

COUNCIL'S MEETING

NO. 11/2022-23

DATE	:	22ND FEBRUARY 2023 (WEDNESDAY)
TIME	:	11-00 A.M.
VENUE	:	1ST FLOOR, CONFERENCE ROOM, NDCC-II, NEW DELHI



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



नई दिल्ली नगरपालिका परिषद्
NEW DELHI MUNICIPAL COUNCIL
पालिका केन्द्र, संसद मार्ग, नई दिल्ली-110102
Palika Kendra, Sansad Marg, New Delhi-110102

F.25(1)/CS/1/2023/D- 5//

Dated: 17.02.2023

MEETING NOTICE

The next meeting of the Council No.11/2022-23, will be held on **Wednesday, 22nd February 2023, at 11-00 A.M.** in 1st Floor, Conference Room, NDCC-II, New Delhi.

The list of business is enclosed herewith.

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

ankita 17/2/23
(DR. ANKITA CHAKRAVARTY)
Secretary

ALL MEMBERS OF THE COUNCIL

I
NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA: NEW DELHI

COUNCIL'S MEETING NO. 11/2022-23 DATED 22.02.2023 AT 11-00 AM

Arrangement of Business

ITEM NO.	SUBJECT	PAGE	ANNEXURE
01 (CS)	Confirmation and signing of the minutes of the Council Meeting No. 10/2022-23 held on 25.01.2023.	2	3 - 4
02 (CS)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.400 Lacs.	5	6 - 22
03 (CS)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	23	24 - 27
04 (Public Health)	Intimation regarding quarter-wise expenditure on the PPP Project of Collection & Transportation of garbage from NDMC area to the disposal site for the period July 2022 to September 2022.	28 - 30	
05 (Security)	Security Services / Arrangements at various NDMC premises under Group Contract 'D'.	31 - 48	
06 (Security)	Security Services / Arrangements at various NDMC premises under Group Contract 'E'.	49 - 60	
07 (Special Project)	NDMC Policy regarding installation of communication towers by Cellular and Basic Telecom Operators on Rooftop/ Ground Base within the premises and in the area under the jurisdiction of the New Delhi Municipal Council.	61 - 72	73 - 138
08 (Power)	Engagement of consultant for management of NDMC surplus/deficit power through sale/purchase at Energy Exchange.	139 - 144	
09 (Estate)	Policy for allotment and usage of municipal spaces by Government bodies.	145 - 146	147 - 177
10 (Personnel)	Revival of 42 vacancies under Departmental Promotion Quota of Assistant Engineer (Elect.) rendered deemed abolished due to not being filled on regular basis for more than 02 years.	178 - 182	183 - 191
11 (Personnel)	Revival of second post of Director (Horticulture) rendered deemed abolished due to not being filled on regular basis for more than 02 (two) years.	192 - 196	197 - 211
12 (Personnel)	Revision in the Recruitment Rules for the post of Junior Engineer (Elect.)	212 - 217	

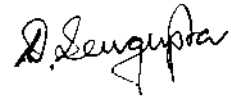
ITEM NO. 01 (CS)

Confirmation and signing of the minutes of the Council Meeting No. 10/2022-23 held on 25.01.2023 (See pages 3 - 4).

COUNCIL'S DECISION

Minutes confirmed subject to condition that last line of the minutes shall be read as under:

"The Council resolved to refer the matter to CVC for an independent inquiry through CBI".



For Secretary
New Delhi Municipal Council,
New Delhi.

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

MINUTES OF THE COUNCIL'S MEETING NO. 10/2022-23 HELD ON 25.01.2023 AT 11-00 A.M. ON FIRST FLOOR, NDCC -II, NEW DELHI.

MEETING NO.	: 10/2022-23
DATE	: 25.01.2023
TIME	: 11-00 A.M.
PLACE	: NDCC-II, NEW DELHI

PRESENT:

1.	Smt. Meenakshi Lekhi	-	Presiding Officer
2.	Sh. Amit Yadav	-	Chairperson
3.	Sh. Satish Upadhyay	-	Vice Chairperson
4.	Sh. Virender Singh Kadian	-	Member
5.	Sh. Kuljeet Singh Chahal	-	Member
6.	Smt. Vishakha Shailani	-	Member
7.	Sh. Girish Sachdeva	-	Member
8.	Sh. Surendrakumar Bagde	-	Member
9.	Sh. Ravi Kumar Arora	-	Member
10.	Smt. Shilpa Shinde	-	Member
11.	Sh. Sanjay Goel	-	Member
12.	Smt. Ankita Chakravarty	-	Secretary, NDMC

At the onset, Sh. Surendrakumar Bagde, Sh. Ravi Kumar Arora, Smt. Shilpa Shinde and Sh. Sanjay Goel took oath of office as Members of the Council, which was administered by Smt. Meenakshi Lekhi, Hon'ble MP (Lok Sabha).

ITEM NO.	SUBJECT	DECISION
01 (CS)	Confirmation and signing of the minutes of the Council Meeting No. 07/2022-23 held on 16.12.2022.	Minutes confirmed.
02 (Training)	Agreement between NDMC and Leuven City of the Kingdom of Belgium.	Information noted. It was pointed out that a note detailing the achievements of last MOU may be circulated to all Members.
03 (Electric)	Purchase of two nos. HT Cable fault locating system suitable upto 66KV and mounting on CNG Vehicle along with CAMC charges for three years from the expiry of Warranty/Guarantee period of the system.	Resolved by the Council to accord approval to place supply order on the single eligible firm i.e. M/s. Megger India Pvt. Ltd with their quoted total computed cost of Rs.6,48,34,973.00 for the purchase of two nos. HT Cable fault locating system suitable upto 66KV and mounting on CNG Vehicle along with CAMC charges for three years from the expiry of Warranty/Guarantee period of the system on the terms, conditions and specification of the NIT.
04 (Electric)	Preliminary Estimate for establishing of 04 nos. 990/1000 KVA Unitized Sub-Station and associated LT Network for Electrification at JJ Cluster Sanjay Camp, New Delhi.	Resolved by the Council that Administrative Approval and Expenditure Sanction is granted to the Preliminary Estimate amounting to Rs.7,38,95,500/- for establishing of 04 nos. 990/1000 KVA Unitized Sub-Station and associated LT Network for Electrification at JJ

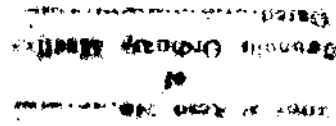
ITEM NO.	SUBJECT	DECISION
		Cluster Sanjay Camp, New Delhi.
05 (Security)	Extension of existing security contracts of Security Services/Arrangements under Group Contract A, B, D, E, F, G, H and J for two months w.e.f. 01.01.2023 to 28.02.2023.	Resolved by the Council to approve the proposal of the department as mentioned in para 13 and 14 of the agenda.
06 (Security)	Security Services /Arrangements at various NDMC Premises under Group Contract 'B'	Resolved by the Council to approve the proposal of the department as mentioned in para 13 and 14 of the agenda.
07 (Security)	Security Services /Arrangements at various NDMC Premises under Group Contract 'C'.	Resolved by the Council to approve the proposal of the department as mentioned in para 13 and 14 of the agenda.
08 (Security)	Security services / arrangement at various NDMC Premises under Group 'A'.	Resolved by the Council to approve the proposal of the department as mentioned in para 13 and 14 of the agenda.
09 (Health)	Operation, Repair and Maintenance of existing PTUs / CTUs / Garbage stations / Roll Call Centres in lieu of Advertisement Rights in NDMC area on License fee basis.	Information noted.

The Council further resolved that the Departments concerned may initiate further necessary action based on the decisions taken by the Council at the meeting, as noted above, in anticipation of confirmation of the Minutes.

Further, with the permission of the Chair, the following issues were raised :
 (1) **Extension** of contract to a particular Concessionaire for advertisement rights on Bus Queue Shelters in NDMC area by **five years** beyond the awarded contract period of 15 years without seeking approval from the competent authority, i.e. **the Council**. (2) The contract was extended at existing rates (revenue share paid by the concessionaire to NDMC) **without revision**, which is lower than rates prevailing in other parts of GNCTD.

A full-fledged inquiry be conducted to ascertain the role of erring officers, if any.

The Council resolved to refer the matter to CVC for an independent inquiry.



ITEM NO. 02 (CS)

CONTRACTS/SCHEMES INVOLVING AN EXPENDITURE OF RS. 1 LAC BUT NOT EXCEEDING RS. 400 LACS.

Section 143 (d) of NDMC Act, 1994 provides that every contract involving an expenditure of Rs.1 lac but not exceeding Rs.400 lacs under clause 143 (c) shall be reported to the Council. In pursuance of these provisions, a list of contracts entered/executed upto December 2022 / January 2023, have been prepared.

A list of the contracts, entered into for the various schemes, is accordingly laid before the Council for information. (See pages 6 - 22).

COUNCIL'S DECISION

Information noted.

For Secretary
New Delhi Municipal Council
New Delhi.

STATE OF RAJASTHAN, RAJAPUR DISTRICT, RAJAPUR TO RS. 40000 LAKH FOR THE MONTH OF DECEMBER 2022.

No	Particulars	Name of work	Date of Award	Contracting Agency	Stipulated date of start	Cost-Estimate of cost	Target date of completion	Percentage of physical progress	Remarks
1	Work in BM-I division during 2022-23	Work in BM-I division during 2022-23	01.12.2022	M/S Shree Bhawan Const.	29.12.2022	Rs. 3,62,710/-	28.02.2023	25%	Work in progress
2	Work in BM-I division during 2022-23	A/F & B/C building in BM-I division during 2022-23 SI: Interior wall plaster, 1/2 of concrete glazed floor/wall tiles, PVC rain water pipes, expandable wire mesh & other misc. Civil repair works at Atal Market, Bungalvi, Palika Vidyalaya, Base Market.	09.12.2022	M/S Pushkar Const.	02.12.2022	Rs. 3,65,901/-	01.02.2023	40%	Work in progress
3	Work in BM-I division during 2022-23	A/F & B/C building in BM-I division during 2022-23 SI: Maintenance of pumps and electrical accessories of pump house under the jurisdiction of Jaffery Squarr not specified.	08.12.2022	M/S S.S. Vashist & Co.	02.12.2022	Rs. 1,44,758/-	01.06.2023	17%	Work in progress
4	Work in BM-I division during 2022-23	A/R & M/A building in BM-I division during 2022-23 SI: Maintenance of pumps and electrical accessories of pump house under the jurisdiction of Police Niketan, Sona, etc.	08.12.2022	M/S S.S. Vashist & Co.	03.12.2022	Rs. 88,579/-	04.06.2023	16%	Work in progress
5	Work in BM-I division during 2022-23	A/R & M/A building in BM-I division during 2022-23 SI: Maintenance of pumps and electrical accessories of pump house under the jurisdiction of Mandir Marg, Sona, etc.	08.12.2022	M/S S.S. Vashist & Co.	08.12.2022	Rs. 1,78,866/-	07.06.2023	16%	Work in progress
6	Work in BM-I division during 2022-23	A/R & M/A building in BM-I division during 2022-23 SI: Acrylic distempereing, synthetic enamel painting of external wall tiles, mosaic work, structural work, etc. P/L Profile sheet & other misc. Civil work under Police Niketan Sona.	09.12.2022	M/S Pushkar Const.	09.12.2022	Rs. 5,93,379/-	08.06.2023	0%	Yet to be start
7	Work in BM-I division during 2022-23	Work in BM-I division during 2022-23 SI: Repairing of roof of Staff Quarters, Kolar. SI: Repairing of roof of Staff Quarters, Kolar. SI: Repairing of roof of Staff Quarters, Kolar. SI: Repairing of roof of Staff Quarters, Kolar. SI: Repairing of roof of Staff Quarters, Kolar.	07.12.2022	M/S R.K. Jain & Sons IISPL	07.12.2022	Rs. 1,99,54,680/-	06.12.2023	0%	Yet to be start
8	Work in BM-I division during 2022-23	Work in BM-I division during 2022-23 SI: Powering and fixing of tiles, European WC, Wash basin, Boiler stands etc in Electricity Consumer Club, Sona, Kolar, etc. under Forum in SBS Place.	20.12.2022	M/S A.K. Enterprises	02.12.2022	Rs. 3,68,789/-	01.01.2023	100%	Work completed

(Signature)

S. No	Division Name	Name of work	Date of Award	Contracting Agency	Stipulated date of start	Awarded Cost/Estimated cost	Target date of completion	% age of physical progress	Remarks
12	EE (BM-III)	A/R & M/O building in BM-II Division during 2022. 23. SH. Misc. civil work at flat no V-9, E-V-5 at Saryu Sadan Housing Complex.	27.12.2022	M/s Shiv Dhara Construction	26.12.2022	Rs. 3,73,056/-	25.01.2023	10%	Work in progress
13	EE (BM-III)	A/R & M/O building in BM-II Division during 2022. 23. SH. Misc. civil work at flat no V-9, E-V-5 at Saryu Sadan Housing Complex.	27.12.2022	M/s Shiv Dhara Construction	26.12.2022	Rs. 3,73,056/-	25.01.2023	10%	Work in progress
14	EE (BM-III)	A/R & M/O building in BM-II Division during 2022. 23. SH. Misc. civil work at flat no V-9, E-V-5 at Saryu Sadan Housing Complex.	27.12.2022	M/s Shiv Dhara Construction	26.12.2022	Rs. 3,73,056/-	25.01.2023	10%	Work in progress
15	EE (BM-III)	A/R & M/O building in BM-II Division during 2022. 23. SH. Misc. civil work at flat no V-9, E-V-5 at Saryu Sadan Housing Complex.	27.12.2022	M/s Shiv Dhara Construction	26.12.2022	Rs. 3,73,056/-	25.01.2023	10%	Work in progress
16	EE (BM-III)	A/R & M/O building in BM-II Division during 2022. 23. SH. Misc. civil work at flat no V-9, E-V-5 at Saryu Sadan Housing Complex.	27.12.2022	M/s Shiv Dhara Construction	26.12.2022	Rs. 3,73,056/-	25.01.2023	10%	Work in progress
17	EE (BM-III)	A/R & M/O building in BM-II Division during 2022. 23. SH. Misc. civil work at flat no V-9, E-V-5 at Saryu Sadan Housing Complex.	27.12.2022	M/s Shiv Dhara Construction	26.12.2022	Rs. 3,73,056/-	25.01.2023	10%	Work in progress
18	EE (BM-III)	A/R & M/O building in BM-II Division during 2022. 23. SH. Misc. civil work at flat no V-9, E-V-5 at Saryu Sadan Housing Complex.	27.12.2022	M/s Shiv Dhara Construction	26.12.2022	Rs. 3,73,056/-	25.01.2023	10%	Work in progress

(Signature)

S. No.	Div. and Zone	Name of work	Date of Award	Contracting Agency	Stipulated date of start	Awarded Cost/Estimated cost	Target date of completion	% age of physical progress	Remarks
22	BM-PK	A/R & M/S building in BM-PK division during 2022-23. S/N 23 Repair and broken/m. work, levers, show on and, etc. by putting a water rise work in front of Narain P. New Delhi.	07.12.2022	M/s Samakhya Engineering and construction M/s Shiv Dhanraj Construction Co.	09.12.2022	Rs. 10,35,466/-	08.01.2023	35%	Work in progress
23	BM-PK	A/R & M/S building in BM-PK division during 2022-23. S/N 23 Repair and broken/m. work, levers, show on and, etc. by putting a water rise work in front of Narain P. New Delhi.	07.12.2022	M/s Shiv Dhanraj Construction Co.	08.12.2022	Rs. 4,96,040/-	07.06.2023	40%	Work in progress
24	BM-PK	A/R & M/S building in BM-PK division during 2022-23. S/N 23 Repair and broken/m. work, levers, show on and, etc. by putting a water rise work in front of Narain P. New Delhi.	12.12.2022	M/s Shiva Bunktech	21.12.2022	Rs. 4,49,058/-	30.12.2022	100%	Work Completed
25	BM-PK	A/R & M/S building in BM-PK division during 2022-23. S/N 23 Repair and broken/m. work, levers, show on and, etc. by putting a water rise work in front of Narain P. New Delhi.	12.12.2022	M/s Pashkar Construction	21.12.2022	Rs. 9,40,371/-	30.12.2022	50%	Work in progress
26	BM-PK	A/R & M/S building in BM-PK division during 2022-23. S/N 23 Repair and broken/m. work, levers, show on and, etc. by putting a water rise work in front of Narain P. New Delhi.	12.12.2022	M/s G & G Service Pvt. Ltd.	21.12.2022	Rs. 9,98,590/-	20.01.2023	80%	Work in progress
27	BM-PK	A/R & M/S building in BM-PK division during 2022-23. S/N 23 Repair and broken/m. work, levers, show on and, etc. by putting a water rise work in front of Narain P. New Delhi.	12.12.2022	M/s SS Vashist and Co.	12.12.2022	Rs. 2,36,979/-	11.12.2023	10%	Work in progress
28	BM-PK	A/R & M/S building in BM-PK division during 2022-23. S/N 23 Repair and broken/m. work, levers, show on and, etc. by putting a water rise work in front of Narain P. New Delhi.	21.12.2022	M/s PK Enterprises	29.12.2022	Rs. 4,66,154/-	28.02.2023	0%	Work yet to be start

(Signature)

ELECTRICITY DEPARTMENT-II
PALIKA KENDRA, NEW DELHI

SUB: PROGRESS REPORT OF WORK COSTING TO RS. 1 LAC TO 400 LACS FOR THE MONTH OF DECEMBER-2022

S. No.	Div. Zone	Name of Work	Date of Awards	Contracting Agency	Awarded Cost	Target date of completion	% of Physical progress	Remarks
C-1		Construction of 11 KV ESS near American Embassy School, ChanakyaPuri, New Delhi. SP: Cartage, Erection, Testing & Commissioning of HT Panels/CT Panels & Transformer 1000 KVA and earthing.	D-66/EE(E) C-I Dated 25.01.2017	M/s. Control Wel Switchgears	Rs.19,40,700/-	03.02.2017	95%	Work completed and to be energized after repairing the HT cable.
C-1		Providing new HT Connection of Electric load of 858 KW at NSB-1, ChanakyaPuri, New Delhi. (i) Laying of U/C HT XLPE cable 400 Sqmm/3C from ESS VinayMarg& ESS NSB-1, ChanakyaPuri including supply & Laying of HDPE pipe St.Th. Joint box & Inodor Enc Termination at NSB-1, ChanakyaPuri, New Delhi. (ii) Cartage, Erection, Testing and Commissioning of HT VCB panel, SITC of metering CT& PT including earthing at NSB-1, ChanakyaPuri, New Delhi.	W.O. No.290 dated 21.10.2019	M/s. Vsnal Enterprises.	Rs. 17,51,10/-		50%	(i) Cable laying work of one HT feed completed. (ii) Tender will be invited for laying of 2 nd feed after depositing of escalated amount of Rs. 34,28,909/- in NDMC by the consumer. Installation of HT Panelwork was also completed since long. HT panels work has been completed and will be commissioned after laying balance HT Cable.
C-1		Providing HT Connection to upcoming operational offices for DGCA, BCAS, AAIB, AERA and AAI at Safdarjung Airport, New Delhi. (i) Cartage, Installation, Testing and Commissioning of HT VCB Panel, SITC of metering CT & adaptor box including earthing at ESS Safdarjung Airport, New Delhi.	W.O. No.785/EE(E) C-I/2021-22 dated 25.05.2022	M/s. India Care	Rs. 6,58,534/-	23.07.2022	90%	Work completed & commissioning work still pending due to HT cable
C-1		Permanent 11KV HT Electrical Connection for Main tunnel near Barana Quina Road & Mathura Road Junction	W.O. No.D-803/EE(E) C-I/2022-23	M/s. India Care	Rs.3,86,787/-	05.09.2022	95%	

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C-I	Cartage, Installation, Testing and Commissioning of HT VCB Panels Quila Road & Mainure Road Junction.	dated 05.08.2022	M/s. India Care	Rs. 17,48,874/-	19.02.2023	30%	Work in progress	laid by PWD becomes faulty.
C-I	Replacement/Augmentation of Distribution transformer and Sub Station equipment at various sub-station in M/S area.	W.O. No.D-828/EE(E) C-1/2022-23 dated 18.11.2022	M/s. JK Power Enterprises	Rs. 8,51,273/-	29.12.2022	50%	Road cutting permission was received from civil Engineering Department on Dated 15.12.2022 for first phase) and accordingly, the cable was laid in the First Phase. However, the road cutting Permission (For second phase) is still awaited from Civil Engg. Department since 21.12.2022 to complete the balance work of cable laying.	The work of cable laying will be started after getting HT cable from Store Division and road cutting permission from Civil Engineering Department.
C-I	Sanction of Electrical Connection of 1200KW/1333KVA to Jangpali Hotel, Premises.	W.O. No.D-830/EE(E) C-1/2022-23 dated 24.11.2022	M/s. Sanjay Power Project Pvt. Ltd.	Rs. 9,03,999/-	06.02.2023			
C-I	Laying of HT XLPE 400 sqmm/3c from ESS 33/11 KV Raising Road and ESS Royal Plaza Hotel to ESS Jangpali Hotel premises	W.O. No. D-833/EE(E) C-1/2022-23 dated 23.12.2022	M/s. New Hi-Tech	Rs. 8,03,995/-	31.01.2023	25%	Cartage of equipments & earthing work completed	ESS building not available
C-I	ERT to installation of NEW SUBSTATION 500 KVA-2 Nos. Under domestic category at Ambedkar University.							
C-I	Laying of HT XLPE 400 sqmm 3/C from ESS 33/11 KV Anjanj and ESS Block Lodhi colony, New Delhi to Proposed ESS Ambedkar University, Jodhpur Road Campus including supplying and laying of HDPE pipe, S.T. Joints and end terminations.	19.12.2022	M/s. Tarun Electricals	Rs. 4,13,541/-	31.03.2023	10%	Earthing work completed site is not clear from consumer hand.	
C-I	ERT of 11 KV HT 3-way RMU, HT Panels, Earthing and allied works at Electric Sub-Station Jodhpur office Hosted Premises.	19.12.2022	M/s. M/s. Laxmi Electromech Pvt. Ltd.	Rs. 8,55,456/-				
C-I	ERT of HT Panel board, BTU, earthing and allied works at proposed Electric Sub-station at South Indira Club, New Delhi	19.12.2022						
C-I	ERT of HT Panel board, BTU, earthing and allied works at GPO A-2 project for ministry of Rural Development GOI near Defense Office	19.12.2022						

Complex at: K.G. Varg, New Delhi

1.	C-II	Laying of 11KV HT XLPE cable of size 400 sqmm/3C from ESS State Guest House and ESS Bapu Dham to proposed ESS New Veeranwali Hospital, New Delhi	19.12.2022	M/s. Creative Entrepreneur	Rs.52,11,698/-	28.02.2023	Road cut permission awaited
2.	C-I	Laying of 11KV HT XLPE cable of size 400 sqmm/3C from ESS SP Marg and ESS Veerawali to ESS New Madhya Pradesh Bhawan at Plot No.29 C & 29D JESUS & MARY Marg, New Delhi	20.12.2022	M/s. Creative Entrepreneur	Rs.28,55,407/-	31.03.2023	60% One feed has been laid and laying work of other feed is under progress
3.	C-I	Laying of 11KV HT XLPE cable of size 400 sqmm/3C from ESSCPWD Vidyut Bhawan Shankar Market, New Delhi & Laying of 11KV HT XLPE cable of size 150 Sqmm/3C from 11KV Electric Sub station Kota House & Electric Sub-Station 16 A x Bar Road to Electric Sub-Station CBI office, Jangnagar House, New Delhi, CP SP Marg and ESS Veeranwali Hospital, New Delhi	22.12.2022	M/s. J.K. Power Entrepreneur	Rs.21,76,253/-	31.03.2023	Road cut permission awaited
	C-V	CAMC of Elevators /14 Nos. lifts at NDCC Phase-II.	01.12.2022	M/s. Kone Elevators India Pvt. Ltd.	Rs.7,94,725/- (Plus Taxes Extra)	28.02.2023	34.44% Work in Progress
	C-V	CAMC of 04 Nos. Escalators installed at Convention centre, NDCC Phase-II, Block -B	23.04.2021	M/s. Schindler India Pvt. Ltd.	Rs.36,73,132/- (For three years Plus Taxes Extra)	22.04.2024	56.39% Work in Progress
	C-V	CAMC of 02 Nos. at Convention Centre, (Block-B) NDCC phase-I, New Delhi	01.05.2020	M/s. Kone Elevators India Pvt. Ltd.	Rs.4,03,107/- (For three years Plus Taxes Extra)	30.04.2023	89.04% Work in Progress
	C-V	CAMC of HVAC System (2x1:0TR) at Convention Centre, NDCC, Phase-II(BLOCK-B)	01.04.2022	M/s. Welcome Engineers	Rs.34,34,123/- (For three years Plus Taxes Extra)	31.03.2025	25.09% Work in Progress
	C-V	Operation of Audio Equipment installed at Convention Centre, NDCC, Phase-II(BLOCK-B)	01.05.2022	M/s. Perfect Audio Visual Systems	Rs.43,17,134/- (For three years) Included Taxes)	30.04.2025	22.35% Work in Progress
	M-33 KV	AMC for 33 KV ABB make GIS Panels installed in NDMC Area for 5 th Year.	05.04.2021	M/s. Kay Dee Engineers	Rs.29,70,000/- (+GST)	21.09.2022	WIP 2 nd Advance release
	M-33 KV	Servicing and repairing 01 50 V, 110V, 220 Volts DC Battery Tripping unit at various 66/33 KV ESS in NDMC area, Ref: Tender ID	07.11.2022	M/s. G.M. Enterprises	1,91,343/- i/c GST	40 days from the date of award of work	NIL Work in Progress

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Sl. No.	V-33 KV	M-33 KV	M-33 KV	M-33 KV	M-33 KV	M-33 KV	M-33 KV	M-33 KV
1.	Repairing and Rectification of control panel wiring of 66 KV Pollee make panel board for setting right indication amps, Semaphore Isolator Closing/Opening at 66 KV ESS School Lane. Ref: Tender ID No.2022_NDMC_227195_1	Repairing of marshalling box current control cubical panel of 16/20 MVA, 33/11 KV power transformer No.2 at 33 KV ESS Dalhousie Road. (Tender Id-2021 NDMC_210687_1)	Annual Maintenance Contract for 33KV ABB Make GIS Panels installed in NDMC Area. S.H. procedure of spares in r/o 33 KV ABB make GIS panels installed at ESS Nirman Bhawan & ESS Sanjay Camp.	Procurement of Spares in r/o M-33 KV SIEMENS make GIS panels installed in NDMC area.	Servicing/Overhauling & Vacuum Nitrogen Treatment of 16/20 MVA, 33/11 KV Pr. Tr. 2 at ESS Race Course, 16/20 MVA, 33/11 KV Pr. No. 2 at ESS National Archives & 12.5/16 MVA, 33/11 KV Power Transformer at ESS Vidyut Bhawan.	Purchase of 0 V 100 V & 200 BAERV make for various 33 KV electric installation in NDMC area. Ref: Tender ID No.2022_NDMC_22230_1	Repairing of the outgoing Breaker panel, transformer of Areva make installed a ESS Triluma Centre A/IMS, New Delhi.	
	07.11.2022	21.01.2022	29/07/2022	31.01.2022	17.03.2022	02.12.2022	08.12.2022	
	M/s. G.M. Enterprises	M/s. Messon Electricals	M/s Kay Dee Engineers	M/s Commercial Engineers	M/s Messon Electricals	M/s Simplex Switchgear Pvt. Ltd.	M/s Ceekay Engineers	
	1,54,875/- I/C GST	1,74,168/- I/C GST	15,05,338.00 I/C P&F @ 2%, Freight @ 3% & GST @ 18%	22,19,703/- I/C GST	15,43,440/- I/C GST	2,86,230/- I/C GST	2,53,790/- I/C GST	
	NIL	NIL	Work in progress	NIL	66.66%	NIL	NIL	Work in Progress
	15 days from the date of award of work	From the date of handing over of site.	20 Weeks from the date of issue of supply order (i.e. upto 15.12.2022)	Within 22 weeks from the date of written order i.e. 03.07.2022	From the date of handing over of site	30(thirty days) from the date of issue of supply order.	20 Weeks from the date of award of written order.	Work in Progress
			1 st 30% Advance paid to the firm	Reminder was send to the firm vide No.D-431/EE(E)/M33KV dt. 21.10.2022 to deliver the material at the earliest.	Pr. Tr. 2 at ESS Race Course And Pr. No.2 at ESS National Archives Completed.			Work in Progress

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M-33 KV	Protection of the power transformers accessories from monkey jumping, Bird rage of any other falling objects at Dalhousie Road, ESS Shanjhan Road, ESS Viyut Bhawan & ESS AIMS, Sub-Head providing insulation of the conductors and Bus-Bars of Power transformers at ESS Dalhousie Road, ESS Shanjhan Road, ESS Viyut Bhawan ESS AIMS for protection from Monkey Jumping	M/S Messon Electricals	2,81,430/-	35 days from the date of award of work and 07 days after the date of shut down of respective transformer	NIL	Work in Progress
M/S	Redevelopment of general pool residential accommodation colony at Sarojini Nagar, New Delhi SH-SITC for making LILO at ESS K Block Sarojini Nagar in existing feeder from S/S 33KV Netaji Nagar to USS Delhi Public Library Sarojini Nagar due to dismantling of S/S H Block Sarojini Nagar.	M/S Sanjay Power Projects	14,23,966/-	15.01.2023		Work in Progress
M/S	VOW:- R&M of ESS in V/S area (Special Repair) Sh:- Repairing, servicing and overhauling of BIECCO Make 11KV Panels installed at ESS World Bank, ESS in each building, ESS IIC Annexure and ESS Golf Apartment.	M/s. Noor Electric's Corp.	9,98,231/-	28.01.2023	20%	Work in progress
M/S	Redevelopment of general pool residential accommodation colony at Sarojini Nagar, New Delhi SH-SITC of 11KV XLPE cable 400 Sq.mm/3C snifting/rerouting of H feeder from S/S Nehru park to proposed USS near Sarojini Nagar Market due to dismantling of ESS H Block, Sarojini Nagar.	M/S. Creative Enterprises	19,49,164/-		10%	Work in progress
M/S	VOW:- R&M of ESS in M/S area (Special Repair) Sh:- Repairing, servicing and overhauling of Electric 11KV Panels Areva make installed at 33/11 KV Netaji Nagar.	M/S Eversafe Enterprises	24,99,787/-	15.01.2023	70%	Work in progress
Protection	Comprehensive Annual Maintenance contract for 2 Nos. SEBA-KM: German make (Moel Centrix system) HT CFL locating equipment mounted on vehicle No. DL-IL-K-9260 and 9261 for three years(M/S. Meeger(India) Private Ltd.	M/s. Meeger(India) Private Ltd.	30,07,466/- (Inclusive GST @ 18%)	17.10.2024 (Three Years)	39%	Work started from 18.10.2021
M/N	Replacement of Electrical Wiring at ESS 33/11KV Hanuman Road in M/N-II Raja Bazaar area	M/s Om Sat Enterprises	3,98,246/-	15 days		Work in progress

W.O. No. 24/11/(M/N) /2022-23 dt. 29.12.2022

35.	M/N	Reporting, servicing and Overhauling of 11 KV OCBs, VCBs installed in various substations (ESS Mantra Hotel, ESS Scindia Road and ESS Peshwa Road) in X-N-II area.	W O No.25/IE(M/N) /2022-23 dt.30.12.2022	M/s Balaji Electricals Company	7.95.9387.	45 days from the date of shutdown.	Work in progress
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LIST OF CONTRACTS/ SCHEMES INVOLVING AN EXPENDITURE OF Rs. 1.00 LAKH TO RS.400.00 LAKH FOR THE MONTH JANUARY 2023.

S. No.	Divisional Zone	Name of work	Date of Award	Contracting Agency	Stipulated date of start	Awarded Cost/ Estimated cost	Target date of completion	% age of physical progress	Remarks
1.	BM-I	Sub:- A/R & M/O buildings in BM-I Division during 2021-23. SH:- P & F UPVC window roller blinds wall tiles flush door aluminum etc work for activity room in AAV R. K. Puram Ashram Marg School.	06.01.2023	M/s Viamvi Pvt Ltd.	03.01.2023	Rs. 2,95,679/-	02.02.2023	100%	Work Completed
2.	BM-I	Sub:- A/R & M/O buildings in BM-I Division during 2021-23. SH:- P & L cement concrete in the area of open gym at Auto Workshop.	06.01.2023	M/s Pushkar Consth.	04.01.2023	Rs. 3,75,278/-	03.02.2023	60%	Work in Progress
3.	BM-I	Sub:- A/R & M/O buildings in BM-I Division during 2021-23. SH:- Misc. Repair, Maintenance and Renovation works in qtrs. During occupation/ Vacation under Jaffery Square S/c.	06.01.2023	M/s Shiv Dhanraj Consth.	04.01.2023	Rs. 6,42,501/-	03.05.2023	15%	Work in Progress
4.	BM-I	Sub:- Improvement to class-III and IV Employees (Daksha) at Old School, Havelock Square, Karabari Lane. SH:- Replacing deteriorated plaster, raising off floor level at old school, Havelock Square, Karabari lane.	06.01.2023	M/s Shiv Dhanraj Consth.	28.12.2022	Rs. 3,76,255/-	27.02.2023	10%	Work in Progress
5.	BM-I	Sub:- A/R & M/O buildings in BM-I Division during 2021-23. SH:- Restructure of MS gate and other misc. repair works in Atal Adarsh Balika Vidyalaya, Gole Market, New Delhi.	19.01.2023	M/s Shiv Dhanraj Consth.	17.01.2023	Rs. 7,42,214/-	16.03.2023	07%	Work in Progress
6.	BM-I	Sub:- A/R & M/O buildings in BM-I Division during 2021-23. SH:- Misc. repair and finishing works like distemping enamel paint, flush door shutter, aluminum window and sewer tank cleaning at Palika Place, R. K. Ashram Marg, New Delhi-110001.	19.01.2023	M/s A. K. Enterprises	16.01.2023	Rs. 7,49,180/-	15.02.2023	25%	Work in Progress

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7.	(BM-II)	A/R & M/O Building in BM-II Division during 2022-23. SH: Removing damaged grit plaster & repairing the surface with grit plaster in patches at Palika Niketan Housing Complex.	09.01.2023	M/s Kabir Contractor	12.01.2023	Rs. 3,63,009/-	11.05.2023	0%	Yet to be start
8.	(BM-II)	A/R & M/O Building in BM-II Division during 2022-23. SH: Housekeeping work at Palika Bhawan Complex, R.K. Puram Sec-13.	17.01.2023	M/s R.K. Jain & Sons HSPL	12.01.2023	Rs. 6,27,430/-	21.04.2023	8.4%	Work in progress
9.	(BM-II)	A/R & M/O Building in BM-II Division during 2022-23. SH: Providing & Laying paver block at Palika Gram Housing Complex Phase-II, Laxmi Bai Nagar.	24.01.2023	M/s Sh. Sujan Singh	23.01.2023	Rs. 18,13,608/-	22.04.2023	0%	Yet to be start
10.	(BM-III)	Sub:-A/R & M/O Building in BM-III Division during 2022-23. Miscellaneous civil work in Type-V Officers flats at Palika Sadan Housing Complex, HCM Lane.	02.01.2023	M/s Bharat Construction	29.12.2022	Rs. 5,01,873/-	28.02.2023	30%	Work in progress.
11.	(BM-III)	Sub:-A/R & M/O Building in BM-III Division during 2022-23. SH : Miscellaneous civil work at Flat No.3/3, Palika Nikunj Housing Complex, HCM Lane.	02.01.2023	M/s Bharat Construction	29.12.2022	Rs. 5,83,384/-	28.02.2023	0%	Work yet to be start as allottee requested to start the work with effect from February 2023.
12.	(BM-III)	Sub:-A/R & M/O Building in BM-III Division during 2022-23. SH: Miscellaneous civil work in Flat No.1/2, Type V Palika Nikunj Housing Complex, HCM Lane	02.01.2023	M/s Bharat Construction	29.12.2022	Rs. 5,32,575/-	28.02.2023	0%	Work yet to be start as allottee requested to start the work with effect from February 2023.
13.	(BM-III)	Name of Work : Improvement to Palika Bazaar. SH: Improvement to adjacent area near gate no.1 Palika Bazaar.	03.01.2023	M/s Navin Kumar Gupta	01.01.2023	Rs. 6,89,061/-	31.03.2023	5%	Work in progress.
14.	(BM-III)	Sub:-A/R & M/O Building in BM-III Division during 2022-23. SH: Repair to rolling shutter at various ESS under Golf Link.	03.01.2023	M/s Shining India	01.01.2023	Rs. 2,56,071/-	31.01.2023	20%	Work in progress.

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15.	(BM-III)	Sub:- A/R & M/O Building in BM-III Division during 2022-23. SH: Repair renovation work at flat no. 08, Type (IV) Golf Link Sadan Housing Complex	02.01.2023	M/s Anshul Panthri.	01.01.2023	Rs. 8,46,601/-	28.02.2023	30%	Work in progress.
16.	(BM-III)	Sub:-A/R & M/O Building in BM-III Division during 2022-23. SH: P/F Signage's Board in various ESS under Golf Link Service Centre BM-III	03.01.2023	M/s Shining India	01.01.2023	Rs. 3,38,687/-	31.01.2023	0%	Work is yet to be started.
17.	(BM-III)	Sub:-A/R & M/O Building in BM-III Division during 2022-23. SH: Annual Painting and Repair work at Barat Ghar Lodhi Colony.	03.01.2023	M/s Shining India	01.01.2023	Rs. 3,37,771/-	31.01.2023	0%	Material procured. Work is yet to start.
18.	(BM-III)	Sub:-A/R & M/O Building in BM-III Division during 2022-23. SH: Repair of washed stone grit plaster and providing and laying artificial grass in remaining area of front at Navyug School, Pandara Park.	03.01.2023	M/s Arpit Enterprises	01.01.2023	Rs. 4,13,857/-	28.02.2023	60%	Work in progress.
19.	(BM-III)	Sub:-A/R & M/O Building in BM-III Division during 2022-23. SH: Repair work in kitchen and toilet at Flat No.-V-4 Satya Sadan Housing Complex.	09.01.2023	M/s Shiv Nanadan Consultancy	01.01.2023	Rs. 7,66,945/-	31.01.2023	90%	Work in progress.
20.	(BM-III)	Sub:-A/R & M/O Building in BM-III Division during 2022-23. SH: Replacement of damaged kitchen cabinet and covering of balconies for protection of residence form monkey Menance in flat NO. 4 & 6 at Palika Sadan Housing Complex HCM Lane.	09.01.2023	M/s Bharat Construction	09.01.2023	Rs. 3,36,968/-	08.03.2023	30%	Work in progress.
21.	(BM-III)	Sub:-A/R & M/O Building in BM-III Division during 2022-23. SH: Renovation of ESS Kaka Nagar Bapa Nagar Pandara Park under the jurisdiction of Kaka Nagar Service Centre.	12.01.2023	M/s A R Construction	01.01.2023	Rs. 4,37,365/-	28.02.2023	30%	Work in progress.
22.	(BM-III)	Sub:-A/R & M/O Building in BM-III Division during 2022-23. SH: Miscellaneous repair work at Atal Adarsh Vidyalaya Ansari Nagar.	12.01.2023	M/s A R Construction	01.01.2023	Rs. 3,58,821/-	28.02.2023	2%	Work in slow progress.
23.	(BM-III)	Sub:-A/R & M/O Building in BM-III Division during 2022-23. SH: D/P of 21 Type II Flats at Kaka Nagar Housing Complex Housing Complex.	13.01.2023	M/s Navin Kumar Gupta	13.01.2023	Rs. 2,74,000/-	12.04.2023	50%	Work in progress.

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24.	(BM-III)	Sub: Improvement to Local Shopping Complex East Kidwai Nagar Market. SH: Miscellaneous repair work in toilets of Local Shopping Complex East Kidwai Nagar.	15.01.2023	M/s Arpit Enterprises	15.01.2023	Rs. 11,00,525/-	14.04.2023	10%	Work in progress.
25.	(BM-III)	Sub:-A/R & M/O Building in BM-III Division during 2022-23. SH:P/F steel stair to connect daytime school with adjacent part of Kidwai Nagar(East)	15.01.2023	M/s A R Construction	15.01.2023	Rs. 6,76,832/-	14.02.2023	0%	Yet to start.
26.	(BM-III)	Sub: Sub:-A/R & M/O Building in BM-III Division during 2022-23. SH: Repairing of cable duct and duct cover at Vidyut Bhawan.	15.01.2023	M/s Arpit Enterprises	15.01.2023	Rs. 7,28,178/-	28.02.2023	0%	Work did not start due to live cable required to be shut down for Elect. Deptt for which requests have already been made.
27.	(BM-III)	Sub:-A/R & M/O Building in BM-III Division during 2022-23. SH:D/P and exterior point in Type II flats at PR Lane Market.	15.01.2023	M/s A R Construction	15.01.2023	Rs. 3,27,369/-	14.04.2023	10%	Work in progress.
28.	(BM-PK)	Sub:- Construction of Rain Water Harvesting pits in various building under Pragati Bhawan S/c.	19.01.2023	M/s Vijay Tyagi	19.01.2023	Rs. 34,14,890/-	18.07.2023	0%	Work yet to be start

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**ACTION TAKEN REPORT ON THE STATUS OF PROJECT / ON-GOING SCHEMES / WORKS
APPROVED BY THE COUNCIL FOR THE MONTH OF (JANUARY 2023)**

S.No.	DEPT T/ DIV.	NAME OF WORK	DATE OF A/A & E/S	VALUE OF AWARD (IN LACS)	REF. OF BUDGET	STIPULATE D DATE OF COMPLETIO N	AGENCY	MAJOR ACTIVITIES	DATE OF COMPLE TION OF ACTIVITI -ES AS PER BAR CHART	STAGE OF COMPLE TION / %AGE OF WORK DONE	REMARKS
1.	BM-II	Sub:- Up-gradation of playground in various schools of NDMC SH: Preparation of Basketball, Volley Ball and other playing courts in NDMC schools	Rs.4,21,83,200/- vide item no.13 (A-36) dt. 02-03-16	Rs. 2,30,60,646/-	82-412-4001 F. Code. 34	13-09-17	M/s. Advanced Sport Technologies sLLP		13-09-17 (three Months)	55%	Case under process foreclosure of the tender.
	BM-II	Sub:-Mechanizing Housekeeping work in various NDMC Buildings SH:- Mechanized cleaning and sweeping work in Various NDMC Buildings i.e. Talkatora Indoor Stadium, Chest & Poly Health Complex, Dharm Marg, GPH Moti Bagh, Palika Maternity Hospital Lodhi Road.	Rs. 9,61,31,000/ Resolution No.07(A-08) dt. 28.11.2021	Rs. 5,65,25,803/-	220-1104 F. Code. 35	07.09.2025	M/s International Institute of Sulabh System		07.09.2025 (36 months)	12.5%	Work in Progress
	C-III	Sub:- 120 Nos. Type-II Flats, Sec-VII, Pushp Vihar, Saket, New Delhi(Composite WORK)	Approved by Resolution No. 11/(A-04) / Dated 20-06-14	Rs. 41,45,07,482 /-	C.O.A. 6/412/40/01/24 /111P-409	18-09-2020	M/s B.L. Goel & Co.		28.02.2023	98%	1. A-B & C-D block has been completed. 2. Front side boundary wall and guard room completed. 3. CCTV cameras installation in progress.

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S.No.	DEPT T/ DIV.	NAME OF WORK	DATE OF A/A & E/S	VALUE OF AWARD (IN LACS)	REF. OF BUDGET	STIPULATE D DATE OF COMPLETIO N	AGENCY	MAJOR ACTIVITIES	DATE OF COMPLE TION OF ACTIVITI -ES AS PER BAR CHART	STAGE OF COMPLE TION / %AGE OF WORK DONE	REMARKS
4.	C-III	Sub:- C/o 160 Type-III Flats at Sector -VI pushp Vihar, Saket, New Delhi. (Composite Work).	Approved by Council vide Resolution No. 30/(A-17) Dated 26.12.2020	Rs. 68,49,111,50 /-	COA 6/412/4 0/01/23 /111 P-409	01.03.2023	M/s. B.L. Goel & Co	1. 3Steel reinforcement for beams slabs of upper basement roof slab in progress. 2. Water proofing of retaining wall with Kota Stone in progress. 3. Centering and shuttering of upper basement slabs and beams work in progress.		25%	1. Excavation work 90% completed. 2. PCC work under raft 90% completed. 3. Kota Stone water proofing work under raft 90% completed. 4. Kota stone water proofing work at retaining wall on vertical surface 50% completed. 5. Steel reinforcement work up to PL 70 % completed. 6. RCC work for raft 75% completed. 7. RCC work for walls, columns up to PL 75% completed. 8. RCC work for lower basement roof slab and beams 70% completed. 9. RCC work for ramp beams and slab 80% completed. 10. RCC work for upper basement roof slab and beams 40% completed 11. Centering and shuttering of upper basement roof slabs and beams and 1 st floor in progress.

