

**AGENDA ITEM NO. 27/01**

**CONFIRMATION OF THE MINUTES OF THE 26<sup>th</sup> MEETING OF THE BOARD HELD ON 26.02.19.**

The minutes of the 26<sup>th</sup> Meeting of the BOARD held on 26.02.19 were approved by the Hon'ble Chairman, Delhi Urban Shelter Improvement Board / Chief Minister, Govt. of NCT of Delhi. The approved minutes was circulated vide letter No. Meeting Cell/DUSIB/DD(Board)2017/D-41 dated 05.03.19 for the kind information of all Members of the BOARD. No observation/comment has been received from any Member.

Hence, Board may confirm the Minutes of the 26<sup>th</sup> Meeting held on 26.02.19.

**AGENDA ITEM NO. 27/02**

**ACTION TAKEN REPORT ON THE MINUTES OF THE 25<sup>th</sup> & 26<sup>th</sup> BOARD MEETINGS.**

S. NO.	AGENDA ITEMS	ACTION TAKEN REPORT
25/03	Accord of A/A&E/S for providing portable toilets as service facility including operation, management and maintenance at various locations under Circle I & II/ or any other location where water supply and sewage facility are not available and to call e-tenders for the same.	The e-tenders have been invited with specific additional provision of 200 Portable Toilet Cubicles. Work has been awarded for execution and is in progress.
	<u>TABLE AGENDA</u>	
01	Handing over of 92 Nos. of JSCs which were being constructed under the scheme of construction and subsequent maintenance of JSC for 30 years to the new agencies as appointed for operation, maintenance and JSC's all over Delhi through e-tendering.	Subsequent to the decision of Board some NGOs maintaining 30 years JSCs moved to the Hon'ble High Court appointed Arbitrator Sh. Prem Kumar, ADJ(Retd) for the same. The Matter was heard by the Ld. Arbitrator on 27.03.2019 and 04.05.2019 under Section 17 of the Act and directed as under: Application of the claimant is allowed in the meanwhile the respondent shall not take the precipitative action after termination of the contract of taking back of toilet complexes from the claimant and award the JSCs to the other NGOs selected through open tender process till further orders. Now all formalities of affidavit and final arguments have been completed and final decision is awaited for taking further course of action as per said agenda item.

02	Allotment of Night Shelters of free category to SMAs.	As approved, the Night Shelter Code No. 19 and Night Shelter Code No. 108 have been allotted to the SMAs – Aashray Adhikar Abhiyan (AAA) and Rachna Women's Development Association respectively on free payment basis (i.e. SMA will not claim any payment from DUSIB for O & M of Night Shelter) vide letters dated 17.12.2018. Similarly, Night Shelter Code No. 148 has been allotted to the SMA-SPYM as per the approval vide letter dated 17.12.2018.

S. NO.	AGENDA ITEMS	ACTION TAKEN REPORT
26/03	Allotment of alternative accommodation to evictees of the CPWD Kothi no.23, 25, 27 & 29 Barron Road, Minto Road.	Ratified Agenda will be placed before the BOARD in the next Meeting.
26/04	Relocation of JJ Basti adjacent to Banglow No.12, Sunehri Bagh Lane.	JJ Basti adjacent to banglow no.12, Sunehri Bagh Lane, New Delhi – 110001, has been demolished on 18 <sup>th</sup> September 2019 and eligible JJ Dwellers have been relocated at Sector-16-B, Dwarka. Vacated site handed over to concerned Engineer of Land Owning Agency i.e. CPWD.
26/05	Approval of funds required for additional works for 1024 EWS Flats at Site –II & Site-III, Sector-16 B, Dwarka.	Additional works for 1024 EWS flats at Site –II & Site-III, Sector-16 B, Dwarka has already been executed and stands completed.
	<b>Table Agenda</b>	
01	Construction of JSC (Revenue) SH: Providing of portable toilets as service facility including operation and management & maintenance at various locations where proper water supply and sewage disposal facilities are not available. Regarding: Acceptance of the offer of Lowest bidder.	As approved, the work has been awarded and accordingly been taken up for an execution. As on date, 603 Portable Toilet Cubicles have been provided and are functional at 39 locations for an approx 20,000 users.

## AGENDA ITEM NO. 27/03

### CONVERSION OF DUSIB PROPERTIES FROM LEASE HOLD TO FREE HOLD DELEGATION OF POWERS REGARDING.

1. Under Sectary, Ministry of Works & Housing , Govt. of India, vide Order No.K-17011/71/83-DDIA dated 11-06-1984, issued orders relating to grant of perpetual leasehold rights in respect of tenements constructed in Delhi under Slum Clearance Scheme. Vide this order, the leasehold rights will be granted either to the authorized allottee/legal heir or to the “unauthorized occupant” except trespasser. Other similar conditions have duly been elucidated therein.
2. As per guidelines of conversion of Lease hold tenure into Freehold in Delhi, issued by Govt. of India. Ministry of Urban Development, Lands Division vide No.J-20011/12/77-LII dated 28-06-1999 (**Annexure-I**), the existing scheme of freehold conversion is extended to all residential leasehold built up properties irrespective of size. As such, leased properties, situated on land, for which the land use prescribed in the Master Plan/Zonal Development Plan in force is residential, will be covered under the scheme, irrespective of size.

From the above, it is clear that Officers of Board has to take action for:

- (i) Mutation/transfer of properties allotted by the erstwhile Slum & JJ Wing, DDA/MCD now DUSIB in case of death of allottees in favour of legal heirs and
  - (ii) To allow conversion of DUSIB properties from lease hold to freehold.
3. Consequent upon transfer of Department from DDA to MCD and finally formation of Board, no proper set up of guidelines about mutation/freehold are available in DUSIB. However, after examining the matter, the proposal in respect of mutation and freehold of DUSIB properties is submitted as under:

#### **4. MUTATION**

In erstwhile Slum & JJ Department, the then Commissioner S&JJ vide order No. F-43/JD(JJ)/87/Vol.(Policy) dated 14-07-1987 (**Annexure-II**) issued detailed guidelines for mutation/transfer of properties allotted by the Slum & JJR Wing which are presently being followed in DUSIB. These guidelines cover all points relating to mutation. As such, the same may be allowed to be continued. As per these guidelines the mutation cases in favour of family members shall be decided

at the level of Dy. Directors whereas, mutation/transfer of property in the name of other than family members shall be decided at the level of Directors.

