/RMR/CONTRACT WORKERS ETC.

1. The **New Delhi Municipal Council** has been established under the NDMC Act, 1994. Before the establishment of the Council a large number of Daily Wagers, **Temporary Muster Roll (TMR)** workers were employed by the Municipal Committee. With a view to have optimum use of the available manpower and deployment for future, the Council has taken various decisions from time to time. Accordingly, posts have been sanctioned in different departments in the Council based on the functional requirement and recruitment/promotion is being done as per the recruitment rules.
2. However, NDMC being a local body and crucial **obligatory** functions of the Council being sanitation, supply of electricity and water and public health etc., there was need for engaging manpower for health and sanitation, civil and electric, horticulture, security and fire etc. Even before establishment of the Council, a large number of daily wagers and temporary muster roll workers were deployed by the erstwhile Committee. During the year **1987**, the TMR workers who had completed **240 days** in the current year were regularised with a view to ensure availability of adequate manpower and also to provide job security to the workers. In subsequent years, this policy was revised and the **TMR workers who had completed 500 days were converted to RMR.**
3. Through different policies/resolutions, the number of days for getting RMR status were increased or decreased over the years. During **some duration**, the Council **imposed total ban** on the future RMR requirements and it was decided that for short time deployment, muster rolls should be drawn **as per works requirements and charged on the work itself. All the TMR workers** who were existing at that time and had completed 500 days were granted RMR status. They were **regularised after rendering six years of service as RMR** after completing other conditions subject to availability of vacancies. After that TMRs **were had to be** engaged on short time deployment for administrative exigencies, work needs at some occasions were drawn on muster roll as per work requirement/sanction and they were charged on the work itself. Their services were used to be dispensed with at the completion of the work requirements.

However, about **6,000 muster roll workers**, who were taken on short time deployment against specific works at various occasions by various wings of NDMC continued to work and charged to those works over many years. A Committee consisting of some officers of the Council was constituted for framing of policy for regularisation of all left-over persons working in the Council on MR/contract/ad hoc basis on the basis of functional requirement.

4. The above Committee recommended that the TMR workers who have continued to work should be accorded some benefits. One of the **recommendations of the Committee was to consider such TMR workers for grant of RMR status.** It was also recommended that further short time requirement should be made from the list of daily wagers/TMR workers, who could not be granted RMR status.

5. The Council slightly amended the policy for regularisation of RMR employees. Keeping in view the fact that many of the TMR/RMR/Contractual workers would have become **overage** and were not able to apply for job somewhere else and also for functional requirement the Council resolved to allow **some relaxation in age and educational qualification.**

6. As a local body functioning under the **NDMC Act**, the Council has been assigned some obligatory and discretionary functions under section 11 & 12 respectively. Under section 12, the Council has been assigned various **discretionary functions** like levy of taxes, providing academic and physical education by establishing schools, establishment and maintenance of libraries, gymnasiums and other welfare measures, for municipal officers and officials. One of such welfare measures is, **appointment to the dependents of deceased NDMC employees on compassionate grounds.** The Govt. of India, Department of Personnel & Training has also made a scheme for compassionate appointments with the object to grant appointment on compassionate grounds to the dependents of the employees dying in harness or retired on medical grounds, thereby relieving their families in penury and to help earn their livelihood and giving relief to the family of the government servant concerned from financial constraints and to help them to get over the emergency. **This scheme** however, envisages appointment for group 'C' post (after implementation of the recommendations of VIth CPC) against the direct recruitment quota **restricted to 5%** of the direct recruitment quota arisen in a recruitment year. In this scheme, very few dependents of the deceased employees are covered to get benefits. Therefore, with a view to provide relief from the financial destitution to the dependents of the deceased Council employee, it was **resolved by the Council** that all the eligible dependents/applicants may be taken as casual worker/daily wagers and deployed in various departments on requirement basis as regular **appointment can only** be provided against only 5% vacancies. By taking this measure, the Council has discharged its discretionary function and also provided adequate man power to different departments of the NDMC.

7. The reasons for engaging additional manpower in different Departments are as under: -

a) **Safai Karamcharis under Health Department.**

The sanctioned strength of Safai Karamcharis had become inadequate because of the following reasons -

- i) The posts of Safai Karamcharis were sanctioned around 40 years back and since then no new posts have been sanctioned in spite of the fact that there is drastic change in the number of roads, development of market places, introduction of night and evening sweeping and increase of number of beats in the whole area to more than 1800.
- ii) Increase in floating population from 3 lacs to around 18 lacs per day, proportionately increasing the load on garbage on NDMC.
- iii) Increased requirement of man power for vehicles for loading/unloading the garbage.
- iv) Additional responsibility for maintaining the sanitary conditions in some colonies which were earlier being maintained by the CPWD.
- v) Areas around most of the Ministries and Central Government offices and residences, including Rashtrapati Bhawan, Prime Minister's Office and other VIP areas are maintained by the NDMC. There are many national events organised every year in this area and lot of VIP movement is there, therefore, the requirement of Safai Karamcharis to maintain cleanliness has increased manifold.
- vi) The Council had followed the PPP model suggested by the Ministry of Urban Development and assigned the task of transportation of Garbage from NDMC area to the disposal site with modern equipments the contract was assigned to M/s RAMKY. A RFP is being floated now for selecting another agency for doing this task. It is proposed to follow the same model i.e. primary cleaning and removal of Garbage from different areas will remain with the Health Department and done through our employees with proper training and modern equipments and transportation of the garbage from NDMC area to the disposal site will be done by the outsourced agency. A proper cost-benefit analysis has been done for floating the RFP i.e. the cost of cleaning, removal and transportation of garbage to the disposal site by the Health Department vis-a-vis the cost of the cleaning and removal of garbage by Health Department and transportation of the garbage from NDMC area of the disposal sites by the agency.

b) **SECURITY DEPARTMENT**

The Security Department has been functioning with RMR workers, regular employees and officials on deputation deployed as per requirement. Due to shortage of trained staff, Security Guards, Technical Officers/X-ray Screeners, Commando Trainer, Gym/Game Attendant and Gun-man have been engaged on contractual basis to meet out the minimum essential requirement.

Manpower deployed through outsourcing:

Around 1170 security personnel are deployed for Watch & Ward duties at various locations under NDMC area under 9 Group Contracts i.e. through outsourcing. These NDMC premises include iconic, vital and sensitive locations like Palika Bazar, Underground Palika Parking, Palika Kendra (NDMC Headquarters), NDCC (which houses NIA and MHA Offices), Hospitals, Park & Gardens, Commercial Complexes, Working Women Hostels, Sr. Citizen Homes, Schools, Stadia, Electric Sub-stations and Water Reservoirs (feeding VVIP areas like Rashtrapati Bhawan, North Block, South Block, AIIMS, RML, Hon'ble Supreme Court, High Court, Rajpath, India Gate and Connaught Place). These personnel are deployed mainly for round-the-clock Watch & Ward duties and in case of any theft/loss to NDMC the security contractor has indemnified the NDMC for making good of any such loss.

c) FIRE DEPARTMENT

The Fire Department is also being managed with regular NDMC employees and TMR/RMR workers as per the policy of the Council. There is no outsourcing of manpower/services in the Fire Department.

In addition to this, daily wages workers are employed often on seasonal basis in departments, other than the aforesaid departments. Contract workers are also being engaged particularly in the ministerial cadre, subject to filling up the vacancy on a regular basis from the DSSSB. In the Transport Department, generally drivers are engaged on contract basis, awaiting filling up the vacancies from DSSSB.