S.No.	DEPT T/ DIV.	NAME OF WORK	DATE OF A/A & E/S	VALUE OF AWARD (IN LACS)	REF. OF BUDGET	STIPULATE D DATE OF COMPLETIO N	AGENCY	MAJOR ACTIVITIES	DATE OF COMPLE TION OF ACTIVITI -ES AS PER BAR CHART	STAGE OF COMPLE TION / %AGE OF WORK DONE	REMARKS
	C-III	Sub:-Redevelopment of Bapu Samaj Sewa Kendra, P.K. Road, New Delhi	Rs. 38,29,52,6 00/- Dt. 15-12- 15	Rs. 26,67,53,489 /-	55/412- 4001 Scheme No.22	30.10.2023	M/s Confoss Const.	Casting plinth level slab is in the progress.	Septemb er 2023	7%	1. Plinth level slab has been casted. 2. Casting of column & shuttering of slab beam at Ground floor is in progress.
	Spi Proj.	Sub:-Construction Of Skill Development Centre, Moti Bagh, 01/EE]C-I]/2018-2019	Item No. 05 (A-06) dt.14.05.2 018	Rs. 16,00,79,357 /-	BE 2022-23 Vol-II Page No. 533 Rs. 8.00 Crore	06.09.2019 Extended upto Sep. 2023.	M/s A.K. Mehra & Co	1. Part roof slab of 4 th & 5 th (floor/Top) floor has been casted. Brick work at GF, 1 st , 2 nd floor and 3 rd floor is being carried out Shuttering work of balance. Fourth floor slab started plaster work at basement and 1 st floor is being carried out. 2. Since, 26.08.2022 no labour has been deployed by agency and work is totally held up at site. Tentative date of completion is September, 2023.	Septemb er 2023	Physical progress 42% Financia - Progress 38%	

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S.No.	DEPT T/ DIV.	NAME OF WORK	DATE OF A/A & E/S	VALUE OF AWARD (IN LACS)	REF. OF BUDGET	STIPULATE D DATE OF COMPLETIO N	AGENCY	MAJOR ACTIVITIES	DATE OF COMPLE TION OF ACTIVITI -ES AS PER BAR CHART	STAGE OF COMPLE TION / %AGE OF WORK DONE	REMARKS
7.	Spl Proj.	Sub:-Construction of JPN Library at Mandir Marg, New Delhi 01/EE(Spl.Project)/AB/2 021-2022	Item No. 17 (A-34) dt.03.02.2 018	Rs. 6,81,43,583/-	BE 2022-23 Vol-II Page No. 599 Rs. 4.00 Crore	04.07.2022 Extended up to March 2023.	M/s Confoss Constructio n	The structural work completed. Masonry and plastering is in progress. However the work at 1 st floor and 2 nd floor shall be taken up after appointment of consultant for JPN Library. Tentative date of completion is July 2023.	July 2023	Physical progress 54% Financia l Progress 48%	
	Spl Proj.	Construction of Additional block in Indira Niketan Working Women Hostel at Brg. Hoshiyar Singh Road, New Delhi. (Composite Work).	24.08.202 2	Rs. 8,02,74,132.3 0/-	BE 2022-23 Vol-II Page No. 581 Rs. 6.00 Crore	24.10.2023	M/s Confoss Constructio n	Work is in progress. Earth work and PCC completed. Raft foundation has been casted. Tentative date of completion is October 2023.		Physical progress 10% Financia l Progress 04%	

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ITEM NO. 03 (CS)

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, 2022 is placed before the Council for information. (See page 24 - 27).

COUNCIL'S DECISION

Information noted.

For Secretary
New Delhi Municipal Council
New Delhi.

SECTION TAKEN REGARDING THE VALUES BELONGING TO ONGOING SCHEMES / WORKS APPROVED BY THE BOARD FOR THE MONTH OF (DECEMBER 2022)

S. No.	DEPT / DIV	Name of work	DATE OF S.A.A. No.	VALUE OF AWARD IN LACS	REF. OF REPORT	STIPULATED DATE OF COMPLETION	AGENCY	MAJOR ACTIVITIES	DATE OF COMPLETION OF ACTIVITY AS PER BAR CHART	STAGE OF COMPLETION / %AGE OF WORK DONE	REMARKS
1	BM-II	Sup. Upgradation of equipment in various wards of NDMC SH Complex, of Basak Sector, (Gandhinagar) Health Centre in NDMC Sector.	Rs.42183.2 00/- vide item no.13 (A-36) dt. 02-03-16	Rs. 2,30,60,640/-	82-412 4001 F. Code 34	13-09-17	M/s. Advanced Sport Technologie sLLP		13-09-17 (three Months)	55%	Case under process foreclosure of the tender.
2	BM-II	Sup. Maintaining Bio-sleeping work in various NDMC Buildings (Bio-sleeping work in various NDMC Buildings (Bio-sleeping work in various NDMC Buildings at Sachin, Chest & Poly Health Complex, Dharm Man, GPH Meta Health Pusa Medical Hospital Health Road	Rs. 9,61,31,000/ Resolution No. 07(A-08) dt. 28.11.2021	Rs. 5,65,25,803/-	220- 1104 F. Code. 35	07.09.2025	M/s International Institute of Sulabh System		07.09.2025 25 (36 months)	11%	Work in Progress
3	C-III	Sup. Maintaining Type of Push New Work	Approved by Resolution No. 11 dt. 04/11/2021	Rs. 4,45,07,400/-	COA 9/417/4 0/01/24 /111P. 409	18-09-2020	M/s B.L. Goel & Co		14.06.2021	97%	1. A-B & C-D block has been completed 2. Front side boundary wall and guard room completed. 3. Fire signage and CCTV installation in progress.

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S.No.	DEPT / DIV.	NAME OF WORK	DATE OF A/A & E/S	VALUE OF AWARD (IN LAACS)	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
4	C-11	Slab: C70 160 Type III Flat at Sector - V, Township - Gopal Sakee, New Debraj, City of Bangalore	Approved by Engineer in Charge, Respective Division No. 30/A-17, Dated 26.12.2020	Rs. 68,49,111.50	CGA 6/412/4 0/01/23 /11 P-409	01.03.2023	M/s. B.L. Gool & Co	<p>1. Steel reinforcement for beams, slabs of upper basement roof slab in progress.</p> <p>2. Water proofing of retaining wall with Kota Stone in progress.</p> <p>3. Centering and shuttering of upper basement slabs and beams work in progress.</p>		25%	<p>1. Excavation work completed. 90%</p> <p>2. PCC work under raft 90% completed.</p> <p>3. Kota Stone water proofing work under raft 90% completed.</p> <p>4. Kota stone water proofing work at retaining wall on vertical surface 45% completed.</p> <p>5. Steel reinforcement work up to PL 60 % completed.</p> <p>6. RCC work for raft 75% completed.</p> <p>7. RCC work for walls, columns up to PL 60% completed.</p> <p>8. RCC work for 2nd basement roof slab and beams 70% completed.</p> <p>9. RCC work for ramp beams and slab 80% completed.</p>

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S.No.	DEPT / 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 COMPLE TION OF ACTIVITI ES AS PER BAR CHART	STAGE OF COMPLETI ON / %AGE OF WORK DONE	REMARKS
7	Spl Proj	Sub-Construction of IPX Block at Mandir Marg, New Delhi 91/Block, 2nd Phase, 1st Block, 2022-23	Item No. 17 (A-24) dt 03.02.2 018	Rs 6.81 43,583/-	BE 2022-23 Vol-II Page No 599 RS 4.00 Crore	04.07.2022 Extended up to March 2023.	M/s Confoss Constructio n	by agency and work is totally held up at site tentative date of completion is September, 2023.	July 2023	Physical progress 53% Financial Progress 45%	
8	Spl Proj	Construction of Additional block in Indian Niketan Working Women Hostel at Brg. Hoshiyar Singh Road, New Delhi. (Composite Work).	24.08.202 2	Rs. 8,02,74,182.3 0/-	BE 2022-23 Vol-II Page No. 581 Rs. 6.00 Crore	24.10.2023	M/s Confoss Constructio n	Earth work and PCC completed. Tentative date of completion is October 2023. Work in progress.		Physical progress 3% Financial Progress 0%	

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Copy of Memo No. 04 (Public Health)
 Councils Ordinary Meeting
 Dated: 22/02/2023

ITEM NO. 04 (PUBLIC HEALTH)

1. NAME OF THE SUBJECT:

Intimation regarding quarter-wise expenditure on the PPP Project of **Collection & Transportation of garbage from NDMC area to the disposal site for the period July 2022 to September 2022.**

2. NAME OF THE DEPARTMENT:

Public Health Department, NDMC

3. BRIEF HISTORY OF THE SUBJECT / PROJECT:

Vide Resolution Number 19 (E-04), dated:15/12/2015, Council resolution that the Chairperson, NDMC may accord expenditure sanction based on the amount billed in respect of monthly bills for collection and transportation of garbage from NDMC area as per concession agreement. The actual liability incurred shall be verified as per the prescribed procedure duly concurred by Finance Department and approved by Competent Authority. Total expenditure incurred in every quarter shall be brought into the notice of the Council.

4. DETAILED PROPOSAL ON THE SUBJECT/PROJECT:

As resolved by the Council vide resolution No. 19 (E-04) dated 15.12.2015, the monthly expenditure billed for the subject work has been got approved from Chairman, NDMC up to billed quantity for **July 2022 to September 2022** is to be brought to the notice of the Council. The quarterly expenditure for the period **July-2022 to Sept.-2022** is Rs. **9,38,97,197/-** (Rs. **Nine crore thirty eight lakh ninety seven thousand one hundred and ninety seven only**). The month wise details are as under:-

31st Quarter	
Month	Amount
July-2022	Rs. 3,40,68,204/-
August-2022	Rs. 3,09,54,755/-
September-2022	Rs. 2,88,74,238/-
Total	Rs. 9,38,97,197/-

5. FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT / SUBJECT:

Quarter-wise expenditure for the months **July 2022 to September 2022** is Rs. **9,38,97,197/-** (Rs. **Nine Crore Thirty Eight Lakh Ninety Seven Thousand One Hundred and Ninety Seven Only**).

6. IMPLEMENTATION SCHEDULE WITH TIMELINESS FOR EACH STAGE INCLUDING INTERNAL PROCEEDING:

After finance concurrence and approval of the Competent Authority, the above payments have been paid to the concessionaire.

7. FINAL COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT WITH DIARY NO. AND DATE:

Finance Department has already concurred the above payments vide note#496 to 497 dated 18.01.2023.

8. LEGAL IMPLICATIONS OF THE SUBJECT/PROJECT:

No legal implications.

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

Council Resolution Item No. 07 (W-03) dated 30.01.2015.
 Council Resolution Item No. 19 (E-04) dated 15.12.2015.
 Council Resolution Item No. 10 (E-06) dated 27.06.2016.
 Council Resolution Item No. 14 (E-13) dated 17.08.2016.
 Council Resolution Item No. 25(E-17) dated 03.11.2016.
 Council Resolution Item No. 10(E-21) dated 06.03.2017.
 Council Resolution Item No. 20 (E-02) dated 27.04.2017.
 Council Resolution Item No. 03 (E-09) dated 19.09.2018.
 Council Resolution Item No. 07 (E-14) dated 28.02.2019.
 Council Resolution Item No. 08 (E-01) dated 04.08.2020.
 Council Resolution Item No. 11(E-04) dated 26.12.2020.
 Council Resolution Item No. 24 (E-02) Dated 21.05.2021.
 Council Resolution item no.36 (E-04) Dated: 28.11.2021.
 Council Resolution item no. 03(Health) Dated 25.05.2022
 Council Resolution item no. 03(Health) Dated 25.07.2022
 Council Resolution item no. 05(Health) Dated 28.09.2022
 Council Resolution item no. 19(Health) Dated 16.12.2022

10. FINAL COMMENTS OF THE LAW DEPARTMENT ON THE SUBJECT/ PROJECT

Not applicable.

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

Yes, all CVC guidelines have been followed.

12. RECOMMENDATIONS:

- As resolved by the Council vide resolution No. 19 (Health) Dated 16.12.2022, the monthly expenditure billed for the subject work up to June 2022 already noted by council. The intimation regarding quarter-wise expenditure for the period July 2022 to September 2022 is Rs. 9,38,97,197/- (Rs. Nine Crore Thirty Eight Lakh Ninety Seven Thousand One Hundred and Ninety Seven Only).

The month wise details are as under:-

<u>31st Quarter</u>	
Month	Amount
July-2022	Rs. 3,40,68,204/-
August-2022	Rs. 3,09,54,755/-
September-2022	Rs. 2,88,74,238/-
Total	Rs. 9,38,97,197/-

13. **DRAFT RESOLUTION:**

Council has taken note of the Quarter wise expenditure for the period **July 2022 to September 2022** is Rs. 9,38,97,197/- (Rs. Nine Crore Thirty Eight Lakh Ninety Seven Thousand One Hundred and Ninety Seven Only).

Agenda is placed for kind information of the Council.

COUNCIL'S DECISION

Information noted. The Council desired following information should be placed on record:

1. What are the check points to control the expenditures incurred as there is variations of more than 20% between the Months.
2. There is no certification given by the higher official regarding the verification of expenditure incurred to actual disposal of garbage as per policy and guidelines.

The Council further resolved that the Departments concerned may initiate further necessary action based on the decisions taken by the Council at the meeting, as noted above, in anticipation of confirmation of the Minutes.

/

D. Jangupta,

**For Secretary
New Delhi Municipal Council,
New Delhi.**

ITEM NO. 05 (SECURITY)

05 (C.S.O)
 No. of Assn. No.
 of
 Security Officer
 Date: 22/02/2023

1. Name of the subject/project

Security Services /Arrangements at various NDMC Premises under Group Contract 'D'.

2. Name of the Department/Departments concerned

Security Department

3. Brief history of the subject/project

The Security Department of NDMC was established in 1982 to provide security services to NDMC Buildings. Primary aim of the department is to provide adequate security services to NDMC assets so as to prevent breach of security at the place of deployment. Security Department has always been ready to accept any challenge at any time as per available resources as its disposal. Department is ensuring round the clock security at the NDMC assets as per deployment.

It is pertinent to mention here that with the passage of time threat perception prevailing in the country and Delhi in particular has under gone a sea change and hence there was an inescapable requirement of review of existing security infrastructure compatible to present day requirements vis- a-vis cost effectiveness.

Considering the above it was proposed that a study and reievew of the entire security services of NDMC be carried out which would focus primarily on the following aspects:-

1. Daily requirement of security personnel for security duties at NDMC premises compatible to the prevailing security environment.
2. Work out the modalities for re-grouping of existing groups to maximum 04 in place of existing 10 Groups for better administrative control.
3. Assess the requirement of modern security gadgets viz CCTV Cameras, perimeter/barberd wire fence, etc.

As per the approved study report all the NDMC buildings premises, schools, gardens & parks have been divided in to 05 groups (A, B, C, D) & (E only for NDMC Schools).

4. Detailed proposal on the subject/project

After rejection of all the tenders in 1st call due to non - qualifying in the Technical Evaluation by the Sub-Committee, the Security Department of NDMC has again floated the tenders for Security Services/ Arrangements at various NDMC premises under Group Contract 'D' on GeM portal (Version 2.0) on dated 29.10.2022 with the duc date of opening of tender 12.11.2022.

The tender of above mentioned group was opened on 14.11.2022 in the presence of Chief Security Officer, Members of approved Sub Committee i.c Shri T.R. Meena, Superintendant Engineer (Civil), BM-II, Shri Manoj Angrish, Dy. Financial Advisor, Shri Manjul Tanwar, Asstt. Law Officer, Shri Sukesh

Aggarwal, Accounts Officer (Security). Under the Group Contract 'D' 57 Technical Bids in respect of the following firms have been found:-

1. M/S 4050 RAVI RAJ SINGH SECURITY AGENCY
2. AA ENTERPRISES
3. AADHAR SECURITY & FACILITY SOLUTION PVT. LTD.
4. M/S ADVANCE SERVICE PVT. LTD.
5. AJAY MEHTA SECURITY AGENCY
6. AKASH DEEP SECURITY SERVICES & INVESTIGATORS
7. ALERT ENTERPRISES
8. ALPHA MANPOWER SERVICES
9. AVM SERVICES
10. AWADH SECURITY SERVICES PVT. LTD.
11. BIMLA ENTERPRISES
12. CITY HAWK MANPOWER SERVICES & CONSULTANCY
13. CROCKSY SECURITAS PVT. LTD.
14. CYCLOPS SECURITY AND ALLIED SERVICES PVT. LTD.
15. DARSHAN SECURITRY SERVICES PVT. LTD.
16. M/s DETECTIVE & SECURITY SERVICES
17. DIAMOND SECURITY PERSONNEL
18. FIRSTMAN MANAGEMENT SERVICES PVT. LTD.
19. M/S. GLOBAL VENTURES
20. GLOBE LABOUR AND SECURITY SERVICES
21. GOODYEAR SECURITY SERVICES
22. M/S HYBRID FLEET MANAGEMENT PVT. LTD
23. M/S HINDUSTAN HOSPITALITY MANAGERS
24. M/S ISHA PROTECTIONAL SECURITY GUARD PVT. LTD.
25. M/S JATAYU ENTERPRISE SERVICES
26. M/S J.B. SECURITY SERVICES
27. M/s KORE SECURITY SERVICES
28. M/S KSJ DYNAMIC SECURITY PVT. LTD.
29. M/S LAADU SHYAM KISHORI SECURITIES PVT.I.TD.
30. M/S. GILL ENTERPRISES
31. M/s NPS FACILITIES
32. M/s NYX FORCES PVT LTD.
33. M/s PARAMOUNT SERVICES
34. M/s PRINCIPLE SECURITY & ALLIED SERVICES PVT LTD.
35. R.D. EXCELLENT SERVICES PVT. LTD.
36. M/S. REKHA CORPORATION
37. ROUSHAN ENTERPRISES
38. SECURESHIELD SECURITY SERVICES PVT. LTD.
39. M/S. SUBHI AND POORNIMA ENTERPRISES
40. (SIS) SECURITY AND INTELLIGENCE SERVICES LIMITED
41. SIOS INDIA PRIVATE LIMITED
42. M/S. SURINDER MOHINDER SECURITY AGENCY
43. U.K. SECURITY SERVICES
44. M/S. UNIVERSAL SECURITY AND PLACEMENT SERVICES
45. VTI SECURITY SERVICE
46. M/S. WELL PROTECT MANPOWER SERVICES PVT. LTD.
47. M/s SARVESH SECURITY SERVICES (P) LTD.
48. M/s ASHWANI KUMAR YADAV SECURITY AGENCY
49. M/s QUIKMAN SECURITY SERVICES
50. M/s UMESH KUMAR SECURITY AGENCY
51. M/S VR INDIA SECURITY
52. M/s CONVEY SECURE LTD.
53. M/s L & K SERVICES
54. M/s PREGRINE GUARDING PVT. LTD.
55. M/s PREFECT IOVYA SECURITAS PVT. LTD.
56. M/s REAL SECURITY & FACILITY MANAGEMENT INDIA PVT. LTD.

57. M/s ROYAL SEVEN COMPLETE SECURITAS & SERVICES PVT. LTD.

The Security Department prepared the Comparative Statement of Group Contract 'D' and forwarded the documents on e-office file to all the TEC members on 11.12.2022. The meeting of the TEC for scrutiny and evaluation of technical bids was held in the chamber of Chief Security Officer on 12.12.2022 and continued till 13.12.2022.

During the meetings of TEC shortfalls in the documents of technical bids were noticed and found. On the recommendation of Sub-Committee the requisite clarifications of the bidders who were under consideration were uploaded on the GeM Portal and given opportunity to resolve the shortfalls and submit the documents within 72 hrs. as prescribed by GeM Portal in addition to already submitted documents.

The details of the correspondences through GeM portal made with the bidders who are under Consideration are as under:-

Sl. No.	Name of Firm	Status	Clarifications Required
	M/s. Bimla Enterprises	Under Consideration	Clarification of the Performance Certificate of the completed works as of already up-loaded documents.
	M/s Cyclops Security and Allied Services Pvt. Ltd.	Under Consideration	Requirement of turnover certificate of security works as per clause 2.3 of Eligibility Criteria of NIT. In order to establish the authenticity of the witness in respect of Pre Integrated pact, self-attested copy of Aadhaar Card (of Witnesses) is required. Clarification of the Performance Certificate of the completed works as of already up-loaded documents.
	M/s Good Year Security Services Pvt. Ltd.	Under Consideration	-----
	M/s. Kore Security Services	Under Consideration	Clarification of the Performance Certificate of the completed works as of already up-loaded documents.
	M/s KSJ Dynamic Security Pvt. Ltd.	Under Consideration	In order to establish the authenticity of the witness in respect of Pre Integrated pact, self-attested copy of Aadhaar Card (of witnesses) is required.
	M/s Principle Security and Allied Services Pvt. Ltd	Under Consideration	In order to establish the authenticity of the witness in respect of Pre Integrated pact, self-attested copy of Aadhaar Card (of Witnesses) is required.
	M/s Quick Man Security Pvt. Ltd.	Under Consideration	Requirement of turnover certificate of security works as per clause 2.3 of Eligibility Criteria of NIT. As per the law member of TEC, in order to establish the authenticity of

			<p>the witness in respect of Pre Integrated pact, self attested copy of Aadhaar Card (of Witnesses) is required.</p> <p>Requirement of certificate of No loss for more than two years as per clause 2.10 of Eligibility Criteria of NIT.</p> <p>Requirement of Copy of Monthly Contribution Challan and ECR of ESIC of last one month as per NIT.</p> <p>Requirement of Audited Balance Sheet, Profit and Loss Account for the year 2021-22.</p> <p>Clarification of the Performance Certificate of the completed works as of already up-loaded documentation.</p>
	M/s L & K SERVICES	Under Consideration	<p>(i) Requirement of Copy of PAN and GST registration No.</p> <p>(ii) Clarification of the Performance Certificate of the completed works as of already up-loaded documentation.</p> <p>[Enclosed Gazette Notification of India (No-CG-DL-E-180102022-239737 dt. 18.10.2022) for exemption of EMD by the firm]</p>

Apart from above the Sub-Committee has also decided and suggested the department to conduct physical verification of the performance certificates which are issued by the departments and organizations and also the verification of Bank Solvency of all above eight firms from the issuing Banks. On the recommendation of Sub-Committee the department has sent e-mail to CDM & PHO, Kalahandi and Jagatsinghpur for verification of Performance Certificate in reference to the bidder M/s L & K Services. In response of the mail, the department of CDM & PHO, Kalahandi, has certified that agency L& K, Bhubneswar has successfully completed 3 years of security services in Kalahandi district. During last 03 years its performance was satisfactory, so the agency L&K is eligible to continue further one year for the financial year 2022-23. The performance certificates in r/o of the rest of the bidders mentioned above has already been verified in the Group Contract A, B & C.

In response to the clarifications sought by the department on the Gem portal, bidders had again submitted the clarification/documents in support of already submitted documents which were put up before the Technical Sub-Committee on 15.12.2022 for further scrutiny and continued till 23.12.2022. The details of the documents submitted by the bidders are as under:-

Sl. No.	Name of Bidder	Clarification/Documents Required	Clarification/Documents Submitted before sub-committee	Final Recommendation of TEC
1.	M/s Good Year Security Service (R)	1. Verification of Bank Solvency Certificate	Verified from the concerned bank by the department.	Qualified
2.	M/s KSJ Dynamic	1. In order to establish the authenticity of	Self Attested copies of Aadhaar card of witnesses	Qualified

	Security Pvt. Ltd.		the witnesses in respect of Pre Integrated pact, self-attested copy of Aadhaar Card (of witnesses) is required.	submitted.	
			2. Verification of Bank Solvency Certificate	Verified from the concerned bank by the department.	
3.	M/s Principle Security and Allied Services Pvt. Ltd	1.	In order to establish the authenticity of the witness in respect of Pre Integrated pact, self-attested copy of Aadhaar Card (of Witnesses) is required.	Self Attested copies of Aadhaar card of witnesses submitted.	Qualified
		2.	Verification of Bank Solvency Certificate	Verified from the bank by the department.	
4.	M/s Cyclops Security and Allied Services Pvt. Ltd.	1.	Requirement of turnover certificate of security works as per clause 2.3 of Eligibility Criteria of NIT.	Submitted	Qualified
		2.	In order to establish the authenticity of the witness in respect of Pre Integrated pact, self-attested copy of Aadhaar Card (of Witnesses) is required.	Self Attested copies of Aadhaar card of witnesses submitted.	
		3.	Clarification of the Performance Certificate of the completed works as of already up-loaded documentation.	Clarification Received.	
		4.	Verification of Bank Solvency Certificate	Verified from the concerned bank by the department.	
5.	M/s. Bimla Enterprises	1.	Clarification of the Performance Certificate of the completed works as of already up-loaded documents.	Clarification Received.	Qualified
		2.	Verification of Bank Solvency Certificate	Verified from the concerned bank by the department.	

			Solvency Certificate bank by the department.	
6.	M/s. Kore Security Services	1.	Clarification of the Performance Certificate of the completed works as of already up-loaded documents.	Clarification Received. (confirmed by CSO telephonically from the issuing authority)
		2.	Verification of Bank Solvency Certificate	Verified from the concerned bank by the department.
7.	M/s Quick Man Security Pvt. Ltd.	1.	Requirement of turnover certificate of security works as per clause 2.3 of Eligibility Criteria of NIT.	Not submitted.
		2.	In order to establish the authenticity of the witness in respect of Pre Integrated pact, self attested copy of Aadhaar Card (of Witnesses) is required.	Provided
		3.	Requirement of certificate of No loss for more than two years as per clause 2.10 of Eligibility Criteria of NIT.	Not submitted
		4.	Requirement of Copy of Monthly Contribution Challan and ECR of ESIC of last one month as per NIT.	Not submitted the copy of last month Challan of ESIC, as per NIT.
		5.	Requirement of Audited Balance Sheet, Profit and Loss Account for the year 2021-22.	Submitted
		6.	Clarification of the Performance Certificate of the completed works as of already up-loaded	Performance certificate same as already submitted.
		7.	Verification of Bank Solvency Certificate	Verified from the concerned bank by the department.
8.	M/s L & K SERVICES	1.	Requirement of Copy of PAN and GST registration No.	Submitted

	2.	Clarification of the Performance Certificate of the completed works as of already up-loaded documentation.	It has been confirmed by the issuing authority (vide e-mail received dt. 23.12.2022) that the agency is now continuing the contact services. Accordingly, in accordance with the NIT eligibility criteria, <u>the submitted work may not be considered as completed.</u>
	3.	Verification of Bank Solvency Certificate	Verified from the concerned bank by the department.

On the recommendation of TEC only 06 bidders were found eligible and the details of the marks obtained by the bidders are as under:-

Sl. No.	Name of Firm	Marks Scored	Status
1	M/s Goodyear Security Services (Regd.)	94.10	Eligible
2	M/s KSJ Dynamic Security Pvt. Ltd.	95.64	Eligible
3	M/s Principle Security and Allied Services Pvt. Ltd.	98.00	Eligible
4	M/s Cyclops Security and Allied Services Pvt. Ltd.	91.54	Eligible
5	M/s. Bimla Enterprises	91.78	Eligible
6	M/s. Kore Security Services	98.00	Eligible

In this connection it is submitted that one firm M/s L & K Services who has participated in this group has again come forward with the representation and requested to review their tender case. The representation of the firm placed before the TEC for review the tender of M/s L & K Services. Accordingly, the TEC reviewed the documentation of the tender and reply/clarification received. On the basis of the clarification received from CDM & PHO, Jagatsingh Pur received on dated 02.01.2023 TEC members were of the view that M/s L & K Services to be considered under qualified category on the parameters during reviewing of technical qualification.

After reviewing the technical evaluation of the Security Group Contract D seven firms are qualified and their marks are as under:-

Sl. No.	Name of Firm	Marks Scored	Status
1	M/s Goodyear Security Services (Regd.)	94.10	Eligible
2	M/s KSJ Dynamic Security Pvt. Ltd.	95.64	Eligible
3	M/s Principle Security and Allied Services Pvt. Ltd.	98.00	Eligible
4	M/s Cyclops Security and Allied Services Pvt. Ltd.	91.54	Eligible
5	M/s. Bimla Enterprises	91.78	Eligible
6	M/s. Kore Security Services	98.00	Eligible
7.	M/s L & K Services	91.90	Eligible

All the seven bidders have scored more than 70% marks in each and more than 75% in aggregate. After obtaining the approval from CSO the Financial Bid of all the seven bidders have been opened on 09.01.2023. After opening the Financial Bid on GeM portal all the bidders were found L1 but the GeM portal has selected M/s L & K Services as a L1 bidder under Group Contact D through Run L1 selection. As per the prescribed procedure of GeM the firm has given their acceptance on GeM Portal on same day and date i.e. 09.01.2023.

While initiating the case for obtaining the approval from Competent Authority, it has come to the notice that the firm M/s L & K Services is not meeting out eligibility criteria of the NIT clause No.2.5. The Clause No.2.5 of NIT is as under:-

"Must have experience of having successfully completed works during the last 3years ending previous day of the last date of submission of tenders.

Three similar completed works costing not less than the amount equal to 40% of estimated cost put to tender,

OR

Two similar completed works, costing not less than the amount equal to 50% of the estimated cost put to tender.

OR

One similar completed work of aggregate cost not less than the amount equal to 80% of the estimated cost.

(Similar works shall mean works of Security Services/Arrangements)
The value of executed works shall be brought to current costing level by enhancing the actual value of work at simple rate of 7% per annum; calculated from the date of completion to the last day of month previous to the one in which tenders are invited."

The work completion certificate furnished by the firm M/s L & K Services is not upto the above mentioned clause. Inadvertently due to calculation error the firm M/s L & K Services has been technically qualified by the TEC.

The matter has been take-up with the TEC Members and TEC advised to take necessary steps in consultation with GeM to initiate the process for revocation of the bid of L-1 bidder M/s L & K Services. The matter has been take-up with the official of the GeM to revoke the bid of L-1 bidder M/s L & K Services due to not qualified technically in Group D and opportunity may be given to the department to again the run bid of Group Contract D bearing No.GEM/2022/B/2685444.

In view of above, the view of TEC in respect of rest of the remaining 06 (Six) firms is same as already given in earlier minutes dated 23.12.2022 in respect of security Group Contract D. Details of the six numbers of qualified firms are as under:-

Sl. No.	Name of Firm	Marks Scored	Status
1	M/s Goodyear Security Services (Regd.)	94.10	Eligible
2	M/s KSJ Dynamic Security Pvt. Ltd.	95.64	Eligible
3	M/s Principle Security and Allied Services Pvt. Ltd.	98.00	Eligible
4	M/s Cyclops Security and Allied Services Pvt. Ltd.	91.54	Eligible
5	M/s. Bimla Enterprises	91.78	Eligible
6	M/s. Kore Security Services	98.00	Eligible

All the six bidders have scored more than 70% marks in each and more than 75% in aggregate. The Financial Bid of all the six bidders have again run on 19.01.2023. After opening the Financial Bid on GeM portal all the bidders have quoted 0.85% service charges but GeM portal has selected M/s Good Year Security Services (Regd.) as a L1 bidder under Group Contact D through Auto Run L1 selection. As per the prescribed procedure of GeM the firm has given their acceptance on GeM Portal on 19.01.2023.

The firm M/s Good Year Security Services (Regd.) has quoted the service charge 0.85% (inclusive of GST) per month. The financial statement amounting to Rs.11,22,03,538.14 (inclusive GST) for one year of the firm M/s Good Year Security Services (Regd.) downloaded from GeM Portal which is placed on TOC at P-17658/C for perusal. In the context of this statement it is submitted that GeM Portal has calculated all the components of wages with the 30 working days in the month, resultant that the GeM Portal calculated much higher value than the actual value.

However the estimate of the department was prepared as per the Minimum Wages approved by the Govt. of NCT. While preparing the estimate the department has taken 26 working days in a month and rest of the days have been treated as relieving charges component. Accordingly the financial implication on the basis of Minimum Wages effective from 01.10.2022 are as under:-

S. NO.	DESCRIPTION	Security Guard (Semi-skilled)		Security Supervisors (Skilled Matriculate)		Chief Supervisors (Skilled Graduate)	
		Per Month	Per Day	Per Month	Per Day	Per Month	Per Day
A	B	C		D		E	
1.	Basic Rate	18499.00	711.50	20357.00	782.96	22146.00	851.76
2.	EPF @ 13% of (1) upto 15000.00 only	1950.00	75.00	1950.00	75.00	1950.00	75.00
3.	ESI @ 3.25% of (1) upto 21000.00 only	601.22	23.12	661.60	25.44	682.50	26.25
4.	Total (1+2+3)	21050.22	809.62	22968.60	883.40	24778.50	953.01
5.	Relieving Charges @ 16.67%	3509.07	134.96	3828.86	147.26	4130.57	158.86
6.	Total	24559.29	944.58	26797.46	1030.66	28909.07	1111.87
7.		Total Amount for :					
(a)	271 Security Guards	6655567.59					
(b)	05 Supervisors	133987.30					
(c)	01 Chief Supervisor	28909.07					
8.	Total Per Month 7 (a+b+c)	6818463.96					
9.	GST @ 18% on Col. 8	1227323.51					
10.	Total (8+9)	8045787.47					

11.	Service Charges @ 0.85% on Col. 8	57956.94
12.	Net amount (per month) (10+ 11)	8103744.41
13.	Net Amount (for one year)	8103744.41 X 12 = 9,72,44,932.92
		9,72,44,933.00
Rs.9,72,44,933/- (Rupees Nine Crore Seventy Two Lakh Forty Four Thousand Nine Hundred Thirty Three only)		

The L1 Bidder M/s Good Year Security Services (Regd.) has given their consent and accepted the offer on the amount of Rs.9,72,44,933/- per annum (calculated by the department). The consent letter of the firm is placed at TOC 17663 to 17668/C.

The element of the minimum wages is a variable factor in this work, could be changed as and when the rates revised by the Govt. of NCT, Delhi. The above calculation has been worked out on Minimum Wages which are effective w.e.f. 01.10.2022.

It is pertinent to mention here that presently under this group the private security guards are being provided by M/s Kore Security Services on their quoted service charges i.e. 2% + 18% GST i.e. 2.36%. Now the L1 bidder M/s Good Year Security Services (Regd.) has quoted the service charge 0.85% inclusive of GST. Accordingly the service charge quoted by the L1 bidder is 63.98% below the earlier service charges.

5. Financial implications of the proposed project/subject

The financial implications of the proposal works out as under:-

Group Contract	Name of the L-1 Bidder	Service Charge Quoted %	Total Amount Per Month (₹)	Total Amount for one Year (₹)
'D'	M/s Good Year Security Services (Regd.)	0.85%	₹81,03,744/- (Including GST)	₹9,72,44,933/- (Including GST)

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

One year from the date of deployment.

7. Final comments of the Finance Department on the subject with Diary No. & Date.

The initially observation of Finance Department and the replies of the observations which were submitted are as under:-

Sl. No.	Observations of Finance Department	Replies of Security Department
1	At Note#22, department has brought on record that the representation of M/s L&K Services placed before the TEC for review the tender of the	It is ensured that the department has adopted GeM procedure and no undue benefit is given to L-1 firm M/s Good Year Security Services (Regd.).

firm. Accordingly the TEC has reviewed the documentation of the tender and reply/clarification received. On the basis of the clarification received on 02.01.2023 from CDM & PHO, Jagatsingh Pur, TEC members were of the view that M/s L & K Services to be considered under qualified category on the parameters during reviewing of technical qualification, as per minutes of TEC meeting dated 03.01.2023 (TOC#17530). Thereafter, financial bid of M/s L&K Services was also opened along with other 06 eligible bidders in which the firm emerged L-1 through Run L-1 Selection of GeM portal. Then it was realized by the department that work completion certificate furnished by the firm M/s L & K Services is not upto the NIT clause-2.5 and further stated that inadvertently due to calculation error the firm M/s L & K Services has been technically qualified by the TEC. The matter was taken with the TEC members and TEC advised to take necessary steps in consultation with GeM to initiate the process for revocation of the bid of L-1 bidder M/s L & K Services. The matter was took with the official of the GeM to revoke the bid of L-1 bidder M/s L & K Services due to not qualified technically in Group D and opportunity may be given to the department to again run bid of Group Contract D bearing No.GEM/2022/B/2685444 and as a result only 06 bidders are technically qualified. The Financial Bids of all the six bidders have again run on 19.01.2023. After opening the Financial Bid on GeM portal all the bidders have quoted 0.85% service charges but GeM portal has selected M/s Good Year Security Services (Regd.) as a L1 bidder under Group Contact D through Auto Run L1 selection. In this regard, department may ensure that the procedure adopted by the department is in accordance with GeM procedures, no undue benefit is extended to the L-1 firm M/s Good Year Security Services and shall not invoke litigation by the firm M/s L&K Services.

Further, it is submitted that till date the firm M/s L & K Services has not come forward with any representation.

At Note#27, department has brought in the NDMC there is a provision of security arrangement for 30 days

	<p>received through GeM portal, M/s (24X7). Taking into consideration the Good Year Security Services has arranged of security department quoted an amount of in NDMC area, the estimate was Rs.11,22,03,538.14 (inclusive GST) prepared for 26 working days and rest for one year and stated that GeM of the days treated as reliever portal has calculated all the component.</p> <p>components of wages with 30 working days in a month, resultant As per GeM, there is only one option the GeM portal has calculated much for quoting the number of working higher value than the actual value, days in a month. The matter was Department further brought on record discussed with the official of GeM and that estimate was prepared taking CSO, to avoid any future litigation as into account 26 working days as per the requirement of the NDMC in r/o minimum wages approved by GNCT deployment of the Security Guard i.e. of Delhi and rest of the days have 30 days (24X7). After due discussion been treated as relieving charges and with the officials of, the GeM and CSO, brought on record the financial it was decided to quote 30 days in the implication on the basis of minimum option provided by the GeM. However, wages effective from 01.10.2022 for the L-1 bidder M/s Good Year Security an amount of Rs.9,72,44,933/-. The Services (Regd.) has given their firm has given consent and accepted consent on the basis of the estimate the offer at the amount as calculated prepared by the NDMC for 26 days by the department and rest of the days treated as reliving i.e. Rs.9,72,44,933/-. In this regard, component. Consent of the firm is department may :- enclosed for ready reference at P-17667/C.</p>
<p>2 (a) Clarify the reasons for uploading BOQ in GeM portal with 30 working days calculations when it is known that estimate has been prepared taking into account 26 working days plus relieving charges.</p>	<p>In the NDMC there is a provision of security arrangement for 30 days (24X7). Taking into consideration the arrangement of security department in NDMC area, the estimate was prepared for 26 working days and rest of the days treated as reliever component.</p> <p>As per GeM, there is only one option for quoting the number of working days in a month. The matter was discussed with the official of GeM and CSO, to avoid any future litigation as the requirement of the NDMC in r/o deployment of the Security Guard i.e. 30 days (24X7). After due discussion with the officials of the GeM and CSO, it was decided to quote 30 days in the option provided by the GeM. However, the L-1 bidder M/s Good Year Security Services (Regd.) has given their consent on the basis of the estimate prepared by the NDMC for 26 days and rest of the days treated as reliving component. Consent of the firm is enclosed for ready reference at P-17667/C.</p>
<p>2 (b) Whether the above deviation meets the procedural requirement of the GeM i.e. is it allowed in GeM.</p>	<p>Yes, the above deviation is allowed in GeM, as it is a buyer seller market and it can be decided accordingly.</p>
<p>2 (c) Ensure that no litigation shall arise as a result of above deviation.</p>	<p>The successful bidder L-1 has already giving is written consent for</p>

		acceptance for an amount of Rs. 9, 72, 44, 933/- calculated on the basis of 26 days + relieving charges plus minimum service charge charged by the GeM (copy already enclosed). Hence, in view there does not arise any litigation in the respect
3	Department may ensure and certify that the NIT as approved by the competent authority was uploaded on GeM portal for calling bids.	It is ensured and certify that the NIT as approved by the competent authority was uploaded on GeM portal for calling bids.
4	It may be ensured that the grievances of M/s R.D. Excellent (one of the bidder) communicated by him vide letter dated 05.01.2023 has been examined under extant rule positions.	The grievances of M/s R.D. Excellent one of the bidder communicated vide letter dated 05.01.2023 has been examined and apprised the same to the Chairman, NDMC with justification vide (E- File No. 125687).
5	At Note#31, department has stated that justified cost has been worked out for Rs.9,72,44,933/-. Department may bring on record the basis according to which the justified cost has been worked out.	Worked out cost has been considering taking into account the prevailing minimum wages + Relieving Charges + minimum service charge @ 0.85% (This is purely manpower contract and minimum wages is a variable component and may revise by Govt. of NCT from time to time)
6	In e-file No. 121955, department has brought on record that taking into consideration the guidelines of GeM, the department has uploaded only the terms and conditions of the NIT excluding the performa of Bank Solvency. In approved NIT, as per 'List of mandatory documents to be uploaded', bidders are required to upload bank solvency in f/o CSO of equal amount of 40% of estimated cost whereas in addition the bank solvency performa states that the certificate should be issued on or after the publish date of tender. Department may ensure and certify that no bidder was disqualified on this ground.	It is ensured and certifies that no bidder has been disqualified on this ground.

The Finance Department concurred the proposal of the Department vide office note # 46 dated 08.02.2023 produced as:-

1. Department has proposed to place the Draft Agendum before the Council for approval to award the work Group Contract D for Security Services/ Arrangements at various NDMC Premises to LI bidder M/s Good Year Security Services (Regd.) at their quoted service charges i.e. 0.85% per month inclusive of GST, accordingly an amount of Rs.81,03,744/- (Rupees Eighty One Lakh Three Thousand Seven Hundred Forty Four only) per month and Rs.9,72,44,933/- (Rupces Nine Crore Seventy Two Lakh Forty Four Thousand Nine Hundred Thirty Three Only) per annum including GST as per the terms and condition of the NIT.
2. Annual Estimate for the year 2022-23 amounting to Rs.42,62,02,234/- approved by the Council vide Reso. No. 08(CSO) dated 22.06.2022 wherein

- department has certified that as and when the tenders (Group A-E) are finalized and approved, the department shall place the revised Annual Estimate before the Council.
3. Department has brought on record that the tender of Group Contract 'D' uploaded on GeM Portal (Version 2.0) on dated 29.10.2022 with the due date of opening of tender 14.11.2022. On opening of the bid, it has been found that 57 bidders, as detailed at Note#22, have participated in the bid.
 4. In the 1st TEC meeting held on 13.12.2022, TEC taken the bids of following eight bidders under consideration subject to certain clarifications.
 - a. M/s Bimla Enterprises
 - b. M/s Cyclops Security and Allied Services Pvt. Ltd.
 - c. M/s Goodyear Security Services Pvt. Ltd.
 - d. M/s Kore Security Services
 - e. M/s KSJ Dynamic Security Pvt. Ltd.
 - f. M/s Principle Security and Allied Services Pvt. Ltd.
 - g. M/s Quick Man Security Pvt. Ltd.
 - h. M/s L&K Services
 5. In the 2nd TEC meeting held on 23.12.2022, after considering the shortfall/clarification documents obtained from above eight bidders, following were declared qualified by the TEC:-
 - a. M/s Goodyear Security Services Pvt. Ltd.
 - b. M/s KSJ Dynamic Security Pvt. Ltd.
 - c. M/s Principle Security and Allied Services Pvt. Ltd.
 - d. M/s Cyclops Security and Allied Services Pvt. Ltd.
 - e. M/s Bimla Enterprises
 - f. M/s Kore Security Services
 6. In the 3rd TEC meeting held on 03.01.2022, TEC considered the bid of M/s L&K Services as qualified on the basis of the reply/clarification on work experience received from CDM & PHO cum DMD, Jagatsinghpur.
 7. After obtaining the approval from the CSO, the financial bids of above seven bidders opened on 09.01.2023 in which M/s L&K Services emerged L-1 bidder through Run L1 selection.
 8. Thereafter, department noticed that L-1 bidder M/s L&K Services did not fulfill the eligibility criteria of NIT Clause-2.5 and called an urgent TEC meeting on 12.01.2023. In said meeting, TEC re-examined the matter and disqualified M/s L&K Services and advised the department to revoke the bid of L-1 bidder in consultation with GeM.
 9. Then, after revoking the bid of M/s L&K Services through GeM, department again opened the financial bids of six firms (as at Sr. No. 5) on 19.01.2023 in which M/s Good Year Security Services (Regd.) emerged as L-1 bidder through Auto Run L1 selection. As per the prescribed procedure of GeM the firm has given their acceptance on GeM Portal.
 10. To the observation of FD, it has been ensured that the department has adopted GeM procedure and no undue benefit is given to L-1 firm M/s Good Year Security Services (Regd.) and further submitted that till date the firm M/s L & K Services has not come forward with any representation.
 11. Department has brought on record that the firm M/s Good Year Security Services (Regd.) has quoted the service charge 0.85% (inclusive of GST) per month. The financial statement amounting to Rs.11,22,03,538.14 (inclusive GST) for one year of the firm downloaded from GeM Portal. The calculation of GeM is based on 30 working days in a month, resultant that the GeM Portal calculated much higher value than the actual value as compared to the estimate prepared by the department on 26 working days in a month plus relieving charges. Accordingly, taking into account Minimum Wages effective from 01.10.2022, department worked out actual

- financial implication of the work as Rs.9,72,44,933/- (calculated at Note#22). The LI Bidder M/s Good Year Security Services (Regd.) has given consent and accepted the offer on the amount of Rs.9,72,44,933/- per annum as calculated by the department.
12. Replying to the observation of FD to clarify the reasons for uploading BoQ with 30 working days when estimate has been prepared with 26 working days plus relieving charges, department has stated that as per GeM, there is only one option for quoting the number of working days in a month. The matter was discussed with the official of GeM and CSO, to avoid any future litigation as the requirement of the NDMC in r/o deployment of the Security Guard i.e. 30 days (24X7). After due discussion with the officials of the GeM and CSO, it was decided to quote 30 days in the option provided by the GeM.
 13. Replying to the observation to bring on record the basis according to which the justified cost has been worked out, department has stated that worked out cost has been considered taking into account the prevailing minimum wages + Relieving Charges + minimum service charge @ 0.85% (This is purely manpower contract and minimum wages is a variable component and may revise by Govt. of NCT from time to time).
 14. Department brought on record that taking into consideration the guidelines of GeM, department has uploaded only the terms and conditions of the NIT excluding the performa of Bank Solvency. In approved NIT, as per 'List of mandatory documents to be uploaded', bidders are required to upload bank solvency in f/o CSO of equal amount of 40% of estimated cost whereas in addition the bank solvency performa states that the certificate should be issued on or after the publish date of tender. Department was advised to ensure and certify that no bidder was disqualified on this ground, which ensured by the department at Note#33.
 15. In view of the clarifications submitted by the department and subject to correctness of data, facts and information, department may place its proposal as at Sr. No. 1 above, as recommended by CSO at Note#34, before the competent authority i.e. Council for approval, ensuring that :-
 - a. In Reso. No. 08(CSO) dated 22.06.2022 department has certified that as and when the tenders (Group A-E) are finalized and approved, the department shall place the revised Annual Estimate before the Council. May ensure.
 - b. The outcome of the grievances of M/s R.D. Excellent which stand submitted to Chairman, NDMC be considered.
 - c. That the tender has been finalized as per GeM procedures and no undue benefit extended to any agency.
 - d. Since department has not attached Draft Agendum, ensure to incorporate the comments of FD at appropriate place in the agendum.