However, as per these guidelines in the case of WILL is left behind by the deceased person, may be decided in favour of the Legatee on the basis of 'Registered-WILL' and on receipt of No-objection from the other legal heirs relating to said devolution. In case, the No-objection is not given by the other legal heirs, the mutation is not to be allowed till the 'WILL' is duly probated from the Court of Competent jurisdiction. However, subsequently as a change from those guidelines, the Hon'ble LG vide its order dated 30-07-1990 decided that in the case of Registered WILL within the definition of family members (as adopted by DDA) NOC from other legal heirs need not be insisted upon, as they stand legally de-bared in terms of the WILL. These instructions of Hon'ble L.G. are also being implemented in erstwhile S&JJ now DUSIB and may also be allowed to be followed. DDA has also notified these instructions of Hon'ble L.G. in Daily Newspaper in 1990 (**Annexure-III**).

**5. CONVERSION OF DUSIB PROPERTIES FROM LEASE HOLD TO FREEHOLD.**

As per practice prevalent in the department, it has come to notice that for allowing freehold rights since beginning after checking the record by Dy. Director concerned, the files are/were used to send by him to Vendor for allowing freehold rights. However, no written orders in this regard are available. Now, as per order dated 14-08-1995, collected from DDA (**Annexure-IV**) the power to grant free hold rights has been specified as under:

<b>S.NO.</b>	<b>ITEM</b>	<b>OFFICER COMPETENT TO DECIDE CONVERSION OF PROPERTY FROM LEASEHOLD TO FREEHOLD</b>
1.	Allottee cases	Dy. Director
2.	Power of Attorney Cases	Director

6. The above orders of DDA seems to be justified. Since no written orders are available in the Department and the work of allowing freehold rights is held up and people are repeatedly making request in this regard, we may adopt the orders dated 14-08-1995 of DDA in DUSIB. Further, if any appeal is received against the decision taken by Dy. Director the same can be heard at the level of Director concerned and in case of appeal received on the decision taken by Director the same can be heard at the level of Hon'ble L.G.

### **Proposal :**

In view of above, the following delegation of powers in respect of mutation and freehold rights are proposed for consideration and approval of the Board:

### **MUTATION**

The order No. F-43/JD(JJ)/87/Vol.(Policy) dated 14-07-1987 issued by the than Commissioner(S&JJ) may be allowed to be continued in respect of Mutation/Transfer of DUSIB Properties allotted by erstwhile Slum & JJ Wing now DUSIB. However, in case of "Registered WILL", the orders of Hon'ble L.G. dated 30-07-90 will be applicable.

### **FREEHOLD**

The power to grant free hold right based on DDA's Order dated 14-08-1995 are proposed as under:

<b>S.NO.</b>	<b>ITEM</b>	<b>OFFICER COMPETENT TO DECIDE CONVERSION OF PROPERTY FROM LEASEHOLD TO FREEHOLD</b>
1.	Allottee cases	Dy. Director
2.	Power of Attorney Cases	Director

### **FILING OF APPEAL**

In accordance with the powers under section 41 and 42 of the DUSIB Act, 2010 for accepting representation of an applicant aggrieved by any notice the officer of the rank of Dy. Director shall give reasoned hearing to him/her. The concerned Director shall give reasonable opportunity of being heard to the appellant aggrieved by any notice, order or direction given by the authorized officer i.e. Deputy Director and shall pass orders accordingly. The appeal against the orders passed by the Director shall lie before Hon'ble Lieutenant Governor, Delhi under section 45(1) of DUSIB Act, 2010 or any other authority to whom these powers delegated subsequently.





## AGENDA ITEM NO. 27/04

### WAIVER OF USER CHARGES FOR HOMELESS PEOPLE FOR AVAILING FACILITIES IN ALL DUSIB SHELTER HOMES.

1. Presently, DUSIB has been operating & managing 193 "Shelter Homes" at various locations in Delhi on 24 hours basis, with capacity of about 16,660 persons, through "Shelter Management Agencies (SMAs)". In every winter season, DUSIB provides more accommodation to the increased number of homeless people by erecting temporary Shelter Homes in tents at required locations.

2. In winter season generally w.e.f. 1st December to 15<sup>th</sup> March, no user charges are taken from the homeless people using the shelter homes. Initially, as per clause 10.2(20) of RFP-Vol-II-2018 regarding the provision of user charges, the Shelter Management Agency shall demand and collect user fees/ charges from the Homeless persons/Users in accordance with the provisions of Schedule IV. The fees so collected shall not be deposited in the bank account of DUSIB and shall be retained/utilized by Shelter Management Agency. The provisions of Schedule-IV related to clause 10.2(20) of RFP-Vol-II-2018, are reproduced, as under:-

1) The Shelter Management Agency shall demand and collect user fee/ charges from the Homeless persons/Users @ Rs.10/- (Rs. Ten only) per day per person for 24 hours or as decided by DUSIB from time to time, subject to the provisions of this schedule.

2) The fees so collected shall not be deposited in the bank account of DUSIB and shall be retained/utilized by Shelter Management Agency.

3) No user fee shall be demanded/taken by the SMA from the following:-

a) Any Women.

b) Any Child below the age of 18 years.

c) Any Handicapped person.

4) No user fee shall be demanded/taken from the users/inmates during winter period w.e.f. 1<sup>st</sup> December to 15<sup>th</sup> March of each calendar year.

3. However, as per Minutes of Meeting of Technical Evaluation Committee dated 18.09.2018 held for resolving the queries of the agencies during Pre-Bid Meeting, it was decided that the collected amount as user fee as prescribe shall be deposited by the SMAs with DUSIB and it is not to be utilized by the SMAs. The said Minutes & RFP-Vol-II-2018 are part of the agreement executed between DUSIB & the SMAs.

4. It is here pointed out that average occupancy in day & night hours in all Shelter Homes remains around 8600 persons and out of this occupancy, about 50% occupancy of homeless persons is attributed towards common users in day

& night hours, women, children (below the age of 18 years) & handicapped persons. Total amount of user charges @ Rs.10/- per person during one year (except 4 months' winter season) from 4300 persons, has been assessed to the tune of Rs.103.20 lac.

5. The matter of user charges also came up before Supreme Court appointed Monitoring Committee in its 9<sup>th</sup> Meeting held on 26-04-2019. The Monitoring Committee was informed that no user charges are being taken from the Homeless persons as on date also after the end of "Winter Action Plan". The Chairman, Monitoring Committee advised that the approval in this regard be obtained by DUSIB from its Board/appropriate authority at the earliest and a "Notice" in regard to "Free User Charge" be affixed immediately at all Shelter Homes for the awareness of homeless persons. This fact was reiterated by the Monitoring Committee in its 10<sup>th</sup> & subsequent meetings held till date.

**Proposal:-**

The Board is accordingly requested to consider the above proposal and may take appropriate decision with regard to waiver of "User Charges" for availing all facilities by the homeless people in all DUSIB Shelter Homes (permanent as well as temporary) throughout the year.