8. The dependents of the deceased employees of the Council have also been provided a one-time relief as TMR deployment without circumventing the policy of Govt. of India on appointment of compassionate grounds. The outsourcing of only those services has been done, which were essentially required for maintaining high standards of sanitation/cleanliness, security and other services without increasing the cost of providing such services.

9. The Council has made long-term planning keeping in view the future need/requirement of various activities and to ensure that the existing manpower is also optimally utilized and outsourcing may be done for those services where the cost of procuring machines/equipments and engaging manpower is more than the cost of outsourcing. As stated above, the Council has at the same time kept in mind the overall Welfare of its employees, which is one of the discretionary functions of the Council and a social obligation.

10. It is also worth mentioning that all the decisions for engaging the personnel or providing them the status of TMR/RMR/Contractual/ Regular employees have been taken after detailed deliberations in various Council meetings and in compliance of the resolutions passed by the Council from time to time.

11. As far as outsourcing of some services by the Civil Department is concerned, it is worthwhile to mention that the Council had to resort to outsourcing of sanitation services in some NDMC buildings due to shortage of man power for health department, which is already over burdened, for maintaining high standards of sanitation on the roads, localities and other open areas. The work of housekeeping was therefore, transferred to the Civil Engineering Department. In this modern and developing era, the cleaning in NDMC area is being done by the mechanical system which is very costly and may require frequent repairs/maintenance and need specialised labour for running and maintenance. The cost of procurement of these machines and wages to the specialised labour engaged for this work would have been much higher than the outsourcing.

The Council is going to review the position as adequate manpower is now available in Health Department, efforts will be made to enhance these skills and knowledge and housekeeping services will be provided gradually in all NDMC buildings by our own manpower and equipments.

12. It may be seen from the above that the observations given in the Memorandum under the impression that the personnel mismanagement in NDMC has resulted in an enhanced expenditure of manpower while no reduction in expenditure has been made in respect of outsourcing of personnel by NDMC. **This is in contrast with the factual position.** The Council has not attempted to contain the trend of engaging the muster-roll employees by converting the experienced TMR workers as RMR workers and engaged dependents of deceased employees as TMR workers giving one-time relief.

13. In view of the clarifications given in the foregoing paras, the Council would vehemently submit to correct the mistaken impression that NDMC has got highly skewed manpower position in matching the need/requirement of the activities of NDMC and its future plans/proposals.

COMPARISON BETWEEN CPC AND DTL PAY SCALES.

S.No.	Item	CPC pay scale	DTL pay scales	Remarks																														
1	Pay Scales (6 th CPC as 7 th DTL pay scales are not yet know)	-1S 4440-7440 Group D PB-1 5200-20200/- Group C PB-2 9300-34800/- Group B PB-3 15600-39100/- Group A PB-4 37400-67000/- Group A	PB-1 6000-20200/- Category D PB-2 8500-26300/- Category C PB-3 10900-34800/-Category B PB-3 19100-39100/- Category A PB-4 37400-67000/- Category A	Entry pay scale for all Group posts in DTL pay scale is higher than CPC pay scales.																														
2.	Minimum Grade Pay	Rs. 1800/- (Group C post) No Group D post after implementation of 6 th CPC	Rs. 2800/- (Category C post) Category D post continues in DTL with Grade Pay of Rs. 2000/2200/2400	Category D post with pre-revised Grade pay of Rs. 2000/- and Rs. 2200/- exist in DTL but not in CPC pay scales.																														
3.	Rate of Increments	As per 7 th CPC pay matrix	Not yet known	As the starting salary for an equivalent post is higher under DTL pay scales, the annual increase on account of grant of increment will also be on higher side																														
4.	Rates of allowances	-	-	As the entitled for different allowances is linked to basic pay, a person holding an analogous post in DTL pay scales ends up drawing higher Pay.																														
5.	Time Bound Progression – effect of DTL pay scales	<table><tr><td>1st</td><td>-</td><td>10 Years</td></tr><tr><td>2nd</td><td>-</td><td>20 Years</td></tr><tr><td>3rd</td><td>-</td><td>30 Years</td></tr></table>	1 st	-	10 Years	2 nd	-	20 Years	3 rd	-	30 Years	<table><tr><td>1st</td><td>-</td><td>10 Years</td></tr><tr><td>2nd</td><td>-</td><td>18 Years</td></tr><tr><td>3rd</td><td>-</td><td>26 Years</td></tr></table>	1 st	-	10 Years	2 nd	-	18 Years	3 rd	-	26 Years	Due to lesser time period between three financial upgradation, expenditure incurred in grant of financial upgradation under DTL pay scales would be higher.												
1 st	-	10 Years																																
2 nd	-	20 Years																																
3 rd	-	30 Years																																
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2 nd	-	18 Years																																
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6.		<table><tr><td>Entry level Grade Pay</td><td>Rs. 5400</td></tr><tr><td></td><td>↓</td></tr><tr><td>1st ACP/MACP</td><td>Rs. 6600</td></tr><tr><td></td><td>↓</td></tr><tr><td>2nd ACP/MACP</td><td>Rs. 7600</td></tr><tr><td></td><td>↓</td></tr><tr><td>3rd ACP/MACP</td><td>Rs. 8700</td></tr></table>	Entry level Grade Pay	Rs. 5400		↓	1 st ACP/MACP	Rs. 6600		↓	2 nd ACP/MACP	Rs. 7600		↓	3 rd ACP/MACP	Rs. 8700	<table><tr><td>Entry level Grade Pay</td><td>Rs. 5400</td></tr><tr><td></td><td>Rs. 6600/- (Not available)</td></tr><tr><td></td><td>↓</td></tr><tr><td>1st ACP/MACP</td><td>Rs. 7600/-</td></tr><tr><td></td><td>↓</td></tr><tr><td>2nd ACP/MACP</td><td>Rs. 8700/-</td></tr><tr><td></td><td>↓</td></tr><tr><td>3rd ACP/MACP</td><td>Rs. 10000/-</td></tr></table>	Entry level Grade Pay	Rs. 5400		Rs. 6600/- (Not available)		↓	1 st ACP/MACP	Rs. 7600/-		↓	2 nd ACP/MACP	Rs. 8700/-		↓	3 rd ACP/MACP	Rs. 10000/-	In category A posts like an Engineer (both Civil and Electric), as there is no equivalent pay scales which is equal to pre-revised pay scale with Grade pay of Rs. 6600/-, the financial gradation to the pay scale of Rs. 7600/- is granted directly from 5400/- Grade Pay and hence higher expenditure.
Entry level Grade Pay	Rs. 5400																																	
	↓																																	
1 st ACP/MACP	Rs. 6600																																	
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3 rd ACP/MACP	Rs. 10000/-																																	

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Annexure - IV

Note for the Ministry of Home Affairs w.r.t. Pay Scales for NDMC employees

1 The then Chief Commissioner, Delhi vide his notification No. F.3(64)41-LSG dated 6th August, 1941 approved the revised bye-laws under Section 31 of the Punjab Municipal Act, 1911 (Punjab Act 3 of 1911) to regulate the business of the New Delhi Municipal Committee. These bye-laws contained inter-alia provisions relating to Z(i) Appointment, punishment and retirement of official and servants of the Committee and (ii) Duties of Heads of Departments, Officers and servants of the Committee.