In this respect Security Department ensures the followings:-

- 15(a). The Annual Estimate of the Financial Year 2022-23 could be utilized upto 31.03.2023, the department ensures that the annual estimate for the financial year 2023-24 shall be placed before the Council as per the fresh tender Groups i.e. A to E.
- 15(b). The grievances of M/s R.D. Excellent has been apprised to Chairman, NDMC with the facts for non consideration under Technical Evaluation by TEC.
- 15(c). The tender has been finalized as per GeM procedure and no undue benefit has been extended to any agency.

15(d). All the comments of the Finance Department have been incorporated at appropriate place in the Draft Agendum.

8. **Legal Implication of the subject/project.**

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

Council's Resolution No. 15 (U-02) dated 28.11.2021.
 Council's Resolution No. 12 (U-03) dated 23.02.2022.
 Council's Resolution No. 08 (CSO) dated 22.06.2022.
 Council's Resolution No. 10 (Security) dated 24.08.2022.

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

The draft agenda for according approval of the council to award the Group Contract 'D' for security services / arrangements at various NDMC premises to **M/s Good Year Security Services (regd.)** has been referred to the Law Department for vetting.

The agenda primarily involves financial and technical issues, the same have already been examined by the Finance and Security Department respectively.

Having examined the contents of the draft agenda from the legal point of view, prima-facie it is observed that no legal issue is involved. However, the concerned department may ensure the correctness of facts and figures, compliance of CVC guidelines, GFR manual and other guidelines on the subject, if any.

In respect of above the Security Department ensures the following:-

1. The department ensures the correctness of facts and figures mentioned therein.
2. The Department complied with CVC guidelines, GFR manual and other guidelines on the subject.

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

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

12. **Recommendation:**

Recommended to award the Group Contract 'D' for Security Services/Arrangements at various NDMC Premises to **M/s Good Year Security Services (Regd.)** at their quoted service charges i.e. 0.85% per month inclusive of GST. The Details are given below:-

Group Contract	Name of the L-1 Bidder	Service Charge Quoted %	Total Amount Per Month (₹)	Total Amount for one Year (₹)
'D'	M/s Good Year Security Services	0.85%	₹81,03,744/- (Including GST)	₹9,72,44,933/- (Including GST)

(Regd.)

Further; it is submitted that due to certain inherent peculiarity of security services, the total expenditure actually incurred to awarded Contract Group could not be restricted within sanctioned limit w.r.t. amount, manpower and time schedule owing to following reasons:-

a). **Amount** – Increase in Minimum Wages by Government of NCT of Delhi twice or thrice in a year. Basically the element of the minimum wages is a variable factor in this work, could be changed as and when the rates revised by the Govt. of NCT, Delhi.

b). **Manpower** – Deployment of additional Security Guards from the existing contractor from time to time as per requirement of needy departments duly approved by the Competent Authority.

Moreover; security services being a process in continues requires seamless transition and hence cannot be withdrawn/terminated abruptly.

13. Draft Resolution

Recommended to award the Group Contract 'D' for Security Services/Arrangements at various NDMC Premises to M/s Good Year Security Services (Regd.) at their quoted service charges i.e. 0.85% per month inclusive of GST. The Details are given below:-

Group Contract	Name of the L-1 Bidder	Service Charge Quoted %	Total Amount Per Month (₹)	Total Amount for one Year (₹)
'D'	M/s Good Year Security Services (Regd.)	0.85%	₹81,03,744/- (Including GST)	₹9,72,44,933/- (Including GST)

Further; it is submitted that due to certain inherent peculiarity of security services, the total expenditure actually incurred to awarded Contract Group could not be restricted within sanctioned limit w.r.t. amount, manpower and time schedule owing to following reasons:-

a). **Amount** – Increase in Minimum Wages by Government of NCT of Delhi twice or thrice in a year. Basically the element of the minimum wages is a variable factor in this work, could be changed as and when the rates revised by the Govt. of NCT, Delhi.

b). **Manpower** - Deployment of additional Security Guards from the existing contractor from time to time as per requirement of needy departments duly approved by the Competent Authority.

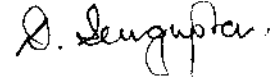
Moreover; security services being a process in continues requires seamless transition and hence cannot be withdrawn/terminated abruptly

14. It is resolved by the Council that Keeping in view the urgency of the matter, as the extension of existing agency is till 28 February 2023 the Department may proceed with taking all necessary steps based on the decision taken today in the Council for this Agenda Item without waiting for approval of Minutes of today's meeting and confirmation of the Minutes by the Council.

COUNCIL'S DECISION

Resolved by the Council to accord approval to the proposal of the department as mentioned at para 13 & 14 of the agenda. The Department can take further necessary action in anticipation of approval / confirmation of the minutes.

The Council further resolved that the Departments concerned may initiate further necessary action based on the decisions taken by the Council at the meeting, as noted above, in anticipation of confirmation of the Minutes.



**For Secretary
Delhi Municipal Council
New Delhi.**

ITEM NO. 06 (SECURITY)**1. Name of the subject/project**

Security Services /Arrangements at various NDMC Premises under Group Contract 'E'.

2. Name of the Department/Departments concerned

Security Department

3. Brief history of the subject/project

The Security Department of NDMC was established in 1982 to provide security services to NDMC Buildings. Primary aim of the department is to provide adequate security services to NDMC assets so as to prevent breach of security at the place of deployment. Security Department has always been ready to accept any challenge at any time as per available resources as its disposal. Department is ensuring round the clock security at the NDMC assets as per deployment.

It is pertinent to mention here that with the passage of time threat perception prevailing in the country and Delhi in particular has under gone a sea change and hence there was an inescapable requirement of review of existing security infrastructure compatible to present day requirements vis- a-vis cost effectiveness.

Considering the above it was proposed that a study and reievew of the entire security services of NDMC be carried out which would focus primarily on the following aspects:-

4. Daily requirement of security personnel for security duties at NDMC premises compatible to the prevailing security environment.
5. Work out the modalities for re-grouping of existing groups to maximum 04 in place of existing 10 Groups for better administrative control.
6. Assess the requirement of modern security gadgets viz CCTV Cameras, perimeter/barberd wire fence, etc.

As per the approved study report all the NDMC buildings premises, schools, gardens & parks have been divided in to 05 groups (A, B, C, D) & (E only for NDMC Schools).

4. Detailed proposal on the subject/project

After rejection of all the tenders in 1st call due to non - qualifying in the Technical Evaluation by the Sub-Committee, the Security Department of NDMC has again floated the tenders for Security Services/ Arrangements at various NDMC premises under Group Contract 'E' on GeM portal (Version 2.0) on dated 29.10.2022 with the due date of opening of tender 12.11.2022.

The tender of above mentioned group was opened on 14.11.2022 in the presence of Chief Security Officer, Members of approved Sub-Committee i.e Shri T.R. Meena, Superintondant Engineer (Civil), BM-II, Shri Manoj Angrish, Dy. Financial Advisor, Shri Manjul Tanwar, Asstt. Law Officer, Shri Sukesh Aggarwal, Accounts Officer (Security). Under the Group Contract 'E' 65 Technical Bids in respect of the following firms have been found:-

1. M/s 3414 Prabhat Bhatt Security Agency
2. M/s 3467 Umesh Kumar Security Agency
3. M/s 4050 Ravi Raj Singh Security Agency
4. M/s A A Enterprises
5. M/s Aadhar Security & Facility Solutions Pvt. Ltd.
6. M/s Advance Services Pvt. Ltd.
7. M/s Akash Deep Security Services & Investigator
8. M/s Alert Enterprises
9. M/s Alpha Manpower Services
10. M/s A R P Services
11. M/s ASAP IFM Services India Pvt. Ltd.
12. M/s Ashwani Kumar Yadav Security Agency AKYSA Pvt. Ltd.
13. M/s AVM Services
14. M/s Awadh Security Services (P) Ltd.
15. M/s Besolve Services
16. M/s Crocksy Securitas Pvt. Ltd.
17. M/s Cyclops Security And Allied Servicesd Pvt. Ltd.
18. M/s Darshan Security Services Pvt. Ltd.
19. M/s Detective And Security Service
20. M/s Diamond Security Personnel
21. M/s Firstman Management Service Pvt. Ltd.
22. M/s Friends Detective Security Services
23. M/s Global Ventures
24. M/ Globe Labour & Security Services
25. M/s Good Year Security Service
26. M/s Group 7 Guards (India) Pvt. Ltd.
27. M/s Harshidhi Security Services
28. M/s Hindustan Hospitality Manager
29. M/s Hybrid Fleet Management Pvt. Ltd.
30. M/s J.B. Security Service
31. M/s Kore Security Services
32. M/s KSJ Dynamic Security Pvt. Ltd.
33. M/s Laadu Shyam Kishori Securities
34. M/s M & B Enterprises
35. M/s Miraz Facility Management Services Pvt. Ltd.
36. M/s Gill Enterprises
37. M/s Narsingh Sicurezza Pvt. Ltd.
38. M/s NYX Forces Pvt. Ltd.
39. M/s Pankaj Security Services
40. M/s Paramount Services
41. M/s Paramvir Security
42. M/s Principle Security And Allied Services Pvt. Ltd.
43. M/s Rajendra Nath Das Security Agency
44. M/s Rekha Enterprises
45. M/s Roushan Enterprises
46. M/s R S Global
47. M/s R S Group
48. M/s Sarvesh Security Services Pvt. Ltd.
49. M/s Secureshield Security Services Pvt. Ltd.
50. M/s Servitor Intelligence Services
51. M/s Sharma Enterprises
52. M/s Subhi & Poormina Enterprises
53. M/s SIOS India Pvt. Ltd.
54. M/s SiS Security And Intelligence Services
55. M/s S K Management Services Pvt. Ltd.
56. M/s Suraksha The Security Services
57. M/s Surinder Mohindra Security Agency
58. M/s Tiger Security And Maintenance Pvt. Ltd.

59. M/s Ujjwal Common Service Centre
 60. M/s U K Security Services
 61. M/s Umang Services
 62. M/s Universal Security & Placement Service
 63. M/s Vaishali Security Investigation Pvt. Ltd.
 64. M/s V R India Security services Pvt. Ltd.
 65. M/s VTI Security Service

The Security Department prepared the Comparative Statement of Group Contract 'E' and forwarded the documents on e-office file to all the TEC members on 13.12.2022. The TEC meeting of Sub-Committee for scrutiny and evaluation of technical bids was held in the chamber of Chief Security Officer on 13.12.2022 and continued on 14.12.2022.

During the meetings of TEC, shortfalls in the documents of technical bids were noticed and found. On the recommendation of Sub-committee the requisite clarifications of the bidders who were under consideration were uploaded on the Gem Portal and given opportunity to resolve the shortfalls and submit the documents within 72 hours as prescribed by GeM Portal in addition to already submitted documents.

Out of the total 65 (Sixty Five) number of Firms/bidders only 05 (Five) bidders have been taken "under consideration" during the scrutiny of Technical Evaluation by Technical Sub-Committee. The details of the correspondences through GeM portal made with the bidders who are under consideration are as under:-

Sl. No.	Name of Firm	Status	Clarifications Required
1	M/s Cyclops Security and Allied Services Pvt. Ltd.	Under Consideration	(i) Requirement of turnover certificate of security works as per clause 2.3 of Eligibility Criteria of NIT. (ii) In order to establish the authenticity of the witness in respect of Pre Integrated pact, self-attested copy of Aadhaar Card (of Witnesses) is required. (iii) Clarification of the Performance Certificate of the completed works as of already up-loaded documents.
2	M/s Friends Detective Security Services	Under Consideration	Requirement of Copy of Monthly ECR of EPF and ESI of last one month as per NIT.
3	M/s Good Year Security Services Pvt.	Under Consideration	
4	M/s KSJ Dynamic Security Pvt. Ltd.	Under Consideration	In order to establish the authenticity of the witness in respect of Pre Integrated pact, self attested copy of Aadhaar Card (of witnesses) is required.

5	M/s Principle Security and Allied Services Pvt. Ltd (Sr. No.42)	Under Consideration	In order to establish the authenticity of the witness in respect of Pre Integrated pact, self-attested copy of Aadhaar Card (of Witnesses) is required.
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Apart from above the Sub-Committee has decided and suggested the department to conduct physical verification of the performance certificates which are issued by the departments and organizations and also the verification of Bank Solvency of all above five firms from the issuing banks. The Performance Certificates and Bank Solvency in r/o all above firms (except M/s Friends Detective Security Services) have already been verified in the Group Contract A, B, C & D. As the firm M/s Friends Detective Security Services has only participated in Group Contract E, accordingly the Bank Solvency of this firm has got verified under the Group Contract E.

In response to the clarifications sought by the department on the GeM Portal, bidders have again submitted the clarification/documents in support of already submitted documents which were put up before the Technical Sub-Committee on 16.12.2022 for further scrutiny and continued till 22.12.2022. The details of the documents submitted by the bidders are as under:-

Sl. No	Name of Bidder	Clarification/Documents Required	Clarification/Documents Submitted before sub-committee	Final Recommendation of TEC
1.	M/s Good Year Security Service (R)	1. Verification of Bank Solvency Certificate	Verified from the concerned bank by the department.	Qualified
2.	M/s KSJ Dynamic Security Pvt. Ltd.	1. In order to establish the authenticity of the witnesses in respect of Pre Integrated pact, self-attested copy of Aadhaar Card (of witnesses) is required. 2. Verification of Bank Solvency Certificate	Self Attested copies of Aadhaar card of witnesses submitted. Verified from the concerned bank by the department.	Qualified
3.	M/s Principle Security and Allied Services Pvt. Ltd	1. In order to establish the authenticity of the witness in respect of Pre Integrated pact, self attested copy of Aadhaar Card (of Witnesses) is required.	Self Attested copies of Aadhaar card of witnesses submitted.	Qualified

		2.	Verification of Bank Solvency Certificate	Verified from the bank by the department.	
4.	M/s Cyclops Security and Allied Services Pvt. Ltd.	1.	Requirement of turnover certificate of security works as per clause 2.3 of Eligibility Criteria of NIT.	Submitted	Qualified
		2.	In order to establish the authenticity of the witness in respect of Pre Integrated pact, self attested copy of Aadhaar Card (of Witnesses) is required.	Self Attested copies of Aadhaar card of witnesses submitted.	
		3.	Clarification of the Performance Certificate of the completed works as of already uploaded documentation.	Clarification Received.	
		4.	Verification of Bank Solvency Certificate	Verified from the concerned bank by the department.	
5.	M/s Friends Detective Security Services	1.	Requirement of Copy of Monthly ECR of EPF and ESIC of last one month as per NIT.	Not submitted.	Not-Qualified
		2.	Verification of Bank Solvency Certificate	Verified from the concerned bank by the department.	

Besides above it is submitted that the department had uploaded only the terms and conditions of the NIT excluding the Performa of Bank Solvency. Accordingly during the scrutiny of all the bids it has been found that one of the firm M/s Harsidhi Security Services has submitted the bank solvency certificate which was prior the date of publishing the tender i.e. 11.10.2022. The department has again placed the document of M/s Harsidhi Security Services before the TEC for scrutiny and it has been decided by the TEC Member that the bank solvency certificate dated 11.10.2022 is valid and the firm is now coming under consideration zone. The view of the TEC is, an opportunity is to be given to the firm for providing turnover on security works duly certified by CA as per condition of NIT.

The firm M/s Harsidhi Security Services has again submitted their reply dated 03.01.2023 on GeM Portal which was placed before the TEC. After scrutiny the documents and reply of the firm, the TEC is of the view the said firm has not submitted the annual turnover specifically of the Security works in accordance with the NIT eligibility criteria, hence the firm is not Qualified.

Further the view of TEC the status in respect of rest of the firms mentioned above are same as already given in earlier meeting minutes dated 22.12.2022 in respect of security Contract Group E.

After reviewing the technical evaluation of the security Contract Group E 04 (four) firms are qualified and their marks are as under:-

Sl. No.	Name of Firm	Marks Scored	Status
1	M/s Goodyear Security Services (Regd.)	96.00	Eligible
2	M/s KSJ Dynamic Security Pvt. Ltd.	96.00	Eligible
3	M/s Principle Security and Allied Services Pvt. Ltd.	98.00	Eligible
4	M/s Cyclops Security and Allied Services Pvt. Ltd.	92.00	Eligible

All the four bidders have scored more than 70% marks in each and more than 75% in aggregate. After obtaining the approval from the CSO the Financial Bid of all the four bidders have been opened on 30.01.2023. After opening the Financial Bid on GeM portal all the bidders were found L1 but the GeM portal has selected M/s Cyclops Security and Allied Services Pvt. Ltd. as a L1 bidder under Group Contract E through Auto Run L1 selection. As per the prescribed procedure of GeM the firm has given their acceptance on GeM Portal on same day and date i.e. 30.01.2023.

The firm M/s Cyclops Security and Allied Services Pvt. Ltd. has quoted the service charge 0.85% (inclusive of GST) per month.

The estimate of the department was prepared as per the Minimum Wages approved by the Govt. of NCT. This estimate was prepared by the department taking into consideration 26 working days in a month, as under this Group the security guards shall be provided only in the NDMC Schools.

It is pertinent to mention here that earlier this group was not awarded to any private security agency. The schedule of manpower of this group was adjusted with the other groups. Now the L1 bidder M/s Cyclops Security and Allied Services Pvt. Ltd. has quoted the service charge 0.85% inclusive of GST per month.

5. Financial Implications of the proposed project/subject

The financial implications of the proposal works out as under:-

Group Contract	Name of the L-1 Bidder	Service Charge Quoted %	Total Amount Per Month (₹)	Total Amount for one Year (₹)
'E'	M/s Cyclops Security and Allied Services Pvt. Ltd.	0.85%	₹19,05,909.40 (Including GST)	₹2,28,70,912.88 (Including GST)

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

One year from the date of deployment.

7. **Final Comments of the Finance Department on the subject with Dairy No. & Date**

The initially observation of Finance Department and the replies of the observations which were submitted as under:-

Sl. No.	Observations of Finance Department	Replies of Security Department
1	In tender cases of Group Contract A, B, C & D, department had brought on record that GeM Portal calculated all the components of wages with 30 working days in a month, resultant GeM Portal calculated much higher value than the actual value whereas the estimate of the department was prepared as per the Minimum Wages approved by GNCT of Delhi for 26 working days in a month and rest of the days have been treated as relieving charges component and the financial implication worked out by the department had also been accepted by respective bidders. In this case, it has been noticed that department has uploaded financial statement on GeM portal with 26 working days without including relieving charges. To ascertain the correctness of the financial statement received through GeM portal, department is advised to bring on record the financial implication prepared on the basis of Minimum Wages effective from 01.10.2022 as had been prepared in other Group Contract tenders.	The financial implication of Group E has been prepared on the same analogy as adopted in other Groups i.e. A, B, C and D except relieving charges. As in this particular Group there is a provision of providing the Security Arrangements in NDMC Schools, only when the schools are functional except in exceptional circumstances. For the Group E the department has upload the financial implication on GeM Portal taking into consideration 26 working days in a month without relieving charges. The Financial implication is enclosed for ready reference.
2	Department has proposed to place the Draft Agendum before the Council for approval to award the instant work. As per Delegation of Financial Power, contracts involving expenditure upto Rs.4 crore falls under the competency of Chairman, NDMC. Department may bring on record specific reasons for seeking approval of the Council in consultation with Associate finance.	In the context of this it is submitted that being a VIP area and in accordance with the approved study report the entire area of NDMC and their premises have been divided and design in to five Groups i.e. A, B, C, D & E to better administrative control and supervision. Accordingly the department had also obtained the approval to float the tender for Group Contract A, B, C, D & E by the Council vide Reso. No. 12(U-03) dated 23.02.2022 with total financial implication amounting to

		Rs.37,85,64,387/- for one year. Providing the security arrangement in NDMC area is one work, hence, it is required to placed the draft agendum of Group E before the Council as other Groups.
3	Department may ensure and certify that the NIT as approved by the competent authority was uploaded on GeM portal for calling bids.	It is ensured and certify that the terms & condition of NIT as approved by the competent authority was uploaded on GeM portal for calling bids.
4	In e-file No. 121955, department has brought on record that taking into consideration the guidelines of GeM, the department has uploaded only the terms and conditions of the NIT excluding the performa of Bank Solvency. In approved NIT, as per 'List of mandatory documents to be uploaded', bidders are required to upload bank solvency in f/o CSO of equal amount of 40% of estimated cost whereas in addition the bank solvency performa states that the certificate should be issued on or after the publish date of tender. Department may ensure and certify that no bidder was disqualified on this ground.	It is ensured and certifies that no bidder has been disqualified on this ground.

The Finance Department has concurred the proposal of the department vide office note dated 13.02.2023, produced as:-

1. Department has proposed to place the Draft Agendum before the Council for approval to award the work Group Contract E for Security Services/ Arrangements at various NDMC Premises to L1 bidder M/s Cyclops Security and Allied Services Pvt. Ltd. at their quoted service charges i.e. 0.85% per month inclusive of GST, accordingly an amount of Rs.19,05,909.40/- (Rupees Nineteen Lakh Five Thousand Nine Hundred Nine and Paise Forty only) per month and Rs.2,28,70,912.88/- or say Rs.2,28,70,913/- (Rupees Two Crore Twenty Eight Lakh Seventy Thousand Nine Hundred Thirteen only) per annum including GST as per the terms and condition of the NIT.
2. Annual Estimate for the year 2022-23 amounting to Rs.42,62,02,234/- approved by the Council vide Reso. No. 08(CSO) dated 22.06.2022 wherein department has certified that as and when the tenders (Group A-E) are finalized and approved, the department shall place the revised Annual Estimate before the Council.
3. Department has brought on record that the tender of Group Contract 'E' uploaded on GeM Portal (Version 2.0) on dated 29.10.2022 with the due date of opening of tender 14.11.2022. On opening of the bid, it has been found that 65 bidders, as detailed at Note#19, have participated in the bid.
4. In the 1st TEC meeting held on 14.12.2022, TEC taken the bids of following five bidders under consideration subject to certain clarifications:

- a. M/s Cyclops Security And Allied Services Pvt. Ltd.
 - b. M/s Friends Detective Security Services
 - c. M/s Goodyear Security Services (Regd.)
 - d. M/s KSJ Dynamic Security Pvt. Ltd.
 - e. M/s Principle Security And Allied Services Pvt. Ltd.
5. In the 2nd meeting of TEC held on 12.12.2022, after considering the shortfall documents obtained from above five bidders, TEC declared four bidders as qualified.
 6. After obtaining the approval from the CSO the Financial Bid of all the four bidders opened on 30.01.2023. After opening the Financial Bid on GeM portal all the bidders were found L1 but the GeM portal has selected M/s Cyclops Security and Allied Services Pvt. Ltd. as a L1 bidder under Group Contact E through Run L1 selection. As per the prescribed procedure of GeM, the firm has given their acceptance on GeM Portal.
 7. Department has brought on record that the firm M/s Cyclops Security and Allied Services Pvt. Ltd. has quoted the service charge 0.85%. The financial statement amounting to Rs.2,28,70,912.88 (inclusive GST) for one year of the firm downloaded from GeM.
 8. In reply to the observation of FD at Sr. No.1 of Note#27, department has stated that the financial implication of Group E has been prepared on the same analogy as adopted in other Groups i.e. A, B, C and D except relieving charges. As in this particular Group, there is a provision of providing the Security Arrangements in NDMC Schools only when the schools are functional except in exceptional circumstances. For the Group E, the department has uploaded the financial implication on GeM Portal taking into consideration 26 working days in a month without relieving charges. The Financial implication as calculated by the department amounts to Rs.2,28,71,305.80 as against the amount received through GeM which is Rs.2,28,70,912.88. Department has proposed to award the work on the amount received through GeM.
 9. Replying to the observation to bring on record the specific reasons for seeking approval of the Council, department has submitted that being a VIP area and in accordance with the approved study report the entire area of NDMC and their premises have been divided and designed into five Groups i.e. A, B, C, D & E to better administrative control and supervision and also obtained the approval to float the tender for Group Contract A, B, C, D & E by the Council vide Reso. No. 12(U-03) dated 23.02.2022 with total financial implication amounting to Rs.37,85,64,387/- for one year. Providing the security arrangement in NDMC area is one work, hence, it is required to place the draft agendum of Group E before the Council as other Groups.
 10. Department brought on record that taking into consideration the guidelines of GeM, department has uploaded only the terms and conditions of the NIT excluding the performa of Bank Solvency. In approved NIT, as per 'List of mandatory documents to be uploaded', bidders are required to upload bank solvency in f/o CSO of equal amount of 40% of estimated cost whereas in addition the bank solvency performa states that the certificate should be issued on or after the publish date of tender. Department was advised to ensure and certify that no bidder was disqualified on this ground, which ensured by the department at Note#30.
 11. In view of the clarifications submitted by the department and subject to correctness of data, facts and information, department may place its proposal as at Sr. No. 1 above, as recommended by CSO at Note#35, before the Council seeking approval, ensuring that :-

- a. In Reso. No. 08(CSO) dated 22.06.2022 department has certified that as and when the tenders (Group A-E) are finalized and approved, the department shall place the revised Annual Estimate before the Council. May ensure.
- b. That the tender has been finalized as per GeM procedures and no undue benefit extended to any agency.
- c. Since department has not attached Draft Agendum, ensure to incorporate the comments of FD at appropriate place in the agendum.

In this respect Security Department ensures the followings:-

- 11(a) The Annual Estimate of the year 2022-23 could be utilized upto 31.03.2023. The Department ensures that the Annual Estimate for the year 2023-24 shall be placed before the Council as per the fresh tender groups i.e. A to E.
- 11(b) The tender has been finalized as per GeM procedure and no undue benefit extended to any agency.
- 11(c) All the comments of the Finance Department have been incorporated at appropriate place in the Draft Agendum.

8. Legal implication of the subject/project.

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

Council's Resolution No. 15 (U-02) dated 28.11.2021.
 Council's Resolution No. 12 (U-03) dated 23.02.2022.
 Council's Resolution No. 08 (CSO) dated 22.06.2022.
 Council's Resolution No. 10 (Security) dated 24.08.2022.

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

The draft agenda for according approval of the council to award the Group Contract 'E' for security services / arrangements at various NDMC premises to **M/s Cyclops Security and Allied Services Pvt. Ltd.** has been referred to the Law Department for vetting.

The agenda primarily involves financial as well as technical issues, the same have already been examined by the Finance and Security Department respectively.

Having examined the contents of the draft agenda from the legal point of view, prima-facie it is observed that no legal issue is involved. However, the concerned department may ensure the correctness of facts and figures mentioned therein and compliance of CVC guidelines, GFR manual and other guidelines on the subject, if any.

In respect of above the Security Department ensures the following:-

- a. The department ensures the correctness of facts and figures mentioned therein.
- b. The Department complied with CVC guidelines, GFR manual and other guidelines on the subject.

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

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

12. Recommendation:

Recommended to award the Group Contract 'E' for Security Services/Arrangements at various NDMC Premises to M/s Cyclops Security and Allied Services Pvt. Ltd at their quoted service charges i.e. 0.85% per month inclusive of GST. The Details are given below:-

Group Contract	Name of the L-1 Bidder	Service Charge Quoted %	Total Amount Per Month (₹)	Total Amount for one Year (₹)
'E'	M/s Cyclops Security and Allied Services Pvt. Ltd.	0.85%	₹19,05,909.40 (Including GST)	₹2,28,70,912.88 (Including GST)

Further; it is submitted that due to certain inherent peculiarity of security services, the total expenditure actually incurred to awarded Contract Group could not be restricted within sanctioned limit w.r.t. amount, manpower and time schedule owing to following reasons:-

a). **Amount** – Increase in Minimum Wages by Government of NCT of Delhi twice or thrice in a year. Basically the element of the minimum wages is a variable factor in this work, could be changed as and when the rates revised by the Govt. of NCT, Delhi.

b). **Manpower** – Deployment of additional Security Guards from the existing contractor from time to time as per requirement of needy departments duly approved by the Competent Authority.

Moreover; security services being a process in continues requires seamless transition and hence cannot be withdrawn/terminated abruptly.

13. Draft Resolution

Recommended to award the Group Contract 'E' for Security Services/Arrangements at various NDMC Premises to M/s Cyclops Security and Allied Services Pvt. Ltd at their quoted service charges i.e. 0.85% per month inclusive of GST. The Details are given below:-

Group Contract	Name of the L-1 Bidder	Service Charge Quoted %	Total Amount Per Month (₹)	Total Amount for one Year (₹)
'E'	M/s Cyclops Security and Allied Services Pvt. Ltd.	0.85%	₹19,05,909.40 (Including GST)	₹2,28,70,912.88 (Including GST)

Further; it is submitted that due to certain inherent peculiarity of security services, the total expenditure actually incurred to awarded Contract Group could not be restricted within sanctioned limit w.r.t. amount, manpower and time schedule owing to following reasons:-

a). **Amount** – Increase in Minimum Wages by Government of NCT of Delhi twice or thrice in a year. Basically the element of the minimum wages is a variable factor in this work, could be changed as and when the rates revised by the Govt. of NCT, Delhi.

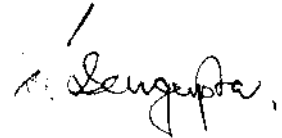
b). **Manpower** – Deployment of additional Security Guards from the existing contractor from time to time as per requirement of needy departments duly approved by the Competent Authority.
Moreover; security services being a process in continues requires seamless transition and hence cannot be withdrawn/terminated abruptly.

14. it is resolved by the Council that Keeping in view the urgency of the matter, as the extension of existing agency is till 28 February 2023 the Department may proceed with taking all necessary steps based on the decision taken today in the Council for this Agenda Item without waiting for approval of Minutes of today's meeting and confirmation of the Minutes by the Council.

COUNCIL'S DECISION

Resolved by the Council to accord approval to the proposal of the department as mentioned at para 13 & 14 of the agenda. The Department can take further necessary action in anticipation of approval / confirmation of the minutes.

The Council further resolved that the Departments concerned may initiate further necessary action based on the decisions taken by the Council at the meeting, as noted above, in anticipation of confirmation of the Minutes.



For Secretary
New Delhi Municipal Council
New Delhi.

Copy # 07 (Special project)
 of
 Council Ordinance Meeting
 Date: 22/02/2023

ITEM NO. 07 (SPECIAL PROJECT)

1. **Name of the Subject/Project**

NDMC Policy regarding installation of communication towers by Cellular and Basic Telecom Operators on Rooftop/ Ground Base within the premises and in the area under the jurisdiction of the New Delhi Municipal Council.

2. **Name of Department**

Special Project Department.

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

- a. 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.
- b. 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.
- c. 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.
- d. 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 after incorporating the amendment as proposed by Chairperson, NDMC were finalized and same were enforced from 01.10.2014.
- e. Later on the policy was renewed 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.
- f. 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 Rs. 2 Lacs for 10 years sharing charges hiked to Rs. 2.5 Lacs for 5 years from Rs. 2 Lacs for 10 years and monthly licences fee hiked to Rs 50/ft² or subject to minimum Rs 50,000/- from Rs 25/ft² or subject to minimum Rs 25,000/.
- g. But due to non agreement of telecom operators to the revised permission charges, again policy was revised vide Council Resolution No.27(v-02) dated 25.07.2016. The details of license fee are as follows:
 - i. For rooftop tower one time permission charge revised to Rs.2 Lacs for 5 years for each installation/renewal in place of Rs.5 Lacs for 5 years.
 - ii. **Monthly license fee:** Monthly license fee for towers on Rooftop of NDMC Buildings was decided @ 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 as per the office memorandum of MOUD 18016/2/2015-pol-iii, dated 08.03.2016.

- iii. **For MBTS/CoWs:** A monthly license 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 Lakh per tower for a period of 5 years.
- h. 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.
4. **Detailed Proposal on the Subject/ Project**

To formulate a Revised Cellular Tower Policy, after approval of competent authority a Committee has been constituted having following members:-

- (i) Director (Spl. Proj.)
- (ii) Chief Engineer (Civil-II)
- (iii) Director (Finance)
- (iv) Director (Enforcement-North)
- (v) Director (Estate-I)
- (vi) Director (EBR)
- (vii) Chief Architect

On the basis of comments received from various Departments as mentioned above, a Draft Cellular Tower Policy has been formulated. Copy enclosed at **Annexure-I (See pages 73 - 83)**. The brief details of Draft Cellular Tower Policy are as follows:-

Preamble:-

Telecommunication has emerged as a key driver of economic and social development in an increasingly knowledge intensive global scenario. The Indian Telecom sector has witnessed phenomenal growth and mobile telephony in particular has revolutionized in the country over the past decade. Getting better telecom/high speed internet connectivity is imperative for all round development of the State. Telecom sector has important role to achieve the vision of Digital India and Smart Cities. Mobile Towers are integral part for providing better connectivity. Further, a clarity and simplification of licensing framework should be there regarding formulation of modalities in installation of towers at various buildings/lands. In order to bring uniformity, based on the advisory guidelines issued by the Department of Telecommunication, Government of India and by considering all connected factors, NDMC issues the following Policy for installation of Mobile Communication Towers and related infrastructure.

Installation Guidelines

The following guidelines are hereby prescribed in respect of installation of communication towers by cellular and basic telecom operators on rooftop/ ground base within the premises and in the area under the jurisdiction of the New Delhi Municipal Council, are:

- (1) Installation of tower/ 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 equipment 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 in the Central Vista, the matter shall be referred to a Committee chaired by 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 technical requirement for installation on these buildings, the matter shall be referred to the Chairperson NDMC for seeking exemption on case-to-case basis.
- (6) For heritage listed buildings NOC from heritage conservative committee is also required. For building within the radius of 300 mtrs from ASI monuments, NOC from National Monument Authority is required.
- (7) 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 fulfillment 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 take suitable action against the said building with due process of law. In undertaking such an action 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 action taken with regard to the unauthorized building.
- (8) The cell operator shall furnish a copy of the agreement executed between the cellular or basic telecom operator and the owner of the building/ structures to Tax 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.
- (9) The towers/ antennae shall be utilized only for lawful activities failing which the civic authority shall have full rights to demolish/remove the antenna/ tower at the risks and costs of operators.
- (10) 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.
- (11) 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.

- (12) The multiplicity of towers shall be avoided and the use of existing tower optimized by accommodating at least three operators for which they are designed and as per guidelines/ amended by the Govt. of India from time to time. All licensees shall endeavor 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 three operators.
- (13) The permission shall be valid initially for a period of five years or the period of license granted by the competent authority/ DoT whichever is earlier.
- (14) The individual operator shall be responsible for informing NDMC in case its license to provide telecom services ceases to exist. Each year before June 30th, the individual operator shall submit to NDMC a copy of valid licence from Department of Telecom/ Competent Authority.
- (15) If NDMC gives any new permission/renewal of permission for installation of tower on NDMC building the operator / infrastructure provider must setup in-building solution to obtain good coverage and capacity to the mobile network inside the building free of cost, if NDMC required.
- (16) 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 any Court of law, if necessary. The operator shall execute an indemnity bond in favour of NDMC to keep NDMC indemnified against any loss which may be caused to it on account of putting up antennae.
- (17) In NDMC property, the space allowed for the purpose of installation of tower/ antenna including its infrastructure should be marked after proper measurements duly verified by NDMC official. NDMC reserves the right to use unmarked spaces at its discretion without having any technical interference to the installation of tower/ antennae.
- (18) Free access to NDMC property shall be allowed only to the authorized person 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.
- (19) The cellular transmitters mounted on ground based high mast light poles shall be a design of high mast which shall be approved from Department of Architecture and Environs, NDMC. The lighting arrangement on the high mast camouflaged monopole should be so designed to be aesthetical in harmony with the surroundings. The architectural drawing/design shall be provided by cellular operator as per requirement of Electrical Department NDMC and easy access shall have to be 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.

- (20) 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.
- (21) The eligible operator shall apply for permission on NDMC web-portal only by uploading the required documents as specified on the portal.
- (22) Wherever 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 license fee at the prescribed rates may also be recovered from party/ licensees retrospectively from the grant of permission without levy of interest with tax.
- (23) The penalty amounting to Rs.10,000/- (Rupees Ten Thousand only) per month shall also be levied along with permission charges, if any, if cellular operator not regularized the permission of tower before due date of renewal of permission.
- (24) The cellular operator shall submit an undertaking that installation of the cell tower does not cause any adverse effect to the health of human beings of the area and NDMC shall not be liable 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 sign boards/ warning signs at their sites which should be clearly visible and identifiable. The sign board should contain the following text:
 (i) Danger! RF radiations, Do not enter.
 (ii) Restricted Area.
- (25) 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.
- (26) In case of both ground based tower & 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

- (27) 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 provided to NDMC.
- (28) Cellular operator has to furnish structural stability certificate of building and tower/ antenna from any one of the 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.
 - (v) Indian Institute of Technology (IIT), Roorki.
- (29) The cell operator shall take special precautions for fire safety, lightening etc. in case of natural disaster.
- (30) In case of high rise buildings, the operator shall submit
- (i) A copy of clearance from Delhi Fire Service where fire clearance is mandatory.
 - (ii) A copy of clearance from Airport Authority of India where such clearance is mandatory.
- (31) Any complaints regarding perceived threat of hazard posed from specific towers may 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 Haley Road, New Delhi.
 - (iii) Department of Telecommunication, Govt. of India, Sanchar Bhawan, 20, Ashoka Road, New Delhi.
- (32) No Diesel Generator sets are allowed at the tower site to cater to the power requirements of the antenna.
- (33) The NDMC reserves all the rights to cancel/ revoke the permission if, municipal interest so warrants by giving required notice to the operator concerned.
- (34) The Applicant shall ensure safety and security of all installations/utilities/ facilities during installation of cellular tower 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 Applicant to the concerned authority.
- (35) Revised guidelines shall be prepared time to time keeping in mind the international standards & technology or which the Competent Authority may think necessary in the Public Interest.
- (36) Jurisdiction of dispute, if any, shall be at New Delhi the Arbitrator appointment should be done by the Chairman, NDMC with the consent of the opposite party, as per extant provisions of the Arbitration and Conciliation Act 1996, as amended up-to-date. The costs of the arbitration proceedings including the Arbitrator fee should be as per the provisions of the Arbitration and Conciliation Act 1996, as amended up-to-date, i.e. Model fee schedule IV of the Act.

- (37) The Special Project Department shall be nodal Department for granting permission for new mobile tower and regularization of existing illegal mobile towers as per Law. Permission shall be granted in a time bound manner which shall not exceed sixty(60) calendar days from the date of filling an application. Sixty calendar days windows for clearance will commence once all the document as per requirement are submitted. The deficiency, if any will be communicated to the applicant within 10 working days from the date of filling an application.

Regularization/settlement Policy of already installed mobile tower without NDMC permission.

1. The mobile towers installed without permission post issuance of this policy may be regularized as per rules along with the penalty of Rs 10,000/- per month from the date of existence of tower. The permission fee shall be charged from the date of existence of tower as per the then applicable rates (copy of all existing/ previous Council Resolutions & approvals are enclosed at Annexure-II) (See pages 84 - 106) mentioned below.
2. For cellular tower existing before issue of this policy, telecom company/service provider may apply for regularization within 30 days of notification of this Policy by paying arrears from the date of their existence failing which NDMC shall take action against those towers as per policy. For proof regarding date of existence of cellular tower, the telecom company/service provider shall submit the SACFA clearance to substantiate the claim of date of existence of tower.
3. In case of COW, there shall be no regularization. No unauthorized COW shall be allowed in NDMC area. Action shall be taken against infrastructure service provider/operator/owner of land allowing operation of COW in NDMC area without NDMC permission as per provisions of NDMC act.
4. The regularization fee will be as below:-
 - a) Roof Top Towers(RTT)/Ground Based Tower(GBT)/Ground Based Mast(GBM) for the period 8/8/2002 to 1/10/2004:-
 - One time permission charges Rs 1,00000/- initially for period of three year or the period of license granted by DoT whichever is earlier.
 - A monthly license fee @ Rs25/- per sq ft per month subject to a minimum of Rs. 25,000/- for installation.
 - b) Roof Top Towers(RTT)/Ground Based Tower(GBT)/Ground Based Mast(GBM) for the period 1/10/2004 to 15/12/2015:-
 - One time permission charges Rs 2,00000/- for 10 years.
 - A monthly license fee @ Rs25/- per sq ft per month subject to a minimum of Rs. 25,000/- for installation.
 - c) Roof Top Towers(RTT)/Ground Based Tower(GBT)/Ground Based Mast(GBM) for the period 15/12/2015 to 25/7/2016:-
 - One time permission charges Rs 5,00,000/- for 5 years.
 - A monthly license fee @ Rs50/- per sq ft per month subject to a minimum of Rs. 50,000/- for installation.

- d) Roof Top Towers(RTT)/Ground Based Tower(GBT)/Ground Based Mast(GBM) for the period 25/7/2016 upto date of enforcement of this new policy:-
- One time permission charges Rs 2,00000/- for 5 years.
 - A monthly license fee @ Rs292/- per sq ft per month subject to a minimum of Rs. 50,000/- for installation.

New Proposal on Fee Structure of RTT/GBT/GBM/Pole

Existing clause as per policy issued vide resolution no. 27(V-02) dtd. 25/7/16.	Proposed clause	Remarks/Justification
<p>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 and Ors and MCD and pay retrospectively any charges including sharing charges that are due to NDMC on subsequent revision of charges (Copy enclosed at Annexure-II) (See pages 84 - 106).</p>	<p>a) RTT/GBT/GBM One time permission charge of Rs. 3 lakhs for 5 years irrespective of sharing with effect from the date of each installation/renewal</p> <p>b) Pole sites per operator up to 8 m height Rs.25,000/- for 05 years per operator with effect from the date of installation/renewal. Note:-(i) In case the height exceeds 12 mt. the rate as per s.no.(a) shall be applicable/ (ii) Every application shall be accompanied with onetime fee of Rs.10,000/- to meet administrative expenses for examination of the application which will be in addition to the charges mentioned above. for new application/renewal.</p>	<p>As per office order of SDMC vide no D-296/SE(B)HQ /SDMC dated 18.08.2021 (Copy enclosed at Annexure-III) (See pages 107 - 133)</p>
<p>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 deposit online by cellular operator on or before 7th of each month. During the period the</p>	<p>No Change</p>	<p>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 or Government buildings in Delhi for erecting mobile towers. The proposed amendment is in line with the said office memorandum.</p>

<p>allotment subsists, 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. 18015/92-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 and MCD and pay retrospectively any charges including sharing charges that are due to NDMC on subsequent revision of charges.</p>		
<p>M.B.T.S. POLICY (Mobile Base Transceiver Station)/COW (Cellular On Wheel) A monthly license 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 lakh per tower for period of 5 years.</p>	<p>NDMC shall e-auction the sites for installation of COWs in NDMC area on designated places on approved rates initially for three years which may be extended further for two years . The details terms and conditions for installation of COWs in NDMC area shall be available in concerned bid documents. If any new sites come for installation of COWs the same shall be given to the successful concessionaire on same rates, terms and conditions. No new individual application shall be consider for installation of COW in NDMC area.</p>	<p>Council Resolution vide no. 26(j-02) dtd 23 /8/2018 regarding allotment of space for installation of Communication Tower(Cellular Mobile Tower) on wheels in NDMC area. (Copy enclosed at Annexure-IV) (See pages 134 - 138).</p>

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

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

Nil.