## AGENDA ITEM NO. 27/05

### REGARDING ALLOTMENT OF LAND MEASURING 3360 SQM TO DELHI JAL BOARD FOR CONSTRUCTION OF SEWAGE PUMPING STATION IN BADLI ASSEMBLY CONSTITUENCY.

1. A letter bearing No. F-34/SE(DR)/PR.N&NW/2018/436 dated 5.3.2018 received from SE (Dr) PR.N&NW, Delhi Jal Board vide which SE, DJB had requested to allot the land measuring 4046 sqm out of Khasara No.212 near Vijay Chowk regarding allotment of land for construction of Sewage Pumping Station in Badli Assembly Constituency **(Annexure-A)**.
2. Accordingly, the case was examined by the department and on having the proposed revised plan prepared by Planning Wing mentioning therein that area measuring 3360 sqm can be allotted in Khasara No.212 Bhalaswa as per the report of Director (TP), DUSIB vide his observations dated 09.07.2018, Land Section that Khasara No.212 has been acquired from 22.06.2001 and the site inspected by the Engineering Wing on 17.09.2018.
3. As decided in the 7<sup>th</sup> meeting of DUSIB Board vide agenda item No.5 that **“DUSIB may allot land to various Govt. Departments on the rates fixed by L&DO Ministry of UD, GOI”** and the same was confirmed in the next meeting vide minutes dated 30.05.2013, the Finance Wing of DUSIB has computed the cost of land found feasible for allotment in Khasara No. 212, Bhalaswa measuring 3360 sq. mtrs. @ Rs.573.22 lakh per acre as was allotted by DDA to DJB vide its letter No. F. 22A(57)/16/IL/539 dated 21.05.2019 **(Annexure-B)** which comes to Rs. 4,87,82,835/- comprising of cost of land, GR @ 2.5.% per annum and Documentation charges as well for allotment of land measuring 3360 sqm to Delhi Jal Board for construction of Sewage Pumping Station in Badli Assembly Constituency.
4. The cost of land and ground rent was conveyed to Delhi Jal Board and they have conveyed its consent vide letter No. F-62/SE(DR) PR-III/2019/1115 dated 09.08.2019 to accept the land measuring 3360 sq.mtrs. of Khasara No. 212, Bhalaswa Delhi at the prescribed cost and ground rent. **(Annexure-C)**

### **Proposal**

In view of the above it is proposed that we may allot the land measuring 3360 sqm at Khasara No.212, in Bhalaswa JJ Colony Delhi provisionally to Delhi Jal Board @ 573.22 lakh per acre on annual ground rent basis and usual terms & conditions of allotment. The possession would be handed over to Delhi Jal Board after receiving of requisitioned amount of Rs. 4,87,82,835/- comprising of cost of land, GR @ 2.5.% per annum and Documentation charges and the same is placed for the consideration of the Board. After approval of Hon'ble Board, the matter shall be placed before Hon'ble LG, Delhi for subsequent approval being Competent Authority for disposal of Nazul Land.

## AGENDA ITEM NO. 27/06

### REGARDING ALLOTMENT OF LAND MEASURING 20.25 SQM FOR BORING & INSTALLATION OF TUBE WELL NEAR IDGAH ROAD NO.70 IN E-47 JHUGGI CLUSTER IN NEW SEEMAPURI IN AC-63 TO DELHI JAL BOARD.

1. Ex. Engineer (NE)-I, Delhi Jal Board vide letter No. DJB/EE(NE)-I/2019/901 dated 21.06.2019 (**Annexure-A**) had requested to allot the land measuring 20.25 sqm for Boring & Installation of Tube Well near Idgah Road No.70 in E-47 Jhuggi Cluster in New Seemapuri in AC-63.
2. Accordingly, the case was examined by the department. The Tehsildar, DUSIB informed that land in question belongs to DUSIB. The Town & Planning Branch informed that land use of the site in question for area measuring 20.25 sqm is green belt and land use as per LOP (Layout Plan) is residential.
3. As decided in the 7<sup>th</sup> meeting of DUSIB Board vide agenda item No.5 that **“DUSIB may allot land to various Govt. Departments on the rates fixed by L&DO Ministry of UD, GOI”** and the same was confirmed in the next meeting vide minutes dated 30.05.2013.
4. The Finance Wing of DUSIB has computed the cost of land found feasible for allotment to Delhi Jal Board at Idgah Road No.70 in E-47 Jhuggi Cluster in New Seelampur in AC-63 measuring 20.25 sq. mtrs. @ Rs. 573.22 lakh per acre as was allotted by DDA to which comes to Rs. 2,94,004/- comprising of cost of land, Ground Rent @ 2.5.% per annum and Documentation charges for construction of Sewage Pumping Station in Seelampur Assembly Constituency. (**Copy of DDA letter is annexed as Annexure-B**).
5. The cost of land and ground rent has already been conveyed to Delhi Jal Board vide letter dated 09.08.2019 and the reply is still awaited. (**Annexure-C**).

### Proposal

It is proposed that the land measuring 20.25 sqm may be allotted to Delhi Jal Board @ 573.22 lakh per acre plus on annual ground rent basis as per usual terms & conditions of allotment. The possession would be handed over to Delhi Jal Board after receiving of their consent and depositing of requisitioned amount of Rs. 2,94,004/- comprising of cost of land, Ground Rent @ 2.5.% per annum and documentation charges. Accordingly, proposal is placed for the consideration of the Board. After approval of Hon'ble Board, the matter shall be placed before Hon'ble LG, Delhi for subsequent approval being Competent Authority for disposal of Nazul Land.

**AGENDA ITEM NO. 27/07**

**CONSTRUCTION OF INDOOR BADMINTON AND TABLE TENNIS COURT  
AND CONSTRUCTION OF 5 SEATER TOILET BLOCK AT WOOD LAND  
SPORTS COMPLEX, TILAKVIHAR UNDER MLA LAD SCHEME.**

1. There is a DUSIB vacant land pocket measuring approx.6.5 acres of land. The land is unutilized since long. On this issue, an agenda item no. 22/10 was placed before 22<sup>nd</sup> Board meeting held on 13.07.2018 and was approved, which is reproduced below :

“Construction of mini stadium / sports complex at wood land near CRPF camp, Tilak Vihar”.

2. After detailed deliberations, it was approved by the DUSIB Board to develop a park on 06 (Six) acre land at Tilak Vihar under the plan scheme “Shishu Vatika” at its own and also establish open gyms for the benefit of local population.