2 The following developments took place during the period 1971 to 2009:

14.01.1971	Shiv Shankaran Committee (SSC) was constituted by the Ministry of Irrigation and Power to consider the demand of engineers of the erstwhile DESU for enhancement of pay scales on the basis of higher pay scales in States like Punjab, Haryana, Andhra Pradesh and Tamil Nadu etc.
13.01.1972	<p>The Shiv Shankaran Committee recommended about 66% higher pay scales for the engineers of the only Tech. Staff erstwhile DESU than the prevalent CPC Scales.</p> <p>Subsequently, the non-technical staff of the DESU was also extended the benefit of SS Scale w.e.f. 01.04.1971, despite the fact that they were not strictly covered by the report.</p>
19.10.1972	<p>On same pattern New Delhi Municipal Committee also extended the higher scales to the staff working in the Electricity Department vide Resolution No. 15 dated 19.10.1973 read with Resolution No. 1 dated 07.01.1974.</p> <p>The ministerial staff working in the Electricity Department was also extended the SS Scales but the benefit was not given to the ministerial staff working in other department viz. General Wing and Water Supply etc.</p>
23.05.1974	In 1974, employees of General Department moved Hon'ble Delhi High Court of Delhi for extension of benefit of Shiv Shankaran Committee (SSC) Pay Scales to them. In its judgment, the Hon'ble High Court of Delhi held the resolution of NDMC dated 07.01.1974 discriminatory. In view of the said judgment, benefit extended to ministerial staff in Electricity Department in terms of resolution dated 07.01.1974 were withdrawn.
07.08.1987	<p>Hon'ble Supreme Court in the case titled "<i>R.D. Gupta & Ors. Etc vs. Lt. Governor. Delhi Admn. & Ors.</i>" [1987 SCC (4) 2086] on 07th August, 1987 held that all sections of ministerial staff should be treated alike and all of them were held as entitled to the same scale of pay if the nature of work was similar. In its judgment, Hon'ble Supreme Court had fixed the following parameters for treating all the cases for grant of DTL pay scales:</p> <ul style="list-style-type: none"> (i) Unified cadre governed through common recruitment policy (ii) Common transfer policy (iii) Common seniority list. <p>As per the said parameters, Hon'ble Supreme Court in the year 1987 rejected the case of Jr. Engineers (Civil) and Assistant Engineers (Civil) for grant of SSC Pay Scales on the ground that they had no common seniority with engineers in the Electricity Department. Their posts/cadres were</p>

	separate with independent recruitment rules; their posts were not interchangeable and; they had separate seniority lists and therefore they could not drawn comparison from the implementing pattern of Engineers in DESU (DTL).
09.02.1988	<p>Vide Resolution No. 26 dated 9.2.88 read with Resolution No.52 dated 9.6.88 the judgment of the Apex Court dated 7.8.87 was implemented and the benefit of SS Scales extended to 496 posts comprising of the following categories :</p> <ol style="list-style-type: none"> 1. Office Supdt. 2. H.A. / Accountant 3. Personal Assistant 4. Sr. Clerk 5. Stenographer 6. Jr. Clerk 7. Storekeeper 8. Adrema Operator 9. Asstt. Adreama Operator 10. Asstt. Record keeper 11. Daftary 12. Peon 13. Bill Collector 14. Sorter 15. Ferro Printer 16. Chowkidar 17. Sewer man 18. Sweeper <p>Workers Action come strike from 25.2.1988, 10 cadres given SS Scales but except for 9, 10 & 11 other 7: not ministerial but common + inter cadres.</p>
26.2.1988	<p>On account of discontentment amongst the staff of the General Wing (Other that those working in the Electricity Department other than the ministerial cadre), N.D.M.C. vide Resolution No. 1 dated 26.2.1988 decided to extend the benefit of SS Scales to all the left out categories. However, it was resolved that after taking clarification from Labour Commissioner / Delhi Administration, the judgment of the Supreme Court judgment i.e. equal pay for equal work would be considered favourably. The approval of the Delhi Govt. was applied for but the same was not received, hence the aforesaid Resolution was Resolution was not implemented. The said Resolution was in contradiction of the judgment of the Apex Court in the case of RD Gupta & Others Vs. Lt. Governor & Others, in which the Court had already declined to extend the benefit of SS Scale to some categories of the staff.</p>
09.01.1991	<p>As feeder category of sweepers were getting higher scales than the supervisory categories, vide Resolution No.1076 dated 9.1.1991 the benefit of SS Scales extended to the following categories :</p> <ol style="list-style-type: none"> 1. Assistant Sanitary Inspectors 2. Sanitary Inspectors 3. Chief Sanitary Inspectors 4. Deputy Sanitation Officer

15.01.1991	Further vide Resolution No.1 dated 15.01.91 the categories of Sewer Mate and Sewer Pump Operator were also included in the list of categories to which benefit of SS Scale was extended vide Resolution No. 1076 dated 09.1.91.
17.3.1993	<p>Supreme Court in the case of Narender Kumar & Others allowed the benefit of SS Scales to the following categories of employees:</p> <ol style="list-style-type: none"> 1. Employees of Auto Workshop 2. Duplicating machine Operator, Gun Man & Dog Shooter 3. Junior Technical Assistant (Hindi) & Translator (Hindi) 4. Assistant Storekeeper 5. Pump Driver <p>The claim of the employees of the Jr. Navyug School for extension of SS Scale was however, turned down by the Court as their posts were not interchangeable and inter-transferable with other posts under the NDMC.</p> <p>The petitions of the Telephone Operators were also turned down by the Apex Court on the ground that their posts were neither interchangeable nor transferable with the members of the service in NDMC. Further, they did not fall within the category of ministerial staff.</p>
27.7.1988	<p>As per orders of the Administrator, the following allied categories of Sweepers were also extended the benefit of SS Scale as they formed the common cadre of Sweepers:</p> <ol style="list-style-type: none"> 1. Lorry Beldars 2. Dumping Ground Beldars 3. Bhisities 4. Rat Catchers 5. Verandah Beldars 6. Hwker ERaid Beldars 7. Sweepers-cum-Chowkidars 8. Dog Catchers
02.08.1988	The Drivers posted in the Electricity Department were granted SS Scale while the drivers working in other departments were being paid the salary under the CPC Scales. The Committee vide Resolution No.25 dated 02.08.1988 decided to grant SS Scale to all the Drivers of the Committee, including those not working in Electricity Department.
28.08.1990	<p>The following categories, which also formed common cadre of Sweepers and inadvertently not included along with allied categories of Sweepers, were also extended the benefit of SS Scales vide Resolution No.36 dated 28.08.1990:</p> <ol style="list-style-type: none"> 1. SWD Lorry Beldar, 2. Gilt Lorry Beldar, 3. Filth Cartman, 4. Rubbish Cartman 5. D.G. mate 6. Sewerman cum Beldars
29.12.1990	The staff went on strike and a settlement was made after the employees went on strike according to which all the employee upto 'B' category excluding the staff governed by Chattopadhyaya Committee and pay packages announced by the Govt. of India were given an adhoc irrecoverable increase of Rs.100/- p.m. w.e.f. 01.03.1990. A committee