7. Final Comments of the Finance Department on the subject

1. The department has processed the case for approval in the draft NDMC Policy regarding installation of communication towers by Cellular and Basic

Telecom Operators on Rooftop/ Ground Base within the premises and in the area under the jurisdiction of the New Delhi Municipal Council; as detailed in the draft proposal attached vide DFA/60050 duly recommended by Director(Special Project.) vide Note#23.

2. The department has brought out that :-
 - (i) In the draft policy, installation guidelines mentioned are same as of existing NDMC policy. But, the regularization/ settlement policy of unauthorized tower was not exist in existing policy so it is proposed in the new Draft policy. Hence, the proposed policy is for regularization of unauthorized tower as well as enhancement of existing fees. Regularization of tower is proposed from the date of its existence. So, all financial angle has been taken care of.
 - (ii) As per the approval of the Chairperson, NDMC vide Note#19 dt. 08.08.2022, a committee was constituted for deciding the policy in the matter. Accordingly, all the suggestions/ observations of Committee Members have been taken care of while formulating a new Draft policy.
 - (iii) The department has ensured and certified that (a) the proposed fee structure and penalties, where is as applicable are sufficient and are not on lower side and the same is as per prevailing trend in MCD, (b) all the clauses of the policy is as per existing requirements and are feasible for its implementation, and (c) There is no undue favour or benefits have been extended to any of the particular firm or person(s).
3. Since, the proposal of the department is related to revenue realization, which should have been implemented, and accelerated with no delay at the time of information of unauthorized towers came in the knowledge of the department of enforcement of NDMC; the department may submit its proposal (stated vide Para-1 above) to the Chairperson, NDMC for seeking the approval to place the same before the Council for approval. However, the proposal needs to be vetted by Law Department.
4. Further, the department is advised (i) to prepare the draft agendum in the prescribed format for obtaining Council's approval in consultation with Associated Finance i.e. SAO/AO/AAO(Spl. Proj.) as the attached DFA/60050 is not in approved/prescribed format; and (ii) to incorporate verbatim comments of the FD (as above Sl. No.1 to 3), and comments of the department thereupon under the relevant column of the draft agendum in non-editable format..

Reply of the Department:-

- (i) Draft Agenda has been seen by Law Department. Suggestions of Law Department has been incorporated.
- (ii) Format of Draft Agenda has been corrected.
- (iii) Verbatim comments of the Finance Department has been added.

8. Legal implication of the subject/project

Nil.

9. Details of previous Council Resolutions on the subject

- (i) Resolution No.27(V-02) Dtd.25.07.2016.
- (ii) Resolution No.28(V-01) Dtd.15.12.2015.
- (iii) Resolution No.3(xxviii) Dtd.08.08.2002.

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

1. Draft agendum placed at DFA/60050, is being moved by the Special Project department before the Council in r/o the following proposal:-

"The case is placed before Council to circulate NDMC Draft Cellular Tower Policy for inviting public comments including various cellular operators and infrastructure providers so that an inclusive & comprehensive NDMC Cellular Tower Policy may be formulate."

2. The said agendum primarily involves financial and technical / administrative issues; the same have already been examined by the Finance Department, and Special Project Department, respectively.

3. Having examined the contents of the draft agendum from the legal point of view, the following suggestions are made:-

- a. In the arbitration Clause at Para 36, it is advised that the Arbitrator appointment should be done by the Chairman, NDMC with the consent of the opposite party, as per extant provisions of the Arbitration and Conciliation Act 1996, as amended up-to-date.
- b. The costs of the arbitration proceedings including the Arbitrator fee should be as per the provisions of the Arbitration and Conciliation Act 1996, as amended up-to-date, i.e. Model fee schedule IV of the Act.

4. Additionally, the concerned department may ensure the correctness of facts, words and figures mentioned therein. The compliance of the applicable G.F.R. & C.V.C. Guidelines, Department of Telecommunications & The Telecom Regulatory Authority of India Regulations (as may be applicable), and any other guidelines on the subject, may be ensured by the concerned department.

5. Further, the concerned department is to ensure that the proposed agendum aims at maximization of revenue generation in the interests of the N.D.M.C., as per prevailing market rates in the Municipal Area of New Delhi.

Reply of the Department:-

- (i) As suggested by Law Department, necessary changes have been made in Clause No.36 of Draft Agenda.
- (ii) It is certified that the facts, words and figures mentioned therein are correct and the compliance of the applicable G.F.R. & C.V.C. Guidelines, Department of Telecommunications & The Telecom Regulatory Authority of India Regulations (as may be applicable), and any other guidelines on the subject, shall be ensured.
- (iii) It is also ensured that the proposed agendum aims at maximization of revenue generation in the interests of the N.D.M.C., as per prevailing market rates in the Municipal Area of New Delhi

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 is placed before Council to circulate NDMC Draft Cellular Tower Policy for inviting public comments including various cellular operators and infrastructure providers so that an inclusive & comprehensive NDMC Cellular Tower Policy may be formulated.

13. Draft Resolution

Council approve to circulate NDMC Draft Cellular Tower Policy for inviting public comments including various cellular operators and infrastructure providers.

COUNCIL'S DECISION

Resolved by the Council to accord approval to circulate NDMC Draft Cellular Tower Policy for inviting public comments including various cellular operators and infrastructure providers.

Council further suggested that while finalizing the policy the following aspect should also be examined and suitably incorporated in the final draft:

1. Aesthetic aspects of the New Delhi area is to be protected.
2. Visibility on roads should be ensured by suggesting appropriate height of antenna.
3. The basic character of Lutyens Bungalow Zone (LBZ) to be preserved.
4. All statutory requirements to be complied with meticulously.
5. All COW's shall be Geo-Tagged for real time monitoring to prevent misuse.

The Council further resolved that the Departments concerned may initiate further necessary action based on the decisions taken by the Council at the meeting, as noted above, in anticipation of confirmation of the Minutes.

A. Sengupta

For Secretary
New Delhi Municipal Council
New Delhi
New Delhi

ANNEXURE-I

DRAFT POLICY

NDMC Policy regarding installation of communication towers by Cellular and Basic Telecom Operators on Rooftop/ Ground Base within the premises and in the area under the jurisdiction of the New Delhi Municipal Council.

Preamble:-

Telecommunication has emerged as a key driver of economic and social development in an increasingly knowledge intensive global scenario. The Indian Telecom sector has witnessed phenomenal growth and mobile telephony in particular has revolutionized in the country over the past decade. Getting better telecom/high speed internet connectivity is imperative for all round development of the State. Telecom sector has important role to achieve the vision of Digital India and Smart Cities. Mobile Towers are integral part for providing better connectivity. Further, a clarity and simplification of licensing framework should be there regarding formulation of modalities in installation of towers at various buildings/lands. In order to bring uniformity, based on the advisory guidelines issued by the Department of Telecommunication, Government of India and by considering all connected factors, NDMC issues the following Policy for installation of Mobile Communication Towers and related infrastructure.

Installation Guidelines

The following guidelines are hereby prescribed in respect of installation of communication towers by cellular and basic telecom operators on rooftop/ ground base within the premises and in the area under the jurisdiction of the New Delhi Municipal Council, are:

- (1) Installation of tower/ antennae shall not in any manner disturb the heritage and aesthetic aspects of the New Delhi area. All norms and

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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 equipment 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 in the Central Vista, the matter shall be referred to a Committee chaired by 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 technical requirement for installation on these buildings, the matter shall be referred to the Chairperson NDMC for seeking exemption on case-to-case basis.
- (6) For heritage listed buildings NOC from heritage conservative committee is also required. For building within the radius of 300 mtrs from ASI monuments, NOC from National Monument Authority is required.
- (7) 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 fulfillment 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 take suitable action against the said building with due process of law. In undertaking such an action the civic body shall not be under any

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- 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 action taken with regard to the unauthorized building.
- (8) The cell operator shall furnish a copy of the agreement executed between the cellular or basic telecom operator and the owner of the building/ structures to Tax 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.
 - (9) The towers/ antennae shall be utilized only for lawful activities failing which the civic authority shall have full rights to demolish/remove the antenna/ tower at the risks and costs of operators.
 - (10) 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.
 - (11) 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.
 - (12) The multiplicity of towers shall be avoided and the use of existing tower optimized by accommodating at least three operators for which they are designed and as per guidelines/ amended by the Govt. of India from time to time. All licensees shall endeavor 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 three operators.
 - (13) The permission shall be valid initially for a period of five years or the period of license granted by the competent authority/ DoT whichever is earlier.

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- (14) The individual operator shall be responsible for informing NDMC in case its license to provide telecom services ceases to exist. Each year before June 30th, the individual operator shall submit to NDMC a copy of valid licence from Department of Telecom/ Competent Authority.
- (15) If NDMC gives any new permission/renewal of permission for installation of tower on NDMC building the operator / infrastructure provider must setup in-building solution to obtain good coverage and capacity to the mobile network inside the building free of cost, if NDMC required.
- (16) 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 any Court of law, if necessary. The operator shall execute an indemnity bond in favour of NDMC to keep NDMC indemnified against any loss which may be caused to it on account of putting up antennae.
- (17) In NDMC property, the space allowed for the purpose of installation of tower/ antenna including its infrastructure should be marked after proper measurements duly verified by NDMC official. NDMC reserves the right to use unmarked spaces at its discretion without having any technical interference to the installation of tower/ antennae.
- (18) Free access to NDMC property shall be allowed only to the authorized person 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.
- (19) The cellular transmitters mounted on ground based high mast light poles shall be a design of high mast which shall be approved from Department of Architecture and Environs, NDMC. The lighting arrangement on the high mast camouflaged monopole should be so designed to be acsthetical in harmony with the surroundings. The architectural drawing/design shall be provided by cellular operator as per requirement of Electrical Department NDMC and easy access shall have to be provided to NDMC staff for maintenance of lights. The electricity for the lights shall be

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- provided/ borne by NDMC. For antenna and related items, the operator shall have to make his own arrangements.
- (20) 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.
- (21) The eligible operator shall apply for permission on NDMC web-portal only by uploading the required documents as specified on the portal.
- (22) Wherever 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 license fee at the prescribed rates may also be recovered from party/ licensees retrospectively from the grant of permission without levy of interest with tax.
- (23) The penalty amounting to Rs.10,000/- (Rupees Ten Thousand only) per month shall also be levied along with permission charges, if any, if cellular operator not regularized the permission of tower before due date of renewal of permission.
- (24) The cellular operator shall submit an undertaking that installation of the cell tower does not cause any adverse effect to the health of human beings of the area and NDMC shall not be liable 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 sign boards/ warning signs at their sites which should be clearly visible and identifiable. The sign board should contain the following text:
- (i) Danger! RF radiations, Do not enter.
 - (ii) Restricted Area.
- (25) 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/

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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.

- (26) In case of both ground based tower & 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

- (27) 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 provided to NDMC.
- (28) Cellular operator has to furnish structural stability certificate of building and tower/ antenna from any one of the 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, Roorkee.
 - (iii) Rail India Technical and Economic Services Ltd., Delhi.
 - (iv) National Council for Building Material, Faridabad.
 - (v) Indian Institute of Technology (IIT), Roorkee.
- (29) The cell operator shall take special precautions for fire safety, lightening etc. in case of natural disaster.
- (30) In case of high rise buildings, the operator shall submit
- (i) A copy of clearance from Delhi Fire Service where fire clearance is mandatory.

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- (ii) A copy of clearance from Airport Authority of India where such clearance is mandatory.
- (31) Any complaints regarding perceived threat of hazard posed from specific towers may 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 Haley Road, New Delhi.
 - (iii) Department of Telecommunication, Govt. of India, Sanchar Bhawan, 20, Ashoka Road, New Delhi.
- (32) No Diesel Generator sets are allowed at the tower site to cater to the power requirements of the antenna.
- (33) The NDMC reserves all the rights to cancel/ revoke the permission if, municipal interest so warrants by giving required notice to the operator concerned.
- (34) The Applicant shall ensure safety and security of all installations/utilities/ facilities during installation of cellular tower 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 Applicant to the concerned authority.
- (35) Revised guidelines shall be prepared time to time keeping in mind the international standards & technology or which the Competent Authority may think necessary in the Public Interest.
- (36) Jurisdiction of dispute, if any, shall be at New Delhi the Arbitrator appointment should be done by the Chairman, NDMC with the consent of the opposite party, as per extant provisions of the Arbitration and Conciliation Act 1996, as amended up-to-date. The costs of the arbitration proceedings including the Arbitrator fee should be as per the provisions of the Arbitration and Conciliation Act 1996, as amended up to-date, i.e. Model fee schedule IV of the Act.

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(37) The Special Project Department shall be nodal Department for granting permission for new mobile tower and regularization of existing illegal mobile towers as per Law. Permission shall be granted in a time bound manner which shall not exceed sixty(60) calendar days from the date of filling an application. Sixty calendar days windows for clearance will commence once all the document as per requirement are submitted. The deficiency, if any will be communicated to the applicant within 10 working days from the date of filling an application.

Regularization/settlement Policy of already installed mobile tower without NDMC permission.

1. The mobile towers installed without permission post issuance of this policy may be regularized as per rules along with the penalty of Rs 10,000/- per month from the date of existence of tower. The permission fee shall be charged from the date of existence of tower as per the then applicable rates mentioned.
2. For cellular tower existing before issue of this policy, telecom company/service provider may apply for regularization within 30 days of notification of this Policy by paying arrears from the date of their existence failing which NDMC shall take action against those towers as per policy. For proof regarding date of existence of cellular tower, the telecom company/service provider shall submit the SACFA clearance to substantiate the claim of date of existence of tower.
3. In case of COW, there shall be no regularization. No unauthorized COW shall be allowed in NDMC area. Action shall be taken against infrastructure service provider/operator/owner of land allowing operation of COW in NDMC area without NDMC permission as per provisions of NDMC act.
4. The regularization fee will be as below:-
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 - One time permission charges Rs 1,00,000/- initially for period of three year or the period of license granted by DoT whichever is earlier.
 - A monthly license fee @ Rs25/- per sq ft per month subject to a minimum of Rs. 25,000/- for installation.

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- b) Roof Top Towers(RTT)/Ground Based Tower(GBT)/Ground Based Mast(GBM) for the period 1/10/2004 to 15/12/2015:-
- One time permission charges Rs 2,00000/- for 10 years.
 - A monthly license fee @ Rs25/- per sq ft per month subject to a minimum of Rs. 25,000/- for installation.
- c) Roof Top Towers(RTT)/Ground Based Tower(GBT)/Ground Based Mast(GBM) for the period 15/12/2015 to 25/7/2016:-
- One time permission charges Rs 5,00000/- for 5 years.
 - A monthly license fee @ Rs50/- per sq ft per month subject to a minimum of Rs. 50,000/- for installation.
- d) Roof Top Towers(RTT)/Ground Based Tower(GBT)/Ground Based Mast(GBM) for the period 25/7/2016 upto date of enforcement of this new policy:-
- One time permission charges Rs 2,00000/- for 5 years.
 - A monthly license fee @ Rs292/- per sq ft per month subject to a minimum of Rs. 50,000/- for installation.

New Proposal on Fee Structure of RTT/GBT/GBM/Pole

Existing clause as per policy issued vide resolution no. 27(V-02) dtd. 25/7/16.	Proposed clause	Remarks/Justification
<p>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 and Ors and MCD and pay retrospectively any charges including sharing charges that are due to NDMC on subsequent revision of charges.</p>	<p>a) RTT/GBT/GBM One time permission charge of Rs. 3 lakhs for 5 years irrespective of sharing with effect from the date of each installation/renewal.</p> <p>b) Pole sites per operator up to 8 m height Rs.25,000/- for 05 years per operator with effect from the date of installation/renewal.</p> <p>Note:-(i) In case the height exceeds 12 mt. the rate as per s.no.(a) shall be applicable/ (ii) Every application shall be accompanied with onetime fee of Rs.10,000/ to meet administrative expenses for examination of the application which will be in addition to the charges mentioned above. for new application/renewal.</p>	<p>As per office order of SDMC vide no D-296/SE(B)HQ /SDMC dated 18.08.2021.</p>
<p>Monthly license fee shall be</p>	<p>No Change</p>	<p>Ministry of Urban</p>

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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 deposit online by cellular operator on or before 7th of each month. During the period the allotment subsists, 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. 18015/92-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 and 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 license 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 lakh per tower for period of 5 years.

NDMC shall e-auction the sites for installation of COWs in NDMC area on designated places on approved rates initially for three years which may be extended further for two years . The details terms and conditions for installation

Development, Govt. of India, vide office memorandum No 18016/2/2015-Pol-III dated 08.03.2016 has fixed the monthly license fee @ 292/sq ft for the space to be provided to mobile service providers on the roof top or Government buildings in Delhi for erecting mobile towers. The proposed amendment is in line with the said office memorandum.

Council Resolution vide no. 26(j 02) dtd 23 /8/2018 regarding allotment of space for installation of Communication Tower(Cellular Mobile Tower) on wheels in NDMC area.

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of COWs in NDMC area shall be available in concerned bid documents. If any new sites come for installation of COWs the same shall be given to the successful concessionaire on same rates, terms and conditions. No new individual application shall be consider for installation of COW in NDMC area.

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Study of Rate No. 27 (V-01)
of
Council Ordinary Meeting
Date: 25-07-16

ANNEXURE-II

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

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 to 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

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4. 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.

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	favour of Secretary, NDMC in r/o NDMC properties).	During the period the allotment subsists, 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 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.	
	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.

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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.

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**For Secretary
New Delhi Municipal Council
New Delhi**

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Annexure - J

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28(V-01)

ITEM NO. 28 (V-01)

309
28(V-01)
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 & 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 (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).
- 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

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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 the

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- 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 in the Central Vista, the matter shall be referred to a Committee Chaired by 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 Tax

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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-3/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 DC 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 t/o NDMC properties.

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- 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:
- i) Danger! RF radiations. Do not enter.
 - ii) 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

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- i) Indian Institute of Technology, Delhi.
 - ii) Central Building Research Institute, Roorkee.
 - 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, lightning 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, S. 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 emission norms and other requirements prescribed by DPCC. Operator shall submit a copy of the type test certificate issued by 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.

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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.



Secretary

Telecommunication Council
Sector 3, Sector 5, Sector 6

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Annexure - II

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ANNEXURE - III

GUIDELINES

SUB: REGARDING INSTALLATION OF COMMUNICATION TOWERS BY CELLULAR AND BASIC TELECOM OPERATORS WITHIN AREA UNDER THE JURISDICTION OF THE NEW DELHI MUNICIPAL COUNCIL.

Guidelines for installation of communication towers by cellular and basic telecom operators were decided in a meeting with the Lt. Governor on 26.07.2002. Inter alia, it was decided that:

"In case of Lutyens' Delhi where evidently there were overriding concerns other than only structural, cellular and basic telecom operators may meet the Chairman, NDMC and together work out a acceptable proposition with regard to expansion of the coverage of communication towers in the area."

In pursuance thereof, the following guidelines are issued in respect of installation of communication towers by cellular and basic telecom operators within the jurisdiction of the New Delhi Municipal Council.

1. Installations 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 by-laws made thereunder.
3. Guidelines for control of tower/antennae regarding height, radiation and equipments shall not be out of line with mandatory directives of

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antennae. They should be located at the rear end of the plot after a safety mandatorily set back 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 technological requirement for installations on buildings located in the Central Vista, the matter shall be referred to a Committee Chaired by 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 towers/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 fulfillment of the conditions prescribed. However, that shall not imply any change whatsoever in the status of the unauthorized building, and shall be without prejudice to the right of the civic body to demolish the said building through the due process of law. In undertaking such a demolition, the civic body will not be under any obligation to compensate the owner of the towers of the building/antennae, etc.

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shall be liable for loss of the tower as a consequence of demolition of the unauthorized building.

A copy of the agreement concluded between the cellular or the radio telecom operator and the owner of the buildings/structures be forwarded to Tax 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.

ELIGIBILITY:

9. Operators who have been issued licence by the Department of Telecommunication (DOT), Government of India/Competent Authority for providing such services shall be considered for grant of permission for installations of towers/antennae.
10. The multiplicity of towers shall be avoided and the use of existing towers optimized by accommodating at least four antennae for which they are designed. All licensees shall endeavor to share towers for fixing their respective antennae provided that the prescribed safety requirements are duly met. As such towers are provided, designed to accommodate at least four antennae.
11. The permission shall be valid initially for a period of 10 years or the period of licence granted by the Competent Authority/DOT, whichever is earlier.
12. The applicant/operator shall be responsible for informing NDMC about the tower/antenna to be installed in the area under NDMC. The applicant/operator shall submit a

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-362-

and the said licence from Department of Telecommunication/competent Authority. No other renewals shall be required.

13. The operators shall be solely responsible for any damage to building/site and to life/public safety due to accidental fall of the antennae/tower or fire due to DG sets/electrical panels and shall be liable for any penal action as decided by a Court of law, if necessary. The operator shall execute an Indemnity Bond in favour of NDMC to keep NDMC indemnified against any loss, which may be caused to it on account of putting up antennae.

CONDITIONS FOR NDMC PROPERTIES:

14. In NDMC properties, the space allowed for the purpose of installation of towers/antennas including its infrastructure shall 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 towers/antennae.
15. 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.
16. In case of NDMC property, each allottee will have to pay a non-interest bearing security deposit equivalent to 3 month's licence fee refundable at the time of termination of the licence/operation.

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PROCEDURE:

The site operators shall apply for permission to the Chief Architect, Department of Architecture and Environs, NDMC in the prescribed proforma (attached) 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.

18. One time permission charge of Rs.2 lakhs only shall be levied for each installation before issue of permission letter by the Deptt. of Architecture and Environs besides licence fee from each and every operator for each installation.

However, one time relief of 15% discount in above said permission charge upto 31st December 2004 is there. With effect from 1st January 2005, all permissions shall attract a charge of Rs.2 lakhs (Rupees Two lakhs) only, in addition to other fee mentioned in the guidelines.

19. A monthly licence fee @ Rs.25/- per sq.ft. per month subject to a maximum of Rs.25,000/- (Rupees twenty five thousand only) for installation shall be payable by each allottee from the date of grant of permission and shall be payable by each allottee on or before 15th of each month to the Estate Department by DD/cash in favour of Secretary, NDMC.

20. Whenever permission has already been granted and permission charge has not been levied the operators are allowed to pay the same upto 31st December 2004. The monthly licence fee at the present rate

101 - 101 -

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to be also be included from early licensees retrospectively from the grant of permission without levy of interest.

21. The NDMC reserves all the rights to cancel/revokes the permission if municipal interest so warrants by giving required notice to the operator concerned.

All other conditions regarding structure, safety and stability, deposit of prescribed fee and no objection certificate from the owner of the building, sharing of antennae, increasing width of the spectrum shall be as decided in the guidelines issued following the meeting with the Lt. Governor dated 26.07.2002.

The above said guidelines shall come into force w.e.f. 1st October 2004.

102-102

- 365 - (13) - 7 -

(15)

Copy of Council Resolution
No. 3 (XXVII) of ordinary
Meeting Held on 8-8-2002
ITEM NO. 3 (xviii)

GRANT OF PERMISSION FOR INSTALLATION OF DISH
ANTENNAS/COMMUNICATION TOWERS ON ROOF-TOPS/TERRACE
ON NDMC BUILDINGS AND FIXATION OF RENTAL FOR THE SPACE
ALLOTTED FOR SUCH PURPOSE

PA.
S.L. J.B. Mahesh ✓

Different Tele Communication agencies/firms have been approaching to NDMC for fixing the radio equipments on the terrace of the Municipal Buildings. The issue of granting permission for installation of the equipments i.e. Dish Antennas/Communication Towers on roof-tops on NDMC building and fixation of rental for the space to be allotted for such purpose was under consideration but due to non- formulation of any policy in above respect the above said matter was kept pending.

11/9/02
S.L. J.B. Mahesh

DIY (Est/Stat)
11/9/02
S.L. J.B. Mahesh

A copy to Chairman's minutes dated 1.5.2002 on Department of Architecture & Environs was placed before the Committee for guidance. It reads as follows:

"A real revolution has taken place in the telecom sector in the recent past. As a civic body, we are supposed to help in this move and in the process earn some revenue also. Therefore, in order to encourage development of telecom sector, we may permit installation of Antennas on our buildings subject to structural stability and other norms relating to Lutyen's Bungalow Zone issued by the Ministry of Urban Development from time to time"

3118/CA/06/02
12/09/02

In order to formulate a policy it was proposed that the policy may be framed under chairmanship of Financial Advisor of NDMC where Chief Architect, Director (Estate) may be the members of the committee. The remarks of the Chairman dated 17.5.2002 on the proposal was as under: -

"FA may kindly convene a meeting early as proposed above, and suggest the charges"

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- 366 -

Financial Adviser convened a meeting of Committee on 23.07.2002 and finalise its recommendations, which may be seen at annexure (See pages 113 - 115). However, recommendations of the Committee are as under:-

CONDITONS OF ELEGIBILITY

Only such companies that have been issued license by the Department of Telecom in the Ministry of Communications, for providing basic/cellular telecom services or other value added services, shall be considered by NDMC for grant of permission to install their dish antennas on identified NDMC buildings.

GRANT OF PERMISSION

- a) The eligible companies shall apply for permission to the Department of Architecture & Environs. The Chief Architect shall prescribe a suitable format for this purpose.
- b) The Chief Architect shall obtain No Objection Certificate from the (1) Head of the Department under whose charge the building is placed and also obtain Structural Safety & Stability Certificate from the Civic (2) Engineering Deptt.
- c) The Department of Architecture and Environs shall ensure that the grant of permission does not violate the norms relating to Lutyen Bungalow Zone issued by the Ministry of Urban Development from time to time or any other norms/regulations laid down by the Ministry of Civil Avialtion & Ministry of Information & Broadcasting.
- d) In the event of a grant claims for space for installation of dish antenna, communication tower, between a licensee and a non licensee of NDMC building, the licensee of the building (or portion thereof) shall be given preference, other terms being equal.

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IDENTIFIED MUNICIPAL BUILDINGS

The terrace of Palika Kendra, Vidyut Bhawan, Electric Sub-Stations or any other building considered sensitive should normally not be allowed for installation of communication towers/dish antennas. The use of terrace of schools and women's hostels may also be preferably disallowed for installation of antennas.

PERMISSION CHARGES

One time permission charges of Rs.1 Lakh per site shall be levied and recovered before issue of the permission letter by the Deptt. of Architecture and Environs, besides licence fee.

LICENCE FEE

A monthly licence fee of Rs.25/- per sq. ft. p.m. Subject to a minimum of Rs.25000/- (Rs. Twenty five thousand) per site shall be payable by the allottee from the date of grant of permission. The licence fee shall be paid by the licensee on or before 10th of each month to the Estate Deptt. (by drawing a Cheque/cash in favour of Secretary, NDMC) in respect of all buildings as they have requisite staff for maintenance of Demand and Collection Registers, issue of demand notices etc.

Demarcation of Area

The space allotted for the purpose of installation of dish antenna shall marked on the terrace/roof-tops after proper measurements. NDMC reserves the right to use the unmarked space on the terrace/roof-top to put the same alternative use at its discretion.

Conditions Applicable

- a) The permission shall be valid initially for a period of three years or the period of licence granted by the Department of Telecom whichever is earlier. The permission can be considered for renewal thereafter as per the Council's policy. However, NDMC reserves the right to cancel the permission if the municipal interest so warrants.

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- b) The dish antenna must be utilized only for lawful activities (2)
- c) The company may insure the dish antenna from a reputed insurance company for any kind of damages to life and property due to accidental fall of the antenna /tower or fire due to the DG sets/electrical panels. The insurance policy to be procured at the expense of the company should be in favour of Secretary, NDMC. Applicant shall also execute an Indemnity Bond in favour of NDMC to keep NDMC indemnified against any loss which may be caused to it as account of putting up antenna (1)
- d) Free access to the concerned building will be allowed only to the authorized persons having valid identity card who will have to enter the details of his visit in the Visitor Book to be maintained by the care taker-official in charge of the NDMC building
- e) The allottee company shall have to pay non-interest bearing security deposit equivalent to three months rental refundable at the time of termination of the licence agreement
- f) An agreement will be drawn up and executed between the NDMC and the allottee company to clearly spell out the liabilities and rights of the two parties. The format of the agreement, on the lines of the agreements referred to above may be prepared by the Estate Deptt. and vetted by the Law Deptt. The authorized signatories of NDMC and the company shall sign the agreement.

PAST CASES

Where the permission have already been granted for installation of dish antenna on any NDMC building and the permission charges have not been levied, the parties may be allowed to continue till validity of the permission subject to payment charges i.e. Rs 1 lakh. The monthly licence fee at the prescribed rates may also be recovered from past licensees retrospectively from the grant of permission without levy of interest. However, they shall be liable to pay interest at the rate decided by the Council from the last date specified in the first demand

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- 369 -

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(19)

notice, if payment is not made by that date. Wherever the currency of permission has expired, they may be considered for renewal under the policy now framed.

NOTIFICATION OF THE POLICY

The policy outlined above may be notified through a Notification, which may be circulated to all concerned and placed at the notice boards of the NDMC at various places. The Notification may also be inserted in reputed national dailies and NDMC's website.

COUNCIL APPROVAL

The policy outlined above should be placed before the Council for approval by the Estate Department before its notification.

Council has approved the minutes of the meeting and accordingly case is being placed before the Council for approval of the policy.

COUNCIL RESOLUTION

Resolved by the Council that the Policy as mentioned in the preamble is approved.

For Secretary
New Delhi Municipal Council
New Delhi.

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ANNEXURE-III



SOUTH DELHI MUNICIPAL CORPORATION
OFFICE OF THE CHIEF ENGINEER (BLDG.) HQ
19TH FLOOR, DR. SPM CIVIC CENTRE, NEW DELHI-110001



No. D-296/SEC(B)HQ/SDMC

Dated : 18/12/2021

Sub :- Permission for installation of Cell Towers etc. under the jurisdiction of SDMC-Reg.

As per the settlement/agreement dated 30.01.2017, the written permission for installation of cellular infrastructure are given as per the provisions/terms and conditions of the said settlement/agreement and under Clause 6 of the said settlement/agreement, the fees for permission for installation of Cell Towers were as under:-

S No.	Clause of Settlement / Agreement	Detail	Permission Fee
1	6 (b)	Prospective from 01.01.2015 for RTT/GBT/GBM	Rs.2,00,000/- for 05 years irrespective of sharing with effect from the date of installation.
2	6 (d)	Pole sites per Operator up to 12 M height.	i. Rs 20,000/- ii. Duration 5 years iii. W.e.f 01.01.2016

2. The fee under the above referred settlement/agreement was for a period of five years i.e. upto 31.12.2019. With efflux of time as far as fees is concerned, a proposal for revision of fee was approved by the Corporation vide Resolution No.195 dated 17.11.2020 and the revised fees for permission was circulated vide No. South DMC / Addl. Cmr. (Engg.) / 2021/02 dated 05.01.2021 as under:-

"Rs 10,000/ (Rs. Ten Thousand) per month or Rs 1, 00,000/- (Rs. One Lakh) per annum, excluding sharing. In case of sharing, 25 % extra will be applicable per sharing in either mode of payment."

3. Aggrieved by the said Circular dated 05.01.2021, the Cellular Operators Association of India (COAI) as well as the Telecom & Infrastructure Provider Association (TAIPA) submitted their representation for reconsidering the same. The Hon'ble High Court in the matter of "MCD vs. Cellular Operators Assn. of India & Ors." (LPA No.572/2011) had directed on 14/04/2021 that the authorized representatives of the Cellular Operators of India and Municipal Corporations of Delhi are directed to meet in a bid to amicably resolve the issues.

4. In light of above, a revised proposal for permission fee was considered by the Corporation and vide Resolution No. 43 dated 19.07.2021 has approved the revised fees for permission of Cell Towers, etc. under the jurisdiction of South DMC as under:-

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S No.	Clause of Settlement / Agreement	Detail	Permission Fee
1	6 (b)	a. RTT/GBT/GBM	Rs.3,00,000/- for 05 years irrespective of sharing with effect from the date of installation/renewal provided the same falls in the period of 05 years prospective of 5.01.2021.
2	6 (d)	Pole sites per Operator up to 12 M height. Note: In case the height exceeds 12 mt. the rate as per Sl.No.1 shall be applicable.	Rs.25,000/- for 05 years per operator with effect from the date of installation/renewal provided the same falls in the period of 05 years prospective of 5.01.2021.

Note :-

- (A) In case of towers / poles installed without permission **before 05.01.2021**, the permission fee shall be charged as under:-
 - (i) For the period prior to **05.01.2021**: As per the then applicable rates mentioned in the Settlement / Agreement.
 - (ii) For the period subsequent to the **date 05.01.2021**: As per applicable rates mentioned in (1) & (2) above.
- (B) Every application shall be accompanied with a onetime fee of Rs.10,000/- to meet administrative expenses for examination of the application which will be in addition to the charges mentioned above.
- (C) The above permission fee shall be reviewed after 5 years or even earlier if so required. The remaining terms and conditions of Settlement / Agreement dated 30.01.2017 shall be unchanged. In case of any contradiction in RoW policy of SDMC and Settlement / Agreement dated 30.01.2017, the latter shall prevail.
- (D) The circular vide no. DMC/Addl. Cmr. (Engg)/2021/02 dated 05.01.2021 may be treated as withdrawn.

The remaining terms and conditions of the existing policy shall remain unchanged.

CHIEF ENGINEER (BLDG.) HQ. SDMC

Distribution:-

1. All Zonal Dy. Commissioners - South DMC.
2. All Chief Engineers - South DMC.
3. SE (B)HQ and All Zonal SEs - South DMC.
4. All Zonal EEs (B)-South DMC.
5. EE (EODB)/SDMC.

Copy to:-

1. Hon'ble Mayor, South DMC - for kind information.
2. Chairman, Standing committee, South DMC - for kind information.
3. Leader of Opposition, South DMC - for kind information.
4. PS to Commissioner, South DMC - for kind information of the Commissioner
5. All Additional Commissioners, South DMC
6. Director (IT) - South DMC - for uploading the policy on public domain

CHIEF ENGINEER (BLDG.) HQ.

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SOUTH DELHI MUNICIPAL CORPORATION
OFFICE OF THE ADDL. COMMISSIONER(ENGG.)
6th Floor: Dr. SPM Civic Centre: J.L. Nehru Marg New Delhi-110002

No. D/167/SE(W) Ho/ Addl Com(Engg) SDmc/17 Dated: 16/11/17

OFFICE ORDER


dh

SUB: PERMISSION/REGULARIZATION FOR INSTALLATION OF CELLULAR MOBILE PHONE TOWER/POLE SITE FALLING IN THE AREAS UNDER THE JURISDICTION OF SOUTH DELHI MUNICIPAL CORPORATION.

A settlement/agreement was executed on 30.01.2017 between the officers of all three Corporations and the representatives of various cellular operators and infrastructure provider companies. The Hon'ble High Court in LPA No.572/2011 vide order dated 28.08.2017 has stated that the settlement/agreement will be binding on both the parties. Accordingly, permission/regularization of mobile towers/pole sites will be granted in accordance with the settlement/agreement. A copy of Settlement/Agreement/High Court orders dt:28.08.17/Specimen of Application Format/Indemnity Bond & Self-Declaration by the applicant is enclosed.

This issues with approval of Commissioner.

Encl : As above.


ADDL. COMMISSIONER (ENGG.)

Distribution:

1. E-in-C.
2. Chief Town Planner.
3. Chief Law Officer.
4. All Chief Engineers.
5. Zonal Deputy Commissioners.
6. Zonal Superintending Engineers.
7. SE (B) HQ
8. All Executive Engineers (Bldg.)

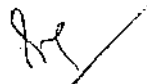
9. Cell Tower Companies / COA

Copy for kind information to:-

1. Commissioner.
2. Addl. Commissioners (Zones)

Copy for kind information also to:-

1. Hon'ble Mayor
2. Hon'ble Deputy Mayor
3. Hon'ble Leader of House
4. Hon'ble Leader of Opposition
5. Hon'ble Chairman, Standing Committee



ADDL. COMMISSIONER (ENGG.)

106-110-

3, 10/11/17 31/3/2023 5
IN DELHI MEDIATION CENTRE, TIS HAZARI COURTS, DELHI

In the matter of :

MCD Vs. Cellular Operators Association of India @ Ors.

Delhi
Tis Hazari Courts
Delhi-110054

LPA No. 572/2011

30.01.2017

Settlement/Agreement

- Present:
- Sh. Sanjay Yadav, Executive Engineer (Building HQ), SDMC.
 - Sh. Udit Ratna, Chief Town Planner, SDMC, and
 - Sh. Surinder Kumar, DLO, SDMC.

 - Sh. S.K. Mishra, Executive Engineer (Building HQ), NDMC.
 - Sh. A.D. Biswas, Chief Town Planner, NDMC

 - Sh. Sanjay Kumar, Executive Engineer (Building HQ), EDMC.
 - Sh. Rakesh Ailawadi, Chief Engineer (Building HQ), EDMC.
 - Sh. Sunil Kumar Mehra, Chief Town Planner, EDMC.

 - Sh. Manjul Rajpai, Advocate for Respondent no. 1, Cellular Operators Association of India

 - None for Respondent no. 2, AUSPI

 - None for Respondent no. 3, T.R. Dua and Respondent no. 4, S.K. Khanna

 - Khursheed Ahmed Bhatt, Regional Network Head for respondent no. 5, Aircel Ltd.

 - Sameer Chugh, Director (Legal and Regulatory) for respondent no. 6, Airtel.

 - None for respondent no. 7, MTNL

 - Sh. Sanjay Kumar Sinha, Sr. Manager (Legal) for respondent no. 9, Reliance Communication Ltd alongwith Sh. Gaurav Jain, Advocate.

 - Sh. Anuj Bhatia, AGM (Corporate Affairs) for respondent no .11, Vodafone Mobile Services Ltd.

 - Sh. Vikram Singh, Sr. Manager (Legal) for respondent no. 12, Indus Tower Ltd.

 - None for respondent no. 13, Department of Telecommunication.

 - Sh. Pankaj Kumar alongwith Sh. Satik Mahapatra, Advocate for Idea Cellular Ltd. (respondent in LPA No. 573/11)

 - Sh. Naresh Arora, V.P (Legal) and Sh. Raj Shekhar Rai, Advocate for ATC Telecom Infrastructure Private Ltd.

 - Sh. Parveen Sharma, Vice President, Corporate Affairs, Sh. Vineet Goel and Ms. Nayan Tara for Reliance jio Infocom Ltd.

 - Ms. Srishty Chadha, Sr. Executive (Legal) for GTL Infrastructure Ltd.

 - Sh. Sanjeev Kumar Tirthani, DGM (Legal) for Tower Vision India Pvt. Ltd.

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Branch Manager
Tis Hazari Courts, Delhi

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Sessions were held with the parties to facilitate negotiations.

Brief facts of the present cases as disclosed by the parties are that respondents in LPA No. 572/11 filed writ petitions bearing no. WP (C) 3267/2010, WP (C) 3423/2010, WP (C) 439/2010, WP (C) 13863/2009, WP (C) 14178/2009, WP (C) 14199/2009, WP (C) 2382/2010 and WP (C) 4084/2010 impugning Office Order dated 20.11.2003 Circular dated 7.02.2008 and Office Order dated 8.04.2010 issued by the MCD (Now represented by SDMC, EDMC and NDMC) levying fee and stipulating other conditions for grant of permission for installation of temporary structures/towers on rooftops for providing Cellular Basic Mobile Phone services. The said Writ Petitions were decided vide order dated 29.04.2011 passed by Hon'ble Mr. Justice Rajiv Saha: Endlaw. Feeling aggrieved, MCD (Now represented by SDMC, EDMC and NDMC) filed the LPA No. 572/11, against Cellular Operators in the LPAs as detailed hereinabove. Vide order dated 22.07.2016 passed in LPA No. 572/2011, the dispute between the concerned parties was referred for mediation.

The concerned parties after negotiations have agreed to settle their disputes as per the terms and conditions as contained in Annexure 'A'.

Sh. Surendra Kumar, Deputy Law Officer, SDMC informed that terms and conditions mentioned in Annexure 'A' are as per resolution of the Standing Committee and decision of Corporation.

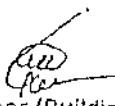
It is clarified that this settlement shall be applicable within the jurisdiction of MCD (Now represented by SDMC, EDMC and NDMC) and shall not be taken as a precedent for other States in similar dispute.

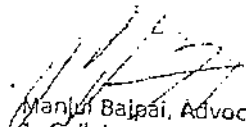
It is also clarified that this settlement is arrived between the concerned parties without prejudice to their submissions made or to be made before the Court.


The present Settlement Agreement is subject to all applicable laws, rules, regulations etc., including the Indian Telegraph Right of Way Rules, 2016 dated 15.11.2016, and these Rules shall be placed before the Hon'ble High Court of Delhi by the parties for its consideration.

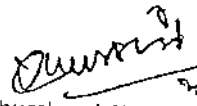
The companies namely ATC Telecom Tower Co. and ATC Telecom Infrastructure Private Limited, GTL Infrastructure Ltd. and Tower Vision India Pvt. Ltd. have settled keeping in mind the status and importance attached to the National Capital Territory (NCT) of Delhi as the Capital of India and more importantly, in view of the explicit assurance by the COAI and all its member companies to bear the entire financial impact that the acceptance of this proposal would entail on them.

The said agreement shall be binding on those Operators who participated and in agreement of the proposal of the Cellular Operators Association of India and agreed by the Corporation.


Sanjay Yadav,
Executive Engineer (Building HQ),
SDMC,


Manjun Baijpai, Advocate for Respondent no.
1, Cellular Operators Association of India


Udit Ratna,
Chief Town Planner, SDMC,

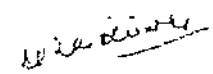

Khurshheed Ahmed Bhatt, Regional Network
Head for respondent no. 5, Aircel Ltd.


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Branch: ...
...
... Delhi


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S.K. Mishra, Executive Engineer
(Building HQ), NDMC.

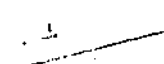
Sameer Chugh, Director (Legal and
Regulatory) for respondent no. 6, Airtel.



A.D. Biswas, Chief Town Planner, NDMC


Anuj Bhatia, AGM (Corporate Affairs) for
respondent no .11, Vodafone Mobile
Services Ltd.

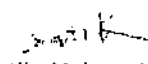

Sanjay Kumar, Executive Engineer
(Building HQ), EDMC.

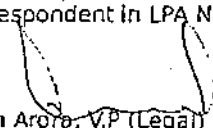

Vikram Singh, Sr. Manager (Legal) for
respondent no. 12, Indus Tower Ltd.

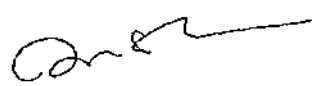

Sh. Rakesh Ailawadi, Chief Engineer
(Building) HQ, EDMC



Pankaj Kumar Advocate for Idea Cellular
Ltd. (respondent in LPA No. 573/11)

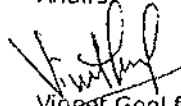

Sunil Kumar Mehra, Chief Town
Planner, EDMC.

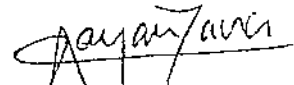

Satik Mahapatra, Advocate for Idea Cellular
Ltd. (respondent in LPA No. 573/11)

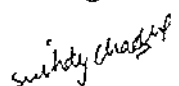

Naresh Arora, V.P (Legal) for ATC Telecom
Infrastructure Private Ltd.

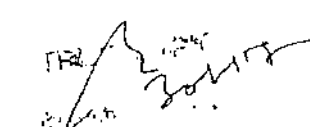

Raj Shekhar Rao, Advocate for ATC Telecom
Infrastructure Private Ltd.


Parveen Shama, Vice President, Corporate
Affairs.


Vineet Goel for Reliance Jio Infocom Ltd.


Nayan Tara for Reliance Jio Infocom Ltd.


Srishty Chadha, Sr. Executive (Legal) for GTL
Infrastructure Ltd.


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Sanjeev Kumar Trithani, DGM (Legal) for
Tower Vision India Pvt. Ltd.

The contents of the settlement have been explained to the parties in vernacular and they have understood the same and have admitted the same to be correct. Settlement proceedings be sent to the Hon'ble Delhi High court.

Dr. Sudhir Jain
(Dr. Sudhir Kumar Jain)
Judge Incharge,
Mediation Centre
Tis Hazari Courts,
Delhi/30.01.2017

TRUE COPY
[Signature]
Bhavendra Singh
Mediation Centre
The Hon'ble Delhi High Court

187-115

43/1

Deed of Settlement

7

Delhi Municipal Corporation
To
The
Chairman

ANNEXURE 'A'

SUB: SETTLEMENT FOR PERMISSION FOR INSTALLATION OF TEMPORARY STRUCTURE FOR CELLULAR MOBILE PHONE TOWER / SERVICES FALLING IN THE AREAS UNDER THE JURISDICTION OF SOUTH / NORTH / EAST DELHI MUNICIPAL CORPORATION

Amrinder Singh

- (1) Standing Committee in its meeting held on 04.08.2016 vide Resolution No. 73 - Item No.44; and (2) the Corporation, vide its Resolution No. 208 dated 19.09.2016 as circulated vide letter No. F.33/Corp./HC/870/C&C dated 14.10.2016, resolved
- (2) Standing Committee in its meeting held on 7.9.2016 vide Resolution No.151 Item No.57 and (2) the Corporation, vide its Resolution No.263 dated 17.10.2016 as circulated vide letter No. F.33/corp. Committee/HC/988/C&C dated 8.11.2016
- (3) Standing Committee in its meeting held on 8.9.2016 vide Resolution No. 68 Item No.30 and (2) the Corporation, vide its Resolution No 79 dated 26.9.2016 as circulated vide letter No. F .33/Corporation/746/C&C dated 4.10.2016.