3. A request letter from Hon’ble Area MLA S. Jarnail Singh, AC-29 for taking up the work of construction of indoor badminton and Table Tennis Court and construction of 5 seater toilet block at wood land sports complex, Tilak Vihar under MLA LAD Scheme was received by DUSIB under MLA LAD Scheme. Since the work as requested by Hon’ble Area MLA is not covered under the mandate of DUSIB. But is covered under section 3 (vii) & (viii) as per MLA guide lines issued by UD Department. So, approval of DUSIB Board is required.

4. Due to urgency of work as desired by Hon’ble Area MLA S. Jarnail Singh, AC-29, permission to take up the proposed work under MLA LAD Fund has been obtained from Vice Chairman (DUSIB) with the condition that ratification of same will be done by DUSIB Board.

**Proposal:**

Therefore, the Agenda Item is submitted before DUSIB Board for approval / ratification.

**AGENDA ITEM NO. 27/08**

**RATIFICATION THEREOF FROM THE BOARD IN RESPECT OF ISSUANCE OF NOC/USER PERMISSION FOR OPENING /ESTABLISHMENT OF AAMC IN THE FORM OF PORTA CABIN/SEMI PERMANENT STRUCTURE AND IN NIGHT SHELTER/BVKS ON THE LAND BELONGS TO DUSIB ON TEMPORARY BASIS.**

1. Various requests were received from Hon'ble MLAs/ Hon'ble CM Office and other dignities of Delhi Govt. through Delhi Health Services, GNCTD for issuance of NOC for opening of Mohalla Clinics on DUSIB vacant land, Basti Vikas Kendra's and in community centres in the shape of porta cabin. Subsequently, on the basis of report furnished by Engineering Wing as well as by Town & Planning Section of DUSIB, the following sites were found feasible and accordingly NOC were issued to Health & Family Welfare Department, GNCTD in respect of the following sites as per details given below:-

<b>S.No</b>	<b>Location</b>	<b>Reference No. of the NOC issued by DUSIB</b>
1	DUSIB Community Centre Pant Nagar	F-14/(110)/ DD(IAL)/DUSIB/2018/ D-413 dt. 10.10.2018 (Sr. No. 1 to 5) <b>(Copy is annexed as Annexure-A)</b>
2	DUSIB Community Hall Sunlight Colony-II	
3	DUSIB Community Centre Kilokari Village	
4	DUSIB Community Centre Kasturba Niketan Lajpat Nagar	
5	DUSIB and behind 4 stories DDA Flats, Garhi, East of Kailash.	
6	JSC opp. Vidya Ankur School Gautampuri Ph-1, Delhi.	F-14/(110)/ DD(IAL)/DUSIB/2018/ D-436 dt. 06.11.2018 (Sr. No. 6 to 7) <b>(Copy is annexed as Annexure-B)</b>
7	BVK Milakpur Kohli Rangpuri, Delhi	
8	Near Plot No. 21 & 22, C Block, Holambi Kalan, Ph-1, Metro Vihar Delhi-82	F-14/ (110)/ DD (IAL)/DUSIB/2018/D- 23 dt. 25.01.2019. (Sr. No. 8 to 53) <b>(Copy is annexed as Annexure-C)</b>
9	C Block, Near MCD Primary School, Holambi Kalan, Ph-2, Metro Vihar Delhi-82	
10	DUSIB Land, P-4 Block Behind Masjid Sultanpuri	
11	D-2 Community Center, opp. D-2/492, Sultanpuri	
12	BVK Block F7 Sultanpuri	
13	DUSIB Land, R-Block Raghubir Nagar near R-Block jhuggi	
14	DUSIB Land, 15 Gaj Raghubir Nagar	

15	C/Hall pocket-4, Bindapur Uttam Nagar	
16	Tigri, MCD park ESI dispensary Deoli	
17	BVK, DUSIB Site Balmukund Khand giri Nagar Kalkaji.	
18	DUSIB Site BVK at Sudhar Camp Kalkaji ward 90s Kalkaji	
19	BVK Gandhi Camp, DTC depot Okhla Kalkaji	
20	DUSIB premises near hanuman mandir, private colony siriniwaspuri ward no- 89S kalkaji	
21	BVK(not in use) near Indira Gandhi camp taimur nagar Okhla, vidhansabha	
22	DUSIB land 28 bloc indira camp beside BVK trilokpuri	
23	DUSIB land sec 30 trilokpuri	
24	19, Block part-2 Trilokpuri	
25	DUSIB land, 9- Block Trilokpuri	
26	DUSIB land, 9- Block, Part-1, Trilokpuri	
27	DUSIB land, 10- Block, Part-1, Main chowk	
28	DUSIB land, 3- Block, Part-1, Trilokpuri	
29	BVK Subhash Mkt Block-6, Part-1, Trilokpuri.	
30	Block-11, Vasundhara Road, Trilokpuri	
31	Block-12, Subhash Mkt, Trilokpuri	
32	DUSIB Barat Ghar land Blk-3, Khichripur, Kondli	
33	DUSIB Site Block-14 Kalyanpuri Kondli	
34	DUSIB Site Block-1 Khichripur	
35	DUSIB rain basera C-Block Mullah Colony Kondli	
36	Ansar Nagar jhugi Near peer baba Laxmi Nagar	
37	BVK, JJ Camp, Chitra Vihar	
38	BVK, Majboor Nagar	
39	BVK, JJ Camp, Anand Vihar	
40	DUSIB Land G- Block Old Seemapuri	
41	DUSIB, E 2/500 Nand Nagri	
42	DUSIB Land E2 Nand Nagri Mandoli Village	
43	DUSIB Land, Location E3 Nand Nagri	
44	DUSIB Land, A2 Nand Nagri Village Mandoli	
45	Opp. F1/351 Sunder Nagri	
46	DUSIB Land, M Block Baarat Gha	
47	DUSIB Land, near DLF bus stand new seema pur	
48	DUSIB land, near B block MCD School new seemapuri	
49	DUSIB L block Welcome Loha Market	
50	Metro Vihar, Ph-I (Near Dipensary) B-block Narela	
51	Metro Vihar, Ph-II (Near Dispensary) Narela	
52	Sector-17. Rohini Amar Jyoti Colony near DTU	