	under Secy. Was also setup to examine Resolution dated 26.02.1988 and other demands of the Federation.
27.02.1997	CGIT vide its award dated 27.02.1997 in the case of Rajinder Prasad & Others Vs. Lt. Governor of Delhi & others granted SS Scale to the following categories: 1. Helper (Nutrition-cum-Health Scheme) 2. Caretakers 3. Labour Welfare Supervisor 4. Enforcement Inspector The award was accepted vide Resolution No. 3(1) dated 26.09.1997. However, Sports Assistants was declined the benefit of SS Scale in this case.
06.11.2003	The following categories of employees in 22 different petitions (leading case – Jagdish & others Vs. L.G. Delhi and others and NDMC approached the CGIT: (i) Beldar, Khassie, mason, Peon, mate, Painter, Fitter, Inspector, lab. Attendant, lab Asst. – Cum-Sample takers, Bacteriologist and Chemist. (ii) Senior Draftsman and Head Draftsman (Electricity Department) (iii) Senior Librarian, Asstt. Librarian, Library Attendant. The Tribunal allowed SS Scales to them w.e.f. 01.07.1991.
17.09.2004	The award of the CGIT was challenged by NDMC before the High Court, which allowed the petitioners the benefit of SS Scales with effect from 01.04.1998. Clarification: Supreme Court flues exercise, no clarification on RD Gupta was regarding for all cadres (Md. M.M.) with Unified Cadre & Inter traceable. Benefit of RD Gupta extended to second cadre well beyond HSC decision, but as per 26.02.1988 Resolution. Alternative (withdraw) of Secy. Sub Committee; Note as per HSC decision RD Gupta, supreme Court decisions have to be implemented. No Clarification regd.
14.02.2005	The Double Bench vide its judgment dated 14.02.2005 dismissed NDMC appeals preferred by the NDMC.
16.07.2008	NDMC filed SLP before Hon'ble Supreme Court against the said judgment of the Hon'ble High Court. Hon'ble Supreme Court vide its order dated 16.7.2008 passed in SLP (Civil) Nos. 13301/2005 case titled ' <i>NDMC Vs. R.L. Gautam and Batch</i> ' disposed of various appeals with following observations: <i>"...However, these anomalies should not have been brought on record but these should have been settled by the authorities themselves by rationalizing the pay scales to all the employees working in the department."</i>
08.08.2008	Pursuant to Hon'ble Supreme Court's directions dated 27.10.2008 above, the then Chairman, NDMC constituted a Committee under the Chairmanship of Shri Bharat Bhusan, Member(Judicial), Appellate Tribunal (VAT), GNCTD vide order No. SO (E)/4237 dated 08.08.2008. The other members of the Committee were Chief Auditor, FA, LA and Director (personnel).
30.04.2009	The Bharat Bhusan Committee submitted its report on 30.04.2009 and the said Committee recommended the 6 th CPC Scales to all NDMC employees w.e.f. 01.01.2006. The recommendations of Bharat Bhusan Committee recommended 6 th CPC are as under:

	<p>5.5.6 The combined reading of provisions of section 34, 36, 42 and 43 of the NDMC Act, 1994, the Central Civil Services [Revised pay] Rules, 2008 and the notification dated 9th April 2009 regarding classification of posts leave no scope for the Council to have any other classification/categorization and scale of pay for its officers and employees except the categorization/classifications and scale of pay as per Central Civil Services [Revised pay] Rules, 2008.</p> <p>5.5.7 The NDMC Act, 1994 is a Central Legislation and the legislature in its wisdom has legislated that Central Govt. shall have control over the Council and officer and employees of the Council shall be appointed in A, B, C or D category of posts, which would have is scales and emoluments similar to Group A, B C or D posts in Central Govt. This ensures that Council should not appoint officers and employees in inferior or superior scales and would maintain parity in the scales of pay with the Central Govt. employees and Municipal Corporation of Delhi. The scales of pay in Delhi Cantonment Board, DDA, Delhi Jal Board and Government of NCT of Delhi are also the same.</p> <p>5.5.8 While framing regulations under Section 43(10) (a), the Council has already resolved that all is employees would be governed by the rules and regulations applicable to an employee of Central Govt. These include FR, SR, Conduct Rules and pay Rules.</p>
15/22.07.2009	<p>The report of the Committee was placed before the Council, which vide item No. 21(H-03) resolved that:</p> <p><i>"Resolved by the Council that those employees who have been left out of the benefit of Shiv Shankaran Scale, may also be given the benefit of the Shiv Shankaran Scale, in view of the directions given by Hon'ble Supreme Court of India in SLP (Civil) No.(s) 13301/2005 & Batch.</i></p> <p><i>It was further resolved by the Council that the present report of the Bharat Bhushan Committee may be referred back to the same Committee for giving its further recommendations within two weeks from the receipt of report of the Pay Revision Committee constituted for the Delhi Transco Limited.</i></p>
03.09.2009	<p>On the recommendations of Bharat Bhushan Committee, an Anomaly Committee was constituted to decided the cases of each of the cadres covered by the Supreme Court decision in the use of Sh. R.L. Gautam Vs. NDMC and others and also to take up the cases pending in various courts as well as individual representation, if any.</p>
10.11.2009	<p>The pay scales of all employees drawing their salary either under CPC or SS Pattern were revised as per 6th CPC pay scales with approval of the then Chairperson.</p>
24.12.2009	<p>With approval of the Chairperson, the pay scales of employees drawing their salary under 5th CPC or SS Scales respectively pattern were revised as per 6th CPC scales and revised DTL Scales respectively.</p>

3 Other developments

3.1 The Council vide its resolution No. 10(H-02) dated 25.06.2012 resolved as under:
"Deferred by the Council in view of additional information, sought by the members."

3.2 The Council vide its resolution No. 7 (H-06) dated 31.01.2013 resolved as under:
*"Pending notification of regulations, the Council resolved to modify its Resolution dated 22nd of July, 2009 and to give the Nursing staff the CPC Pay Scales and fix their pay in the CPC Scales on 1st January, 2013 so that there is no reduction in the pay of these Nurses while switching over from DTL Scale to CPC Scale w.e.f. 1st January, 2013. However for all practical purposes the new scales will be available to them from 01.01.2006 as requested for **and the cadre will not be allowed to revert back from CPC Scale henceforth.**"*

It was further resolved that pending notification of the regulations, the above decision may be made available to all those employees / categories who are in DTL Scale and want to opt for CPC Scales, with the approval of the Chairperson, NDMC." (emphasis added)

3.3 The Council vide its resolution No. 15/2013-14 dated 26.02.2014 resolved as under:
"After detailed deliberations and discussion, it was resolved that SS Scale should be given to the affected employees as decided in the Council meeting vide Resolution No. 21(H-03) dated 22.07.2009."

3.4 In order to implement Council's Resolution dated 22.07.2009 and 26.02.2014 - for grant of DTL pay scales to the left out categories of NDMC employees as also for removal of anomalies in the pay scales of different posts in various Departments due to grant of DTL pay scales to some categories of posts, a sub-Committee was constituted vide Office Order No. PA/Dir(P)/134/2015 dated 07.04.2015 with the following Members:

1. Ms. Rita Kumar, Special Advisor (Estt.)	Chairperson
2. Sh. T. K. Sanyal, Advisor (Law and Revenue)	Member
3. Dy. Chief Auditor (Presently - Sh. A.S. Budhwar)	Member
4. Dy. Fin. Adviser -III (Presently Sh. Chandrashekhar)	Member
5. Joint Dir.(CGIT Cell (Presently Sh. Anil Kumar)	Convener
6. Joint Dir./Dy. Dir. of Establishments	Members

3.5 Various Establishment Branches/Units of Personnel Department of NDMC i.e., Health Establishment, Social Education Establishment, Civil Establishment, Electrical Establishment, A&H Establishment and Main Establishment had provided detailed information of **CPC scales**/DTL scales in respect of the left out categories of employees under their administrative control which were examined by the Sub-Committee for resolving anomalies resulting from grant of DTL pay scales.