1. Application to Delhi Urban Art Commission (DUAC) or Delhi Fire Service (DFS), in cases where the tower is installed on the buildings covered under the guidelines of DUAC or DFS wherever applicable shall be submitted at the single window.

NOC of Archaeological Survey of India (ASI), Airports Authority of India (AAI) (only in case if the location is marked in red zone in Colour Coded Zoning Map (CCZM) specified by AAI), wherever applicable.

In sites which do not have a generator set and are powered only with electricity mains and secondary batteries, the clearance from Delhi Pollution Control Committee (DPCC) will not be required.

Delhi Metro Rail Corporation (DMRC) application shall only to be submitted in case the GBT / RTT is in the DMRC notified corridors, wherever applicable, will be obtained.

In case such NOCs have already been obtained by the applicant company, the copy of same will be submitted to the Corporation.

Amrinder Singh

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2. Structural stability certificate from any one of the following six institutions are required to be obtained by the Cellular and Basic Cellular Operators/registered IP-1:

- (a) Indian Institute of Technology (IIT), Delhi;
- (b) Indian Institute of Technology (IIT), Roorkee;
- (c) Central Building Research Institute (CBRI), Roorkee
- (d) Rail India Technical & Economic Services Ltd (RITES), Delhi;
- (e) National Council for Cement & Building Material, 34 KM Stone, Delhi Mathura Road, Faridabad (Haryana);
- (f) Any Government Engineering College in Delhi and National Capital Region;

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3. In case of buildings which were unauthorized or which may be so declared at a later point of time, permission for installation of tower shall be granted on fulfillment of all the conditions. However, that shall not imply any change whatsoever in the status of the unauthorized building and shall be without prejudice to the right of MCD to demolish the said building through the due process of law. MCD will inform the concerned licensee/ registered IP-1 in advance (before 15 working days) or as per the Court Order on the demolition and grant sufficient time to remove the equipment.

An indemnity Bond to this effect will be submitted by the company. But the Corporation will not be liable to inform the Cell Tower Operator or infrastructure provider before taking action against the unauthorized building.

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4. The licensees or registered IP-Is may share the towers for fixing their respective antennas provided that the prescribed conditions are duly fulfilled so as to ensure curtailing of multiple towers and optimizing the use of the existing ones. There shall be no additional charges for the sharing of towers.

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5. As per guidelines of Department of Telecommunications (DOT), a Copy of application for Standing Advisory Committee on Frequency Allocation (SACFA) clearance acknowledged by WPC Wing of Department of Telecommunication, Govt. of India with registration number for the individual location will be submitted alongwith the application for new towers in the Corporation and the SACFA clearance, when obtained will be submitted within 6 months of granting permission. The self-declaration in this regard will be submitted by the applicant. In case of existing mobile towers the SACFA clearance, wherever available, will be submitted alongwith the application in the Corporation.

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For sites to be installed in the areas marked under red zone as per CCZM specified by AAI. NOC from AAI/ SACFA clearance will be submitted.

Further, compliances of Clause No 9.2.5(c) and (d), after 9.2.5(b) in Chapter-9 (Provisions for Structural Safety, Natural Disaster, Fire and Building Services) of the newly notified Unified Building Bye-Laws-2016 shall be ensured.

" FEE :The Fee will be as below:

a Towers Roof Top Tower (RTT) /Ground Based Tower (GBT)/ Ground Based Mast (GBM) until Jan 1, 2015.

i For the period 08.04.2010 to 31.12.2014

Rs. 150,000/- for 5 years irrespective of sharing with effect from the date of installation

b Prospective from 01.01.2015 for RTT/GBT/GBM

Rs.200,000/- for 5 years irrespective of sharing with effect from the date of installation

c. For towers installed prior to issue of policy dated 08.04.2010 of erstwhile Municipal Corporation of Delhi under the Policy of 2003, if charges were previously deposited under the previous policy of the year 2003, then no additional charges shall be required to be submitted. If such fee was not paid, then the fees payable shall be Rs. 100,000/- till 08.04.2010. For subsequent years, charges to be paid as per a & b above.

d. Pole sites: Pole sites per Operator up to 12 M height

- i. Rs.20,000/-
- ii. Duration 5 years
- iii. With effect from 01.01.2016

e. All payments made under protest as per the interim Order of the Delhi High Court dated May 31, 2010 shall be adjusted against amounts to be paid as specified above, either for the sites installed between 2010 - 2014 and also post January 2015

7 The licensees and registered IP-Is shall be responsible for any damage to life or property caused by the Pole/Tower/Mast, in case it is proven that the damage has been caused solely due to Pole/Tower/ Mast. Accordingly, an Indemnity Bond in this regard will be submitted

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11/11/23 *for* *Dr. K. K. Sharma*

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8. For providing generator set for new mobile tower and tower installed till 01.01.2016, a copy of the type test certificate issued by Automotive Research Association of India (ARA) to the manufactures of the Diesel Generator (DG) Sets as per guidelines issued by DOT will be submitted alongwith the application.

For generator set installed on mobile towers installed prior to 01.01.2016, certificate from Delhi Pollution Control Committee (DPCC) or its authorized agency will be submitted within 6 months of date of issue of this Policy.

9. The Operator shall ensure the safety guidelines issued by DOT in this regard. However, a Self-Declaration in this regard will be submitted by the applicant.
10. The responsibility and authority for sharing alongwith requisite fee shall lie with the applicant company.
11. The complaints relating to EMF emissions, if any will be referred to Department of Telecommunication/ TERM Cell, Government of India.
12. The mobile towers installed without permission post-issuance of this Policy will be regularized as per rules alongwith the penalty @ 25% of the requisite permission fee as per clause 6.

13. The applicant will submit as below:

- A. For CGHS: NOC/ Copy of Agreement from the Management Committee/ Administrator;
- B. For DDA/ Group Housing: NOC/ Copy of Agreement from RWA of that Group Housing;
- C. For plotted development:
 - (a) For RTT & GBT - NOC from all the owners of the building and Copy of Agreement from owner of roof rights.
 - (b) For RTPs - Copy of agreement from owner of roof rights.

14. Application

- (a) The application will be submitted by Telecom Service Provider Company or Infrastructure Provider Company having valid license from the Department of Telecommunication, Govt. of India
- (b) The applicant company will submit the building plan and location plan of the existing

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building duly signed by the applicant and Structural Engineer for RTT and RTPs.

- (c) Copy of relevant license/infrastructure provider registration certificate of the company issued by the Department of Telecommunication, Govt. of India is to be given.
- (d) In case of violation of the terms & conditions, the permission may be withdrawn after granting opportunity of hearing to the applicant.

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15. Revised guidelines shall be prepared from time to time based on the guidelines issued by the Department of Telecommunications, Government of India and the policy of the Corporation.

16. Checklist which will be applicable from date of issuance of this Policy:

List of Documents to be submitted to Municipal Corporation:

- (i) For RTT GBT/GBM
 - a. Application submitted to Delhi Urban Art Commission, wherever applicable;
 - b. Application submitted to Delhi Fire Service, wherever applicable;
 - c. Structural Safety Certificate;
 - d. SACFA Application;
 - e. Self-declaration for SACFA clearance, when obtained, within 6 months;
 - f. Copy of type test certificate issued by ARAI to the manufacturer of the DG sets, if applicable;
 - g. Indemnity Bond as per clause 3 and 7;
 - h. Self - declaration as per clause 5;
 - i. The applicant will submit as below:
 - (a) For CGHS: NOC/ Copy of Agreement from the Management Committee/ Administrator;
 - (b) For DDA/ Group Housing: NOC/ Copy of Agreement from RWA of that Group Housing;
 - (c) For plotted development:
 - 1. For RTT/ GBT/GBM - NOC from all the owners of the building and Copy of Agreement from owner of roof rights.
 - 2. For RTPs - Copy of agreement from owner of roof rights.
 - j. Tower/ mast design duly signed by the applicant and Structural Engineer;

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- k. Copy of relevant license/infrastructure provider registration certificate of the company issued by the Department of Telecommunication, Government of India is to be given;

(iii) For Pole sites

- a. Application made to Delhi Urban Art Commission wherever applicable;
- b. Application made to Delhi Fire Service wherever applicable
- c. SACFA Application.
- d. Self-declaration for SACFA clearance when obtained within 6 months;
- e. Copy of type test certificate issued by ARAI to the manufacturer of the DG sets, if applicable
- f. Indemnity Bond as per clause 3 & 7
- g. Self-declaration as per clause 5 & 9
- h. The applicant will submit as below

For CGHS: NOC/ Copy of Agreement from the Management Committee/ Administrator

ii. For DDA/ Group Housing: NOC/ Copy of Agreement from RWA of that Group Housing

iii. For plotted development

- 1. For RTI & GBT - NOC from all the owners of the building and Copy of Agreement from owner of roof rights
- 2. For RTPs - Copy of agreement from owner of roof rights

- i. Copy of relevant license/infrastructure provider registration certificate of the company issued by the Department of Telecommunication, Govt of India is to be given.

17. Processing of Applications:

- a. The concerned Zonal Engineer will act as a Nodal Officer for granting permission for new mobile towers and for regularization of existing illegal mobile towers as per law
- b. All applications will be processed as per the above settlement
- c. Permission shall be granted in a time bound manner which shall not exceed 30 (thirty) calendar days from the date of filing of application, in cases where no external approvals (such as DUAC, DFS, AAI, DMRC AS etc.) are required, shall be treated as deemed permission

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- d. 30 calendar days window for clearance will commence once all the documents (as per the check-list given in Para No. 16) are submitted.
- e. The Municipal Corporation will forward the Application within 07 working days of receipt by the concerned Nodal Officer for permission from agencies other than Municipal Corporation (such as DUAC, DFS, AAI, DMRC, ASI, etc.).
- f. The deemed permission will not exempt the applicant from deposition of application charges and submission of requisite documents and clearances. The application will be submitted by the applicant company along ownership document of the building / floor, NOC / agreement of the owner and other requisite documents and fee. The cases having all the requisite documents will be referred to other Departments as applicable within 10 days. The deficiency, if any, will be communicated by the Building Department to the applicant company within 10 days and after receipt of all the requisite documents, the case will be forwarded to other Departments as applicable within next 10 days. After receipt of the clearances of all the Departments, as applicable, the permission will be granted within 10 days.
- g. A copy of the permission will be sent by Building Department to A&C Department for imposing requisite tax.

W *8/11/2023*

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(APPLICATION FORMAT FOR RTT/GBT/GBM)

REF NO.....

14

Dated:

The Executive Engineer (Building),
_____ Zone.

South Delhi Municipal Corporation,

Subject: Application for permission / regularization with respect to installation of GBM/GBT/RTT/site at Property no.....

Reference: Settlement /Agreement dated 30.01.2017 regarding grant of permission for tower installation and High Court order dated 28.08.2017 passed in LPA No. 572/2011.

Dear Sir,

I/We, Sh....., Authority signatory of M/s..... (herein after referred as "Applicant Company") is incorporated under the provisions of the Companies Act,1956, having its Circle office at

In reference to the terms agreed in the settlement/ Agreement dated 30.01.2017 as approved by Hon'ble High Court vide order dated 28.08.2017, applicant is enclosing herewith documents as prescribed in the settlement / Agreement dated 30.01.2017. Copy of the settlement deed and copy of the order passed by Hon'ble Delhi High Court is enclosed herewith as Annexure-A,

In pursuance of the aforesaid settlement, Clause No. 16 (I), we are enclosing herewith the documents as under:

Sr. no.	Documents	Annexure
A	Application made to Delhi Urban Art Commission as per clause no.1	
B	Application made to Delhi fire Service as per clause no.1	
C	NOC from ASI,DMRC,DPCC,AAI (where ever applicable) as per clause no.1	
D	Structural Stability Certificate as per clause no.2	
E	SACFA application	
F	Self-declaration for SACFA Clearance when obtained within six months	
G	Type test certificate issued by ARAI to the manufacturing of the DG set (where DG Set is installed)	
H	Indemnity Bond as per Clause 3&7	
I	Self-declaration as per Clause 5	
J	NOC as per Clause 16.(I) (i) (a)/(b)/(c)	
K	Tower/ Mast design duly signed by the Applicant and Structural Engineer.	
L	Copy of part LOP/ Site plan/ Roof Top Plan etc showing the location of the property	
M	Copy of relevant Licence / infrastructure provider registration certificate of the Applicant Company issued by the Deptt. Of Telecommunication Govt of India.	
N	Copy of Power of Attorney of the authorised signatory of the Applicant Company	
O	Details of fees	

You are kindly requested to consider our application in light of the above documents and grant permission within the prescribed period.

For..... Ltd.

Name & Designation
(Authorized Signatory)
Encl. As above

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(APPLICATION FORMAT FOR RTP- Pole Site)

REF NO.....

15

Dated:

The Executive Engineer (Building).

Zone.

South Delhi Municipal Corporation.

Subject: Application for permission / regularization with respect to installation of Pole site at

Reference: Settlement deed dated 30.01.2017 regarding grant of permission for tower installation and High Court order dated 28.08.2017 passed in LPA No. 572/2011.

Dear Sir,

I/We, Sh....., Authority signatory of M/s..... (herein after referred as "Applicant Company") is incorporated under the provisions of the Companies Act,1956, having its Circle office at

In reference to the terms agreed in the settlement/ Agreement dated 30.01.2017 as approved by Hon'ble High Court vide order dated 28.08.2017, applicant is enclosing herewith documents as prescribed in the settlement / Agreement dated 30.01.2017. Copy of the settlement deed and copy of the order passed by Hon'ble Delhi High Court is enclosed herewith as Annexure-A,

In pursuance of the aforesaid settlement, Clause No. 16 (II), we are enclosing herewith the documents as under:

Sr. no.	Documents	Annexure
A	Application made to Delhi Urban Art Commission , as per clause no.1	
B	Application made to Delhi fire Service as per clause no.1	
C	NOC from ASI,DMRC,DPCC,AAI (where ever applicable) as per clause no.1	
D	Structural Stability Certificate as per clause no.2	
E	SACFA application	
F	Self - declaration for SACFA Clearance when obtained within six months	
G	Type test certificate issued by ARAI to the manufacturing of the DG set (where DG Set is installed)	
H	Indemnity Bond as per Clause 3&7	
I	Self -declaration as per Clause 5 &9	
J	NOC as per Clause 16.(II)	
K	Copy of part LOP/ Site plan/ Roof Top Plan etc showing the location of the property	
L	Copy of relevant Licence / infrastructure provider registration certificate of the Applicant Company issued by the Deptt. Of Telecommunication Govt of India.	
M	Copy of Power of Attorney of the authorised signatory of the Applicant Company	
N	Details of fees	

We request you to kindly consider our application in light of the above documents and grant permission within the prescribed period.

For..... Ltd.

Name & Designation
(Authorized Signatory)
Encl. As above

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INDEMNITY BOND

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(Common as per clause 3&7)

Applicable for RTT/GBT/GBM/Pole Site (RTP)

This Indemnity Bond is executed by Mr. _____ Authorized Signatory of M/s

.....
(herein after called the "INDEMNIFIER"), a Company incorporated under the provisions of the Companies Act, 1966, having its Circle office at _____, in favour of South Delhi Municipal Corporation do hereby solemnly affirm and declare as under:-

1. That the INDEMNIFIER is seeking permission for installation of RTT/GBT/GBM/ tower/s Pole Site on the roof of the Property No. _____ from the South Delhi Municipal Corporation.
2. That the INDEMNIFIER is Telecom Service Provider / Infrastructure Provider (category-I) (IP-1) and is entitled to establish, maintain and provide telecommunication service / infrastructure which inter alia includes towers, poles and other allied equipment.
3. That the INDEMNIFIER shall be responsible for any damage to the building and for public safety for the temporary equipment/ poles installed on the above mentioned Premises.
4. That the INDEMNIFIER hereby declare that all the condition of the settlement agreement dated 30.01.17 shall be adhered to before and after the installation of the said RTT/GBT/GBM/ tower/s Pole Site on the roof of the Property No. _____.
5. That the INDEMNIFIER shall be responsible for any dispute/ court case arises in future in this regard the SDMC shall be kept harmless from the all liabilities and the SDMC shall be liberty to revoke the permission as granted by the SDMC and no equity shall be claimed in this regard.
6. That the INDEMNIFIER fully understands that in case of buildings, which were unauthorized or which may be so declared at a later point of time, permission for installation of towers shall be granted on fulfillment of all the above conditions. However, that shall not imply any change whatsoever in the status of the unauthorized building and shall be without prejudice to the right of South Delhi Municipal corporation, to demolish the said building through the due process of law. But the corporation will not be liable to inform the Cell Tower Operator or infrastructure provider before taking action against the unauthorized building.

IN WITNESSES WHEREOF THE INDEMNIFIER, as aforesaid, said set and subscribed his hand on these presents on the day, month and year first above written.

(SIGNATURE OF INDEMNIFIER)

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SELF DECLARATION
(As per Clause 5)

Annexure -

Applicable for RTT/GBT/GBM/ Pole Site (RTP)

This declaration is made by Mr. _____, Authorized Signatory on behalf of m/s _____ having its office at _____, and do hereby undertake as under that;

1. That the Authorized Signatory is seeking permission for installation of RTT/GBT/GBM/ tower/s Pole Site on the roof top of the Property No. _____ from the South Delhi Municipal Corporation.
2. That as per guidelines of Department of Telecommunications (DOT), a Copy of application for Standing Advisory Committee on Frequency Allocation (SACFA) clearance acknowledged by WPC Wing of Department of Telecommunication, Govt. of India with registration number for the individual location will be submitted along with the application for new towers in the Corporation and the SACFA clearance, when obtained will be submitted within 6 months of granting permission.
3. That in the event, if the SACFA Certificate is not provided within six months, the South Delhi Municipal Corporation shall be at liberty to take action against company including revocation of the permission.

Authorized Signatory

Name & Designation.

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Annexure -

SELF DECLARATION
(As per Clause 9)
Applicable for RTT/ GBT/GBM/Pole Site (RTP)

This declaration is made on this _____ by Mr. _____, Authorized Signatory on behalf of _____ having its office at _____ and do hereby undertake as under that;

1. That the company is seeking permission for installation of RTT/GBT/GBM/ tower/s Pole Site on the roof top of the Property No. _____ from the South Delhi Municipal Corporation.
2. The company shall ensure compliance with the Safety guidelines Issued by DOT in regard to the operation of Telecom Towers/ Pole Sites and the company shall be responsible for any damage to the building and for public safety for the temporary equipment/ poles installed on the above mentioned Premises.
3. That the Company hereby declares that all the condition of the settlement agreement dated 30.01.17 shall be adhered to before and after the installation of the said RTT/GBT/GBM/ tower/s Pole Site on the roof of the Property No. _____

Authorized Signatory

Name & Designation.

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Policy for permission of setting up Communication Cellular Mobile
Towers on Wheels (COWs) in South Delhi Municipal Corporation areas.

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Government of India, Ministry of Communication (Dept. of Telecommunication) has notified rules to regulate underground infrastructure (Optical Fiber) and over-ground infrastructure (Mobile Towers) Rules vide Notification dated 15th November, 2016, which was published in Gazette of India on 16th November, 2016.

A perusal of the notification by the Law Dept. shows that the SDMC being a local authority is covered under the definition of appropriate authority and it can exercise the powers with respect to framing of policies, terms and conditions within the rules framed by the Central Govt. and conditions governing the license u/s 430 of the DMC Act, 1957.

COW is a temporary structure and can be installed at Public places, Markets, Parks, on Road sides, Parking areas & Open spaces within Departments' premises & any other place, as deemed fit by SDMC.

1. Any telecom company/service provider having valid license from the Dept. of Telecommunication, Ministry of Communications, Govt. of India can apply for grant of permission for installation of COW within the jurisdiction of SDMC, on following terms & conditions:

1. The Cellular on Wheels (COW) shall be set up in public places like parking lots, parks, markets, other vacant spaces and along road sides (wherever possible) etc.
2. The maximum area per COW shall be allotted upto 50 sq.mtrs. with maximum width up to 8 meters (including the space required for guy wires /anchor wires etc.).
3. The monthly rental charges for the land allotted for COW shall be @ Rs.339/- (Rs. Three Hundred Thirty Nine only) per sq.ft./per month + applicable taxes (including co-sharing with other Telecom Service Providers). The monthly rental charges for the land allotment shall be enhanced after every three years @ 8% per annum, compounding on yearly basis. Besides, the revision of rates will be within the absolute discretion of the SDMC.
4. The SDMC will provide bare space for placement and operational requirement for the COW for a maximum period of three years and minimum period of three months and the telecom company/service provider will follow all relevant guidelines of Department of Telecom, TRAI, etc. in this regard. If the telecom company/service provider need to operate the allotted land after completion of maximum period of three years then the telecom company/service provider can apply three months prior to expiry of three years period of the allotment and the request/application of the telecom company/service provider will be treated as AFRESH.
5. The location of the site will be finalized after conducting the joint survey with the SDMC staff as well as the representative from telecom company/service provider and the decision of the SDMC will prevail.

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Since the COW is a temporary structure and can be installed at the following places :-

- a) Public places
- b) Markets,
- c) Parks,
- d) On Road sides,
- e) Parking areas &
- f) Open spaces within Departments' premises
- g) Any other place, as deemed fit by SDMC

For joint survey and finalization of the location of the site, teams can be formed at Zonal level comprising of officials from Building Department, Maintenance Department, R.P. Cell (for 'a', 'b', 'd' 'e' & 'g' above), Land & Estate Dept. (for 'f' above), Horticulture Department (for 'c' above) and representative from the respective telecom company/service provider.

6. SDMC in its own capacity reserves the right to out-rightly reject any application without assigning any reason.
7. The maximum height of any structural element installed with COW will be upto 30 mtr. above the ground level at any location.
8. The COW shall be installed for the enhancement of mobile signal and the SDMC will reserve the right to ensure that there is no violation of the same.
9. The telecom company/service provider shall take the site on "As Is where is basis".
10. All the sites will be tentative and are subject to change of site by SDMC for which the telecom company/service provider will not seek any adjustment in the monthly rental charges or any claim, compensation, damages or any other consideration whatsoever. It will be the absolute discretion of the Corporation to direct re-location of the already allotted site in case of any need as may be deemed appropriate by the Corporation.
11. The infrastructure facilities such as electric connection shall be arranged by the telecom company/service provider and the cost of electric connection including cabling, panel, electric meter, electric charges and other ancillary charges, shall be borne by the company/service provider. The telecom company/service provider will ensure that all the electric wiring, gazettes are used and maintained properly and are in good conditions.
12. The space up to the maximum of 50 sq.mtrs. will be considered including all these facilities and no excess space will be covered by the telecom company/service provider on any pretext. (It will be the absolute discretion of SDMC to determine and allow the space upto 50 sq.mtrs.)
13. The telecom company/service provider at its own cost shall take the necessary statutory permissions / certificates if required for the same from any other agency or dept. as per law and will submit the following documents:-
 - a) The telecom company/service provider will indemnify the SDMC to keep harmless from all losses / damage/ fire.
 - b) No Objection Certificate from Archaeological Survey of India (ASI) (wherever applicable)
 - c) No Objection Certificate from Airports Authority of India (AAI) (only in case if the location is marked in 'Red' Zone in Colour Coded Zoning Map (CCZM) specified by AAI).
 - d) As per guidelines of Department of Telecommunications (DOT), a copy of application for Standing Advisory Committee on frequency Allocation (SACFA) clearance acknowledged by WPC Wing of Department of Telecommunication, Govt. of India with registration number for

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- the individual location will be submitted along with the application for new towers in the Corporation and the SACFA clearance, when obtained will be submitted within 6 months of granting permission. The self-declaration in this regard will be submitted by the applicant. In case of existing mobile towers the SACFA clearance, wherever available, will be submitted along with the application in the Corporation.
14. The telecom company/service provider shall install/operate the COW within the designated site and shall maintain the same in neat and sanitary conditions and comply with all applicable laws of the country.
 15. The telecom company/service provider shall ensure high standard of hygienic and cleanliness so as to create a clean and healthy environment to enhance the image of SDMC. In case the telecom company/service provider fails to maintain the same, the fine as per applicable laws will be imposed on it. In this regard, the directions/guidelines of the Hon'ble Court or the departments/agencies shall be followed.
 16. Any physical (or otherwise) damage or injury to the commuters / passersby due to lapse on the part of the telecom company/service provider will be the sole responsibility of the telecom company/service provider only and the SDMC will have no legal obligations or liabilities towards the injured. The telecom company/service provider will indemnify and can be indemnified the SDMC for any losses on this account.
 17. The telecom company/service provider will ensure that fire detection, lightning and special measures are installed at the applicable site and are kept in good condition.
 18. The telecom company/service provider agrees voluntarily and unequivocally to provide unfettered access to the authorized representative of the SDMC for inspection at any time and agrees voluntarily and unequivocally to abide by and comply with all instructions as may be indicated by the SDMC. Non compliance will be treated as breach and permission, so granted, will be revoked.
 19. Encroachment: - The telecom company/service provider will strictly not encroach upon any area and shall restrict to allotted site only. In case, the telecom company/service provider encroaches upon the public land, the SDMC reserves the right to revoke the permission and forfeit the interest free performance security.
 20. Security Arrangement: - The telecom company/service provider will ensure safety and security of the equipments installed at the allotted sites and will be responsible for safety and security of the sites. The SDMC in any case will not take any responsibility of theft/ loss.
 21. No Signage: - The telecom company/service provider shall not be allowed to install any type of signage (commercial/non-commercial) for any purpose inside/or outside the sites. In case, the telecom company/service provider installs any type of signage (commercial/non-commercial) for any purpose inside/or outside the sites, a fine of Rs.10,000/- (Rupee Ten Thousand) per day per site will be imposed upon the company/service for a maximum period of seven days, after which SDMC reserves the right to revoke the permission w.r.t. such site(s) without any notice/communication.
 22. Compliance with the Law: - The sites 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 sites. The telecom company/service provider at its sole risk and expense, at all times during the term thereof promptly comply with all such requirements. The telecom company/service provider shall comply with all applicable statutes,

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- rules and regulations of central, state governments, municipal bodies, and all applicable rules and also regulations of the Delhi Fire department. The telecom company/service provider 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 telecom company/service provider.
23. The selection of site for installation of COWs and its operation shall be such that it should not disturb the free movements of the traffic/public and shall preferably be away from the school/hospital and places where heavy traffic and public movement is being done.
 24. The COW may include the base of the tower on wheels subject to fulfilment of the safety measures and structural stability.
 25. For providing generator set for COW, a copy of the type test certificate issued by Automotive Research Association of India (ARAI) to the manufactures of the Diesel Generator (D) Sets, as per guidelines issued by DOT will be submitted along with clearance of DPCC.
 26. The telecom company/service provider shall ensure the safety guidelines issued by DOT in this regard. However, a Self-Declaration in this regard will be submitted by the applicant.
 27. For COWs existing before issue of this Policy, telecom company/service provider, at the time of regularization within 30 days of notification of Policy, will have to pay arrears from the date of their existence with penalty @ 25% over and above the monthly rental charges. If any COW is found installed without permission after 30 days of issue of this Policy then it shall be regularized after payment of penalty @ 50% over and above the monthly rental charges. The rental charges as well as the penalty will be charged on monthly basis. For date of existence of COW, the telecom company/service provider will have to submit an affidavit along with other requisite documents.
 28. After expiry of the period of permission due to efflux of time or termination of the permission whichever is earlier, a 15 days period will be provided to the telecom company/service provider to remove its material from the sites and peacefully handover the vacant sites.
The telecom company/service provider shall vacate the sites by taking away all its articles and hand over the vacant sites before such period otherwise the SDMC shall have the right to seize these materials. Unauthorized occupancy charges (equivalent to twice the monthly rental charges) will be levied after expiry of such 15 days Grace Period.
 29. Transfer: The telecom company/service provider, during the tenure of permission shall not transfer, assign or part with the sites or any portion thereof permanently or temporarily to anybody else and shall not be allowed to take any person to share the towers, except in accordance with this permission, without the prior permission of the SDMC.
 30. Assignment and Subletting: - Any form of assigning the right to the permission or subletting the whole or part thereof of the sites, will strictly not be allowed at any point during the period of permission and violation of the same, will lead to the revocation of the permission, with the SDMC reserving the right to forfeit all interest free performance security and payments made.
 31. Duration of permission period: - The permission shall be for a period of 3 (three) years from the date of issue of permission letter. Such permission would remain applicable subject to fulfilment of the terms and conditions, and such permission should expire with efflux of time. The monthly rental charges will be charged from the date of issue of permission letter.
 32. Compliance with applicable Laws: - The telecom company/service provider 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 as per law and it is agreed they shall at no

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point of time be or construed to be employees of the SDMC and the telecom company/service provider 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.

- 33. Employees conduct: - The telecom company/service provider 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.
- 34. For dispute of any kind, the jurisdiction of courts will be Delhi only.

II. FEE STRUCTURE:-

- A) Administrative charges = Rs. 10,000/- (Rs. Ten Thousand) per COW. (NON-REFUNDABLE)
- B) A monthly rental charge for land allotted is Rs.339/- (Rs. Three Hundred Thirty Nine only) per sq.ft./ per month.
- C) For COWs existing before Issue of this Policy, telecom company/service provider, at the time of regularization within 30 days of notification of Policy, will have to pay arrears from the date of their existence with penalty @ 25% over and above the monthly rental charges. If any COW is found installed without permission after 30 days of issue of this Policy then it shall be regularized after payment of penalty @ 50% over and above the monthly rental charges. The rental charges as well as the penalty will be charged on monthly basis. For date of existence of COW, the telecom company/service provider will have to submit an affidavit along with other requisite documents.
- D) Applicable taxes
- E) After Issuance of permission letter by the SDMC, the telecom company/service provider should submit three months advance fee and two months of fee as security deposit. Security deposit will be refunded after expiry of the allotted period. If security is deposited in the form of Bank Guarantee then the validity of Bank Guarantee will be period of permission plus three months. The Bank Guarantee should be drawn on any Nationalised Bank within the jurisdiction of Delhi only.
- F) Payment Terms: The advance amount equivalent to three months rental charges paid by the telecom company/service provider shall be adjusted towards the monthly rental charges for first three months in respective first three months.

Thereafter, the telecom company/service provider shall submit to the SDMC, the advance monthly rental charges per month for each site and other dues, if any, on or before 7th day of the month through online payments.

Non-payment of monthly rental charges and other dues within the prescribed date will constitute breach of the terms of permission and shall render the permission liable to be revoked. Besides, the telecom company/service provider shall pay an interest of 15% per annum on the amounts of permission and other dues payable remaining outstanding after the due date and falling in arrears. Interest shall continue to accrue till the monthly rental charges and other dues are finally squared up. Such interest shall be charged for the full month if the payment of monthly rental charges and other dues are not made by the due date with arrears, if any. In case, payment remain outstanding for a maximum period of 45 days, the permission shall stand terminated.

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III. S.O.P.FOR GRANT OF PERMISSION

Application for grant of permission will be submitted by the telecom company/service provider having valid license from the Dept. of Telecommunication, Ministry of Communications, Govt. of India.

List of documents to be submitted along with application to Remunerative Project Cell, SDMC, 25th Floor, Dr.S.P.Mukherjee Civic Centre, Jahawahar Lal Nehru Marg, New Delhi - 110 002

- i. Copy of relevant license issued by the Dept. of Telecommunication, Govt. of India and copy of registration certificate of the company.
- ii. The telecom company/service provider will submit the plan and location plan of the COW duly signed by the applicant and the Structural Engineer. The Plan should include the extent of land required for establishment of the over ground telegraph infrastructure for COW;
- iii. No Objection Certificate from Archaeological Survey of India (ASI) (wherever applicable)
- iv. No Objection Certificate from Airports Authority of India (AAI) (only in case if the location is marked in 'Red' Zone in Colour Coded Zoning Map (CCZM) specified by AAI.
- v. Copy of the type test certificate issued by Automotive Research Association of India (ARAI) to the manufactures of the Diesel Generator (D) Sets, if applicable, along with clearance of DPCC.
- vi. Self-declaration of SACFA Clearance, to be obtained within six months.
- vii. Indemnity bond / Affidavit as per clauses mentioned at Sl.No. 13, 15, 25 & 26 above.
- viii. The telecom company/service provider will submit an Indemnity Bond indemnifying the SDMC to keep harmless from all losses /damage/ fire.
- ix. Certification of the technical design by a structural engineer attesting to the structural safety of the over ground telegraph infrastructure of COW;
- x. The names and contact details of the employees of the telecom company/service provider for the purposes of communication in regard to the application made;

TIMELINES

S.No.	Action	Time frame
1.	Scrutiny of documents submitted by the telecom company/service provider	Within 07 days of receipt of application
2.	Joint Inspection of site(s) by the following Members/Team: (i) EE(B)/of the zone/area or his representative (ii) EE(M) of the zone/area or his representative (iii) AC/RP Cell or his representative (except in case of Park) (iv) Representative of Land & Estate Deptt. (v) Representative from Horticulture Deptt. (in case of Park) (vi) Representative of the telecom company/service provider	Within 07 days of scrutiny of documents and if the documents submitted are found in order
3.	Issuance of Letter of Acceptance	Within 07 days of joint inspection, if site found feasible.
4.	Deposition of Advance Monthly Rental Charges (equivalent to 03 months monthly rental charges) & security deposit (equivalent to 02 months monthly rental charges)	Within 15 days of Issuance of letter of acceptance

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5.	Grant of permission	Within 07 working days of completion of all formalities including deposition of advance monthly rental charges security deposit
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ITEM NO. 26 (J-02)

ANNEXURE-IV

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 agenda was placed before the Council vide resolution No. 24 (J-06) dated 03.02.2018 wherein a copy of the NIT was placed before the Council as Annexure V to the said agenda item, which has been approved by the Council after resolving that:

"Resolved by the Council to accord in-Principle approval for inviting open e-tender for Allotment of Space for Installation of Communication Tower (Cellular Mobile Tower) on Wheels in NDMC area in order to improve coverage of ensure requisite provisioning of cellular mobile services at acceptable standards in NDMC area.

The Council further resolved to direct the Enforcement Department, NDMC to ensure that no unauthorized mobile tower in NDMC area shall operate, and regular action in this regard should be taken by the Enforcement Department."

The minutes of the Council vide resolution No. 24 (J-06) dated 03.02.2018 have been confirmed by the Council in its meeting held on 04.04.2018.

4. Detailed proposal on the subject/project
 - 4.1 The Department after approval of the Council floated the e-tender on 16.05.2018, a copy of which is enclosed as Annexure I (See pages 703 - 760). The following major changes, inter-alia, were undertaken by the Department in the NIT before it was published on 16.05.2018:
 - (i) number of towers reduced from 96 to 81, without reducing the estimated cost of the tender, i.e. the monthly reserve concession fee for each tower was increased from Rs. 1.5 lakhs per month to approx. Rs.1,77,778/- per month.
 - (ii) instead of calling bid for each tower separately, such 81 towers were grouped into three groups (each group having 27 towers) distributed throughout the NDMC area, and bids have been called for such three groups;
 - (iii) eligibility conditions have been amended suitably in a proportionate manner, especially the following features have been incorporated:

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- a. only corporate bidders are permitted to bid. An individual bidder for at least 2 years prior to date of issuance of e-Tender can bid. Individual bidders as well as consortium has not been allowed;
- b. turnover requirement (group-wise) has been kept at 50% of the estimated cost of each group;
- c. solvency certificate requirement (group-wise) has been kept at 40% of the estimated cost of each group;
- d. Bidder must possess IP Registration certificate or Telecom Infrastructure provider (IP category-I) or Telecom Service provider having valid UL(AS) / UASL or category "A" ISP licence;
- e. technical experience requirement amended;
- (iv) requirement of sharing of 50% revenue from other service providers using such towers has been done away with, considering that its not feasible for the officials of the Department to identify at site that whether the services at the tower are shared with other service providers or not. It has been made mandatory to share the services at such towers with two service providers in case successful bidder is a service provider, or with three service providers in case successful bidder is a infrastructure provider;
- (v) requirement of certificate from Revenue Department has been done away with;
- (vi) interest in case of non-payment of license fee enhanced from 12% to 15%;
- (vii) penalties have been prescribed for non-maintenance of hygiene and cleanliness, and for installation of signages;
- (viii) requirement of no barring certificate and integrity pact has been added in the e-Tender Document;
- (ix) space requirement for each site has been reduced from 200 sq. m. to 50sq. m.;
- (x) concession agreement has been reduced substantially to avoid errors due to duplication of e-Tender clauses;
- (xi) the period of concession has been fixed to two years, without any clause for extension;
- (xii) concession fee will be charged from (i) the date of signing of the contract agreement or (ii) 45 days from the date of issuance of the Letter of Agreement (LOA), whichever is earlier;
- (xiii) in case any permanent communication cellular tower is allowed within 100 mtr. radius of any site then in such case the site under e-Tender Document shall be vacated by the concessionaire, and in such scenario, the concession fee will be reduced proportionately.

4.2 A pre-bid meeting was held on 24.05.2018 in the matter, wherein the participants have raised many queries, wherein inter-alia the following major issues were raised:

- (i) experience of parent company be allowed having major shareholding in the bidder;
- (ii) additional sites for installation of such towers would be required to address issue of call drops as asked by the Department of Telecommunications, Government of India;
- (iii) instead of e-Tender, e-bidding be allowed for each site to determine the best possible concession fee to help genuine and serious bidders to participate in a more efficient and transparent manner as its provides an

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opportunity to come on the plan, which was followed by ODA and UNICEF in recent past;

(iv) period of concession be increased from 2 years to at least 6 years (in one spell or multiple spells)

4.3 The Department is of the view that:

- (i) for proper coverage of telecom services in NDMC area, the number of towers would be suitably modified from 81 towers (27 towers each in three groups) as published in the e-tender document to 156 towers (52 towers each in three groups) to provide proper telecom services coverage in NDMC area, and all the requirements (such as reserve prices, eligibility conditions, EMD, performance guarantee, etc.) in the Tender Documents;
- (ii) if the bidder is a subsidiary company as defined in section 2(87) of the Companies Act, 2013 of any company, then the Average Annual Turn Over of such parent company may be considered proportionately for purpose of meeting the eligibility criteria, subject to the condition that the parent company will own the responsibility of its subsidiary company for the purpose of this Tender Document;
- (iii) as most of the participants requested for longer tenure of the contract period, therefore, it is proposed that the concession duration may be increased from two years to three years;
- (iv) as the audited results of listed companies for the year 2017-18 would be available, it is proposed that for listed companies, Audited Balance Sheets for the year 2017-18, 2016-17 and 2015-16 be asked for. For non-listed companies, either Audited Balance Sheets for the year 2017-18, 2016-17 and 2015-16 be asked for, or Audited Balance Sheets for the year 2016-17, 2015-16 and 2014-15 be asked for alongwith a certificate from the Chartered Accountant certifying that the audited balance sheet of such non-listed company for the year 2017-18 is not available on the last date of bid submission.
- (v) considering the expected revenue stream from this e-Tender to the tune of more than Rs.99.84 crore (reserve price for 156 towers for three years) instead of Rs.34.56 crore (reserve price for 81 towers for two years), the suggestion of going through the forward e-bidding may be accepted. Such e-bidding of the e-Tender may be undertaken through MSTC Limited, a Govt. of India PSU. In such process, the Technically Qualified Bidders be ranked on the basis of the descending initial price offers submitted by them. On the basis of such ranking the Technically Qualified Bidders, holding first fifty per cent of the ranks (with any fraction rounded off to higher integer) or the top three (3) Technically Qualified Bidders, whichever is higher, be considered to be qualified for participating in the second round of online electronic auction (the "Qualified Bidders"). Intimation shall be restricted only to the Qualified Bidders. It may be further clarified that if the total number of Technically Qualified Bidders for a Group is one (1) only, then in such case, such single Technical Qualified Bidder for such Group will be declared as Successful Bidder after considering its Initial Price Offer as the Highest Price Offer.

4.4 It would not be possible to allow variable financial bid submission on e-bidding portal in the present form of e-Tender, which allows only static financial bid

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submission through present e-Tender, therefore, it is proposed that the present e-Tender may be recalled and re-floated through the MSTC Ltd., a Government of India PSU, for submission of financial bids on forward e-bidding through MSTC Ltd.

- 4.5 Considering the above mentioned changes, the draft e-Tender Document has been prepared, and a copy of the same is placed at Annexure II (See pages 761 - 833) for consideration and approval of the Council.
5. Financial Implication of the proposed project / subject
The proposal would generate better revenue for the NDMC.
6. Implementation schedule with timelines for each stage including internal proceedings
The work will be awarded after identification of the successful bidder through the open e-auction process on the portal of MSTC Ltd.
7. Comments of the Finance Department on the subject
Comments of the Finance Department dated 24.07.2018 are placed at Annexure - III (See pages 834 - 835).
8. Legal Implication of the subject/project
Comments of the Law Department dated 27.07.2018 are placed at Annexure - IV (See pages 836 - 837).
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 Hon'ble 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.
 - 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.
 - v) Council's resolution No. 24 (J-06) dated 03.02.2018
10. 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.
11. Recommendation
Approval of the Council is solicited for:

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- (i) regarding the present e-tender issued on 16.01.2018 for Allocation of Space for Installation of Communication Tower (Cellular Mobile Tower) on Wheels in NDMC area;
- (ii) draft e Tender document placed at Annexure II (See pages 761 - 833) of this Agenda Note;
- (iii) Department may be allowed to make changes in Annexure XII to the Tender Document, as suggested by MSTC Ltd., and any changes required to be made in the Tender Document pursuant to pre-bid queries or otherwise;
- (iv) Department may be authorised to appoint MSTC Ltd. for the purpose of this e-auction on nomination basis, and the charges to be sought by MSTC Ltd. for this purpose to be charged on the successful bidder to be added in the Tender Document;
- (v) floating the e-tender document placed as Annexure II (See pages 761 - 833) of this Agenda Note through MSTC Ltd.

COUNCIL'S DECISION

The Council by majority resolved to approve the proposal of the Department, as contained in para 11 of the preamble.

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.

K. Sengupta
 Joint Secretary
 Special Project Council
 NDMC Building, New Delhi

ITEM NO. 08 (POWER)**1. Name of the Subject/Project**

Engagement of consultant for management of NDMC surplus/deficit power through sale/purchase at Energy Exchange.

2. Name of the Department/Departments concerned

Power Department

3. Brief History of the subject/Project

In the past NDMC was procuring power from erstwhile Delhi Vidyut Board (DVB), later from its successor entity i.e. Delhi Transco Ltd. (DTL). After 31st March, 2007, NDMC was allocated 350 MW of power from Badarpur Thermal Power Station (BTPS) of NTPC in line with other DISCOMS as DTL has stopped the bulk power supply business.

NDMC being a deemed distribution licensee under the Electricity Act, 2003, it has to perform all the functions of a DISCOM under the Electricity Act-2003, National Electricity Policy-2005 and various regulations issued by DERC. One of the main functions is to manage allocated Power Supply in best possible manner to take commercial and technical advantage in dynamic energy market.

Sale of short-term surplus power is also one of the requirements under the provision of the guidelines given by DERC. The management of bulk power supply is a complex procedure and requires specialize skills of Power Trading utility.

4. Detailed proposal on the subject/project

NDMC is a VIP area so the Consultant for Management of Power Portfolio of NDMC should be technically qualified & financially capable so that there should not be any hindrance in procurement/ sale of power and who would also ensure availability of 24x7 power to NDMC.

A meeting was held in the chamber of Secretary(Power), GOI on dated 11.10.2022. On behalf of NDMC, meeting was attended by Chairman along with Director (Power). After detailed discussions and deliberations on the prevailing Power Crisis of NDMC area, it was agreed that the validity of 100MW Southern Region Power allocated by Ministry of Power would be extended further for one year beyond 15.10.2022 with additional 50MW may also be arranged in addition to 100MW for a period of one year which has already been extended by MoP upto 30.11.2023. Further, during discussion, Secretary(Power), GOI suggested to engage NTPC Vidyut Vyapar Nigam Ltd to handle the Power portfolio of NDMC to avoid the repetition of Power crisis in NDMC area again which occurred due to unilateral withdrawal of 142MW Hydro Power during the peak summer by M/s Teesta Urja Ltd., because NTPC has large pool of Generating Stations.

As suggested by Secretary(Power), GoI, department has been proposed to engage M/s NTPC VVN Ltd on nomination basis for Power Portfolio Management of NDMC area in place of M/s PTC India Ltd whose term of agreement for management of NDMC Surplus/deficit Power through Power Exchange & Bilateral Power is going to be expire in March 2023.