53	J -Block Sector-16 Rohini Riot affected colony, (Sardar Colony)	
54	Plot No. 9857-59 in Gali No.5 Multani Dhanda Pharganj	F-14/ Misc. /26 /AAMC/ DD(IAL)/ 2018/ Comp. No. 204532639 / D-103 dt.13.06.2019 (S No. 54 to 67) <b>(Copy is annexed as Annexure-D)</b>
55	Block-27, near Trilokpuri Bus Stand	
56	B - block Pandav Nagar	
57	9090 Multani Dhanda Gali No.2 Phar Ganj Karol Bagh	
58	<u>Property No.2489/VII, Katra Rajji.</u>	
59	<u>4536-39/XV Ladu Ghati, Dal Mandi Chowk, Paharganj</u>	
60	<u>661-665, Dr. Satija wali Gali G.T.Road Malka Ganj</u>	
61	<u>2040-46 Mukimpura, Malka Ganj</u>	
62	<u>Old toilet complex of EDMC at Block-6, JJR Colony Khichri Pur</u>	
63	<u>4178, Aryapura opp. Community Hall, MCD</u>	
64	<u>Opposite plot No. F-148, JJ Colony Sector-3 Ph-2 Dwarka New Delhi</u>	
65	<u>Opposite Plot No. B-119, Shishu Vatika, JJ Colony, Sector-3 Ph-1 Dwarka, New Delhi</u>	
66	Plot No. 10797/VX Opp. Hari Mandir School.	
67	Plot near community hall at tank Road.	
68	J.J. Basti Moti Lal Nehru Camp, BVK	F-14 / Misc./ AAMC/(IAL) /DUSIB/2019/Comp No. 20455239/D-182 dt. 06.09.2019. (S. No. 68 to 74) <b>(Copy is annexed as Annexure-E)</b>
69	DUSIB land J.J. Basti Indira Camp New Virat Cinema, C- Block, Dakshinpuri	
70	In front of Sunlight Colony (Community Hall) (Old) DUSIB (Community Toilet) Old Seemapuri	
71	DUSIB labour Welfare Site Wazirpur	
72	<u>A -Block Pandav Nagar</u>	
73	<u>Kamla Nehru Camp near Booster Pump, Kirti Nagar</u>	
74	<u>CFC at Road Gran, Ballimaran</u>	
<b>NOC / Site Change within same plot of land</b>		
75	<b><u>Original Location</u></b> <u>Park JJ Colony, Phase-III Madanpur Khadar, Delhi</u>	F-14 /(76)/NOC/AAMC/DHS /DD/IAL/DUSIB2016/D -122 dt. 13.09.2017. <b>(Copy is annexed as Annexure-F)</b>
	<b><u>Alternative Location</u></b> <u>SRS Colony, Phase-III, Madanpur Khadar, Delhi</u>	Eec5/dusib/2019-20/ Comp No. 204552727/D-186 dt. 12.09.2019. <b>(Copy is annexed as Annexure-G)</b>



## **PROPOSAL**

The proposal is placed before the Board for ratification of the issuance of NOC/user permission on temporary basis, for 74 feasible sites (05+02+46+14+7) + one NOC/ site change within the same plot for establishing AAMC on the properties/land belonging to DUSIB, in accordance with the decision taken by the Cabinet in its meeting held on 10.11.2015.

**AGENDA ITEM NO. 27/09**

**OUTSTANDING RECOVERY OF RS. 126.69 CRORES (INCLUDING INTEREST) OF INSTALMENTS AND GROUND RENT OF FLATS ALLOTTED ON HIRE PURCHASE BASIS AND CASH DOWN PAYMENT BASIS.**

2. A scheme for providing Low Cost Houses was launched by erstwhile Slum & JJ Wing of DDA now DUSIB in various colonies of Delhi in the year 1985. In the said scheme, about 27693 applicants applied for flats and out of which 5662 flats were allotted to the applicants according to the priority number given to them in 20 colonies. Out of these 5662 flats, 3199 flats were on cash down basis and 2463 flats were on hire purchase basis.

3. 2463 allottees in hire purchase category have not paid their monthly instalments and ground rent on regular basis, which resulted accumulation of instalments, ground rent and interest thereon.

4. Sr. Audit Officer(SS-II) in the Office of Pr. Accountant General (Audit), Delhi has pointed out in the audit report for the year 2017-18 that huge amount is outstanding (including interest and penalty) from the allottees of flats both on hire purchase and on Cash down payment were pending as of December 2018 as per detail given below:-

<b>Purpose for which amount outstanding</b>	<b>No. Of locations</b>	<b>No. Of Defaulters</b>	<b>Installment outstanding (Rs. In Crore)</b>	<b>Penalty/Interest outstanding (Rs. In Crore)</b>	<b>Total outstanding amount (Rs. In Crore)</b>
Flats allotted on hire purchase basis	20	1500	46.04	71.98	118.02
Ground rent of Flats on hire purchase	20	2326	2.49 (Ground Rent outstanding)	2.33	4.82
Ground rent of Flats on Cash Down	19	1866	1.90 (Ground Rent outstanding)	1.94	3.84
<b>Total</b>		<b>5692</b>	<b>50.43</b>	<b>76.25</b>	<b>126.68</b>

5. The above table shows that Rs. 126.68 crores is outstanding which is to be recovered from the 5692 defaulters under the categories of flats allotted on hire purchase basis. The audit had called reasons for such huge outstanding amount vide audit memo no 59 dated 25.01.2019. In reply to the audit memo, the housing branch had informed to the audit that notices were sent to the concerned occupants but in most of the cases there are change of hands and actual allottees are not in possession of flats. Initially, the rate of interest for delayed payment i.e. after 01 month was 12%, after two months it was 24% and after 03 months was 48%.

6. In order to boost the recovery of huge outstanding amounts, penalty relief schemes were introduced from time to time by reducing rate of interest as mentioned in preceding para as per detail given below:-

<u>Period</u>		<u>Original Rate of Interest</u>	<u>Reduced rate of interest</u>	<u>Approved in Board meeting</u>
<u>From</u>	<u>To</u>			
<u>01.09.2013</u>	<u>31.03.2014</u>	12%, 24% & 48%	12%	9 <sup>th</sup> Board Meeting held on 16.08.2013 and in 12 <sup>th</sup> Board Meeting held on 15.06.2015
<u>01.04.2014</u>	<u>30.09.2014</u>		12%	
<u>01.10.2014</u>	<u>31.03.2015</u>		12%	
<u>01.04.2015</u>	<u>31.10.2015</u>		12%	
<u>01.11.2015</u>	<u>30.06.2016</u>		7%	13 <sup>th</sup> & 16 <sup>th</sup> Board Meeting held on 22.09.2015 and 11.04.2016 respectively.
<u>01.07.2016</u>	<u>28.02.2017</u>		12%	
<u>01.03.2017</u>	<u>31.08.2017</u>		7%	18 <sup>th</sup> Board Meeting held on 06.02.2017
<u>01.09.2017</u>	<u>Till date</u>		7%	Approved by Hon'ble VC DUSIB/Minister (UD)

But the dues to the tune of Rs. 126.69 crores are still outstanding upto December 2018.