3.6 Pursuant to the Council Resolution, DTL pay scales were granted to NDMC's Civil Engineering Department vide Office Order No. SO(CE-II)/2672/SAG-1 dated 17.12.2015.

3.7 The said Committee submitted its report on 25.02.2016 which was considered and approved by the Council, except for 61 categories of posts, vide agenda item No. 36(H-03) dated 27.06.2016.

3.8 Further, an anomaly Committee was formed to examine DTL pay scales for 61 categories of posts which have been recommended higher pay scales. The Anomaly Committee submitted its report on 18.08.2017 which except for the posts in three Department namely Accounts/Audit, Law and Social Education Departments, was approved by the Council in its meeting held on 23.08.2017.

3.9 It is relevant to mention here that the benefit of DTL pay scales have been extended to non-Teaching staff of NDMC Schools. As on date, except for doctors and nurses in Health Department and Teachers in Education Department, all municipal employees in NDMC are drawing salary in DTL pay scales.

4 Statutory Provisions

4.1 The New Delhi Municipal Council Bill having been passed by both the Houses of Parliament received assent of the Hon'ble President on 14.07.1994. It came into force as the New Delhi Municipal Council Act, 1994 (44 of 1994). The Act has been amended vide New Delhi Municipal Council (Amendment) Act, 2011 declaring that the Council shall be a body corporate having thirteen Members comprising of the Hon'ble Member of Parliament from New Delhi, two Member of Legislative Assembly, Chairperson, four nominated Members and five official members nominated by Central Government.

4.2 The obligatory and discretionary functions of the Council are enumerated in Section 11 and Section 12 of the NDMC Act, 1994 respectively. To discharge its obligatory and discretionary functions, the NDMC has employed manpower in its various Department.

4.3 NDMC Act 1994 stipulates that the salaries and other service conditions of the NDMC employees are required to be regulated as per the regulations to be notified by the Government as per the provisions mentioned in Section 43 (1) (a) are as under:-

"the tenure of office, salaries and allowances, provident fund, pensions, gratuities leave of absence and other conditions of service of officers and other employees appointed under this Chapter;"

4.4 ~~Clause (43) of Rule 2~~ of NDMC Act, 1994 defines the word regulation as under:
"regulation" means a regulation made by the Council under the Act by notification in the Official Gazette.

4.5 ~~Clause (31) of Rule 2~~ of NDMC Act, 1994 defines the word regulation as under:
"Official Gazette" means the Official Gazette of the National Capital Territory of Delhi.

4.6 As per the provisions of section 34 (4) of the NDMC Act, 1994, the classification of various categories (A, B, C & D) of posts would be decided having regard to scale of pay or emoluments as classified under the Central Government in accordance with the orders issued by the Government from time to time. Section 34(4)(iv) of the Act stipulates that

Category 'D' post mean any post other than Category 'A' or Category 'B' or Category 'C' post.

4.7 Sub-section (2) of section 387 of the NDMC Act, 1994 stipulates that no regulation made by the Council under this Act shall have effect until it has been approved by the Central Government and published in the Official Gazette. Section 387(2) of the Act provides as under:

"No regulation made by the Council under this Act shall have effect until it has been approved by the Central Government and published in the Official Gazette."

4.8 Clause (a) of Sub-section (2) of Section 416 of the N.D.M.C. Act, 1994 provides inter-alia that any appointment, notification, order, scheme, rule, bye-law, etc. Issued or made under the said Punjab Municipal Act, 1911 and in force immediately before the establishment of the Council, shall, in so far as it is not inconsistent with the provisions of the N.D.M.C. Act continue in force and be deemed to have been made or issued under the provisions of the N.D.M.C. Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, bye-laws, etc. made or issued under the said provisions.

4.9 New Delhi Municipal Council (Conditions of Service of Municipal Officer) Regulations, 2016

4.9.1 In exercise of power under section 43(1)(a) of the NDMC Act, 1994, the Council passed resolution No. 28(C-35) dated 17.10.2007 approving the New Delhi Municipal Council (Conditions of Service of Municipal Officer) Regulations, 2007 for regulating conditions of service of NDMC employees be governed by the Rules and Regulations as applicable to an employee of Central Government, after resolving that:

"Resolved by the Council that the New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2007 is approved and the same be sent to the Central Government for approval in anticipation of the confirmation of the minutes and after receipt such approval they be sent to the Government of NCT of Delhi for publication in the Official Gazette."

4.9.2 New Delhi Municipal Council (Conditions of Service of Municipal Officer) Regulations, 2010 were approved by the MHA as communicated vide its letter dated 20.05.2010.

4.9.3 **Subsequently a clarification** was sought by NDMC from the MHA on 25.06.2010 on whether the addition of the expression *"appointed to the New Delhi Municipal Council under Chapter VI of the Act"* in the definition would not exclude a municipal officer/employee who had been appointed prior to coming into force of the NDMC Act, 1994.

4.9.4 MHA vide its letter dated 18.09.2010 clarified that in terms of clause (a) of sub section (2) of Section 416 of NDMC Act, 1994, the Municipal Officers and employees appointed prior to coming into force of the NDMC Act, 1994 shall be deemed to have been appointed under Chapter VI of the New Delhi Municipal Council Act, 1994.

4.9.5 The Department placed agenda item No. 10(H-02) dated 25.06.2012 before the Council about the approval of the MHA on the New Delhi Municipal Council (Conditions of Service of Municipal Officer) Regulations, 2010 before their notification in the Official

Gazette of Government of NCT of Delhi for information, wherein the Council deferred the matter for want of additional information. It is observed that the agenda dated 25.06.2012 was placed only for information of the Council, which was deferred. The Council neither directed to stop sending the regulations approved by the MHA for their publication in the Official Gazette of GNCTD, nor directed to deviate from its resolution dated No. 28(C-35) dated 17.10.2007.

4.9.6 While processing a disciplinary proceedings case, it was observed that several reminders were received from the MHA about the action taken for implementation of the said regulations, 2010, which were to be sent to the GNCTD for notification. With the approval of the then Chairperson on 23.09.2014, NDMC requested the Government of NCT of Delhi on 30.09.2014 (**Annexure 1**) to get the said regulations be published in the Official Gazette.

4.9.7 The Government of NCT of Delhi vide its letter No. 13(126)/MB/UD/2014/268 dated 21.06.2016, which was received in NDMC on 27.06.2016, intimated that the New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2016 have been notified in the Official Gazette on 07.04.2016 (**Annexure 2**). These Regulations have come into effect from the date of their publication in the official gazette i.e. 07.04.2016.

4.9.8 As on date, the service condition of all categories of employees in NDMC is regulated in terms of rules/guidelines/instructions notified by DoPT/Ministry of Finance as enumerated in the New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2016.

4.9.9 As per Regulation 4(x) of the New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2016, the salary of all municipal employees is to be regulated in terms of Central Civil Service (Revised Pay) Rules, 2008 as amended from time to time.