It is to inform that there are around 43 power trading companies as on 31.03.2022 which have been issued a License by CERC under the Electricity Act-2003 to carry out the power trading activity. Out of the 43 Nos. Power trading companies, there are only 06 Nos. GoI agencies/PSUs who are holding the Trading License. Most of them are in the business of Generation of Power and generally in-firm Power is traded by them through Power Exchange. On the other hand NTPC Vidyut Vyapar Nigam Ltd (NVVN) is the only trader who is completely involved in the business of trading of Power at Energy Exchange and also arranged power through Bilateral exchange. Further, NTPC VVN Ltd is among one of the top Five traders who are enlisted in the share of electricity transacted by traders during 2021-22 as mentioned in CEA Annual Report of power market (Annexure-I).

The offer of trading the power by NTPC VVN Ltd. is at the rate Paise 1.15/kWh plus GST for purchase of power and at the rate Paise 0.1/kWh plus GST for sale of Power in Exchange. NVVN shall not charge any trading margin from NDMC for any bilateral transactions of power. Trading margin payable to M/s NVVN is reasonable and justified on the basis that NDMC is filing Aggregate Revenue Requirement (ARR) approximately in the tune of Rs.1000 crores annually and the amount payable to M/s NVVN as professional charges is very very negligible (0.019% approx.). Moreover, this amount is the part of ARR and recoverable through the Tariff Determination by DERC.

As it is already mentioned that management of Bulk Power is a specialize job therefore consultant experience, their presence in energy market, size of operation and their infrastructure are the important factor for their selection. Therefore, M/s. NVVN Ltd may be engaged as consultant for management of NDMC surplus/ deficit power through sale/ purchase at Energy Exchange to manage Bulk Power Supply of NDMC with no direct cost to NDMC to replace the existing Consultant i.e. M/s PTC India Ltd. whose contract is expiring on 16.03.2023.

5. Financial implication of the proposed/subject

NDMC will pay trading margin to M/s NVVN Ltd against sale and purchase of power in Energy Exchange the quantum of which will vary year to year depend upon the availability of power with NDMC. However, trading margin payable to M/s NVVN Ltd will be recovered through ARR.

6. Implement schedule with timeliness for such stage including internal proceeding:

This will be implemented after expiry of existing contract of M/s PTC India Ltd. w.e.f. 17.03.2023 initially for one year.

7. Comments of the Finance Department on the Subject:

Finance Department has seen the case and recorded as under:

1. Department has processed the case for appointment of M/s NTPC Vidyut Vyapar Nigam Ltd. (M/s NVVN) as Consultant on nomination basis for management of NDMC power portfolio for a period of one year.
2. In view of the advice of FD at Note 29 of attached e-file No. 67471, department obtained in-principle approval of Chairman, NDMC dated 30.09.2022 at Note 45 of the said file to float fresh tender for "Engagement of consultant for management of NDMC surplus/deficit power through sale/purchase at Energy Exchange" for three years.

3. A meeting was held in the chamber of Secretary (Power), GOI on dated 11.10.2022. On behalf of NDMC, meeting was attended by Chairman along with Director (Power). After detailed discussions and deliberations on the prevailing Power Crisis of NDMC area, it was agreed that the validity of 100MW Southern Region Power allocated by Ministry of Power would be extended further for one year beyond 15.10.2022 with additional 50MW may also be arranged in addition to 100MW for a period of one year. During discussion, Secretary(Power), GOI suggested to engage NTPC Vidyut Vyapar Nigam Ltd to handle the Power portfolio of NDMC to avoid the repetition of Power crisis in NDMC area again which occurred due to unilateral withdrawal of 142MW Hydro Power during the peak summer, because NTPC has large pool of Generating Stations.
4. As suggested by Secretary(Power), department proposed to engage M/s NTPC VVN Ltd on nomination basis for Power Portfolio Management of NDMC area in place of M/s PTC India Ltd whose term of agreement for management of NDMC Surplus/deficit Power through Power Exchange & Bilateral Power is going to be expire in March 2023.
5. Department obtained in-principle approval of Chairman, NDMC at Note 103 to appoint M/s NVVN as Consultant on nomination basis for management of NDMC power portfolio for one year.
6. Replying to the observation of FD to explore possibilities to get the rates reduced by M/s NVVN, department brought on record the already submitted revised offer of M/s NVVN vide e-mail dated 09.12.2022 & 12.12.2022 wherein following trading margin for purchase/sale of power through power exchanges was offered by M/s NVVN :-

Purchase	Paise 1.15/ kwh plus GST at the rate of 18%
Sale	Paise 0.1/ kwh plus GST at the rate of 18%
	NVVN shall not charge any trading margin from NDMC for bilateral transactions.

7. Department has brought on record a comparison of the payment made to M/s PTC on the basis of actual energy traded and anticipated charges payable to M/s NVVN on the basis of their respective trading margin during 2020-21 to 2022-23 (upto August, 2022) enclosed at ToC199, according to which in the year 2022-23 (upto August, 2022) the payment made to M/s PTC seems higher than the anticipated payment which may have been paid to M/s NVVN.
8. Department has certified that the trading margin payable to M/s NVVN is reasonable and justified on the basis that NDMC is filing Aggregate Revenue Requirement (ARR) approximately in the tune of Rs.1000 crores therefore, the amount payable to M/s NVVN as professional charges is negligible. This amount is the part of ARR and recoverable through the Tariff Determination by DERC.
9. For engaging M/s NVVN as consultant on nomination basis, department depicted the reasons that PTC took no initiative for abiding the terms & conditions of the agreement by M/s TUL, such behavior of M/s PTC appealed NDMC to find out the alternative agency and during discussion in the chamber of Secretary(Power), GOI with Chairman, NDMC on dt.11.10.2022 the necessity of engagement of a Competent Consultant such as NVVN, who is capable to maintain the NDMC portfolio is immediate

requirement, so that, the power crisis arisen due to sudden withdrawal of 142MW power during the peak summer period are not repeated in near future. The case was submitted for engagement of M/s NVVN as a consultant on nomination basis as suggested by Secretary(Power), Govt. Further, it is pertinent to mention that M/s NVVN being wholly owned subsidiary of NTPC which is Govt. Undertaking and own large number of generating stations throughout India.

10. In view of the clarifications submitted by the department and subject to correctness of data, facts and information, department may place its proposal as at Sr. No. 1 above, as recommended by Director (Power) at Note-128, before the competent authority i.e. Council for approval, ensuring that :-

- a. No undue benefit is being extended to the agency by awarding the instant work on nomination basis.
- b. It is in the interest of NDMC to award the work to the agency on nomination basis.
- c. Department may explore the possibilities to engage consultant by open tendering before expiry of the tenure of instant engagement.

11. Department has sent the proposal at Note-128 without digital signature. As such, it is advised to comply the directions of the Hon'ble Chairman that all the HoDs and staff shall use the digital signature/aadhar link e-signature for processing the e-files, conveyed vide MoM issued on 29.12.2022.

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

Parawise comments/Clarification of the Power Department on the comments of Finance Department are as under:

1. Matter of Record.
2. Matter of Record.
3. Matter of Record.
4. Matter of Record
5. Matter of Record.
6. Matter of Record
7. It is clarified that inadvertently the trading margin for M/s PTC India Ltd is taken as 0.015 paisa/Kwh instead of 0.0015paisa/Kwh for the year 2022-23, however, like 2020-21 & 2021-22 the trading margin of M/s PTC India Ltd is lower than the anticipated payment paid to M/s NVVN.
8. Matter of Record.
9. Matter of Record.
10. In view of the parawise clarification the proposal for Engagement of consultant for management of NDMC surplus/deficit power through

sale/purchase at Energy Exchange is placed before the Council for approval. It is further to confirm that:

- a. No undue benefit is being extended to the agency by awarding the instant work on nomination basis.
- b. It is in the interest of NDMC to award the work to the agency on nomination basis.
- c. Initially the appointment of consulting agency is made on the recommendation of the Secretary(Power), GoI, however, in due course, on the basis of performance of M/s NVVN Ltd. the department will explore the possibilities to engage consultant by open tendering.

11. Noted for future compliance.

9. Details of previous Council Resolution existing Law of Parliament and Assembly on the subject:

Council Resolution vide ITEM NO.19 (G-9)

10. Comments of the Law Department:

Law Department has seen the case and recorded as under:

The concerned department has recommended the case for appointment of M/s NTPC Vidyut Vyapar Nigam Ltd. (M/s NVVN) as the Consultant on nomination basis for management of NDMC power portfolio for a period of one year.

The said agendum primarily involves financial, and technical / administrative issues; the same have already been examined by the Finance Department and Power Department, respectively.

Having examined the contents of the draft agendum from the legal point of view, it is observed that no specific legal issue is involved at this stage.

However, the concerned department may ensure the correctness of facts, words and figures mentioned therein, and the other guidelines on the subject, if any, has been complied with.

The compliance of applicable regulations / guidelines of GFR / CVC / CERC / DERC (as may be applicable), may be ensured by the concerned department.

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

In compliance of the observation of Law Deptt. the correctness of the fact, words and figures mentioned in the draft Agendum/ proposal has been ensured and all the Guidelines have also been complied. Further, the compliance of applicable regulations / guidelines of GFR / CVC / CERC / DERC (as may be applicable), may be ensured by the department.

12. Recommendations:


The case is laid before the Council for approval

- a. To appoint M/s NTPC Vidyut Vyapar Nigam Ltd. as Consultant for one year for management of NDMC surplus/deficit power through sale/purchase at Energy Exchange.
- b. To place the LOI on M/s NTPC Vidyut Vyapar Nigam Ltd. for one year for management of NDMC surplus/deficit power through sale/purchase at Energy Exchange in anticipation of confirmation of MoM as existing agreement with M/s PTC India Ltd. is expiring of 16.03.2023.

COUNCIL'S DECISION

Resolved by the Council to accord approval to the proposal of the Department as mentioned in para 12 of the agenda.

The Council further resolved that the Departments concerned may initiate further necessary action based on the decisions taken by the Council at the meeting, as noted above, in anticipation of confirmation of the Minutes.



For Secretary
New Delhi Municipal Council
New Delhi

Copy of Memo. No. 09 (Estate-I)
 of
 Council Ordinance Meeting
 dated 22/02/2023

ITEM NO. 09 (ESTATE)

1. Name of the subject:

Policy for allotment and usage of municipal spaces by Government bodies.

2. Name of the Department/Departments concerned.

Estate-I Department

3. Brief history and Detailed Proposal:

The Estate Department deals with the management of Council premises which are given on monthly /annual licence fee basis for a specific period in accordance with the policies and guidelines laid down by the council through resolutions from time to time.

Presently many properties are lying vacant in various buildings of the Council, Apart from this; council has to renew the allotments made to the government bodies/entities from time to time as and when the licence expires. As per the provisions of NDMC Act, allotments can be made subject to provision under section 141 of the NDMC Act 1994. This particular agenda proposes to deal with only a class of properties i.e. allotment on licence basis and renewal of properties & etc. in respect of Central Government /State Government including Ministries, departments of Central and State Government Undertakings and their Companies where the Central /State Government concerned owned the shareholding.

At present, cases for renewal or to make any new allotments to these government bodies mentioned above are pending. As per Section 141 of the NDMC Act 1994 Chairperson may with the sanction of the Council can lease, sell, let out hire or otherwise transfer any immovable property belonging to the Council.

At that time of allotment of Spaces to Government Department, the Finance Department observed that:-

1. Estate Department-I has submitted the case for seeking approval of Chairperson, NDMC for allotment of 8033 Square feet space to DoPT at 2nd Floor NDCC-II, Building, thereafter, the license deed of space at 2nd Floor, NDCC-II Building may be executed between DoPT and NDMC.
2. The allotment of space to any Govt. Organizations/PSUs is a purely administrative matter, which needs to be decided administratively based on recommendation of the Estate department. Department while submitting the case to the competent authority, may ensure that proper handover has been given by existing allottee/licensee and no outstanding is pending.
3. Regarding the issue of license fees for the Govt. organizations/PSUs, FD is consistently advising the department on such similar cases that a policy/guidelines may be drafted by the department for allotment of space to Govt. departments including fixing their license fees and other charges but no such policy has yet been found drafted by the department. The concern of the FD was that Estate Department is allotting the space at every time on base rates of Rs. 418/- per sq. ft. of license fee, even the current rates of license fees of the existing licensee at the time of vacation would have been gone more than the rate of Rs. 418/- per sq. ft. due to annual enhancement on the license fees over the period of occupation. This leads to difference in rates of license fees while allotting new space to

the fresh allottee/licensee @Rs. 418/- per sq. ft in comparison to enhanced license fees of the existing licensee for the same allotted space at the time of vacation.

4. In the absence of policy and as advised earlier by FD, it is again advised the space may be allotted on the provisional licence fee basis at the rates proposed by the Estate Department till the finalization of the new policy in this regard provided that suitable clause is incorporated in the giving documents/deed that as and when the new policy is revised/approved by NDMC, the new rates shall be applied accordingly on the licensee.

(This issues with the approval of FA)

In Response, the remarks of the then Secretary, NDMC that "May like to consider for approval as advised by FD (4) above. Department may also expedite framing a policy".

Further, the Committee was constituted with the following members by the approval of the Chairman NDMC in this regard.

F. A. - Convener

Director (Estate-1)

Director (Estate-2)

Director (Law)

DD (Estate-1) - Member Secretary to provide Secretarial Assistance

Accordingly, the Office Order had been issued to all concerned members of Committee. Further, the committee has been given recommendations. The final recommendations of the Committee are attached.

Recommendations of the Subcommittee

In this context, the Committee in its various meetings and deliberated the issues and after examining, had finally decided and given its report which is endorsed at **Annexure-A (See pages 147 - 177)**

Comments of law Department

The views of the Law Department were examined while deliberating the issue in the sub-committee.

Comments of Finance Department

The views of the Finance Department were examined while deliberating the issue in the sub-committee.

Final Proposal of the Department.

The Council may consider the report of the Committee for approval.

COUNCIL'S DECISION

Resolved by the Council to approve the policy for allotment and usage of municipal spaces by Government bodies as mentioned under the para "Reports of the sub-committee" as placed as Annexure-A of the agenda.

The Council further resolved that the Departments concerned may initiate further necessary action based on the decisions taken by the Council at the meeting, as noted above, in anticipation of confirmation of the Minutes.

K. Sengupta

22.02.2013

NEW DELHI MUNICIPAL COUNCIL
NEW DELHI

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Annexure - 'A'

Recommendations of the Committee

Policy for allotment and usage of municipal spaces by government bodies

D-2400/DD/Est-I/10/11/22
1. Authority: Estate-1 department- Office order File No.U-44039/22/2020-Estate-1 dated 29.07.2021

The constitution of the committee is as follows

- a) Financial Advisor- Convenor
- b) Director (Estate-1)
- c) Director (Estate-2)
- d) Director (Law)
- e) DD (Estate-1) Member Secretary

e-865161
2. Background:

- 2.1. The Estate-I Department deals with built up units like Shops, Stalls, Office Spaces, Hotels, Kiosks and Pan Tharas etc. under the management of New Delhi Municipal Council in accordance with the policies framed and approved by the Council from time to time. Among these built up units, Council earns its most of the revenue from Spaces allotted to Government Departments/PSUs on licence basis. As per Section 141 of the NDMC Act, 1994, Chairperson may with the sanction of the Council, can lease, sell, let out, hire or otherwise transfer any immovable property belonging to the Council.
- 2.2 List of Buildings where Estate-I Department is presently allotting spaces to Government Departments/ PSUs is at Annexure-I. Inventory of vacant spaces in these buildings are maintained by the Civil Department.
- 2.3 List of past decisions of the Council for allotment of spaces and renewal of licences in respect of such classes of allotments is also attached as Annexures;
 - i) Resolution No. 3 dated 15.04.1996 (Annexure-II)
 - ii) Resolution No. 3(xxi) dated 30.08.2000 (Annexure-III)
 - iii) Resolution No. 9(L-1) dated 30.09.2004 (Annexure-IV)
 - iv) Resolution No. 5(L-02) dated 27.06.2013 (Annexure-V)
 - v) Resolution No. 11(L-02) dated 28.08.2015 (Annexure-VI)

3. Deliberations:

The committee has been informed that in spite of existence of different policies approved by the Council from time to time, there still remains gaps which cause problems in day to day administration and in turn leading to inconvenience for the license holders and loss of revenue to the Council. The committee has accordingly looked into various aspects of governance of estate properties licensed to government entities and recommends following measures to consolidate and streamline the process in the best interest of NDMC. These may be adopted as a consolidated policy for future.

*37. Laysk Rm
A. P. H. P. P. P.
File
10/11/2022*

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4. Policy objective

This policy shall supersede all the previous policies with regard to Allotment of Spaces to Government Departments. The purpose of this policy is to remove any ambiguity with respect to Allotment of Municipal Spaces to Government Departments and to maximize the Revenue accrued from them. This also prescribes work procedure for ease of doing business and accountability in the system. This policy is not applicable for Private Entities.

5. Operations and regulation

Council may sanction/authorise Chairperson to make allotments, renew licences & revise licence fee by taking fair consideration in respect of properties belonging to the Council to eligible Government Organisations. Chairperson under Section 400 of the NDMC Act, 1994 may delegate such powers to officers authorised by him.

6. Inventory of rentable space

6.1 Director (Estates-I) shall obtain initially, an updated list of all such municipal spaces which can be assigned to eligible entities.

6.2 This data shall be updated in the Estate Department and shall be kept updated through a monthly information received from concerned Building In charge(s) of Engineering Department.

6.3 Once included, the Estate Department shall take endeavour to keep them gainfully deployed to maximise the revenue of NDMC.

6.4 For the purpose Estate Department shall prepare a report of all such premises which remain unutilised on a monthly basis and submit to the Finance Department.

6.4 Estate Department shall categorise specifically each rentable space that can be allotted under this policy. This will distinguish all such properties that are rentable to private entities.

6.5 All premises shall be given to the licensee on "as-is-where-is" basis however Civil Engineering Department shall ensure the minimum structural specifications admissible in a standardised manner.

6.6 Any structural work/ additions as per client requirement shall normally not be undertaken. However in special cases the same will be taken up only as a deposit work with prior approval of the competent authority.

7. Eligible entities

Following Government Organisations shall be eligible for allotment of spaces in the properties of the Council:

- i) Central Government/ State Government including Ministries, Departments, Subordinate Offices and autonomous bodies (Societies/Trusts etc. constituted by Central /State Governments)
- ii) Constitutional/ Statutory Bodies;
- iii) Quasi-Judicial Bodies/Courts;

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iv) Central / State Government Undertakings and their Companies where the Central / State Government concerned owns shareholding more than 25%.

8. License fee

- 8.1 Estate-I Department is presently charging licence fee comprising of
- (a) Base License Fee @ Rs. 418/- per square feet per month
 - (b) Maintenance charge of Rs. 39/- per square feet per month, however a detailed break of services included under such maintenance is not available
 - (c) 10% of license fee is being enhanced on an annual basis in respect of fresh allotments to Government Departments. Same fee on above rates are being charged by the department since past many years causing variations in licence fee between fresh allotments and older allotments.
- 8.2 Apart from these charges, department is also charging 5% of licence fee as late payment surcharge and Interest on delayed payment @ 1.25% every month on account of delayed payment. On payment before the due date, 2% rebate of licence fee is being allowed to Government Departments/PSUs. It was noticed that allottees being Government Department in the past had objected on the ground of their government status.
- 8.3 To take care of such issues, the committee recommends following measures:
- (a) The committee recognises the paradox that the existing licensees pay a higher rate due to yearly enhancement of license fee in comparison to fresh allotments. It is recommended that the base rate of license fee, maintenance charges and enhancement on license fee for fresh licenses be reviewed by a nominated committee on a year to year basis to reduce the gap between the two scenarios. The existing licensees shall continue as per the terms and conditions of the licence deed/allotment till the expiry of current term.
 - (b) Rebate currently admissible may be discontinued but such licensees may be granted a payment period of two months from the date of bill generation failing which interest @ 15% per annum will be charged. No interest will be charged if the payment is cleared within the prescribed period of two months.
 - (c) Government Departments/Ministries having 100% holding of its share will be required to pay Two Months Advance Adjustable fee (Licence fee + Maintenance charges) only. Other Departments will be required to pay 2 months advance adjustable fee and 8 Months Security Deposit.
- 8.4 The committee has further observed that more than a lakh square foot of rentable space is lying unallotted as of now. Though Estate Department has issued advertisement in newspapers and the NDMC website for the last six months, however not much has yielded. There is a reasonable premise to reconsider the

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currently applicable for government premises, in comparison to premises allotted on auction basis to private entities based on reserve price fixed by SBI Caps which appears much lower. Estate Department may like to look into this aspect and take this up for a long term policy decision at an appropriate time. This would need a professional input to factor in market rates otherwise prevalent in NDMC area for which services of a capable agency may be utilised.

9 License period

- 9.1 Licence may be granted for a maximum period of Ten financial years in one go.
- 9.2 Billing Cycle may commence from the date of handing over of premises.

10 Allotment process

10.1 Chief Engineer(Civil) shall provide list of vacant units alongwith their Super Area, Covered Area and Carpet Area on Monthly Basis to the Director(Estate-I).

10.2 Director (Estate-I) shall send a list of these vacant units to IT Department of NDMC for uploading/Updation on the Public Portal. Advertisement for allotment of such units through a Public Circular shall also be published in popular newspapers.

10.3 IT Department may develop an online portal where Government Departments seeking allotment of space shall submit their request and further processing on a lifecycle basis.

10.4 On receipt of application from the Eligible Government Departments, with the approval of the Chairperson or any officer authorised by him, Estate-I Department may offer space to Eligible Government Department and intimate Terms & Conditions (Annexure-) alongwith draft license deed&details of the payment to be made by them in the Municipal Treasury.

10.5 On acceptance of Terms & Conditions& payment of two months advance licnsc fee, Estate -I Department shall seek approval of the Chairperson NDMC for allotment of space.

10.6 Possession of requested space shall be handed over to the licensee by the Building in Charge of Civil Engineering Department based onintimation received from Estate-1 Department after signing of the license deed.

10.7 No possession will be given to the licensee unless the license deed has been signed by them and received by the Estate Department.

11 Renewal of licences;

- 11.1 On the expiry of the term of license, the licenses shall be eligible for renewal as per NDMC policy.

[Handwritten signatures and initials]

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11.2 Cases where the status of the Government Department has converted into the Private Entity will be dealt with in accordance with the Policies dealing with Private Entities.

12 Surrender of Spaces;

- 12.1 In the cases where licensee is desirous to surrender the allotted premises, licensee can do so by giving three month advance notice to the Director(Estate-I), provided that the licensee before handing over the possession clears all the Municipal Dues. In the event of non-payment of the dues before the date of expiry of notice period the time taken in clearing the municipal dues will automatically postpone the date of notice period.
- 12.2 On receipt of the vacation request, the same will be processed in accordance with responsibility chart below:

Sr. No.	Activity	Responsible Officer	Time Period	Remarks
1.	Intimation for dues verification to Accounts Branch	DD (Estate)	5 days	
2.	No dues / due amount intimation to executive branch	AO (Estate)	5 days	
3.	Dues alongwith detailed statement (if any) intimated to the licensee	DD (Estate)		Ten days time limit for deposit of dues/ request for reconciliation
4.	Proposal for vacation put up to Chairman (in case dues paid)	DD (Estate)	2 days from the date of dues paid	
5.	Reconciliation between licensee and accounts branch in case of dispute in demand	DD (Estate)/ AO (Estate)	7 days from response of licensee	
6.	Proposal for vacation put up to Chairman after reconciliation	DD(Estate)	2 days from the date of dues paid	After reconciliation seven days time to be given to the licensee for paying reconciled amount
7.	Intimation of consent for vacation to the licensee with date of effect	DD (Estate)	02 days from the date of approval of the Chairman	The copy of consent endorsed to concerned BM Unit
8.	Follow up with licensee and receiving	Concerned building	On due date	Building incharge to

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	possession on due date	incharge		intimate Estate Department in case possession not received
9.	Vacation report endorse to Estate Department	Concerned building Incharge	Within one day of vacation	DD (E-I) to coordinate with building incharge concerned
10.	Vacation report to be communicated to the accounts division to stop the bill generation	DD(E-I)	Within one day from the date of receipt of vacation report from building incharge	

12.3 In case of any dispute regarding date of surrender etc., Chairperson, NDMC may be the final authority to decide such cases on merits. In case of any ambiguity, the date of disconnection of electricity shall be treated as the date of vacation.

13 Addition, Alteration and Repair in the allotted Premises:

Permission to renovate and repair may be granted by the Estate-1 Department. However the actual work shall only be done by the Civil Engineering Department NDMC after feasibility assessment by the Chief Engineer (Civil) and Architect Department/ applicable policies.

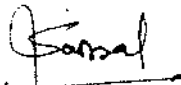
14. License Deed

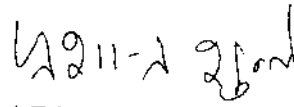
The committee recommends that on acceptance of these recommendations, the standard license deed and associated documentation may be revised by the department.

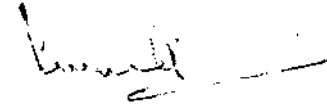
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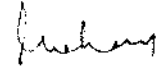
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15. **Parking:**The Committee recognises that availability of parking is a major incentive for prospective licensees and accordingly recommends that Estate Department may prepare an inventory of all parking spaces associated with each premise and develop a model for dedicated parking space for each allottee subject to availability.


(Dy Director, Estate-1)
Member Secretary


(Director, Estate-1)


(Director, Estate-II)


(Director, Law)
Rep of CLA


(Financial Advisor)

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA; NEW DELHI
ESTATE I DEPARTMENT

PUBLIC NOTICE

New Delhi Municipal Council (NDMC) announces licensing rights of the following office spaces/ units at prime locations of New Delhi as per Council's Resolution No. 11 (L-02) dated 28.08.2015 to Central Government/ State Government including Ministries, Department of Central / State Governments, Central /State Undertakings, Constitutional / Statutory Bodies, Central /State Government Undertaking and their Companies where the Central /State Government concerned owned the shareholding more than 75% etc.

1. Chanderlok Building, 36, Janpath Road, New Delhi-110001

Sl. No.	Floor/ Space Location	Approximate Area
1.	Stilt Floor(Near Lift)	112.45 sq ft
2.	Stilt Floor	150.00 Sq.Ft.
3.	Stilt Floor (Rear side Near Parking)	233.41 Sq.Ft.
4.	Stilt Floor (Rear side near stair case)	760.00 Sq.Ft.
5.	Stilt Floor	184.75 Sq.Ft.
6.	Ground Floor (Space near Haryana Tourism office at rear side staircase)	426.63 Sq.Ft.
7.	Ground Floor	122.00 Sq.Ft.
8.	Ground Floor (Vacated by SBI)	4348.87 Sq.Ft.
9.	Ground Floor	257.00 Sq.Ft.
10.	Space at 1 st Floor, East Wing	265 Sq. ft.
11.	Space at 1 st Floor, West Wing	312 Sq. ft.
12.	Space at 6 th Floor, West Wing	269 Sq. ft.
13.	Space at 6 th Floor, East Wing	287 Sq. ft.
14.	Space at 8 th Floor, West Wing	299 Sq. ft.
15.	Space at 9 th Floor, East Wing	281 Sq. ft.
16.	Space at 9 th Floor, West Wing	299 Sq. ft.
17.	Space at 10 th Floor, West Wing	310 Sq. ft.

2. Mayur Bhawan, Connaught Place, New Delhi

Sl. No.	Floor/ Space Location	Approximate Area
18.	10 th Floor	6022 sq ft
19.	9 th floor	16420.30 sq ft
20.	7 th Floor	5000 sq ft

3. Mohan Singh Place, Connaught Place, near Hanuman Mandir, New Delhi-110001

Sl. No.	Floor/ Space Location	Approximate Area
21.	4 th Floor	4541.18 sq ft
22.	6 th Floor	5100 sq ft

4. Zonal Center, Fire Brigade Lane, Barakhamba Road, New Delhi-110001

Sl. No.	Floor/ Space Location	Approximate Area
23.	Basement	2761.56 Sq. ft.
24.	Ground Floor	2761.56 Sq. ft.
25.	First Floor	2761.56 Sq. ft.

5. Talkatora Stadium Annexe, 4, Talkatora Garden, New Delhi-110001

Sl. No.	Floor/ Space Location	Approximate Area
26.	Third Floor	22573 sq ft
27.	Fourth Floor	22573 sq ft

6. Palika Place, Panchkuian Road, New Delhi- 110001

Sl. No.	Floor/ Space Location	Approximate Area
28.	Office Space No. 28	254.78 sq ft
29.	Office Space No. 29	198.17 sq ft
30.	Office Space No. 30	198.17 sq ft
31.	Office Space No. 31	254.78 sq ft
32.	Office Space No. 42	517.77 sq ft
33.	Office Space No. 43	517.77 sq ft
34.	Office Space No. 44	601.28 sq ft
35.	Office Space No. 16	198.17 sq ft
36.	Office Space No. 17	198.17 sq ft
37.	Office Space No. 20	254.78 sq ft
38.	Office Space No. 21	198.17 sq ft
39.	Office Space No. 22	198.17 sq ft
40.	Office Space No. 12	254.78 sq ft
41.	Office Space No. 13	198.17 sq ft
42.	Office Space No. 14	198.17 sq ft
43.	Office Space No. 15	254.78 sq ft
44.	Office Space No. 18	198.17 sq ft
45.	Office Space No. 19	254.78 sq ft
46.	Office Space No. 23	254.78 sq ft
47.	Office Space No. 24	254.78 sq ft
48.	Office Space No. 25	198.17 sq ft

49.	Office Space No. 26	198.17 sq ft
50.	Office Space No. 32	198.17 sq ft
51.	Office Space No. 33	349.45 sq ft.
52.	Office Space No. 27	254.78 sq ft

7. Palika Parking, New Delhi-110001

Sl. No.	Floor/ Space Location	Approximate Area
53.	Office Space No. B-1	2706 sq. ft.

8. Palika Bhawan, R.K. Puram, New Delhi-110066

Sl. No.	Floor/ Space Location	Approximate Area
54.	Room No. 201, 2 nd Floor	1463 sq ft
55.	4 th Floor	9985.36 sq ft
56.	5 th Floor	7122.78 sq ft

The Terms & Conditions of Draft licence deed, Council's Resolution No. 11 (L-02) dated 28.08.2015 and other details for licensing above spaces are available on the portal of NDMC @ www.ndmc.gov.in.

The interested Government Departments/PSUs in licensing above spaces can write to "The Director, Estate-I Department, Room No. 3010, 3rd Floor, New Delhi Municipal Council, Palika Kendra, New Delhi".

Signed by Satpal

Date: 23-02-2022 16:03:35

Deputy Director (Estate-I)

Item No. 31x) Meeting held on 15/11/2022
 POLICY REGARDING RENEWAL OF LICENCE IN RESPECT OF OFFICE
 SPACES/UNITS STANDING ALLOTTED IN VARIOUS COMMERCIAL PROJECT
 BUILDINGS TO GOVT. DEPTT./GOVT. OF INDIA
 UNDERTAKINGS/ENTERPRISES.

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01. Office spaces in NDMC owned multistoried building of Chanderalok Building, Mayor Bhawan, Shaheed Bhagat Singh Complex, Palika Place, Mohan Singh Place, Pragati Bhawan, Chanakya Bhawan, Akbar Bhawan, Yashwant Place, Palika Bhawan and Lok Nayak Bhawan etc. have been licensed to various Govt. Departments/Govt. of India Undertaking Companies /Enterprises and State Govt. Tourist Offices/Information centres from time-to-time on varying monthly licence fee depending upon the area occupied by licensees/allottees. Since there was no set policy for renewal of licence of office units of commercial project buildings and also for regularisation of subletting/partnership cases, a Sub-Committee consisting of Secretary, F.A. D.O and Director(Estate) was constituted by the ADMINISTRATOR to look into the entire matter and put up its recommendations. The recommendations were placed before the Committee which vide its Resolution NO.25 dated 27-12-1989 resolved as under:-

- a) The existing practice for renewing the licences by enhancing 66% of the existing rates of licence fee may be continued in respect of all the licensees. However ADMINISTRATOR may consider the genuine cases of renewal where the revised licence fee is considered to be on higher side as compared to the market rate prevailing in the vicinity for reducing the licence fee suitably, but not below the prevalent highest rate in the said building fixed one year before the date of renewal in question plus its 10%.
- b) The tenure of the licence in respect of all the Municipal Buildings may be maintained for 5 years in order to maintain the uniformity.
- c) The licence fee will be worked out on covered area basis in future in the cases of fresh allotments.
- d) In respect of office units in Palika Place/Palika Bhawan allotted as a result of open tenders or on first come first serve basis or on direct requests, regularisation in favour of unauthorised occupants in each case of subletting/partnership be allowed by increasing the licence fee by 5% in case subletting/partnership takes place in the first year of allotment subject to a maximum 25% enhancement in case subletting/partnership takes place in 5th year of

Contd. p/2..

allotment or subsequent thereto (i.e. by 5% enhancement per year)

02. In accordance with above resolution, demand notice letters were being sent to various allottee to come forward for renewal of licence and make the payment accordingly. Almost all the Govt./Semi Govt. allottees have ever since been representing against the above enhancement. Request from various Govt. Departments/Govt. of India Undertakings/Enterprises have been received for considering the renewal of licence on reasonable rates keeping in view that 66% enhancement of the existing licence fee on renewal is on higher side. Several Govt. Deptts/Undertakings/Enterprises, Companies viz. Income Tax Department, Department of Telecommunications, Director of Estate, M/O Home Affairs, M/O External Affairs, M.T.N.L and State Bank of India have not submitted their consent for renewal of licence. Huge arrears have become outstanding against the existing allottees/licensees.

03. SPECIAL OFFICER exercising the powers of COUNCIL, had allowed 50% enhancement on renewal of the licence in the case of Shipping Corpn. of India Limited, NIDC and Power Finance Corpn. Limited being a Govt. of India Undertaking/Enterprises. Number of other Govt. Organisations are coming forward requesting consent for renewal on the same pattern. Some of them have given their consent for renewal of licence on 50% enhancement.

04. The case has also seen by Finance Department who has observed as under:-

Since the proposal for universal application of 50% enhancement on term expiry has been recommended by the Estate Department and approved in principle by the CHAIRPERSON I have no objection to the same, if this can help in clearing the large quantum of outstanding dues from the Govt. Deptts. However, since we are thinking in terms of a clear policy of having a differential element in respect of Govt. Organisation in my opinion, it would be more appropriate to seek the COUNCIL'S approval by way a Resolution at the 66% enhancement for all office spaces was also passed by the then Committee by way of a Resolution. It would also be advisable to bring out cogent reasons for the differential treatment being given to Govt. Organisations to ensure that the then and now, licensees do not feel any legal redress in regard of a discriminatory policy. In my opinion the matter also needs careful consideration as we have to have differential rates for different categories of organisations on valid grounds.

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85. The advice of Finance Department with regard to Private allottees have since been further examined and the department feels that case of Govt./Semi-Govt. allottees can be distinguished for other allottees as they form a separate class in themselves being allottees of huge space in most of our commercial office complex. Majority of Govt./Semi Govt. allottees who occupy prominent buildings such as Akbar Bhawan, Mayur Bhawan Super Bazar etc. have been given consideration in allotment of office spaces to them keeping in view their special category and recommendations from Govt. of India. In addition majority of Govt. Offices are Admn. Deptts. who are not in commercial business. Private allottees, whereas they are mostly on tender allotments and their rentals have to be compared with prevailing market rates, since they are mostly engaged on commercial activity. It is, therefore, felt that uniform enhancement to 50% instead of 66% be considered and allowed in case of all Govt./semi-Govt. Organisations. This measure shall help in realisation of huge num of licence fee which is outstanding due to their inability to accept 66% increase every 5 years.

86. The case is laid before the Council for consideration and approval so that the renewal of licences may be made on 50% enhancement in the existing licence fee in the case of Govt. Deptts/Govt. of India Undertakings/Enterprises/State Govt. Offices w.e.f. retrospective dates of term expiry of licence as a uniform policy.

COUNCIL'S DECISION.

Resolved by the Council that in partial modification of Reso.No.25 dt.27.12.1989, renewal of licences may be made with 50% enhancement in the existing licence fee in the case of Govt. Deptt./Govt. of India Undertakings/Enterprises/ State Govt. Offices/Undertakings w.e.f. retrospective dates of term expiry of licence.

ABOM
For Secretary
New Delhi Municipal Council
New Delhi

ITEM NO. 3 (xxi)

Estate Policy/Guidelines for dealing with Estate Matters

NDMC is a premier local body located in New Delhi and is administratively controlled by Ministry of Home Affairs, Government of India. Besides having its own land NDMC takes land on lease from L&DO (Ministry of Urban Development) for providing various civic amenities. NDMC also invests in revenue generating projects to augment its resources for providing better civic amenities.

2. During the period of Asian Games, Ministry of Urban Development transferred some plots of land to NDMC for construction and commissioning of Hotels on certain terms and conditions and later on NDMC licensed these premises for above purposes to eminent companies for long periods of 99 years subject to renewal of licence fees after every 30 years. Likewise, there are other establishments, like cinema in Chankya Complex where the land was transferred long back by the Ministry of Urban Development to NDMC for developing multiplex buildings. The premises have been transferred on licence for particular periods. Above premises had been licensed before the enactment of NDMC Act 1994.

3. It has been observed that renewal in case of premises of hotels and the cinema complex is on mutually agreed term. The existing Estate Policy provides for determining terms and conditions as also licence fee on mutually agreed terms as approved by NDMC vide its resolution no. 6 dated 18.03.99. Clause 9 for special categories reads as under:-

"Hotels/Cinemas and similar other projects may be governed as mutually agreed terms and conditions as entered into by the Council from time to time."

(i) The above decision appears contradictory to Section 141(2) of NDMC Act, which relates to the disposal of immovable property and puts an embargo on transfer of premises on non-competitive terms. The Section reads as under:-

"141(2) -- the consideration for which any immovable property may be sold, leased or otherwise transferred shall not be less than the value at which such immovable property could be sold, leased or otherwise transferred in normal and fair competition."

(ii) Thus, it is obvious from the above Section that its use should be allowed on payment of license fees determined on competitive basis. In case Council goes by the existing policy as stated above, the existing licensee can always involve the Council in unending disputes as it has happened in case of Chankya Cinema in which

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the licensee started litigation against NDMC soon after obtaining the licence. Same is the fate of premises licensed for hotel businesses where the licensees stress on irrational terms and drag the Council in various courts.

4. On further perusal of Clause 4 of the above Estate Policy dated 13.03.89 it has been observed that in case of renewal of shops / kiosks / tharas / office unites / restaurants, the licence will be renewed for a period of 10 years on year to year basis subject to enhancement in licence fee at annual enhancement @ 5% per annum. As it can be understood, the above clause talks of 5% enhancement in case of all above units except of special categories as given in clause 9 where Hotel, cinema and other similar projects have been mentioned.

5. During the course of implementation of the above policy, it has been experienced that even the enhanced rentals for office premises as assessed by CPWD for a period of 5 years, in case of Ministry/Governments departments, is approximately 46%, which works out around 9% enhancement per annum which is more than 5% given in renewal clause of Estate Policy. Thus, the above clause of Estate Policy creates a piquant situation and leads to contradiction.

6. In view of the above position, following proposal is laid before the Council for consideration, and approval:

- (i) On the expiry of present term of licenses of hotels/cinemas and other similar commercial complexes, the licenses shall not be renewed. The fresh licence shall be as per provisions of Section-141(2) of the NDMC Act, 1994. In respect of shopping/barking and other similar portions in these complexes, on an application made in this behalf, the Chairperson may, permit sub-licensing of these portions, on such terms and conditions and on payment of such additional licence fee, as he may, from time to time be decided.
- (ii) New Licenses to Ministries / Government Departments in commercial complexes shall be as per the provisions of Section - 141 (2) of the NDMC Act 1994.
- (iii) The present approved rate of 5% per year on the renewal is not in accordance with the renewals by the Central PWD, in the case of Government properties, where the increase has been offered at about 9% per annum and as per the increase permissible under the Delhi Rent Act 195, where the permissible yearly increases have been approved at 10%.

contd. ...

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Accordingly, the enhancement of licence fee on the renewal of the licence fee may be at 10% per year and the licence may be for a period of ten years.

- (iv) In the case of renewals of the licenses of the premises with the Ministries / Government Departments, the renewal, if agreed shall be at 10% per annum or the Central PWD enhanced rates, whichever is higher.

7. The Council's Estate Policy is silent in respect of grant of renewals and or taking action in respect of the licensees who have not executed the licence-deed or renewal deeds and are not paying licence fee on the basis of guidelines given by the Council from time to time and are in arrears of licence fee and interest for the delayed payments. In this regard the Council may approve the following guidelines:-

- (i) Whosoever has not executed the licence deed and or renewal deed should execute the licence deed or renewal deed by 31st of October 2000.
- (ii) Whosoever is in the arrears of the licence fee on the basis of the guidelines given by the Council and or interest on delayed payments, should clear the arrears and the interest by 31st of October 2000; and;
- (iii) If occupiers fail to execute the licence deed and or renewal deed and or pay the arrears and or the interest due thereon for the delayed payments, their licenses be cancelled and they may be proceeded with under the Public Premises Act for the recovery of arrears of rent and interest thereon and eviction proceedings may also be initiated as per provisions of P.P. Act referred to above. Further action as may be necessary to be taken against unauthorized occupants, may also be initiated.

Chairman has seen the case.

COUNCIL'S DECISION

Considered.

The proposal as appended at Para 6 & 7 is approved.

It is further resolved that in anticipation of the confirmation of the minutes by the Council, the resolution as in the preamble may be deemed to be approved from 30th August, 2000.

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11-2-2004

ITEM NO 9 (I, II)

MODIFICATIONS/CLARIFICATIONS IN ESTATE POLICY

The Council vide Resolution No 6 dated 18.3.1999 approved a comprehensive Estate Policy (See pages 59 - 65). There have been minor modifications & clarifications thereafter through Resolution dated 30.8.2000 (See Pages 66 - 68). Some further modifications/clarifications appears necessary

I. Period of licence or renewal of licence -

Upto 17.3.1999, the original licence or renewal of licence was generally for a period of five years and licence fee was fixed for a period of five years. As per Council's Resolution of 18.3.1999 and 30.8.2000, the licence and its renewals are for a period of ten years with increase in licence fee on yearly basis. There are over 3500 deeds on licence and yearly increase is due in almost each year. As increase in licence fee continues almost throughout the year, this has added to delay in completion of work. It is suggested that where licence deeds or renewal deeds are to be executed, the period of licence be for five or ten financial years. This would mean renewals or increase in licence fee from the commencement of the financial year i.e. 2nd of April and reduction of licence fee for all the deeds executed in the remaining of the year. The licence fee from the date of licence or date of renewal to 31st of March shall be proportionately adjusted at the time of executing licence or renewal deeds. The same method shall be adopted for the deeds executed after 31.3.2000.

II. Relate for prompt payment and surcharge on delayed payment -

In the original Council Resolution, there was no provision for surcharge on delayed payment of licence fee. It is suggested that a provision for surcharge on delayed payment of licence fee be made.

It is suggested that the Government of Karnataka should be approached for the revision of licence with Govt. of Govt. Deptt.

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(ii) in the case of shops allotted to private parties, against licence fee of say Rs. 100/- a surcharge of 5% is added and demand was raised at Rs 105/-. If licence fee is paid by 10th of the month, the demand for surcharge is not pressed.

(iii) in the case of shops allotted on rehabilitation basis, the demand was raised say at Rs 100/- p.m. on payment by 10th of the month, 5% is allowed as rebate. The rebate of 2% means a reduction in the quantum of rebate in such cases and this reduction is being objected to.

4. To have uniformity a surcharge of 5% shall be charged from all. This surcharge shall not be pressed, if demand is paid by the pay by date. Rebate of 2% shall be allowed in all the cases at (i) & (ii) of para 3 and it shall continue at 5% in the case of rehabilitation markets. This is to be allowed if there are no arrears of licence fee/damages and the licence fee/damages for the month are paid in advance by pay by date.

III Change in trade

5. In the Resolution dated 18.3.1999 and proposal of 26.8.2004, it was decided that change in trade from non-licensable to non-licensable be freely allowed. This needs clarification. Pakka Bazar was developed with Zoning System and trade restriction for each Zone were applied. The Scheme was challenged in the Supreme Court. However, Supreme Court upheld the Scheme. Unless, the Scheme is modified, Zoning system and trade restrictions have to continue in this market.

6. In the case of licensable Tharas in Salem Nagar, U-100 has permitted 05 Vegetable Tharas on a weekly basis only for vegetable stalls which are of perishable nature. These are not allowed to be used for any other purpose. No rolling stalls are to be permitted. As such, where the space has been allotted for a specific purpose or trade, change of trade may not be possible.

IV. Transfer on legal heirs basis :-

7. Council in Resolution of 18.3.1999, has permitted transfers on legal heir basis without transfer charges. Licence of the premises is a permission to occupy the premises and is not to give any right in the property to the licensee. The intention of the Council's Resolution was that permission for occupancy of the premises be given, without charging any transfer fee to that legal heir who was attending to the business with licensee, prior to his death and should continue to have the permission of occupancy after the death of the licensee. The Council's Resolution is being misinterpreted. The allottees have been making a "WILL" of the premises claiming themselves as owner of the premises. Transfers are held up, as almost all the legal heirs claim a share in the allotted premises. Even where they had given consent in favour of one of the legal heirs, they claim that the signatures are forged. Cases are being filed in Courts and NDMC is being made a party.