7. However, contrary to the above decisions of the Board, a further request for waiver of 100% penalty received from Sh. Som Dutt, Hon'ble MLA. In this regard, Finance Wing of DUSIB has informed that as per office order No. F-21(Misc.)/9/Int./HAC/2001/2014/2018/252 dated 26.09.2018 collected from DDA as per which simple interest @ 14% P.A is being charged by DDA on delayed payment of cost of flats/shops and plots in respect of both Hire purchase and cash down allotment. Therefore, considering the precarious financial position of DUSIB, and the interest rate @ 12% per annum already decided by the Board which is on lower side as compared to interest being charged by DDA, as mentioned above, it is not appropriate to reduce interest rate any further from 12% per annum. However, while deciding this issue, it may also be kept in view that beneficiaries of other schemes, allottees of shops and plots may also seek parity in the interest rates.

8. The request of the Hon'ble MLA was placed before Hon'ble U.D. Minister who vide orders dated 03.06.2019 passed orders that we may retain the rate of interest as 7% from 31.08.2017 onwards and action for recovery from defaulters be taken accordingly and decision may be brought for ex-post facto approval in the next Board Meeting. As per directions, the Housing Branch is going to initiate the process of generating demand letters @7%.

9. It is also informed that draw of 1073 waiting registrants under cash down category who furnished their consent along with initial deposit of Rs.50,000/- has been successfully conducted by the department on 25.07.2019. The process of allotment of flats in Savda Ghewra is expected to be started immediately.

10. It is also informed that 70 registrant who have shifted now outside Delhi have also requested for inclusion of their names in the draw as they were eligible for allotment at the time of filing their applications in the year 1985. However, there was no provision in 1985 Registration Scheme for considering such registrants for allotment found residing outside Delhi, therefore facts were placed before the Hon'ble Vice Chairperson, DUSIB/Hon'ble Minister of UD and it was decided that "we may determine the eligibility of applicants as at the time of application. Further, necessary proofs may be obtained from the applicants in this regard". Accordingly, after scrutiny of record of 70 such registrants, 69 registrants were found eligible. Furthermore, 02 registrants who could not submit their income certificate at the time of earlier draw held on 25-07-2019, have now submitted the same. Hence, DUSIB may conduct the draw of 71 (69+2) registrants with due consideration of the Board.

11. It is further added here that registrants of special registration scheme of 1985 was initially informed the cost of the flats tentatively to the tune of Rs.13,00,000/-. However, the disposal cost of flats at Savda Ghewra worked out to the tune of Rs.12,93,809/- for corner flat and Rs.12,81,082/- for other flats. The revised disposal cost has been worked out on the basis of DDA rates and

same has been approved by the Hon'ble Vice Chairperson DUSIB/ Hon'ble Minister (UD) on 03.09.2019(**Annexure-A**).

**Proposal:**

In view of above, following facts are placed before the Board for kind information/approval and further directions:

(i) The rate of interest as 7% from 31.08.2017 onward as approved by Hon'ble VC DUSIB/ Hon'ble Minister (UD) is placed with the request to accord ex-post facto of the Board.

(ii) Action by way of issue of notices and sealing process against the defaulter be initiated for recovering outstanding dues to the tune of Rs. 126.69 crores as pointed by audit upto December 2018.

(iii) Ratification of the disposal cost of flats at Savda Ghewra as worked out on the basis of DDA rates to the tune of Rs.12,93,809/- for corner flat and Rs.12,81,082/- for other flats which is already approved by Hon'ble Vice Chairperson, DUSIB.

(iv) DUSIB shall conduct the draw of 71 (69+2) registrants with due consideration of the Board.

## AGENDA ITEM NO. 27/10

### Approval of DUSIB Budget for the year 2019-20.

1. Delhi Urban Shelter Improvement Board (DUSIB) vide notification no. F.14(18)/LA-2007/Law/227 dated 31.5.2010 read with Notification F. No. 1(7) UD/DUSIB/2010/9736 dated 1.7.2010 came into existence w.e.f. 1<sup>st</sup> July, 2010. The Board executes schemes/projects for improving the quality of life of Slum & JJ Dwellers through various Plan Schemes of Government of NCT of Delhi/Central Govt.

2. DUSIB is an autonomous body of the Government of NCT of Delhi (GNCTD) which has been given the primary mandate of improving the quality of life of jhuggi-jhopri / Slum dwellers and their rehabilitation / redevelopment. There are about 675 JJ clusters all over Delhi having 3,06,600 jhuggies.

3. The Budget for the year 2019-20 has been prepared on the basis of the information furnished/collected from various Sections/Divisions/Offices of DUSIB. The salient features thereof are given in the succeeding paragraphs.

4. The Budget of DUSIB for the year 2019-20 includes actual (Receipts & Expenditure) for the year 2018-19 and Budget Estimates for the year 2019-20 for the approval of the Board which is to be forwarded to GNCTD after its approval as per the provisions of Section 24(1) of DUSIB Act, 2010.

5. The revenue receipts of DUSIB at present are inadequate to meet its revenue expenditure. During 2018-19 the total actual revenue receipts of DUSIB were only Rs.4,040.66 Lakh (excluding interest i.e. total revenue receipts Rs.4,858.53 Lakh minus Interest Rs. 817.87 Lakh), while the revenue expenditure was Rs. 23,724.81Lakh. The revenue deficit in 2018-19 was Rs. 19,684.15 Lakh. The revenue deficit i.e. the gap between revenue receipts and expenditure has been met as under :-

i)	<u>Loan from GNCTD</u>	<u>Rs. 10,000.00 Lakh</u>
ii)	<u>DJB Water charges Receipt (GNCTD)</u>	<u>Rs. 5,928.00 Lakh</u>
iii)	<u>Transfer of Funds from Deposit</u>	<u>Rs. 930.00 Lakh</u>
iv)	<u>Utilized previous year balance`</u>	<u>Rs. 2,826.15 Lakh</u>
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	Total	Rs. 19,684.15 Lakh

6. The sources of revenue for DUSIB as per the receipts of 2018-19 were:-

<b>1</b>	<b>CAPITAL RECEIPTS</b>	Rs. in Lakhs
	<b>DEVELOPMENTS OF PLOTS/PROJECTS</b>	
(i)	Residential/Commercial/Institution	363.04
(ii)	Liquidation of Tenements	89.59
(iii)	Equated Installment in r/o flats allotted under Spl. Registration Scheme	648.17
(iv)	Liquidation of Stalls/shops under S.C.P	3.74
(v)	Conversion of JJR Plots/Colonies into freehold	0.48
(vi)	Dairy Forms Receipt (Premium)	7.82
(vii)	Allotment of JNNURM Houses under Special Registration Scheme 1985	0.00
	<b>TOTAL 1</b>	<b>1,112.84</b>