5 Detailed proposal on the subject

5.1 The notification of New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2016 was brought before the Council for information vide agenda item Nos. 28(H-05) dated 25.07.2016 and 05(H-07) dated 17.08.2016. It was specifically submitted that with notification of these regulations, the NDMC have no option but to regulate pay and allowance of its employees in terms of CCS (Revised Pay) Rules, 2016, wherein the Council deferred the matter.

5.2 The notification of New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2016 was brought before the Council for information vide agenda item No. 02(H-08) dated 05.09.2016, wherein the Council resolved as under:

"Resolved by the Council that the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations, 2016, as notified, be adopted by the Council, except the implementation of new Pay Scales of Central Pay Commission (CPC) and Delhi Transco Ltd. (DTL). The concerned department would bring a detailed report explaining the ramifications of implementing the 7th CPC pay scale vis-à-vis DTL pay scale to the employees of the Council.

The Council resolved to constitute a committee to look into the implementation of pay scale to the NDMC employees, composition of which is as follows:-

1. Sh. Naresh Kumar	-	Presiding Officer
2. Sh. Karan Singh Tanwar	-	Vice Chairperson
3. Sh. Surender Singh	-	Member
4. Sh. Abdul Rasheed Ansari	-	Member
5. Dr. Anita Arya	-	Member
6. Sh. B.S. Bhati	-	Member
7. Secretary, NDMC	-	Member
8. Financial Advisor, NDMC	-	Member
9. Director (Finance), NDMC	-	Member
10. Director (P), NDMC	-	Convener

It was further resolved by the Council that the department may initiate further necessary action in anticipation of confirmation of the minutes of the Council."

The Council vide resolution No. 01(H-04) dated 28.08.2017 considered the report of the Anomaly Committee dated 18.08.2017, and inter-alia resolved the following:

- (i) to accord approval to grant DTL pay scales upto 06.04.2016 to all left out categories as contained in para 4 of the Preamble and as recommended by the Anomaly Committee in para 17 of its report dated 18.08.2017, except in the case of posts in Account/Audit Cadre, Law Department and Social Education Department;
- (ii) where grant of DTL pay scales to all categories since 01.04.1998 results into upgraded /replacement pay scale in category 'A' from category 'B', the suitability of official will continue to be assessed, and the proposal would have to be submitted to the UPSC;
- (iii) the replacement DTL pay scales to be granted w.r.t. posts in Account/Audit Cadre, Law Department and Social Education Department would be decided separately.

5.2 The notification of New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2016 was brought before the Council vide agenda item No. 07(H-06) dated 22.09.2017, wherein the Council deferred the following proposal of the Personnel Department:

- (i) two pay scales viz. the CPC pay scales and DTL pay scales cannot be operated in the NDMC, and all employees are to be covered under one regulation in terms of **provisions of section 43** of the NDMC Act, 1994;
- (ii) pending the final recommendations of 7th DTL on revision of pay scales of its employees w.e.f. 01.01.2016 till 06.04.2016, decision with regards to CPC pay scales that would be applicable to employees in NDMC w.e.f. 07.04.2016 [i.e. date on which **NDMC** {Condition of Service of Municipal Officers) Regulation, 2016 duly approved by the Government of India as per provisions of section 387(2) of the NDMC Act, 1994 and duly notified by the Government of NCT of Delhi in its Official Gazette] should be implemented, being law in force at present.

5.3 The Department again brought the same proposal before the Council vide agenda item No. 24(H-09) dated 16.10.2017, wherein the Council resolved as under:

"Director(Personnel-I) informed the Council that vide notification No. F.13(126)UD/MB/2014/420 dated 07.04.2016, the New Delhi Municipal Council

(Conditions of Services of Municipal Officers) Regulation, 2016 has come into force. Regulation 4 of the said regulations enumerates the service rules as amended from the time, including orders issued there under by the Central Government, including the Central Civil Service (Revised Pay) Rules, 2008, shall apply to the municipal Officers. With notification of the aforesaid regulation, the salary of all the employees in NDMC including those drawing DTL scales, is to be regulated in terms of Central Civil Services (Revised Pay) Rules, 2016 w.e.f. 07.04.2016. It was further brought to the notice that at present the percentage of expenditure incurred on establishment has risen to around 60% of the total expenditure after excluding expenditure on electricity and water, which is not tenable in long term. Therefore, NDMC should implement Central Civil Services (Revised Pay) Rules, 2016, w.e.f. 07.04.2016. Till the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulation are amended, the same will remain in operation being the statutory provisions.

However, the Council desired to continue DTL pay scales for its employees beyond 06.04.2016. The Council was informed that for this purpose, the regulation 4(x) of the New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations, 2016 has to be amended suitably to incorporate DTL pay scales after following due procedure prescribed in the NDMC, Act 1994.

The Council further resolved that draft regulation for amendment in the 2016 Regulations proposed to be sent to the Ministry of Home Affairs be prepared and placed before the Council for its consideration".

5.4 The following facts are being brought before the Council for its information and consideration:

5.4.1 Manpower position in NDMC

Category of the post	Sanctioned strength	Total number of Employees in position
Category A	406	215
Category B	1965	1277
Category C	5439	2688
Category D	9553	6814
Contractual Employees	-	1215
Muster Roll(Regular)	-	5117
Muster Roll(Temporary)	-	-
Consultants	-	34
Total	17363	17360

*These figures are approximate figures and may vary. The actual figures will be updated before sending the proposal to the MHA.

5.4.2 Prior to notification of New Delhi Municipal Council (Conditions of Service of Municipal Officers) Regulations, 2016, the salary of NDMC employees was being regulated in terms of following two pay scales:

- a) **CPC Pay Scales** as applicable to Central Government employees- Health Department (Medical Doctors), Education (Teachers), Architect Department, Horticulture Department, Account Department etc.
- b) **DTL pay scales** as applicable to employees of Delhi Transco Limited (erstwhile DVB) - Electricity Department, Civil Engineering Department, Public Health Department, some post of Ministerial cadre and other Departments.

5.4.3 It is submitted before the Council that it is administratively advisable and financially prudent to adopt a single pay scale system for all employees. Different pay scales is causing inter-departmental conflict and is giving rise of industrial dispute in term of Industrial Dispute Act, 1947 with regards to service condition and salary being drawn by the employees. Delhi Transco Limited, based on agreement with employees association follow a pattern different from that being followed in Departments/Organisation where CPC pay scales are applicable.

5.4.4 With notification of New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulations, 2016 on 07.04.2016 in official gazette of Government of NCT of Delhi, NDMC is bound to pay salary only in CPC Pay Scales. However, as per directions of the Council dated 16.10.2017, salary to NDMC employees are still given in 6th DTL pay scales as well as 7th CPC pay scales.

5.4.5 The Wage Revision Committee of Govt. of NCT of Delhi has in its meeting 12.06.2017 has recommended as under:

".....upon examining the pros and cons of matter relating to grant of interim relief from various angles is of the unanimous view that all the employees of Transmission and Generation companies must be granted the benefit of the recommendation of 7th Central Pay Commission w.e.f. 01.01.2016 by way of interim relief for the time being, by revising their pay fixed as per recommendations of the previous Wage Revision Committee accepted by the then Hon'ble Lt. Governor, Delhi in 2009 and the exercise in this regard may be undertaken by multiplying their present pay in the applicable pay band alongwith the grade pay with multiplier of 2.57, rounded off to the next multiple of ten. The dearness allowance in the revised pay structure to be so fixed shall be zero w.e.f. 01.01.2016, but subsequent dearness allowance shall be paid as per the rate notified by the Government".