8. It is proposed that to overcome such difficulties in future, all the existing licences being individuals, be requested to nominate one of their legal heirs, who shall help him in his business from the premises in his lifetime and continue after his death. The person so nominated should not have allotment of any other premises from NDMC/MCD/DDA or Govt. in NDMC/MCD/Delhi Cantonment and Faridabad. The nominee should not be employed in any other organization or establishment. Such a nominee shall not be allowed to transfer the premises to any other person and if he is not interested to occupy the premises, he has to surrender these to NDMC.

9. NDMC is not obliged to permit continuation of allotment after the death of the allottee. The licence stands cancelled on the death of the allottee. However, Council agreed to give a concession to the legal heirs on humanitarian grounds. If there is dispute in the family, unless they settle the dispute amicably, the licence cannot continue and the premises have to be got evicted. In respect of cases pending in the department for transfer on legal heir basis, wherever there are disputes, the legal heirs be given a chance to settle the dispute by 30.11.2004. If dispute is not settled, it may be decided not to allow it to anyone of the legal heir.

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V Bank guarantee of one year :-

10 While considering the recovery of arrears of dues in the Estate Department the Council on 24.1.2004 resolved to accept the recommendation of the Committee set up under F.A. One of the recommendation of the Committee was that at the time of renewal of licences or grant of licence a years Bank guarantee may be obtained

11. On analyzing reasons for outstanding demand, it was found that in 85% cases, there were no arrears of licence fee. Demands is outstanding in 15% cases. In respect of premises with Govt. no such Bank guarantee is being furnished. In Hotels, renewals are not due. Thus the affected persons are the 85% who are not in arrears. These include premises on licence where licence fee is less than Rs.500/- p.m. and licensees have no Bank accounts. It is suggested that instead of enforcing the Bank guarantee, the security deposit be enhanced from four months to eight months and Bank guarantee condition done away with.

XI Damages on cancellation of licence :-

12 Council's Resolution is silent on increase in licence fee on cancellation of licence. It appears that as per Council's Resolution of 1981, it was 30% on first cancellation, 40% on second cancellation and 50% on third cancellation. On cancellation of the licence the damages may be charged at 30% over and above the licence fee. These charges shall continue, so long, as the cancellation of licence continues. If violation are removed, the damages shall be reduced only from the date of order withdrawing the damages and the charges already collected may not be refunded or adjusted.

XII Transfers and sub-lettings other than transfers to legal heirs :-

13 It was resolved by the Council that transfer of licences be freely allowed. In respect of the rehabilitation markets, the licence fee was to be updated as on 18.3.1999 on the basis of Annexure-I to the Resolution of 18.3.1999 and was to be regulated thereafter as per the increase in licence fee approved by the Council from

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time to time. It is not clear from the Resolution as to how the transfer fee on subsequent transfers is to be collected. It may be clarified that wherever there is another transfer, the transfer fee be charged at 50% as in any other case.

14. It has been found that the premises taken on licence by individuals are being occupied by firms or by the Private Ltd. Companies. These are different entities than the allottee and are to be treated as sub-lettings and transfer charges at 50%.

15. It has come to notice that the persons who have become ex-allottees are trying to take other premises on transfer basis. As such, while processing the cases of transfer, it is suggested that the transfers may not be agreed to where the licence fee or interest thereon is due in respect of any other premises.

16. It has been represented that increase in the licence fee on transfer is bringing disparity in licence fee between the premises which have not been transferred and the premises which have been transferred. It is being represented that instead of increasing the L.F. a one time payment may be taken as transfer charges for transfer of the premises. It is suggested that the NDMC can give an option to the person applying for transfer of the licence to either pay the enhanced L.F. or pay one time transfer charges. The transfer charges shall be calculated at 50% of the L&DO land rates of the year 2004-05 for the covered area for which L.F. is being charged. The same process will be adopted for subsequent transfers. This scheme will be available to all transfers on or after 1.10.2004.

17. In respect of the built-up units controlled by Director of Enforcement, other than the built-up units allotted to the Thirujai certified squatters, the above policy of transfer rates is not applicable.

18. In respect of the open reh-bazarri also, the same principle can be adopted of collecting transfer fee at 50% of the L&DO rates for commercial land for the year 2004-05 for the space claimed on reh-bazarri basis.

19. Any issue point not covered under the above modification/clarifications may be decided by the Chairman on merits.

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The Commission has seen the case.

The case is laid before the Council for approval of the above mentioned clarifications in Estate Policy.

COUNCIL'S DECISION

Resolved by the Council that clarification/modification as sought for or suggested in the item were approved.

Mand Singh

For Secretary

New Delhi Municipal Council
Public Relations Officer

ITEM NO. 05 (L-02)

1 Name of the Subject:

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

2 Name of the Department:

Estate-I Department

3. Brief History of the Subject:

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

4. Detailed proposal on the Subject:

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

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

5. Financial implication of the proposed Subject:

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

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

Immediately in case of approval of Council.

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

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

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

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

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

Finance Department has concurred the proposal of Department.

10. Legal implication of the subject:

Not applicable.

11. Details of previous Council Resolutions on the subject:

Not Applicable.

12. Comments of the Law Deptt on the Subject:

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

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

N.A.

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

NA

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

N.A.

15 **Recommendations:**

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

16. **Draft Resolution:**

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

COUNCIL'S DECISION

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

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Annexure-VI

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EM NO. 11 (L-02)

Copy of P.O. No. 11 (L-02)
 Generally ordinary collection
 Date: 28/08/2015

Name of the Subject:

Policy for making allotments on licence basis to Central Government/State Government including Ministries, departments of Central and State Governments, Central/State Undertakings, Constitutional/Statutory bodies, Govt. of India and State Government Undertakings and their Companies where the Central/State Government concerned owned the shareholding more than 75% etc., and renewal of such licences.

2. Name of the Department:

Estate Department

3. Brief History and Detailed Proposal:

The Estate Department deals with the management of Council premises which are given on monthly / annual licence fee basis for a specific period in accordance with the policies and guidelines laid down by the Council through resolutions from time to time.

Presently many properties are lying vacant in various buildings of the Council like Mayur Bhawan, Chandralok Building etc. Apart from this, Council has to renew the allotments made to the government bodies/entities from time to time as and when the licence expires. As per the provisions of NDMC Act, allotments can be made subject to provisions under section 141 of the NDMC Act 1994. This particular agenda proposes to deal with only a class of properties i.e. allotment on licence basis and renewal of properties in respect of Central Government/State Government including Ministries, departments of Central and State Governments, Central/State Undertakings, Constitutional/Statutory bodies, Govt. of India and State Government Undertakings and their Companies where the Central/State Government concerned owned the shareholding more than 75% etc.

At present, cases for renewal or to make any new allotments to these government bodies mentioned above are pending. As per Section 141 of the NDMC Act 1994, Chairperson may with the sanction of the Council, can lease, sell, let out, hire or otherwise transfer any immovable property belonging to the Council.

Therefore, the Department proposes authorization to Chairperson for making allotments to Central Government/State Government including Ministries,

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Constitutional/Statutory bodies Govt of India and State Government Undertakings and their Companies where the Central/State Government concerned owned the shareholding more than 75% etc., and renewal of such licences with retrospective effect for these classes of cases.

However, the Chairperson while exercising the delegated power shall ensure that value at such immovable property is licensed/leased shall not be less than the value at which it is transferred in normal and fair competition. For which, the Chairman may seek assistance of agencies of the Central and/or State Government such as CPWD, L&DO, MoUD, DDA, Land and Building Department of Govt of NCT of Delhi to determine the normal and fair value of the property.

The Chairperson, on completion of task in this regard, inform to the Council in due course of time.

4. Financial implication:

The proposed policy shall not only increase the revenue of the Council but also reduce the pendency of cases.

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

The decision taken in this regard by the Council would be complied with.

6. Comments of the Finance Department on the subject:

- (i) The view of the department on para-13 recommendation, the word inter-se(underlined) needs explicitly regarding its meaning and may be clarified in the Draft Agenda in r/o govt. entities.
- (ii) The same para as stated above, it is not clear as to how the sanction has been recommended "retrospectively"(underlined) and needs clarity.
- (iii) The proposal relates to authorizing Chairperson, with reference to the provisions of section 141 and its sub sections of NDMC Act, 1994. As such, this case needs to be examined by Law Department and their opinion is also needed to be brought in Draft Agenda

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(iv) The Department may also mention at para 9 of the draft agenda about the earlier resolution on Estate policy matter.

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

(i) "Inter-se" means the existing rates applicable for government category class of cases at different locations of Council properties.

(ii) Sanction has been recommended "retrospectively" to give legal sanctity to the existing allotments/renewals to government entities.

(iii) Law Department has vetted the proposal.

(iv) Needful done.

8. Legal implication of the subject

Section 141 of the NDMC Act, 1994 states as under:

"(1) The Chairperson may, with the sanction of the Council, lease, sell, let out on hire or otherwise transfer any immovable property belonging to the Council.

(2) The consideration for which any immovable property may be sold, leased or otherwise transferred shall not be less than the value at which such immovable property could be sold, leased or otherwise transferred in normal and fair competition.

(3) The sanction of Council under section 140 of this section may be given either generally for any class of cases or specially for any particular case.

(4) Subject to any conditions or limitation that may be specified in any other provisions of this Act the foregoing provisions of section 140 and this section shall apply to every disposal of property belonging to the Council made under, or for any purpose of this Act.

(5) Every case of disposal of property under sub-section (1) of section 140 shall be reported by the Chairperson without delay to the Council."

In the above legal provision, attention is invited to Section 141(2), wherein it is stated that the renewal is subject to value which is normal and fair competition.

This proposed agenda proposes for allotment and renewal only to particular classes of cases as mentioned in the subject matter above. Since they are government bodies/entities, the rates/rent/premium of licence fee have to be distinguished from that of the private entities. The premium to be charged from these entities cannot be ascertained through action. They can be charged premium in normal and fair competition applicable inter-se among government entities mentioned above.

9. Details of previous Council Resolutions on the subject:

Resolution No.06 dated 18.3.1999

Resolution No.9(L-01) dated 30.9.2004

Resolution No.5(L-08) dated 06.2.2014

Resolution No.16(L-03) dated 20.6.2014

Resolution No.15(L-04) dated 27.8.2014

10. Comments of the Law Deptt.

Section-141 provides the provision for disposal of immovable property and under sub-section-1 of Section-141 of the NDMC Act the Chairman may with the sanction of the council, lease, sell, let out on hire or otherwise transfer any immovable property belonging to the Council. Sub-Section-2 of Section-141 further provides that the consideration for which any immovable property may be sold, leased or otherwise transferred shall not be less than the value at which such immovable property could be sold, leased or otherwise transferred in normal or fair competition.

In view of above if the Department is ensure that the draft agenda for allotment of the space is not in violation of the said section of the NDMC Act then the Department may proceed the case accordingly.

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

The allotments are to be made as per the existing rates that are applicable inter-se in these class of cases. In case of revision, the revised rates shall apply.

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

There are no guidelines on the subject being a policy decision.

13. Recommendations:

(i) Council properties to Central Government/State Government including Ministries, departments of Central and State Governments, Central/State Undertakings, Constitutional/Statutory bodies, Govt. of India and State

Government Undertakings and their Companies where the Central/State Government concerned owned the shareholding more than 75% etc., can be allotted on licence basis as per the existing rates that are applicable inter-se in these class of cases. In case of revision, the revised rates shall apply. The Council may sanction or authorize the Chairman to make allotments & renewals of above said government bodies/entities under the NDMC Act, 1994, retrospectively.

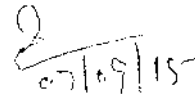
- (ii) Chairperson is also authorized to revise their licence fee from time to time.
- (iii) Chairperson shall cause to lay before the Council the list of properties so disposed to the government entities mentioned above before the Council.

15. Draft Resolution
To be decided by the Council

COUNCIL'S DECISION

In view of the provisions of section 141 of the NDMC Act, 1994, the Council resolved to sanction that :

- (i) Properties of the Council can be allotted to Central Government / State Government including Ministries, Departments of Central / State Governments; Central / State Undertakings; Constitutional / Statutory Bodies; Central / State Government Undertakings and their Companies where the Central / State Government concerned owned the shareholding more than 75% etc. on license basis as per the existing rates that are applicable inter-se in these class of cases by the Chairperson, NDMC.
- (ii) Sanction is accorded that the Chairperson, NDMC may revise licence fee from time to time to get fair consideration of such assets to the Council;
- (iii) The Chairperson, NDMC shall cause to lay before the Council the list of such properties so disposed of to such Government bodies / entities, within a period of three months from the date of such decision.


 07/09/15
 Secy Secretary
 New Delhi Municipal Council
 Patika Kendra, New Delhi

ITEM NO. 10 (PERSONNEL)

1.	Name of the subject	Revival of 42 vacancies under Departmental Promotion Quota of Assistant Engineer (Elect.) rendered deemed abolished due to not being filled on regular basis for more than 02 years.
2.	Name of the Department	Electric Estt. (Personnel Department)
3.	Brief History of the Subject	<p>1. There are 62 posts of Assistant Engineer (Elect.), 70% by Promotion & 30% by Direct Recruitment. Approval of UPSC the Recruitment Rules for the post were notified on 12.05.2008 (Annexure-I) (See pages 183 - 189).</p> <p>2. The proposal to fill up the vacant posts of AEE under departmental quota was forwarded to UPSC vide letter date 17.03.2020 and it was inter-alia returned by the UPSC that these posts are falling into the ambit of O. M. of the Department of Expenditure no. 7(1)/E. Coord-I/2017 dated 12.04.2017 and thus will be considered deemed abolished and will require revival before the same to be filled up.</p> <p>3. Legal Position</p> <p>Presently, the New Delhi Municipal Council is governed by NDMC Act, 1994. Provisions of the enactment relevant to the present proposal are as under:-</p> <p>i. Section 34(3) of the NDMC Act, 1994 provides that the Chairperson may create any category 'B', or category 'C', or category 'D' posts and for a period not exceeding six months any category 'A' post:</p> <p><i>(Provided that no such category 'A' post shall be beyond the period without the previous approval of the Council.)</i></p>
4.	Detailed proposal on the subject	<p>1. 42 posts under Departmental Promotion Quota have been rendered deemed abolished for being remained vacant for more than two years and will require revival before the same is filled up on regular basis in view of the instruction laid down in above said OM dated 12.04.2017 of Department of Expenditure.</p> <p>2. The above O.M. in details for creation, revival, continuation and transfer of post is as under:-</p> <p><i>"Para 2.1 of the said O.M. states that these instructions shall apply to creation/continuation/revival of posts in all Ministries/Departments, their attached offices, subordinate offices, Statutory bodies etc."</i></p> <p>Relevant provision in the said O.M. relating to revival of the post and continuation are as under:-</p>

"5.1 Deemed Abolition & Revival of Posts:

- a. All posts, except newly created posts, kept in abeyance or remaining vacant for a period of more than 2 years in any Ministry / Department / Attached office/ Subordinate office/ Statutory body, would be considered as 'deemed abolished' unless an exemption has been given at the time of sanctioning the post.
- b. A post falling into the category of 'deemed abolished' cannot be filled up prior to obtaining its 'revival' from Department of Expenditure.
- c. Statutory posts, the name and level/pay scale of which is specifically provided for in an Act of Parliament, are exempted from falling in the category of 'deemed abolished' or remaining vacant for a period of more than 2 years. Only the posts mentioned in Statute may be considered Statutory, not their support staff.
- d. Newly created posts (posts which have been sanctioned recently by Department of Expenditure/Cabinet), which do not have RRs would fall under the category of 'deemed abolished' after a period of 3 years from the date of creation unless it is clarified that this relaxation would not be applicable to those newly created posts which have existing RRs.
- e. Revival of post would be considered in rare and unavoidable circumstances only.
- f. Proposals for revival of posts may be referred to this Department on file, along with the prescribed checklist issued by the Department (Annexure-II). Separate checklist may be prepared for each post. Proposals received without proper checklist would not be considered.

6.1 Continuation of Posts:

- a. Continuation of posts would be considered subject to continuation of the scheme/project for which the posts were initially sanctioned. For above JS level posts, Department of Expenditure would examine and put up the proposal for approval of Secretary (Exp.), Secretary (DoP&T) and Cabinet Secretary. In the case of continuation of Secretary level post, approval of Prime Minister may be obtained by the concerned Ministry/ Department after the approval of Cabinet Secretary."
3. The process of revival is same as creation of the post have no financial implication needs to be given afresh. Section 34 (3) of the NDMC Act-1994 provides that for creation of

		<p>any group "A" post for more than six months approval of the Council will be required. Hence, the proposal is being laid before the Council for its approval.</p> <p>4. The proposal was earlier placed before the Council vide Agenda item no. 40(H-03) in its meeting held on 20.12.2019 for revival of total 58 posts (40 under departmental promotion quota and 18 under direct recruitment quota) for revival to enable the department to send requisition for Direct Recruitment quota and DPC proposal for Departmental Promotion quota vacancies to UPSC. Wherein both the proposals were taken up with UPSC and resutantly 18 candidates have been recommended by UPSC against direct recruitment quota, the DPC proposal could not attain finality mainly non-compliance of ACR's and covid-19 lockdown. In the mean time, 02 years have lapsed and UPSC has desired that the DPQ posts be revived again for filling through holding DPC meeting.</p> <p>5. Accordingly, it is proposed that, the 42 DPQ vacancies of AEE may revived from the date they were earlier revived vide OO No. SO(EE-I)/310/GA-III/2020 dated 02.03.2020 as per council resolution no. 40(h-03) dated 20.12.2019 as the post have been functionally occupied by senior most JEE's working on current duty charges.</p> <p>6. From the facts stated above, it may be seen that filling up of the post of Assistant Engineer (Elect.) is functional need of NDMC as per provision of Section 11 and Section 12 of NDMC Act. It is noted here that in absence of the post of Assistant Engineer (Elect.) the work of Electric Engineering Department as mentioned in para 05 above would be affected. Hence, revival of the 42 posts under Department Quota of Assistant Engineer (Elect.) an approval of the Council for continuation/revival of the post is required.</p>
5.	Financial Implications of the project/subject	There is no new financial implication as Budget provision under the salary head for the post is the proposed available.
6.	Implementation schedule timelines for each stage including internal processing	After revival of the post, the process for filling up the post of Assistant Engineer (Elect.) on regular basis under departmental quota for promotion of Junior Engineer (Electric) would be initiated immediately
7.	Comments of the Finance Department on the subject	1. The case is received in FD for comments on draft agenda (DFA/63898 alongwith Annexure-II (see pages 190 - 191) for Revival of Vacant Post of A.E.(Elect.) vide DFA/63914) to be placed before the Council on the matter of

		<p>Revival of the post of Assistant Engineer (Electric), Electric Department rendered deemed abolished due to not being filled on regular for more than 02 years.</p> <p>2. The Department has stated vide S.No. 5 of the Draft Agendum that there is no new financial implication as Budget provision under the salary head for the post is available.</p> <p>3. In view of the submission made by the department, being an administrative matter, FD has no objection to place the proposed Draft Agendum to the Chairman, NDMC for placing the same before the Council subject to certifying and ensuring the following :-</p> <p>(a). The department may ensure that whether office memorandum No.07(1) E Coord.I/2017 dated 12.4.2017 issued by Government of India, Ministry of Finance department of Expenditure is applicable on the NDMC specifically considering para No.2.3 and 2.4 of said OM or any subsequent order is issued by respective department on the subject matter.</p> <p>(b). processing the case to the Competent authority, the department While may attach the desire checklist as per Annexure-I of said O.M. vide Para-3.1(e).</p> <p>(c). Correctness of information and data</p>
8.	Comments of the Personnel Department on the comments of the Finance Department	All necessary guidelines have been followed.
9.	Legal Implications of the Subject	There does not seem to be any legal implication as it being an Administrative matter.
10.	Details of previous Council Resolutions, existing Law of Parliament and Assembly on the subject	58 posts (18 by direct recruitment and 40 by departmental promotion quota) of Assistant Engineer (Elect.) were revived by the Council by resolution no. 40(H-03) dated 20.12.2019.
11.	Comments of Law Department	<p>"Having examined the contents of the draft agendum aimed at the Revival of the deemed abolished posts of Assistant Engineer (Elect.) in the Note#1, from the legal point of view, it is observed that prima-facie there appears to be no specific legal hurdle involved at this stage.</p> <p>However, the E (Estt.)-I Department may ensure that the latest guidelines on the subject, issued by the Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India, as may be applicable, has</p>

		been complied with. File may kindly be forwarded for further necessary actions by the concerned department."
12.	Comments of the Department on the comments of the Law Department	All necessary guidelines have been followed.
13.	Certification by the Department that all the Central Vigilance Commission (CVC) guidelines have been followed while processing the case.	Not applicable
14.	Recommendation	The Council approves the continuation/revival of 42 posts of Assistant Engineer (Elect.) under departmental quota in Electric Engineering Department from the date of previous order regarding revival issued vide no. SO(EE-I)/310/GA-III/2020 dated 02.03.2020 to enable the Personnel Department for filling up the said post on promotion from Junior Engineer (Electric) basis.
15.	Draft resolution	Resolved by the Council that the proposal contained in para 14 is approved.

COUNCIL'S DECISION

Resolved by the Council to accord approval to the proposal of the Department as mentioned in para 14 of the agenda.

The Council further resolved that the Departments concerned may initiate further necessary action based on the decisions taken by the Council at the meeting, as noted above, in anticipation of confirmation of the Minutes.

D. Sengupta

For Secretary
Delhi Municipal Council
New Delhi.

क्रमांक एफ. 19/5/08/आर.आर./एनडीएमसी/यूडी/8686/888.- नई दिल्ली नगरपालिका परिषद, नई दिल्ली द्वारा परिषद अधिनियम, 1994 (1994 का अधिनियम 44) की धारा 43 की उपधा (1) के परिच्छेद (अ) के अंतर्गत प्रस्ताव संख्या 4(एच-7) दिनांक 29-12-2006 के द्वारा एव उक्त अधिनियम की उपधा (2) के अंतर्गत अपेक्षित अनुसार संघ लोक सेवा आयोग के क्रमांक एफ.एन. 3/24 एन(1) 2003 भर्ती नियम दिनांक 13-04-2005 के परामर्श से नई दिल्ली नगरपालिका परिषद, नई दिल्ली के सहायक अभियंता (विद्युत) के पद पर भर्ती हेतु उक्त अधिनियम की धारा 387 की उपधा (2) के प्रावधानों के अन्तर्गत केंद्रीय सरकार/गृह मंत्रालय के पत्रांक एफ संख्या 14011/80/2006-दिल्ली-11 दिनांक 17 जनवरी, 2008 द्वारा अनुमोदित परिषद द्वारा बनाये गये निम्नलिखित भर्ती विनियम एतद्वारा इस विषय में संलग्न अनुसूची में प्रकाशित किये जाते हैं :-

1. संक्षिप्त नाम और लागू होने की तिथि.- (1) ये विनियम नई दिल्ली की नई दिल्ली नगरपालिका परिषद, 2006 के सहायक अभियंता (विद्युत) के पद के लिए भर्ती विनियम कहे जायेंगे।

(2) ये दिल्ली राजपत्र में प्रकाशित होने की तिथि से लागू होंगे।

2. पदों की संख्या, वर्गीकरण एवं वेतनमान.- उक्त पद की संख्या, इसका वर्गीकरण तथा इस पद से सम्बद्ध वेतनमान, इन विनियमों के साथ संलग्न अनुसूची के कॉलम (2) से (4) में निर्दिष्ट अनुसार होंगे।

3. भर्ती की विधि, आयु सीमा तथा अन्य अर्हताएं आदि.- उक्त पद की भर्ती पद्धति, आयु सीमा, अर्हताएं तथा इससे सम्बन्धित अन्य मामलों से परीक्षा अनुसूची के कॉलम (5) से (14) में निर्दिष्ट अनुसार होंगे।

4. अनर्हताएं.- कोई भी ऐसा व्यक्ति-

(क) जो किसी ऐसे व्यक्ति से, जिसका पति/पत्नी जीवित हो, दूसरा विवाह कर ले अथवा विवाह के लिये अनुबद्ध हो जायें; अथवा

(ख) जो अपनी पत्नी/पति के जीवित होते हुए किसी स्त्री/पुरुष के साथ दूसरा विवाह कर ले अथवा अनुबद्ध हो जाये,

उक्त पद पर नियुक्ति के लिए ग्राह्य/पात्र नहीं होगा, बशर्ते नई दिल्ली नगरपालिका परिषद, नई दिल्ली, यदि इस बात से संतुष्ट हो कि ऐसे व्यक्ति तथा दूसरे पक्ष पर विवाह के लागू होने वाले व्यक्तिगत कानून के अन्तर्गत उक्त विवाह अनुमत है तथा ऐसा करने के अन्य आधार हैं, तो वह ऐसे व्यक्ति को इस विनियम की प्रक्रिया में छूट दे सकती है।

5. छूट देने का अधिकार.- यदि नई दिल्ली नगरपालिका परिषद के विचार में ऐसा करना आवश्यक अथवा समर्थित हो, तो वह अपने आदेश द्वारा लिखित रूप में कारण बताते हुए और संघ लोक सेवा आयोग के परामर्श से किसी श्रेणी अथवा विशेष वर्ग से संबंधित व्यक्तियों को इन विनियमों के किसी भी प्रावधान में शिथिलता/छूट प्रदान कर सकती है।

6. किन्तु.- इन विनियमों की कोई भी व्यवस्था मरत सत्कार द्वारा इस संबंध में समय-समय पर जारी किये गये आदेशों के अनुसार अनुसूचित जाति एवं अनुसूचित जनजाति, भूतपूर्व सैनिकों तथा अन्य विशेष वर्गों के व्यक्तियों के लिए अपेक्षित आरक्षण, आयु-सीमा में छूट तथा अन्य दो जाने वाली गिनतियों को प्रभावित नहीं करेगी।

अनुसूची

पद का नाम	पदों की संख्या	वर्गीकरण	वेतनमान	घयनित या गैर घयनित पद	सभी भर्ती के लिये आयु सीमा
(1)	(2)	(3)	(4)	(5)	(6)
सहायक अभियंता (विद्युत)	*62 (2005)	वर्ग 'क'	7750-250-8000- 275-9100-10350- 350-12100-400- 14500 आरम्भिक मूल वेतन 8550 रु. होगा	चयनित	30 वर्ष से अधिक नहीं (केंद्रीय सरकार द्वारा जारी आदेशों या निर्देशों के अनुसार केंद्रीय सरकार और न.दि.न.पा. परिषद के कर्मचारियों के लिए 5 वर्ष की छूट) टिप्पण : भारत में प्रत्याशियों से आवेदन प्राप्त की अंतिम तिथि ही आयु सीमा निर्धारण का दिन होगा। (असम, मंगलम, असम/बचन पद, मिजोरम,

(6)

मणिपुर, नागालैंड, त्रिपुरा, सिक्किम, जम्मू एवं कश्मीर का लद्दाख प्रखण्ड, हिमाचल प्रदेश का लाहौल स्पीति जिला एवं हिमाचल प्रदेश के चम्बा जिले का पांगी सब-डिविजन, अंडमान-निकोबार द्वीप समूह या लक्षद्वीप के लिए आवेदन पत्रों को अंतिम तिथि आयु सीमा निर्धारित करने का दिन नहीं है।

क्या परिवर्धित सेवा अवधि का लाभ स्वीकार्य है	सौधी भर्ती के लिये अपेक्षित शैक्षणिक एवं अन्य योग्यताएं	क्या सौधी भर्ती के लिए निर्धारित आयु सीमा एवं शैक्षणिक योग्यता पदोन्नति वाले प्रत्याशियों के मामलों में लागू होगी	परिवर्धित अवधि, यदि कोई हो
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(8)

(9)

(10)

नहीं

अनिवार्य :

1. किसी मान्यताप्राप्त विश्व-विद्यालय/संस्थान से विद्युत अभि-वाचिकों में स्नातक या समतुल्य।
2. संबंधित क्षेत्र में एक वर्ष का अनुभव।

टिप्पणी 1 : सुअहर्ता प्राप्त प्रत्याशी के मामले में संघ लोक सेवा आयोग स्व-विधेक से योग्यता में शिथिलता प्रदान कर सकता है।

टिप्पणी 2 : भर्ती प्रक्रिया के किसी स्तर पर यदि संघ लोक सेवा आयोग यह अनुभव करे कि अनुसूचित जाति, अनुसूचित जनजाति के अशिक्षित पदों को भरने के लिए प्राथम अनुभव वाले अनुसूचित जाति, अनुसूचित जनजाति के प्रत्याशियों के उपलब्ध होने की संभावना नहीं है तो संघ लोक सेवा आयोग अपने विधेक से अनुसूचित जाति या अनुसूचित जनजाति के प्रत्याशियों को अनुभव की योग्यताओं में छूट दी जा सकती है।

आयु - नहीं
शैक्षिक योग्यता - कॉलम 12 में उल्लेखित सीमा तक।

सौधी भर्ती और पदोन्नति वाले प्रत्याशियों के लिए 2 वर्ष।

भर्ती की पद्धति, सीधी भर्ती या पदोन्नति से अथवा प्रतिनियुक्ति/संविलयन करने से और विभिन्न प्रक्रियाओं से परो जाने वाले पदों की प्रतिशतता

पदोन्नति/प्रतिनियुक्ति/संविलयन के आधार पर भर्ती करने की स्थिति में किस संवर्ग (ग्रेड) से पदोन्नति/प्रतिनियुक्ति/संविलयन किया जाना है

(11)

(12)

70 प्रतिशत पदोन्नति से, ऐसा न होने पर अल्पावधि-अनुबंध सहित प्रतिनियुक्ति द्वारा ।
30 प्रतिशत सीधी भर्ती द्वारा ।

पदोन्नति :

1. किसी मान्यताप्राप्त विश्वविद्यालय/संस्थान से विद्युत इंजीनियरिंग में डिग्री अथवा समकक्ष तथा 5500-9875 रु. के वेतनमान में विभागीय कनिष्ठ अभियन्ताओं के संवर्ग में 8 वर्षों की नियमित सेवा के साथ 50 प्रतिशत पदोन्नति द्वारा ।
2. किसी मान्यताप्राप्त विश्वविद्यालय/संस्थान से विद्युत इंजीनियरिंग में डिप्लोमा अथवा समकक्ष तथा 5500-9875 रु. के वेतनमान में 5 वर्षों की नियमित सेवाओं के साथ विभागीय कनिष्ठ अभियन्ता से 20 प्रतिशत पदोन्नति द्वारा ।

टिप्पणी :-

जहाँ उन कनिष्ठ कर्मचारियों की पदोन्नति पर विचार किया जाता है, जिन्होंने अपनी-अपनी मान्य/ग्राह्य सेवा अवधि पूर्ण कर ली है, वहाँ उनके दशित सहयोगियों पर भी पदोन्नति हेतु विचार किया जाये, बशर्त उनकी अपेक्षित मान्य/ग्राह्य सेवा अवधि ऐसी अपेक्षित मान्य/ग्राह्य सेवा अवधि से आधी या दो वर्ष, जो भी कम हो, से कम की अवधि की न हो तथा उन्होंने पदोन्नति हेतु आगामी उच्चतर पद क्रम में अपने कनिष्ठों जिन्होंने पूर्व में ऐसी मान्य/ग्राह्य सेवा पूर्व कर ली है, के साथ अपनी परोबोधा अवधि सफलतापूर्वक पूर्ण कर ली है ।

प्रतिनियुक्ति (अल्पकालीन अनुबंध सहित)

केंद्रीय/राज्य सरकारों/संघ राज्यों/सार्वजनिक क्षेत्र के संस्थानों/स्थायत निकायों/वैधानिक संस्थानों के अधिकारी जो-

क. (1) पैतृक संघटन/विभाग में नियमित आधार पर समानान्तर पद पर कार्यरत हो; या

(2) पैतृक संघटन/विभाग में पद पर नियुक्ति के पश्चात् 5500-9875 रु. के वेतनमान में 5/8 वर्षों की नियमित सेवा अथवा समकक्ष; अथवा

ख. निम्नलिखित शैक्षणिक योग्यता तथा अनुभव रखता हो ।

1. किसी मान्यताप्राप्त विश्वविद्यालय/संस्थान से विद्युत इंजीनियरिंग में डिग्री अथवा समकक्ष ।

2. बहुराज्यी इमारतों में वातानुकूलन व विद्युत वितरण कार्य में अनुभव के साथ शिरोपरि ट्रांसमिशन लाइनें एवं भूमिगत वितरण प्रणाली सहित 11 के.वी. 33 के.वी. एवं 66 के.वी. संचारण की क्षमता वाले किसी बृहद विद्युत आपूर्ति संस्थान में 5 वर्षों का अनुभव ।

संभरण संवर्ग में वे विभागीय अधिकारी जो पदोन्नति की सीधी पंक्ति में हैं, वे प्रतिनियुक्ति पर नियुक्ति हेतु विचार के पात्र नहीं होंगे, इसी प्रकार प्रतिनियुक्ति/भर्ती पदोन्नति द्वारा नियुक्ति हेतु विचार करने के लिये नहीं होंगे ।

[इस नियुक्ति से तत्काल पूर्व 33 या केंद्रीय सरकार के किसी अन्य संस्थान/विभाग में किसी अन्य चतुर्थ संवर्ग पद पर प्रतिनियुक्ति/अनुबंध की अवधि सहित प्रतिनियुक्ति/अनुबंध की अवधि सामान्यतः 3 वर्षों से अधिक नहीं होगी । प्रतिनियुक्ति (अल्पकालीन अनुबंध सहित) द्वारा नियुक्ति के लिए आवेदन पत्र प्राप्ति की अंतिम तिथि की अधिकतम आयु सीमा 56 वर्ष से अधिक नहीं होगी ।]

यदि विभागीय पदोन्नति समिति विद्यमान है तो उसका गठन किन परिस्थितियों में भर्ती करने के लिए संघ लोक सेवा आयोग से परामर्श किया जाये

(13)

(14)

वर्ग 'क' विभागीय पदोन्नति समिति (पदोन्नति हेतु विचारार्थ)

इन नियमों के किसी प्रावधान में संशोधन/छूट सहित नियुक्ति के प्रत्येक अवसर पर संघ लोक सेवा आयोग से परामर्श अनिवार्य है।

- | | | |
|--|---|---------|
| 1. अध्यक्ष/सदस्य, सं. लो. सेवा आयोग | — | अध्यक्ष |
| 2. सचिव, न.दि.न.पा. परिषद् | — | सदस्य |
| 3. वित्तीय सलाहकार, न.दि.न.पा. परिषद् | — | सदस्य |
| 4. मुख्य अभियंता (विद्युत) न.दि.न.पा. परिषद् | — | सदस्य |

स्थायीकरण हेतु विचारार्थ वर्ग 'क' विभागीय पदोन्नति समिति

- | | | |
|--|---|-------|
| 1. सचिव, न.दि.न.पा. परिषद् | — | सदस्य |
| 2. वित्तीय सलाहकार न.दि.न.पा. परिषद् | — | सदस्य |
| 3. मुख्य अभियंता (विद्युत) न.दि.न.पा. परिषद् | — | सदस्य |

No. F. 19/5/08/RR/NDMC/UD/8686/888.—The following recruitment regulations made by the New Delhi Municipal Council, New Delhi under clause (C) sub-section (1) of Section 43 of the New Delhi Municipal Council Act, 1994 (44 of 1994) vide its Reso. No. 4(H-7) dated 29-12-2006 and in consultation with the Union Public Service Commission F. No. 3/24N(I)2003-RR dated 13-04-2005 as required, under sub-section (2) of the said Act, in connection with the recruitment to the post of Assistant Engineer (Electric) in the New Delhi Municipal Council, New Delhi have been approved by Central Government/Ministry of Home Affairs, vide No. F. No. 14011/80/2006-Delhi-II dated 17th January, 2008 under the provisions of sub-section (2) of Section 387 of the said Act, are hereby published in the schedule annexed hereto ---

1. Short title and commencement.—(i) These regulations may be called the recruitment regulations for the post of Assistant Engineer (Electric) of New Delhi Municipal Council of New Delhi 2006.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. Number of posts, classification and scale of pay.—The number of the said post, its classification and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the Schedule annexed to these regulations.

3. Method of recruitment, age limit, qualification, etc.—The method of recruitment to the said post, age limit, qualifications and other matters relating thereto, shall be as specified in columns (5) to (14) of the schedule aforesaid.

4. Disqualification : No person—

(a) who has entered into or contracted a marriage with a person having a spouse living; or

(b) who, having a spouse living, has entered into or contracted a marriage with any person;

shall be eligible for appointment to the said post;

Provided that the New Delhi Municipal Council, may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax :—Where the NDMC, New Delhi is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Government relax any of the provisions of these regulations with respect to any class or category of persons.

6. Saving :—Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Ex-Servicemen and other special categories of persons, in accordance with the orders issued by the New Delhi Municipal Corporation of New Delhi from time to time in this regard.

SCHEDULE

Name of post	No. of posts	Classification	Scale of pay	Whether selection or Non-selection post.	Age limit for direct recruitment
(1)	(2)	(3)	(4)	(5)	(6)
Asstt. Engineer (Electric)	*62 (2005) *Subject to variation dependent on workload.	Group 'A'	Rs. 7750-250-8000-275-9100-10350-350-12100-400-14500 with initial start of Rs. 8550.	Selection	Not exceeding 30 years (Relaxable for Government servants upto five years in Accordance with the instructions or orders issued by the Central Government and employees in NDMC) Note : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands of Lakshdweep).

Whether benefit of added years of service admissible	Educational and other qualification required for direct recruits	Whether age and educational qualifications prescribed for direct recruitment will apply in the case of promotees	Period of probation, if any
(7)	(8)	(9)	(10)
No	Essential (i) Degree in Electrical Engineering from a recognised University/ Institute or equivalent. (ii) One year experience in the relevant field. Note 1 : Qualifications are relaxable at the discretion of the Union Public Service Commission in case of candidates otherwise well qualified. Note 2 : The qualifications regarding experience is/are relaxable at the discretion of the Union Public Service Commission in case of	Age :- No EQs :- The extent indicated in Col. 12	2 years for direct recruits and promotees

(8)

candidates belonging to scheduled castes or scheduled tribes. If at any stage of selection the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

Method of Recruitment, whether by direct recruitment or by promotion or by deputation/absorption and percentage of the posts to be filled by various methods

In case of recruitment by promotion/deputation/absorption, grades from which promotion/deputation/absorption to be made

(11)

(12)

70.00% promotion failing which by deputation including short term contract.
30.00% Direct recruitments.

Promotion :

(1) 50% from departmental Junior Engineers (Elect.) in the pay scale of Rs. 5500-9875 possessing diploma in Electrical Engineering from a recognized University/Institute or Equivalent having eight years regular service in the grade.

(2) 20% from departmental Junior Engineers (Elect.) in the pay scale of Rs. 5500-9875 possessing degree in Electrical Engineering from a recognized University/Institute or Equivalent having five years regular service in the grade.

Note : Where Juniors who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade along with their juniors and have already completed such qualifying/eligibility service.

(2) Deputation (ISTC)

Officers under the Centre/State/Government/UTs./Public Sector under taking/Autonomous or Statutory Organizations.

(a) (i) Holding analogous posts on regular basis in the parent cadre/department; or

(ii) with 5/8 years service in the grade rendered after appointment thereto on a regular basis in the scale of pay of Rs. 5500-9875 or equivalent in the parent cadre/department; and

(b) possessing following educational qualification and experience:

(i) Degree or diploma in Electrical Engineering/Mechanical Engineering from a recognized University/Institute or equivalent;

(ii) 5 years experience in a large Electricity supply undertaking having 11 kv, 33 kv and 66 kv transmission overhead as well as underground distribution system along with experience in Electrification, distribution and Air Conditioning of multistoried building. The departmental officers in the feder category who are in the direct line of promotion will not be eligible for

(12)

consideration for appointment on deputation. Similarly deputationists shall not be eligible for consideration for appointment by promotion.

[Period of Deputation (ISTC) including period of deputation (ISTC) in another ex-cadre post held immediately preceding this appointment in the same or other Organizations/Department of the Central Government shall ordinarily not to exceed three years. The maximum age limit for appointment by deputation (ISTC) shall not exceed 56 years as on the closing date of receipt of application.]

If a DPC exists what is its composition

Remarks

(13)

(14)

Group 'A' considering for promotion

- | | |
|----------------------------|------------|
| 1. Chairman/Member UPSC | — Chairman |
| 2. Secretary, NDMC | — Member |
| 3. Financial Adviser, NDMC | — Member |
| 4. IEF Engineer (Elect.) | — Member |

Consultation with UPSC is necessary for appointment to the post on each occasion and for amending/relaxing any provision of these rules.

Group 'A' DPC for considering confirmation

- | | |
|----------------------------|------------|
| 1. Secretary, NDMC | — Chairman |
| 2. Financial Adviser, NDMC | — Member |
| 3. Chief Engineer (Elect.) | — Member |

क्रमांक एफ. 19/S/08/आर.आर./एनडीएमसी/यूडी/8686/888.— नई दिल्ली नगरपालिका परिषद्, नई दिल्ली द्वारा परिषद् अधिनियम, 1994 (1994 का अधिनियम 44) की धारा 43 की उपधारा (1) के परिच्छेद (ग) के अंतर्गत प्रस्ताव संख्या 4(एच-7) दिनांक 29-12-2006 के द्वारा एवं उक्त अधिनियम की उपधारा(2) के अंतर्गत अपेक्षित अनुसार संघ लोक सेवा आयोग के क्रमांक एफ.एन. 3/24 एन(7) 2004 भर्ती नियम दिनांक 22-09-2005 के परामर्श से नई दिल्ली नगरपालिका परिषद्, नई दिल्ली के अधिरासी अभियंता (विद्युत) के पद पर भर्ती हेतु उक्त अधिनियम की धारा 387 की उपधारा (2) के प्रावधानों के अन्तर्गत केन्द्रीय सरकार/गृह मंत्रालय के पत्रांक एफ संख्या 14011/80/2006-दिल्ली-II दिनांक 17 जनवरी 2008 द्वारा अनुमोदित परिषद् द्वारा बनाये गये निम्नलिखित भर्ती विनियम एतद्वारा इस विषय में संलग्न अनुसूची में प्रकाशित किये जाते हैं :-

1. संक्षिप्त नाम और लागू होने की तिथि.—(1) ये विनियम नई दिल्ली की नई दिल्ली नगरपालिका परिषद्, 2006 के अधिरासी अभियंता (विद्युत) के पद के लिए भर्ती विनियम, कहे जायेंगे।

(ii) ये दिल्ली राजपत्र में प्रकाशित होने की तिथि से लागू होंगे।

2. पदों की संख्या, वर्गीकरण एवं वेतनमान.— उक्त पद की संख्या, इसका वर्गीकरण तथा इस पद से सम्बद्ध वेतनमान, इन विनियमों के साथ संलग्न अनुसूची के कॉलम (2) से (4) में निर्दिष्ट अनुसार होंगे।

3. भर्ती की पद्धति, आयु-सीमा तथा अर्हताएं आदि.— उक्त पद की भर्ती पद्धति, आयु-सीमा, अर्हताएं तथा इससे सम्बन्धित अन्य मामले उपरोक्त अनुसूची के कॉलम (5) से (14) में निर्दिष्ट अनुसार होंगे।

4. अनर्हताएं.— कोई भी ऐसा व्यक्ति—

(क) जो किसी ऐसे व्यक्ति से जिसका पति/पत्नी जीवित हो, दूसरा विवाह कर ले अथवा विवाह के लिये अनुबन्ध हो जाये, अथवा

(ख) जो अपनी पत्नी/पति के जीवित होते हुए किसी स्त्री/पुरुष के साथ दूसरा विवाह कर ले अथवा अनुबन्ध हो जाये,

उक्त पद पर नियुक्ति के लिए ग्राह्य/पात्र नहीं होगा, बशर्ते नई दिल्ली नगरपालिका परिषद्, नई दिल्ली, यदि इस बात से संतुष्ट हो कि ऐसे व्यक्ति तथा दूसरे पक्ष पर विवाह के लागू होने वाले व्यक्तिगत कानून के अन्तर्गत उक्त विवाह अनुमत है तथा ऐसा करने के अन्य आधार हैं, तो वह ऐसे धर्मांत को इस विनियम की प्रक्रिया से छूट दे सकती है।

5. छूट देने का अधिकार.— यदि नई दिल्ली नगरपालिका परिषद् के विचार में ऐसा करना आवश्यक अथवा समायोजित हो, तो वह अपने आदेश द्वारा लिखित रूप में कारण बताते हुए और संघ लोक सेवा आयोग के परामर्श से किसी श्रेणी अथवा विशेष वर्ग से संबंधित इन विनियमों के किसी भी प्रावधान में शिथिलता/छूट प्रदान कर सकती है।

CHECK LIST FOR REVIVAL OF POSTS

Sr. No.	Particulars	
1.	Name of the organisation	New Delhi Municipal Council
2.	Name of the post	Assistant Engineer (Elect.)
3.	Pay Scale of the Post	Level 10 as per 7th CPC pay matrix (pre-revised DTL pay scale of Rs. 19000-39100/- + Rs. 5400/- Grade Pay)
4.	Date of vacancy	As per annexure -II
5.	Mode of recruitment of the post (enclose copy of RRs)	30% Direct Recruitment 70% Promotional Quota.
6.	No. of posts in the grade of post proposed to be revived	42 under Departmental Promotional Quota
7.	Duties and responsibilities of the post	Duties & responsibilities of the post are as under:- Management and efficient execution of works within his sub-division maintain initial accounts, records and stores as well as work abstracts. All accounts returns are to be submitted to Executive Engineer (Elect.) punctually correct in all respect.
8.	Functional justification for revival of the post	Manpower is required to manage Electricity Department of NDMC. These posts are to be filled through UPSC by DR & Promotional mode
9.	Efforts made to fill up the post, since date of vacancy (in chronological order with relevant documents)	Proposal was sent to UPSC vide no. D-824/SO(EE-1)/GA-III dated 17.03.2022.
10.	How the work is being managed in the absence of the post and why this arrangement cannot continue	In the absence of any incumbent on the post, the work is being managed through assigning the work by giving CDC/Adhoc charge to Junior Engineer (Elect.) on step-gap arrangement
11.	Possibility of outsourcing/contract	Not applicable.
12.	Financial implication of the revival of post	No Financial implication is involved as there is already as separate salary head for this post.
13.	Matching Savings (Specific posts with pay scales) (FA may certify that those posts are live and not surrendered earlier or recommended)	Not applicable

	by SIU for abolition)																					
14.	No. of posts in immediate lower (feeder) grade	Sanctioned strength - 201 Vacant posts - 116																				
15.	No. of posts in immediate higher (Promotional) grade	a. Sanctioned 26 b. Vacant (with date) 26																				
16.	Detailed sanctioned strength and vacancy position of the organization (grade-wise)	<table border="1"> <thead> <tr> <th>Sr. No.</th> <th>Name of Post</th> <th>Sanctioned strength</th> <th>Vacancy position</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Chief Engineer (Elect.)</td> <td>02</td> <td>02</td> </tr> <tr> <td>2.</td> <td>Supdt. Engineer (Elect.)</td> <td>06</td> <td>04</td> </tr> <tr> <td>2.</td> <td>Executive Engineer</td> <td>26</td> <td>24</td> </tr> <tr> <td>3.</td> <td>Assistant Engineer</td> <td>62</td> <td>48</td> </tr> </tbody> </table>	Sr. No.	Name of Post	Sanctioned strength	Vacancy position	1.	Chief Engineer (Elect.)	02	02	2.	Supdt. Engineer (Elect.)	06	04	2.	Executive Engineer	26	24	3.	Assistant Engineer	62	48
Sr. No.	Name of Post	Sanctioned strength	Vacancy position																			
1.	Chief Engineer (Elect.)	02	02																			
2.	Supdt. Engineer (Elect.)	06	04																			
2.	Executive Engineer	26	24																			
3.	Assistant Engineer	62	48																			
17.	Whether the post has been offered as matching savings for creation/revival of any other post	Not applicable																				
18.	Whether the post has been recommended for abolition by SIU/WSU/ERC	Not applicable																				
19.	Any other relevant information	No																				
Certificate: It is certified that all such post under the Administrative control of this Ministry/Department which are vacant for more than 5 years have been abolished.																						