<b>2</b>	<b>REVENUE RECEIPTS</b>	Rs. in Lakhs
<b>(A)</b>	<b>RENT RECEIPTS</b>	
(i)	<b>LICENCE FEE</b>	
(a)	Tenements/ /Residential	102.27
(b)	Commercial including SCP & JJR	4.74
(c)	Institutional allotment	760.85
(d)	Properties in the walled city	138.00
(e)	JJR Plots	11.22
(f)	Staff qtrs.	12.08
(g)	Licencee Fees plus Booking charges from Community Halls	236.52
(h)	Rent from chunks/vacant land	1374.29
(ii)	<b>DAMAGES</b>	
(a)	Properties in Walled City & JJR	0.00
(b)	Properties other than in walled city.	20.64
(iii)	<b>GROUND RENT</b>	389.52
	<b>TOTAL 2 (A)</b>	<b>3,050.13</b>
<b>2 (B)</b>	<b>OTHER RECEIPTS</b>	
(i)	Interest	817.87
(ii)	Sale of tender forms	25.99
(iii)	Forfeiture of Earnest Money	1.93
(iv)	Maintenance charges of Jan Suvidha Complexes	2.09
(v)	Cleaning Charges and other misc. receipts	161.53
(vi)	Right to Information Act-2005	0.27
(vii)	Baba Ramdevji Old Cloth Seller Market, Raghubir Nagar,informal sector	23.06
(viii)	Medical Contribution	70.03

(ix)	Departmental Charges	705.63
	<b>TOTAL 2 (B)</b>	<b>1,808.40</b>
	<b>TOTAL 2 (A+B)</b>	<b>4,858.53</b>

7. The then Chairperson in the 5<sup>th</sup> Board meeting of DUSIB held on 19.12.2011 had also agreed to assist the organization in its initial years of working by giving Grant-in-aid, mainly for disbursement of salary and allowances.

8. The Hon'ble Minister (UD) GNCTD vide order dated 23.10.2018 has decided the deferment of recovery of ways and means loan can be considered and in future Government will provide Grant-in-aid to DUSIB for payment of salaries to its employees instead of giving loan and further agreed to reimburse loss of revenue amounting to Rs, 72,500.00 Lakh and interest thereon in respect to land allotted to various Govt. Department / DMRC.

9. In order to improve the financial position of DUSIB, specific measures are proposed to be taken to enhance the Capital Receipts by way of disposal of residential and commercial plots through auction, allotment of Institutional Land to Directorate of Health Services, DTC and other departments of GNCTD, liquidation of built up shops allotted under Special Component Plan to weaker sections of the society, liquidation of flats constructed under Special Registration Scheme, 1985 and liquidation of JJR plots in 45 resettlement colonies by way of grant of free hold rights. Accordingly, the target of capital receipts amounting to Rs. 12,715.00 Lakh has been fixed in the Budget Estimates 2019-20.

10. The sources of revenue receipts of DUSIB are limited. Revenue Receipts are generated in the form of ground rent and license fee from residential, commercial, institutional properties and BVKs (allotted to NGOs), rent from chunks allotted to the highest bidders for booking by general public for marriage and social functions, license fee from community halls and recovery of damages from unauthorized occupants of properties in walled city and other properties of DUSIB. Targets of revenue receipts has been fixed at Rs. 16,144.00 Lakh (Actual Revenue receipts Rs. 4,644.00 Lakh + Loan from GNCTD Rs. 10,000 Lakh + Interest Rs. 1500.00 Lakh) against the revenue receipt of Rs. 14,858.78 Lakh during the year 2018-19 (Actual Revenue receipts Rs. 4,040.66 Lakh + Loan from GNCTD Rs. 10,000 Lakh + Interest Rs. 817.87 Lakh).



11.

(i) **COMPARISON BETWEEN CAPITAL & REVENUE RECEIPTS FOR THE FINANCIAL YEAR 2018-19 (ACTUAL) & FOR THE FINANCIAL YEAR 2019-20 (PROPOSED).**

(Rs. In Lakh)

Details	Financial year 2018-19 (Actual)	Financial year 2019-20 (Proposed) Budget Estimates
Capital Receipt. Including Grant from Govt. of Delhi	1,112.84	12,715.00
Revenue Receipt including Loan from Govt. of Delhi	14,858.78	16,144.00
GIA for Execution of Plan Works	41,186.34	21,202.00

**Note**

- (i) It is estimated that during 2019-20 there would be an increase in Capital Receipts by Rs. 11,602.16 *Lakh* mainly due to Liquidation of Flats constructed under JNNURM allotted / to be allotted to applicant of Special Registration Scheme-1985.
- (ii) Revenue Receipt including Loan from Govt. of Delhi would increase by Rs. 1,285.22 *Lakh* due to marginal anticipated revenue receipts during 2019-20.

(ii) **COMPARISON BETWEEN CAPITAL & REVENUE EXPENDITURE FOR THE FINANCIAL YEAR 2018-19 (ACTUAL) AND 2019-20 (PROPOSED)**

(Rs. In Lakh)

Details	Financial year 2018-19 (Actual)	Financial year 2019-20 (Proposed) Budget Estimates
Capital Expenditure including Expenditure on Execution of Plan Works	5,491.66	12,780.00

Revenue Expenditure on Pay & Allowances etc. and Execution of Plan Works	34,497.62	35,871.00
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12. A Revenue Expenditure outlay of Rs.35,871.00 Lakh is proposed mainly to meet the expenditure on Pay & Allowances etc. and Execution of Plan Works.

13. DUSIB is implementing number of plan schemes to provide basic facilities to JJ dwellers/slum dwellers of notified slum areas. The proposed expenditure on Execution of Plan Works has been kept at Rs. 25,380.00 Lakh (Revenue Rs. 12,980.00 Lakh and Capital Rs. 12,400.00 Lakh). This includes the amount required to complete the on-going works and fresh works in respect of various State/Central Plan Schemes. Significant activities proposed under plan schemes *inter-alia* are mentioned below:

(i) To maintain the JJ clusters in hygienic condition and to provide clean environment, a massive programme viz. Open Defecation Free city was taken up during the year 2018-19 and during last year 16246 WCs has been completed for public use. It is proposed to construct new toilet blocks and to upgrade/renovate existing Jan Suvidha Complexes by providing 2547 WCs seats during this year and all the complexes are made free of any charges 24 x 7 for JJ dwellers living in Slum areas. All the JSCs are being run free of cost for public use w.e.f 1.1.2018. For this an outlay of Rs. 7,400.00 Lakh is proposed for Revenue Expenditure and Rs. 2,020.00 Lakh for Capital Expenditure.