5.4.6 The ~~final pay scales~~ that would be adopted under 7th DTL for its employees are not yet finalised by the Wage Revision Committee as per information available on records.

5.4.7 The employees in Health and Education Department, who are drawing their salary under the 7th CPC, ~~are also~~ demanding grant of DTL pay scale which have sizeable financial implications for NDMC. It is relevant to mention here that Teachers in Education Department and Doctor/Nurses in Health Department have been granted CPC pay scales as in their case, the 5th/6th CPC scale were more beneficial.

5.4.8 Nursing Staff, who were given DTL Pay scales requested for 6th CPC Pay Scales as it was more beneficial to them. The Council considered the same vide its resolution No. 07(H-06) dated 31.01.2013, wherein the Council resolved as under:

"Pending notification of regulations, the Council resolved to modify its Resolution dated 22nd of July, 2009 and to give the Nursing staff the CPC Pay Scales and fix their pay in the CPC Scales on 1st January, 2013 so that there is no reduction in the pay of these Nurses while switching over from DTL Scale to CPC Scale w.e.f. 1st January, 2013. However for all practical purposes the new scales will be available to them from 01.01.2006 as requested for and the cadre will not be allowed to revert back from CPC Scale henceforth.

It was further resolved that pending notification of the regulations, the above decision may be made available to all those employees / categories who are in DTL Scale and want to opt for CPC Scales, with the approval of the Chairperson, NDMC." (emphasis added)

Herein, it is observed that the employees keep requesting for shuffling their pay scales from CPC to DTL and vice-versa, considering which pay scale is more beneficial to them at a given point of time, and such practice nowhere exists in the Country.

5.4.9 Earlier directions of the Ministry of Home Affairs and Dissolution of the Council in the year 2014

5.4.9.1 It is relevant to mention here that the issue of Personnel Department has been receiving the attention of Ministry of Home Affairs. In 2014, under the provisions of Section 394 of New Delhi Municipal Council Act, 1994, the Central Government had deputed two senior officers of the Ministry of Home Affairs on 20.06.2014, who inspected the relevant documents, files etc. of the New Delhi Municipal Council including those related to the following issues, namely:-

- (i) Power revenue losses in the New Delhi Municipal Council;
- (ii) Unresolved problems of illegal squatters in the New Delhi Municipal Council area; and
- (iii) Personnel mis-management in the New Delhi Municipal Council in respect of categories of workers such as casual, daily-wages, muster roll, temporary muster roll, regular muster roll, contract workers, etc.

5.4.9.2 An abstract of shortcoming noticed and as stated in Government of India Notification No. S.O. 2238(E) dated 05.09.2014 relating to Personnel Department is reproduced as under:

"(iii) Personnel mis-management in the New Delhi Municipal Council in respect of categories of works such as casual, daily-wages, muster roll, temporary muster roll, regular muster roll, contract workers, etc:-

The situation has obviously resulted in an enhanced expenditure on manpower while no reduction in expenditure has been made in respect of out-sourcing of personnel by the New Delhi Municipal Council. In fact, enhanced out-sourcing of services is being undertaken simultaneously for transport, health and sanitation, security, fire and operation and maintenance for the New Delhi Municipal Council buildings. If this trend continues, the New Delhi Municipal Council would be under immense financial strain on this account. The New Delhi Municipal Council will have to immediately rectify this highly skewed manpower position, not matching the need/requirement of the activities of the New Delhi Municipal Council and its future plans/proposals."

5.4.9.3 Keeping in view the aforesaid observations, a Show Cause Notice under the provision of Section 395 of the New Delhi Municipal Council Act, 1994 was issued to the Council on 30th June, 2014. Reply to the Show Cause Notice was given on 07.07.2014. An extract of the reply given to Ministry of Home Affairs show cause notice is attached as **Annexure 3**. After examination of the Council's reply, the Central Government was of the view that the Council had persistently defaulted:

- (a) in the performance of the duties imposed on it by or under the New Delhi Municipal Council Act, 1994; and
- (b) failed to deliver efficient service to the public and generally in regard to the municipal administration.
- (c) the Council has never kept this Ministry informed about on such serious/sensitive issues relating to revenue loss and security.

5.4.9.4 Keeping in view the said observations, in exercise of the powers conferred by sub-section (1) and Section 398 of the New Delhi Municipal Council Act, 1994 and in supersession of the notification number S.O. 101(E) dated the 18.01.2011, the Central Government dissolved the New Delhi Municipal Council. The present Council was constituted vide Central Government's Notification No. S.O. 2239(E) dated 05.09.2014.

5.4.10 Problems of Personnel Management in NDMC

- a) Rising Establishment expenditure
- b) Dual Pay Scales applicable in NDMC

5.4.10.1 Rising Establishment Expenditure

5.4.10.1.1 To analyse the impact of DTL pay scales, as a case study the salary drawn by Engineers of Civil Department, to whom the DTL pay scales have been extended on 17.12.2015 (w.e.f. 01.04.1998), have been considered.

Salary Month	Amount
Salary for the month of July 2014 (in CPC pay scales)	Rs. 1, 34,17,924/-
Salary for the month of August 2014 (in DTL pay scales)	Rs. 2,31,68,386/-
Salary for the month of August 2014 (in CPC pay scales)	Rs. 1,57,53,300/-

It may be seen that the net salary in DTL pay scale is 47% higher as compare to salary in CPC pay scales.

5.4.10.1.2 Additional expenditure in case all the sanctioned posts are filled up

Category of post	Sanctioned strength	Persons in position	Vacancies	Expenditure on one post under 6th CPC (in Rs. per month)	Total expenditure, if all posts are filled up (Rs. per month)
A	406	215	191	72521	1,38,51,511
B	1965	1277	688	45265	3,11,42,320
C	5439	2688	2751	36904	10,15,22,904
D	9553	6814	2739	21852	5,98,52,628
	17363	10994	6369		20,63,69,363
Total expenditure for one month					Rs. 20,63,69,363
Total expenditure for 12 months					Rs. 2,47,64,32,356

The above salary is in CPC pay scales. If an increase of 20% over the existing salary is allowed by 7th DTL (which is still pending), the additional expenditure on salary will go up by around Rs.297.17 crores over and above expected Rs.1496.73 crores in the BE 2018-19, which is unsustainable in near future.

5.4.10.1.3 The expenditure on salaries, wages, bonuses, pension, benefits, allowances and retirement benefits in increasing continuously and will become unsustainable at this pace, as per the following data:

Year	Total receipt after excluding receipt on electricity and water (in Crores)	Total expenditure after excluding expenditure on electricity and water (in crores)	Establishment Expenditure (in crores)	Percentage of Establishment Expenditure incurred as percentage of total expenditure after excluding expenditure on electricity and water (in %)
2013-2014	1691.18	1426.92	753.03	52.77%
2014-2015	1975.77	1614.15	986.21	61.10%
2015-2016	1990.02	1683.31	1120.74	66.58%
2016-2017	2190.58	2041.52	1220.82	59.80%
2017-2018	2312.99	2159.58	1381.23	63.95%
2018-2019	2491.23	2409.93	1496.73	62.10%*

* In case all the posts are filled up that the Establishment expenditure will rise to 75% of the total expenditure after excluding expenditure on electricity and water thereby further restraining the financial resources of NDMC especially when the earning from property tax and lease rent have reached a plateau and which are unlikely to rise further.