Concurrence of JS/Director (Admin)

Concurrence of Financial Advisor

Copy of Memo, No. 11 (Dir. P)
 of
 Councils Ordinance Section
 dated 22/02/2023

ITEM NO. 11 (PERSONNEL)

1.	Name of the subject	Revival of second post of Director (Horticulture) rendered deemed abolished due to not being filled on regular basis for more than 02 (two) years.
2.	Name of the Department	A&H Establishment
3.	Brief History of the Subject	<p>1. The 02 posts of Director (Horticulture) were created vide resolution of the Council no.3(XX) dated 27.10.1999 and further after the approval of UPSC the Recruitment Rules for the post were notified on 04.09.2002. (Annexure-I) (See pages 197-199)</p> <p>2. The proposal for promotion to the post of Director (Horticulture) was sent to UPSC and it was inter-alia pointed out by the UPSC that one of the two posts is falling into the ambit of O.M. of the Department of Expenditure no.7(1)/E.Coord-I/2017 dated 12.04.2017 and thus will be require revival before the same is filling up.</p> <p>3. Legal Position</p> <p>Presently, the New Delhi Municipal Council is governed by NDMC Act, 1994. Provisions of the enactment relevant to the present proposal are as under:-</p> <p>i. Section 34(3) of the NDMC Act, 1994 provides that the Chairperson may create any category 'B', or category 'C', or category 'D' posts and for a period not exceeding six months any category 'A' post:- Provided that no such category 'A' post shall be beyond the period without the previous approval of the Council.</p>
4.	Detailed proposal on the subject	<p>1. One of the two posts has been rendered deemed abolished for being remained vacant for more than two years and will required revival before the same is filled up on regular basis in view of the instruction laid down in the O.M. 7(1)/E.Coord-I/2017 dated 12.04.2017 (Annexure-V) (See pages 204-207)</p> <p>2. The above O.M. in details for creation, revival, continuation and transfer of post is as under:-</p> <p>Para 2.1 of the said O.M. states that these instructions shall apply to creation/revival of posts in all Ministries/Departments, their attached offices, subordinate offices, Statutory bodies etc.</p>

		<p>Relevant provision in the said O.M. relating to revival of the post and continuation are as under:-</p> <p>5.1 Deemed Abolition & Revival of Posts:</p> <ol style="list-style-type: none"> a. All posts, excepts newly created posts, kept in abeyance or remaining vacant for a period of more than 2 years in any Ministry / Department / Attached office / Subordinate office / Statutory body, would be considered as 'deemed abolished' unless an exemption has been given at the time of sanctioning the post. b. A post falling into the category of 'deemed abolished' cannot be filled up prior to obtaining its 'revival' from Department of Expenditure. c. Statutory posts, the name and level/pay scale of which specifically provided for in an Act of Parliament, are exempted from falling in the category of 'deemed abolished' on remaining vacant for a period of more than 2 years. Only the posts mentioned in Statue may be considered Statutory, not their support staff. d. Newly created posts (posts which have been sanctioned recently by Department of Expenditure/Cabinet), which do not have RRs would fall under the category of 'deemed abolished' after a period of 3 years from the date of creation unless it is clarified that this relaxation would not be applicable to those newly created posts which have existing RRs. e. Revival of post would be considered in rare and unavoidable circumstances only. f. Proposals for revival of posts may be referred to this Department on file, alongwith the prescribed checklist issued by the Department (Annexure-II) (See pages 200-201). Separate checklist may be prepared for each post. Proposals received without proper checklist would not be considered. <p>6.1 Continuation of Posts:-</p> <ol style="list-style-type: none"> a. Continuation of posts would be considered subject to continuation of the scheme/project for which the posts were initially sanctioned. For above JS level posts, Department of Expenditure would examine and put up the proposal for approval of Secretary (Exp.), Secretary (DoP&T) and Cabinet Secretary. In the case of continuation of Secretary level post, approval of Prime Minister may be
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		<p>obtained by the concerned Ministry / Department after the approval of Cabinet Secretary.</p> <p>3. The process of revival is same as creation of the post save no financial implication needs to be given afresh. The Section 34(3) of the NDMC Act-1994 provides that for creation of any group "A" post for more than six months the approval of the Council will be required. Hence, the proposal is being laid before the Council for its approval.</p> <p>4. Details of Director (Horticulture) in position at present indicating grade wise number of Director (Horticulture) holding post on regular, ad-hoc & CDC basis is annexed as Annexure-III (See page 202)</p> <p>5. Duties of Director (Hort.) South & North in the Horticulture Department are as under:-</p> <ul style="list-style-type: none"> • Management / Maintenance of prestigious green buffers of New Delhi i.e. Major Parks & Gardens like Lodhi Garden, Nehru Park, Talkatora Garden, Sanjay Jheel Park, Childrens Park, Singapore Embassy Park and Central Park, Connaught Place, 51 Nos. of Roundabouts, 110 Major Avenues, School Greens, Market Greens, more than 122 NDMC Colony Parks. • Committed to provide pollution free environment to Residents and Tourists. • Management of 981 CPWD Colony Parks. • Collection and management of horticulture waste in major parks for local composting. • Landscaping and environmental up-gradation by plantation and creation of greens around NDMC Office buildings, dispensaries, schools and other institution etc. • Awareness through Mass Plantation of trees, shrubs & ground cover etc. in entire NDMC area as well as CPWD area. • Flower decoration during NDMC functions in schools, Colony parks, inauguration as well as other events. • Flower decoration of statues of our Former National Leaders, Freedom Fighter and Patriot etc. <p>6. From the facts stated above, it may be seen that filling up of the post of Director (Horticulture) in the Horticulture Department is functional need of NDMC as per provision of Section 11 and Section 12 of NDMC Act. It is noted here that in absence of the post of Director (Horticulture), the work of Horticulture</p>
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		Department as mentioned in para 05 above would be affected. Hence, revival of the second post of Director (Horticulture) for regular promotion of the eligible candidate from the feeder cadre, an approval of the Council for continuation / revival of the post is required.
5.	Financial Implications of the proposed project/subject	There is no new financial implication as Budget provision under the salary head for both the posts is available.
6.	Implementation schedule with timelines for each stage including internal processing	After revival of the post, the process for filling up the post of Director (Horticulture) on regular basis from the eligible candidate from the feeder cadre.
7.	Comments of the Finance Department on the subject	Finance Department has no objection to place the proposal Draft Agendum to the Chairman, NDMC for placing the same before the Council subject to certifying and ensuring that whether office memorandum No.07(1) E Coord.I/2017 dated 12.04.2017 issued by Government of India, Ministry of Finance Department of Expenditure is applicable on the NDMC specifically considering para No.2.3 and 2.4 of said OM or any subsequent order is issued by respective department on the subject matter.
8.	Comments of the Personnel Department on the comments of the Finance Department	In this connection, it is submitted that earlier vide Resolution Resolution No. 04(H-11) dated 28.02.2019. (Annexure-IV) See page 203 & VI) (See pages 208-211) the both posts of Horticulture Department were revived on the same analogy.
9.	Legal Implications of the Subject	There does not seem to be any legal implication as it being an Administrative matter.
10.	Details of previous Council Resolutions, existing Law of Parliament and Assembly in the subject	Earlier both posts of Director (Horticulture) rendered deemed abolished due to not being filled on regular basis for more than 02 years were revived vide Resolution No. 04(H-11) dated 28.02.2019.
11.	Comments of Law Department	It is observed that prima facie no specific legal hurdle is involved at this stage. However, the concerned department may ensure the correctness of facts, words and figures mentioned therein, and compliance of the guidelines issued by the Union Public Service Commission (UPSC) & DoP&T, Govt. of India (as may be applicable upon the council), may be ensured by the concerned department. Additionally, the concerned department may also ensure that the said draft is free from any typographical error(s)
12.	Comments of the Department on the comments of the Law Department	The proposal can be revived at Administrative level through Administrative decision as the same is completely in administrative in nature and not a legal issue.
13.	Certification by the Department that all the Central Vigilance Commission (CVC) guidelines have been followed while processing	Not applicable.

	the case.	
14.	Recommendation	The Council approves the continuation / revival of second posts of Director (Horticulture) in Horticulture Department of NDMC to enable the Personnel Department for filling up the said post on regular basis from the eligible candidates from the feeder cadre.
15.	Draft resolution	Resolved by the Council that the proposal contained in para 14 is approved.

COUNCIL'S DECISION

Resolved by the Council to accord approval to the proposal of the Department as mentioned in para 14 of the agenda.

The Council further resolved that the Departments concerned may initiate further necessary action based on the decisions taken by the Council at the meeting, as noted above, in anticipation of confirmation of the Minutes.

/

D. Sengupta

For Secretary
New Delhi Municipal Council
New Delhi.

ANNEXURE - I
MEMORANDUM OF UNDERSTANDING

NOTED: The proceedings of the DPC relating to the appointment of a direct recruit shall be sent to the Commission for approval. However, these are not approved by the Commission in a meeting of the DPC to be presided over by the Chairman or a member of the DPC shall be...

- 14. Circumstances in which DPC to be consulted or making recruitment. Consultation with DPC necessary on each occasion.

Annexure - A

File No. 274N(6)88-RR
Recruitment Rules for the post of: DIRECTOR (HORTICULTURE),
Department: NIMC
Post Code:

- 1. Name of the Post: Director (Horticulture)
- 2. No. of Post: 01 (04) subject to variation, detail given in...
- 3. Classification: Category 'A'
- 4. Scale of Pay (Rs.): 17,000-19,1600
- 5. Whether selection by merit/selection-cum-seniority or other selection post: Selection by Merit
- 6. Age limit for direct recruits: N/A
- 7. Whether benefit of added years of service admissible: N/A
- 8. Educational and other qualifications required for direct recruits: N/A
- 9. Whether Age & IQ prescribed for direct recruits will apply in the case of promotees: N/A

13.10.1.1.2 The minimum number of years of service of the candidates to be eligible for promotion to be fixed by the Government.

13.10.1.1.3 The service of regular employees will be taken into consideration for promotion from which promotion/absorption to be made.

PROMOTIONS

Dy. Director, all posts regular employees in grade

NOTE: Where juniors who have completed their qualifying eligibility service are being considered for promotion, then seniors would also be considered provided they are not short of the requisite qualifying eligibility service ~~or~~ **not less** than two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade, along with their juniors who have already completed such qualifying/eligibility service.

DEPLETION

OFFICERS UNDER THE CENTRAL/STATE GOVT. UNION TERRITORIES,

(i) Holding analogous posts on regular basis, OR

(ii) **With 5 years' regular service in posts in the scale of Rs.10,000-15,200 or equivalent and**

(b) Possessing the following educational qualifications and experience:

ESSENTIAL:

- (i) **Masters' degree in Agriculture or Horticulture** from a recognised University or equivalent.
- (ii) **10 Years' experience in ornamental gardening ranging over various fields of horticulture.**

DESIRABLE:

- (i) **Diploma in landscape architecture** from a recognised university, institute or college.

(B) ADMINISTRATIVE EXPERIENCE.

(The Departmental officers in the feeder category who are in the direct line of promotion will not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion.)

(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organisation/Deptt. of the Central Government shall ordinarily not exceed three years. The Maximum age limit for appointment by deputation shall be not exceeding 56 years as on the closing date of the receipts of applications.)

13. If a DPC exists what is its composition.

CATEGORY 'A' DPC (FOR CONSIDERING PROMOTION)

1. CHAIRMAN/MEMBER UPSC - CHAIRMAN.
2. SECRETARY, NDMC - MEMBER.
3. FINANCIAL ADVISOR, NDMC - MEMBER.

14. Circumstances in which UPSC to be consulted in making recruitment.

Consultation with UPSC necessary on each occasion.

Annexure - VI

A

File No. 3/24N(6)/98-RR

Recruitment Rules for the post of DEPUTY DIRECTOR (HORTICULTURE)

Department: NDMC

Post Code: 4701060298

1. Name of the Post	DEPUTY DIRECTOR (HORTICULTURE)
2. No. of Post	06(1999) subject to variation dependent on work load.
3. Classification	Category 'A'
4. Scale of Pay (Rs.)	10000-325-15200
5. Whether selection by merit or selection-cum seniority or non-selection post	SELECTION CUM SENIORITY

ANNEXURE-II

CHECK LIST FOR REVIVAL OF POSTS

Sr. No.	Particulars	
1.	Name of the organization	New Delhi Municipal Council
2.	Name of the post	Director (Horticultural)
3.	Pay Scale of the Post	Rs.15600-39100 + Rs.7600/- Grade Pay (pre-revised in 6 th CPC)
4.	Date of vacancy	28.02.2019
5.	Mode of recruitment of the post (enclose copy of RRs)	100% by Promotion failing which by deputation.
6.	No. of posts in the grade of post proposed to be revived	One
7.	Duties and responsibilities of the post	<p>Duties of Director (Hort.) South & North in the Horticulture Department are as under:-</p> <ol style="list-style-type: none"> 1. Management / Maintenance of prestigious green buffers of New Delhi i.e. Major Parks & Gardens like Lodhi Garder, Nehru Park, Talkatora Garden, Sanjay Jheel Park, ChildrensPark, Singapore Embassy Park and Central Park, Connaught Place, 51 Nos. of Roundabouts, 110 Major Avenues, School Greens, Market Greens, more than 122 NDMC Colony Parks. 2. Management of 981 CPWD Colony Parks. 3. Collection and management of horticulture waste in major parks for local composting. 4. Landscaping and environmental up-gradation by plantation and creation of greens around NDMC Office buildings, dispensaries, schools and other institution etc. 5. Awareness through Mass Plantation of trees, shrubs & ground cover etc. in entire NDMC area as well as CPWD area for pollution free environment to Resident and Tourist. 6. Flower decoration during NDMC functions in schools, Colony parks, inauguration as well as other events and statutes of our Former National Leaders, Freedom Fighter and Patriot etc.
8.	Functional justification for revival of the post	<p>Presently, the work of Director (Hort.) is being looked after by regular Deputy Director on CDC basis. However, this arrangement cannot be allowed to be continued for a long time. Further, now eligible officer are pressing hard for their promotion. Moreover, NDMC is a pioneer Municipal body not only in India but in Asia too and Horticulture Department is one of the most important departments of NDMC which is responsible for beautification of entire NDMC Area. Therefore, being HOD post of Horticulture Department, it is essentially required to be revived.</p>
•	Efforts made to fill up the post, since date of vacancy (in chronological	No official was found eligible for promotion to the post of Director (Horticulture) in the feeder grade. Hence, for

		stop gap arrangement, both posts were filled up by assigning the work of Director (Hort.) on CDC basis.																				
•	How the work is being managed in the absence of the post and why this arrangement cannot continue	In the absence of any incumbent on the post, the work is being managed through assigning the work of Director (Horticulture) on CDC basis. As this is a stop gap arrangement, it cannot continue for long time. Furthermore, now the eligible officers are available in the feeder grade and to fill up the vacant post on regular basis, the same needs to be revived.																				
•	Possibility of outsourcing / contract	Not applicable																				
•	Financial implication of the revival of post	No Financial implication is involved as the posts were already in existence and got deemed abolished because of the administrative issue only the salary provision in the budget is already available.																				
•	Matching Savings (Specific posts with pay scales) (FA may certify that those posts are live and not surrendered by SIU for abolition)	Not applicable																				
•	No. of posts in immediate lower (feeder) grade	a. Sanctioned 06 b. Vacant 04 (with date) 01.02.2014 01.01.2017 01.07.2017 01.09.2017																				
15.	No. of posts in immediate higher (Promotional) Grade	a. Sanctioned 00 b. Vacant (with date) 00																				
16.	Detailed sanctioned strength and vacancy position of the organization (grade-wise)	<table border="1"> <thead> <tr> <th>Sr. No.</th> <th>Name of Post</th> <th>Sanctioned strength</th> <th>Vacancy position</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Director (Hort.)</td> <td>02</td> <td>01</td> </tr> <tr> <td>2.</td> <td>Dy. Director (Hort.)</td> <td>06</td> <td>04</td> </tr> <tr> <td>3.</td> <td>Assistant Director (Hort.)</td> <td>16 (12-PR 04-DR)</td> <td>06</td> </tr> <tr> <td>4.</td> <td>Section Officer (Hort.)</td> <td>32 (Direct recruitment)</td> <td>31</td> </tr> </tbody> </table>	Sr. No.	Name of Post	Sanctioned strength	Vacancy position	1.	Director (Hort.)	02	01	2.	Dy. Director (Hort.)	06	04	3.	Assistant Director (Hort.)	16 (12-PR 04-DR)	06	4.	Section Officer (Hort.)	32 (Direct recruitment)	31
Sr. No.	Name of Post	Sanctioned strength	Vacancy position																			
1.	Director (Hort.)	02	01																			
2.	Dy. Director (Hort.)	06	04																			
3.	Assistant Director (Hort.)	16 (12-PR 04-DR)	06																			
4.	Section Officer (Hort.)	32 (Direct recruitment)	31																			
17.	Whether the post has been offered as matching savings for creation/revival of any other post	Not applicable																				
18.	Whether the post has been recommended for abolition by SIU/IWSU/ERC	Not applicable																				
19.	Any other relevant information	NO																				

Certificate: It is certified that all such post under the Administrative control of this Ministry/Department which are vacant for more than 5 years have been abolished.

(R.P. Sati)
Director (Personnel-II)

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Annexure-III

New Delhi Municipal Council
Palika Kendra : New Delhi
A&H Establishment

The list of officers working as Director (Horticulture) on regular basis and on CDC basis and delegation power basis.

1. Sh. S. Chellaiah, Director on regular basis w.e.f. 18.11.2019 as per DPC held in UPSC on 10.10.2019.
2. Sh. Rais Asli, Deputy Director (Horticulture) was assigned the Current Duty Charge of Director (Horticulture) w.e.f. 05.06.2020.

Deputy Director (Hort.)

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203-

- 38 -
Annexure - IV

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA: NEW DELHI
A & H (Establishment)

No 100/SO(A&H)/2019

Dated: 27.03.2019

OFFICE ORDER

In pursuance of decision of the Council vide its resolution no. 04(H-11) dated 28.02.2019, the two posts of Director (Horticulture) in NDMC created vide resolution of the Council 3(XX) dated 27.10.1999 notified on 04.09.2002 which were rendered deemed abolished for being remained vacant for more than 02 years in terms of instructions laid down in the O.M. of Department of Expenditure No. 71/E.Coord.-1/2017 dated 12.04.2017, now stands revived for filling up on regular basis.



(Sharad Kumar)
Joint Director (A&H)

Copy to:

1. PS to Chairman NDMC for information please.
2. PS to Secretary NDMC for information please.
3. PA to Director (P) for information please.
4. PA to Director (Accounts) for information please
5. Guard File.

100 - 40 - 204

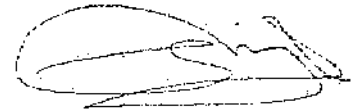
Annexure - V

Government of India
Ministry of Finance
Department of Expenditure
E-Coord-I Branch

Sub: Uploading of Compendium of instructions.

Please find enclosed a copy of O.M. dated 12th April, 2017 regarding Compendium of instructions for creation, revival, continuation and transfer of posts as approved by competent authority for issuing Secretaries and FAs of all the Ministries/Departments.

2. It is requested that the same may be uploaded in the Department of Expenditure's Website.



(Sobeer Singh)
US(E.C.I)
13.04.2017

Encl: As above.

Incharge, NIC, MoF(DoE)

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- 205 -

No. 7(1) F.C. Para-6/2017
Government of India
Ministry of Finance
Department of Expenditure

North Block, New Delhi
Dated, 12th April, 2017

OFFICE MEMORANDUM

Subject: Compendium of instructions for Creation, Revival, Continuation and Transfer of posts.

This Department has issued instructions related to creation, deemed abolition, revival and continuation of posts from time to time. Therefore, in supersession of all previous instructions/ orders regarding creation, continuation, transfer and revival of posts, it has been decided, with the approval of Competent Authority, to issue a compendium of instructions covering all the aspects relating to these issues.

2.1 These instructions shall apply to creation/continuation/revival of posts in all Ministries/ Departments, their Attached offices, Subordinate offices, Statutory bodies, etc.

2.2 Proposal for creation/revival/continuation/supernumerary posts should be routed through IFD of concerned Ministry.

2.3 These instructions are not applicable to CPSEs, which may follow the instructions issued by Department of Public Enterprises in this regard.

2.4 Instructions in respect of Autonomous Bodies will be issued separately.

3.1 **Creation of Posts:**

- a. All powers with respect to creation of posts delegated under DFPRs stands withdrawn and only Finance Minister (for below JS level posts) and Cabinet (for JS and above level posts) would be the Competent Authority for creation of posts.
- b. For creation of posts at JS and above levels, only 'Cabinet' and no other 'Standing Committee' is competent, except in respect of requirements relating to national security.
- c. Approval of this Department is not required for creation of Statutory posts. Only those posts may be considered as Statutory, whose name and level/ pay scale have been specifically provided in an Act of Parliament (only post mentioned in Statute, not support staff).
- d. Proposals for creation of posts may be referred to Department of Expenditure through respective IFD with the approval of Secretary and Minister in-charge of the concerned administrative Ministry.
- e. The proposals for creation of posts may be submitted on file, along with the prescribed checklist issued by this Department (Annexure -1). Separate checklist may be prepared for each category of post. Proposals received without proper checklist would not be considered and returned.
- f. Specific exemptions for creation of posts granted to any Ministry/ Department by this Department will however continue.

- 3/c - ~~102~~ - 206

3.7 The level of approval for creation of posts is summarized in the following tables:

For Ministries/ Departments, Attached offices, Subordinate offices, Statutory bodies etc.

S.No	Level of Post	Competent Authority
1	JS and above	Cabinet
2	Below JS level	Finance Minister

4.1 Supernumerary Posts:

The following principles should be observed while creating supernumerary posts:

- a. The supernumerary posts are created for the purpose of accommodating the lien of a Government servant who, though entitled to hold a lien against the regular post, cannot be so accommodated because of non-availability of such a post.
- b. The supernumerary post is a shadow post, i.e. no duties are attached to such a post. The supernumerary post is created for a definite and fixed period. Since, a supernumerary post is created for accommodating an officer till he is absorbed in a regular post, it should not be created for an indefinite period.
- c. The supernumerary post is personal to the officer for whom it is created and no other officer can be appointed against such a post. It stands abolished as soon as the officer for whom it was created vacates it on account of retirement or is accommodated in another regular post. In other words, no officiating arrangements can be made against such a post.
- d. Administrative authorities should maintain a record of the supernumerary posts, the particulars of the individuals who hold liens against them and the progressive abolition of such posts as and when the holder of the posts retire or are absorbed in regular permanent posts, for the purpose of verification of service for pension.

5.1 Deemed Abolition & Revival of posts:

- a. All posts, except newly created posts, kept in abeyance or remaining vacant for a period of more than 2 years in any Ministry/ Department/ Attached office/ Subordinate office/ Statutory body, would be considered as 'deemed abolished' unless an exemption has been given at the time of sanctioning the post.
- b. A post falling into the category of 'deemed abolished' cannot be filled up prior to obtaining its 'revival' from Department of Expenditure.
- c. Statutory posts, the name and level/ pay scale of which is specifically provided for in an Act of Parliament, are exempted from falling in the category of 'deemed abolished' on remaining vacant for a period of more than 2 years. Only the posts mentioned in Statute may be considered Statutory, not their support staff.
- d. Newly created posts (posts which have been sanctioned recently by Department of Expenditure/ Cabinet), which do not have RRs would fall under the category of 'deemed abolished' after a period of 3 years from the date of creation unless it is clarified that this relaxation would not be applicable to those newly created posts which have existing RRs.
- e. Revival of posts would be considered in rare and unavoidable circumstances only.
- f. Proposals for revival of posts may be referred to this Department on file, along with the prescribed checklist issued by this Department (Annexure - U). Separate checklist may be prepared for each post. Proposals received without proper checklist would not be considered.

5.2 All Ministries/ Departments may submit to this Department, within 3 months, an Action Taken Report regarding abolition of posts which are vacant for more than 5 years in the Ministry/ Department and organizations under their administrative control. Further, while

referring any proposal for creation/revival of posts to this Department. Ministries/Departments may enclose a Certificate that all posts under their administrative control, vacant for more than 5 years on the date of referring the proposal, have been abolished.

The conditions for deemed abolition are provided in the following table:

S.No	Type of Post	Post Live for
1	Existing Post (held in abeyance, vacant for more than 2 year)	Post is deemed abolished
2	Newly created Post - RRs Exist	2 year
3	Newly created Post - RRs do not Exist	3 years
4	Existing Post vacant for 5 years	Post may be abolished Immediately
5	Statutory Posts	Do not fall under deemed abolition

6.1 Continuation of Posts:

Continuation of posts would be considered subject to continuation of the scheme/project for which the posts were initially sanctioned. For above JS level posts, Department of Expenditure would examine and put up the proposal for approval of Secretary (Exp.), Secretary (DoPT) and Cabinet Secretary. In the case of continuation of Secretary level post, approval of Prime Minister may be obtained by the concerned Ministry/ Department after the approval of Cabinet Secretary.

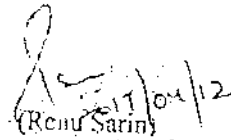
6.2 Competent Authority for continuation of posts is as follows:

S.No	Level of Post	Competent Authority
1	JS and below level	DoE
2	Above JS level	CoS [Secretary (DoE), Secretary (DoPT) and Cabinet Secretary]
3	Secretary level	CoS as above. Thereafter, Ministry to obtain approval of PM

7. Transfer of Posts:

A post sanctioned for a specific purpose in an organization may not be diverted for another purpose at the same or different station. Cases of transfer/ diversion/ adjustment of posts would amount to creation of new post with simultaneous abolition of existing post and prior approval of Department of Expenditure is required for the same.

8. This issues with the approval of Finance Minister.


(Renu Sarin)
Deputy Secretary (E.C.I.)
Tel # 2309 2761

To,

1. Secretaries of all Ministries/ Departments of Government of India
2. Financial Advisers of all Ministries/ Departments of Government of India

ITEM NO. 04 (H-11)

33
208-
33
11/3
Annexure - V
28/02/19

1.	Name of the subject	Revival of both posts of Director (Horticulture) rendered deemed abolished due to not being filled on regular basis for more than 02 years.
2.	Name of the Department	A&H Estt. (Personnel Department)
3.	Brief History of the Subject	<p>a) The 02 posts of Director (Horticulture) were created vide resolution of the Council no. 3 (XX) dated 27.10.1999 and further after the approval of UPSC the Recruitment Rules for the post were notified on 04.09.2002 (Annexure-I, See pages 37 - 39).</p> <p>b) The proposal for promotion to the post of Director (Horticulture) was sent to UPSC and it was inter-alia pointed out by the UPSC that two posts are falling into the ambit of O. M. of the Department of Expenditure no. 7(1)/E. Coord-I/2017 dated 12.04.2017 and thus will be considered deemed abolished and will require revival before the same is filled up.</p> <p>c) Legal Position: Presently, the New Delhi Municipal Council is governed by NDMC Act, 1994. Provisions of the enactment relevant to the present proposal are as under:-</p> <p>i) Section 34(3) of the NDMC Act, 1994 provides that the Chairperson may create any category 'B', or category 'C', or category 'D' posts and for a period not exceeding six months any category 'A' post:</p> <p><i>Provided that no such category 'A' post shall be beyond the period without the previous approval of the Council.</i></p>
4.	Detailed proposal on the subject	<p>I. Both posts have been rendered deemed abolished for being remained vacant for more than two years and will require revival before the same is filled up on regular basis in view of the instruction laid down in the O. M. of the Department of Expenditure no. 7(1)/E. Coord-I/2017 dated 12.04 2017 (Annexure-II, See pages 40 - 43).</p> <p>II. The above O.M. in details for creation, revival, continuation and transfer of post is as under -</p> <p><i>Para 21 of the said O.M states that these instructions shall apply to creation/continuation/revival of posts in all Ministries/Departments, their attached offices, subordinate offices, Statutory bodies etc.</i></p> <p>Relevant provision in the said O.M. relating to revival of the post and continuation are as under:</p> <p><u>5.1 Deemed Abolition & Revival of Posts.</u></p> <p>a. All posts, except newly created posts, kept in</p>

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abeyance or remaining vacant for a period of more than 2 years in any Ministry / Department / Attached office/ Subordinate office/ Statutory body, would be considered as 'deemed abolished' unless an exemption has been given at the time of sanctioning the post.

- b. A post falling into the category of 'deemed abolished' cannot be filled up prior to obtaining its 'revival' from Department of Expenditure.
- c. Statutory posts, the name and level/pay scale of which is specifically provided for in an Act of Parliament, are exempted from falling in the category of 'deemed abolished' on remaining vacant for a period of more than 2 years. Only the posts mentioned in Statue may be considered Statutory, not their support staff.
- d. Newly created posts (posts which have been sanctioned recently by Department of Expenditure/Cabinet), which do not have RRs would fall under the category of 'deemed abolished' after a period of 3 years from the date of creation unless it is clarified that this relaxation would not be applicable to those newly created posts which have existing RRs.
- e. Revival of post would be considered in rare and unavoidable circumstances only.
- f. Proposals for revival of posts may be referred to this Department on file, along with the prescribed checklist issued by the Department (Annexure-II). Separate checklist may be prepared for each post. Proposals received without proper checklist would not be considered.

6.1 Continuation of Posts:

(a) Continuation of posts would be considered subject to continuation of the scheme/project for which the posts were initially sanctioned. For above JS level posts, Department of Expenditure would examine and put up the proposal for approval of Secretary (Exp.), Secretary (DoP&T) and Cabinet Secretary. In the case of continuation of Secretary level post, approval of Prime Minister may be obtained by the concerned Ministry/ Department after the approval of Cabinet Secretary.

III. The process of revival is same as creation of the post save no financial implication needs to be given afresh. The section 34 (3) of the NDMC Act-1994 provides that for creation of any group "A" post for more than six months the approval of the Council will be required. Hence, the proposal is being laid before the Council for its approval.

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		<p>IV. Details of Director (Horticulture) in position at present indicating grade wise number of Director (Horticulture) holding post on regular, ad-hoc & CDC basis is annexed as <u>Annexure-III (See page 44)</u>.</p> <p>V. Duties of Director (Hort.) South & North in the Horticulture Department are as under:-</p> <ul style="list-style-type: none"> • Management/Maintenance of prestigious green buffers of New Delhi i.e. Major Parks & Gardens like Lodhi Garden, Nehru Park, Talkatora Garden, Sanjay Jheel Park, Childrens Park, Singapore Embassy Park and Central Park, Connaught Place, 51 Nos. of Roundabouts, 110 Major Avenues, School Greens, Market Greens, more than 122 NDMC Colony Parks. • Committed to provide pollution free environment to Residents and Tourists. • Management of 981 CPWD Colony Parks. • Collection and management of horticulture waste in major parks for local composting. • Landscaping and environmental up-gradation by plantation and creation of greens around NDMC Office buildings, dispensaries, schools and other institution etc. • Awareness through Mass Plantation of trees, shrubs & ground cover etc. in entire NDMC area as well as CPWD area. • Flower decoration during NDMC functions in schools, Colony parks, inauguration as well as other events. • Flower decoration of statues of our Former National Leaders, Freedom Fighter and Patriot etc. <p>VI. From the facts stated above, it may be seen that filling up of the post of Director (Horticulture) in the Horticulture Department is functional need of NDMC as per provision of Section 11 and Section 12 of NDMC Act. It is noted here that in absence of the post of Director (Hort.), the work of Horticulture Department as mentioned in para 4 V above would be affected. Hence, revival of the both posts of the Director (Horticulture) an approval of the Council for continuation/revival of the post is required.</p>
5.	Financial Implications of the proposed project/subject.	There is no new financial implication as Budget provision under the salary head for both the posts is available.
6.	Implementation schedule with timelines for each stage including internal processing.	After revival of the both posts, the process for filling up the post of Director (Horticulture) would be initiated (one post on regular basis through UPSC and second post on deputation basis).
7.	Final Comments of the Finance Department on the subject with diary no. & date.	The Finance Department has concurred for placing the agenda before the Council for consideration and approval subject to placing the check list duly signed by the Director (P-II) and also vetting of the draft

		agenda from the Law Department.
8.	Comments of Personnel Department on the comments of Finance Department	The check list is available as Annexure-IV and the draft agenda has also been vetted by the Law Department.
9.	Legal Implications of the Subject/project.	There does not seem to be any legal implication as it being an Administrative matter.
10.	Details of previous Council Resolutions, existing Law of Parliament and Assembly on the subject.	No previous Resolution on the subject.
11.	Final Comments of Law Department on the subject/project.	The proposal can be revived at Administrative level through Administrative decision as the same is completely in administrative in nature and not a legal issue.
12.	Comments of Personnel Department on the comments of Law Department	No comments are required from A&H Department
13.	Certification by the Department that all the Central Vigilance Commission (CVC) guidelines have been followed while processing the case.	Not applicable
14.	Recommendation.	The Council approves the continuation/revival of both posts of Director (Horticulture) in Horticulture Department to enable the Personnel Department for filling up the both posts of Director (Horticulture) by promotion failing which by deputation.
15.	Draft Resolution.	Resolved by the Council that the proposal contained in para 14 is approved.

COUNCIL'S DECISION

The Council resolved to approve the proposal contained in para 14 of the preamble.

It is also resolved that the Department may initiate further necessary action in anticipation of confirmation of the Minutes of the Council.

D. Sanghvi

New Delhi
New Delhi

ITEM NO. 12 (PERSONNEL)

1.	Name of the subject	Revision in the Recruitment Rules for the post of Junior Engineer (Elect.)
2.	Name of the department	Electric Establishment - I, Personnel Department
3.	Brief history of the subject	<p>1. Initially a Circular was issued vide No. SO(EE-I)/ GA-III/2619 dated 07.11.2013 for filling up the post of JE on promotion basis under Departmental quota, against which Shri Vikas Kaushik and Shri Lokesh Verma both Electrician of Civil Department applied for the said post. After scrutiny of applications received, their candidature was rejected as per the existing Recruitment Rules for the post of Junior Engineer (Elect.). After rejection of their candidature, they represented for consideration of their candidature. As a promotion to a post is effected in terms of the provision of relevant RRs and the existing RRs for the post of JE(E) in Electrical Department does not provide for consideration of Electricians working in Civil Engineering Department, thus, applicant could not be considered for promotion to the post of JE in Electrical Department of the NDMC.</p> <p>2. Thereafter Shri Vikas Kaushik and Shri Lokesh Verma filed an OA in the Principal Bench vide no. 3421/2016 and the same was disposed off on admission stage itself on 05.10.2016 with directions as follows:- <i>"In view of the limited prayer made by the applicant, we dispose of this OA at admission stage itself without issuing notice to the respondents and without going in to the merit of the case with a direction to them to decide the representation dated 31.05.2016 of the applicant by means of a reasoned and speaking order within 60 days from the date of receipt of the certified copy of this order. No costs."</i></p> <p>3. Applicant filed a contempt petition vide no. CP-17/2017 in OA</p>

		<p>3421/2016 on 10.01.2017.</p> <p>4. With the prior approval of the Competent Authority (i.e. Chairman in this case), a speaking order was passed vide no. SO(EEL-1)/3605/GA-I & III dated 08.02.2017 (page 20), wherein following was approved:-</p> <p>a. To reject the claim of applicant in OA no. 3421/2016 & MA-2292/2016 namely Shri Vikas Kaushik and Lokesh Verma, Electrician in Civil Department for promotion to the post of JE (Elect.) in Electrical Department.(page 300)</p> <p>b. To amend RR's for the post of JE (E) in Electrical Department to provide promotion avenues for the posts of Electrician in the Civil Department.</p> <p>5. The said contempt petition was disposed off on 28.02.2017 by the Ld. Court.</p> <p>6. An Original Application was again filed in the Principal Bench, CAT Delhi by Shri Vikas Kaushik and Shri Lokesh Verma vide no. 1649/2017 on 05.05.2017 and the same was disposed of vide Court orders dated 19.04.2021 as follows:-</p> <p><i>“Accordingly, the OA is disposed of with direction to the respondents to amend the RRs for the post of JE(E) in Electrical Department providing therein provision for consideration of promotion of Electrician in Civil Engineering Department to the post of JE(E) in Electricity Department, as expeditiously as possible and in any case within three months from the date of receipt of a copy of this order. The OA is disposed of in the aforesaid terms. However, in the facts and</i></p>
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		<p><i>circumstances, no order as to costs." (page 420)</i></p> <p>7. Applicant filed another contempt petition vide no. 36/2022 in OA no. 1649/2017 on 21.01.2022 as the order of the Ld. Court dated 19.04.2021 elaborated in para no. 06 above was not followed and the same is still in pending with Next Date of Hearing on 28.02.2023. In the previous hearing i.e. on 17.01.2023 the Ld. Court has directed as "Learned counsel for the respondents, under instructions, seeks further four months time to comply with the orders/directions of this tribunal which are supposed to be complied with in order dated 19.04.2021. In the facts and circumstances, respondents are granted four weeks time as a last opportunity to report compliance of directions of this tribunal. List the matter for further consideration on 28.02.2023. In the meantime, petitioner may file amended memo of parties, if so required and advised."</p> <p>8. As per decision of the Competent Authority the RR may be amended to include Electrician of Civil Engineering Department with requisite qualification and qualifying service for their consideration for promotion to the post of the Junior Engineer (Electric).</p>
4.	Detailed proposal on the subject	<p>RRs for the posts of Junior Engineer (Elect.) have never been notified earlier and now the same has been reviewed and amendment proposals formulated by incorporating the 7th CPC scales and other consequential changes as per latest guidelines of the DoP&T. Even otherwise RRs are required to be reviewed on the expiry of every five years.</p> <p>Drafts of the RRs for the posts of Junior Engineer (Elect.) have now been prepared keeping in view the directions of the Hon;ble CAT, principal bench in contempt petition no. 36/2022 in OA no. 1649/2017 and as per the speaking orders passed vide No. SO(EE-I)/3605/GA-I & III dated 08.02.2017 also keeping in view the latest guidelines on framing/amendment</p>

		of the R.R.s issued by the D.o.P. & T from time to time.
5.	Financial implication of the proposed project/subject	There is no financial implication as there is already a separate salary head for the post of Junior Engineer (Elect.)
6.	Implementation schedule with timeline for each stage including internal processing	After the approval of the Regulations by the Council, the same will be sent to the UPSC and thereafter, to the Ministry of Home Affairs for approval of the Central Government and lastly to Govt. of NCT of Delhi for Notification in the official Gazette.
7.	Comments of the Finance department on the subject	<ol style="list-style-type: none"> 1. The case is received in FD for comments on draft agenda to be placed before the Council for Amendment in the RR's for the post of Junior Engineer (Elect.). 2. The department has stated that consequent upon direction of Hon'ble Court, the draft recruitment rule were agreed by the Chairperson NDMC for placing before the Council. 3. Now, the department has prepared draft Agendum for amendment recruitment rule for the post of Junior Engineer (Elect.) by incorporating eligible candidate of Technical cadre of Civil Department as feeder post. 4. Being administrative matter, F.D. may not have any objection to place the proposed draft agendum to the Chairperson NDMC for placing the same before the Council subject to the following :- <ol style="list-style-type: none"> a. Correctness of information and data. b. Draft agendum may be placed in TOC and draft Recruitment rule be annexed therewith. c. The pay scale may be regulated in the Draft Recruitment rule in term of Notification dated 7/04/2016. d. The above concurrence of F.D. as well as reply of the department be incorporate in Draft agendum at S. No. 7 & 8 respectively. e. Further, while forwarding the

		proposal in FD, department may ensure that the case is examined by Associate Finance.
8.	Comments of the personnel department on the comments of the Finance Department	All the due procedure and necessary guidelines along with Court directions are being followed to amend the Recruitment rules for the post of Junior Engineer (Elect.)
9.	Legal implications of the subject	No legal implications
10.	Details of previous council resolutions, existing law of parliament and assembly on the subject	The Recruitment Rules for the post of Junior Engineer (Elect.) were last amended/revised as per the Council Resolution no. 6(H-12) dated 21.11.2007.
11.	Comments of the law department	<p>Having examined the contents of the draft agenda for amendment in RR's for the post of Junior Engineer (Elect.), from the legal point of view, it is observed that prima facie there appears to be no specific legal hurdle involved at this stage, since the Amendment has been proposed in captioned RRs on the basis of order of Central Administrative Tribunal at Point no. 11 in Para 8 of Note #64.</p> <p>The concerned deptt. shall ensure that no appeal is pending before Hon'ble Delhi H.C. in which the concerned department has challenged the aforementioned order of the CAT, Pr. Bench at New Delhi to ensure the stand of the concerned deptt. is not contradictory.</p> <p>Further, the E. (Estt.)-I Department may ensure that the latest guidelines on the subject, issued by the Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India, as may be applicable, has been complied with.</p> <p>Comments of the Finance Deptt. may also be sought.</p>
12.	Comments of the department on the comments of law department	All the due procedure and necessary guidelines along with Court directions are being followed to revision of the Recruitment rules for the post of Junior Engineer (Elect.)
13.	Certification by the department that all the central vigilance commission (CVC) guidelines have	Not applicable

	been followed while processing the case.	
14.	Recommendations	The Council approves the revision of the Recruitment Rules for the post of Junior Engineer (Elect.)
15.	Draft resolution	Resolved by the council that the proposal contained in para 14 is approved

COUNCIL'S DECISION

The HOD explained to the Council that the present proposal is placed before the council as per direction of the Hon'ble Court and a contempt case is also pending in respect of the same. Considering the gravity, the Council resolved to accord approval to the proposal of the Department as mentioned in para 14 & 15 of the agenda.

The Council further directed that the matter may be processed to regularize contractual JEs as one time measure by suitably examining the issue in the light of various Supreme Court judgments and seeking necessary relaxations in the recruitment rules.

The Council further resolved that the Departments concerned may initiate further necessary action based on the decisions taken by the Council at the meeting, as noted above, in anticipation of confirmation of the Minutes.

S. Singh

**For Secretary
New Delhi Municipal
New Delhi**

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14.	Recommendations	The Council approves the revision of the Recruitment Rules for the post of Junior Engineer (Elect.)
15.	Draft resolution	Resolved by the council that the proposal contained in para 14 is approved

COUNCIL'S DECISION

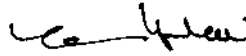
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(ANKITA CHAKRAVARTY)
SECRETARY



(AMIT YADAV)
CHAIRPERSON



(MEENAKSHI LEKHI)
PRESIDING OFFICER