5.4.10.2 Dual Pay Scales applicable in NDMC

5.4.10.2.1 At present there are two different type of pay scales applicable in NDMC.

- Central Pay Scales (announced by 7th CPC):** Doctors/Nurses in Health Department and Teachers in Education Department are drawing salary as per Central Pay Scales Rules followed by Central Government.
- DTL pay Scales** - All the employees other than those mentioned at S.No.(i) above are drawing salary in DTL pay scales(those drawn by employees of Delhi Transco Ltd.) which are higher than CPC pay scales.

5.4.10.2.2 Comparison of DTL Pay Scales Vs. CPC Pay Scales

A comparative table indicating differences between CPC and DTL pay scales is at Annexure 4.

5.4.10.2.3 Peculiarity of DTL pay Scales

At present employees drawing salary in Central Pay Commission have been extended the benefit of 7th CPC pay scales. However as the revised recommendation of 7th DTL Pay scales are not yet available, for the sake of easy comprehension, comparison between 6th CPC pay scales and 6th DTL pay scales is being presented:

Group/ Category	Pay Band under 6th CPC pay scales	Pay Band under 6th DTL pay scales
D	-1S 4440-7440	PB-1 6000-20200
C	PB-1 5200-20200	PB-2 8500-26300
C	PB-2 9300-34800	PB-3 10900-34800

B	PB-3 15600-39100	PB-4 19000-39100
A	PB-4 37400-67000	PB-5 37400-67000

It may be seen that starting pay scales for each pay band is higher for DTL as compared to the 6th CPC pay scales though the higher pay scales for each band is same in all Pay Bands.

Further minimum Grade pay under CPC and DTL for entry grade Group C post are as under:

Minimum Grade Pay under CPC pay Scales	Minimum Grade Pay under DTL pay Scales
PB-1 Rs. 1800	PB-1 Rs. 2800

5.4.11 Other effect of grant of DTL Pay Scales

5.4.11.1 Problem in direct recruitment to a post subsequent to grant of DTL pay scales

As per recommendation of 6th CPC, the '*status*' of a post was determine by the Grade Pay assigned to the posts. With grant of DTL pay scale, few posts like Assistant Engineer in Civil Engineering Department will be upgraded to that of Category 'A' for which, as per NDMC act, the recruitment agency is UPSC. With upgradation of the Grade Pay, the recruitment to the post would be outside the purview of DSSSB. The Recruitment Rules to the posts would have to be revised as per guidelines on subject issued by DoPT.

5.4.11.2 Adverse impact on claim of SC/ST for reservation in promotion

As per extant policy of Government of India on reservation of posts for persons belonging to SC/ST category in promotions, the posts on being included in Category 'A', after being granted DTL pay scale, would come out of purview of reservation as no reservation is applicable to promotion within Group 'A'. To that extent, it would restrict the career progression opportunities of persons belonging to SC/ST category.

5.4.11.3 Limited Career Progression avenues

At present, there are limited career progression opportunities for each post in NDMC as there are large number of isolated posts. Any person joining these posts on direct recruitment basis may rise by two level in many cases. Such a situation may not attract best of talent available in market and may remain vacant for indefinite period or may have very high attrition ~~rate as the~~ selected persons would always be looking for better options that may be available.

5.4.11.4 Demand for grant of DTL pay scales from similarly situated employees in Education and Medical Department

Grant of DTL pay scale will invite similar demand for grant of such pay scales by Teacher in Education and Nurses in Medical Department. This will further inflate the salary bill of NDMC.

5.4.12 Manpower Requirement Study

The Council vide resolution No. 09(H-02) dated 21.08.2017 resolved as under:

"With a view to bring administrative reforms, determining the staffing patterns and designing suitable organizational structure and methods of work, the Council resolved that third party studies of work measurement and existing man power and organizational set-up of all NDMC's Departments have to be carried out by Personal Department, NDMC through specialized agencies like the Staff Inspection Unit of the Department of Expenditure, Ministry of Finance Government of India, or Department of Administrative Reforms and Public Grievances, Indian Institute of Public Administration, etc., to ascertain the staff requirement in all the Departments of NDMC. Thereafter, the proposal of the Department would be considered."

This issue of man power study was also raised in the Sub-Committee constituted under Section 9 to consider issue of regularisation of contractual employee. Keeping in view the facts stated above, the following five Institutes were addressed to undertake the study:

- i. MDI, Gurgaon
- ii. IIPA, New Delhi
- iii. NIFM, New Delhi
- iv. ASCI, Hyderabad
- v. NPC New Delhi

On examination of proposals received, IIPA has been awarded the project for manpower study of all Department in NDMC in October 2017 and Council informed vide Resolution No. 02(H-05) dated 12.12.2017. The IIPA has been requested to submit report within a period of five months.

5.4.13 Directions of DERC with regard to separate accounts for Electricity Supply and distributions

5.4.13.1 NDMC, being primarily a Municipal Body, currently maintains consolidated Accounts for all its activities in accordance with the provision of NDMC Act, and segregated Accounts for the Electric Supply and Distributions activities are not maintained. To ensure transparent tariff settings, DERC has issued directions to NDMC for segregating the financial records pertaining to its Electricity Distribution Function and to furnish separate details on independent Accounts of Electricity Distribution Function while filling the Annual Revenue Requirement (ARR). To comply with directions issued by DERC, SBI Capital Market Ltd.(SBICAP) was appointed to study the present set up and suggest a plan for formation of **Electricity Distribution Strategic Business Unit(EDBSU)** within NDMC, as well as assist in its implementation.

5.4.13.2 M/s. SBICAP has since submitted its final report to NDMC suggesting the re-organised structure for creating the proposed EDSBU, preparation of opening Balance Sheet and Accounting Policies including Policies for shared expenses suggesting corresponding changes in NDMCs Accounting Software and undertaking computation of actuarial valuation for the employees to be domiciled in EDSBU.

5.4.13.3 Accounting of EDSBU has been separately w.e.f. 01.04.2017.

5.4.13.4 The employees under EBSBU of the Electricity Department of NDMC has similar duties/functions of post as those in DTL.

5.5 With the introduction of CPC Pay Scales w.e.f. 07.04.2016, the salary of employees that they may be drawing as on 06.04.2016 will be protected to ensure that none of them is adversely effected at present as per Government of India's instructions, as amended from time to time.

5.6 It is relevant to mention here that the recommendation of 7th DTL pay scales are still awaited. As such, all the employees would have to be given 7th DTL replacement scales for the period 01.01.2016 till 06.04.2016, and their salary will be re-fixed in 7th CPC as on 07.04.2016 by protecting the salary that they may be drawing on 06.04.2016. This will cause sizeable financial burden to NDMC.

5.7 Further, all the employees of the NDMC have been extended the benefit of DTL pay scales w.e.f. 01.04.1998. There would be a large number of employees who have retired during the period 01.04.1998 to 06.04.2016. The pension of these retired employees would be fixed in term of DTL pay scales and the pension w.e.f 07.04.2016 would be fixed in term of CPC pay scales. This will cause sizeable financial burden to NDMC.

6 The Council vide its resolution No. _____ dated 29.01.2017 has resolved as under:

"TO BE ADDED as per the decision of the Council"

7 Ministry of Home Affairs is, therefore, requested to take necessary action in this regard.