(ii) DUSIB is constructing multi storied dwelling units for slum dwellers under JNNURM. So far, 10684 flats have been completed and 7400 flats are under construction. During the year 2019-20 an amount of Rs. 3,000.00 Lakh is proposed.

(iii) DUSIB also proposed to construct EWS multi storied houses under in-situ Rehabilitation for which funds to the tune of Rs. 20,000.00 Lakh provided in 2018-19 and provision of Rs. 5,000.00 Lakh kept in 2019-20.

(iv) Under NULM it is proposed to construct two Night Shelters at Dwarka Sector-3 and Geeta Colony for shelter for Urban Homeless. An outlay of Rs. 500.00 Lakh to complete and initiate the works is proposed in 2019-20. In

addition to above, works relating to refurbishment of 13 existing permanent shelter and operation & management (O&M) of existing shelters (198) will also be undertaken.

14. In the 25<sup>th</sup> Board meeting held on 05.12.2018, Board has approved the proposal for incurring the expenditure out of the Land Owning Agency's fund for making EWS flats at Dwarka habitable for JJ dwellers. Further, the Hon'ble Urban Development Minister has also approved a proposal on 02.08.2019 for utilizing Land Owning Agency's fund for installation of fire fighting equipments to the tune of Rs. 0.98 Crore as directed by Chief Fire Officer, as such, it is proposed that the Land Owning Agency's fund available with the department may be utilized temporarily for installation of fire fighting equipments in EWS Housing projects till such time the revised DPR of EWS housing project is not approved by the Govt. The funds may also be utilized for shifting of JJ Clusters from different locations to their EWS housing complexes at Dwarka, Sultanpuri, Savda Ghevra and Bhalaswa, Jahangirpuri as and when required

15. Board in its 19<sup>th</sup> and 22<sup>nd</sup> Board meeting held on 22.08.2017 and 13.07.2018 respectively has approved an Agenda Item No. 9/13 and Agenda Item 22/12 for requesting GNCT of Delhi to provide a lump sum grant of Rs. 100.00 Crore for discharging GPF liabilities of DUSIB employees. Accordingly, after the approval of the Board, a provision was made in the Budget Estimate & Revised Budget Estimate for the year 2017-18, 2018-19 & Budget Estimate for the year 2019-20, but the Finance Department of GNCT of Delhi has not accepted the request of DUSIB, hence, no provision was made by the Government in the Budget Estimate in this regard.

16. The statements containing the details of actuals for the year 2018-19 and Budget Estimates for the year 2019-20 are attached separately.

**Proposal:**

As stipulated under section 24(1) of the Delhi Urban Shelter Improvement Board Act 2010, the proposals containing Actuals for the financial year 2018-19 and Budget Estimates for the financial year 2019-20 have been prepared and placed before the Board for consideration, adoption and approval.

## AGENDA ITEM NO. 27/11

### PRECARIOUS FINANCIAL POSITION OF DUSIB AND NON AVAILABILITY OF SUFFICIENT FUNDS FOR PAYMENT OF SALARY TO THE EMPLOYEES OF DUSIB.

1. Delhi Urban Shelter Improvement Board has been facing precarious financial position since 2011-12 because of the insufficient sources of revenue receipt and capital receipt. There is huge gap between the requirement of funds for payment of pay and allowances, contingent expense day-to-day unforeseen expenses and maintenance of Assets of DUSIB and the revenue and capital receipt of DUSIB together with amount of financial assistance being provided by the Government of NCT of Delhi in the form of ways and means loan for salary and establishment expenses of DUSIB.

2. Considering the financial position of Delhi Urban Shelter Improvement Board, it was initially decided by the Hon'ble Chief Minister of Delhi Government of NCT of Delhi in the **5<sup>th</sup> Board Meeting held on 19<sup>th</sup> December, 2011 that loan provided to DUSIB during 2011-12 should be converted into grant as they are meant for payment of salaries to the employees of the organization.** Further, the CEO was advised to put up a proposal to the Finance Department for conversion of loan into grant-in-aid and to project future requirement of funds in this regard so that appropriate allocation of grant-in aid can be made to the Board. **Minutes of 5<sup>th</sup> Board Meeting are annexed as Annexure-A.**

3 Accordingly, grant-in-aid of Rs.45.00 Cr and Rs.70.00Cr were sanctioned by the Government of NCT of Delhi in favour of DUSIB during the year 2012-13 and 2013-14 respectively. However, subsequently the Government of NCT of Delhi had started making provision of ways and means loan instead of Grants-in-aid in favour of DUSIB for salary and establishment expenses which are still continue.

4 From 2018-19, provision of ways and means loan of Rs. 100.00 per annum in favour of DUSIB is being made by the Government of NCT of Delhi. DUSIB had requested for increasing of ways and means loan/ grant-in-aid from Rs.100.00 Cr to Rs.120.00 in the RE-2018-19, but request was not accepted by the Government of NCT of Delhi

5 The deficit in the income (revenue and capital receipt) has been met out of the ways and means loan being provided by the Government of NCT of Delhi for salary and establishment expenses of DUSIB. The revenue and capital receipt together with ways and means loan are not sufficient enough to meet funds requirement of DUSIB for the said purpose. Therefore, under compelling circumstances the shortfall of funds have often been met with by transferring of funds from non –plan deposit works account as a temporary measure. DUSIB

has not been able to repay its loan because of meagre revenue and capital receipt. As of now the outstanding loan liability of DUSIB (ways and means loan) has accumulated to the tune of Rs. 469.28 Cr plus interest thereon @ 10% p.a. Thus the total liability of ways and means loan including interest is estimated to the **tune of Rs. 700.28 Cr** as intimated by the Government of NCT of Delhi vide communication bearing No. F No.242(7)/UD /BSUP/2019/7307 dated 1.7.2019 (Provisional). **The statement of outstanding loan is annexed as Annexure-B.**

6 Apart from ways and means loan, an accumulated internal temporary loan of **Rs.64.30 Cr arranged from non-plan deposit works** from time to time to meet shortfall of funds for payment of salary is yet to be adjusted/ recouped to the non-plan deposit work account. **Thus, the total loan liability of DUSIB is Rs.764.58 Cr (Approx).**

7 Considering the inability of DUSIB to repay its ways and means loan an Agenda **Item No. 23/7** was placed before **the Board in its 23<sup>rd</sup> meeting held on 1.10.2018** for conversion of loan into outright grant-in-aid or to write off of the loan in terms of para 5.15.2(iv) of Civil Accounts Manual and Rule 103 and 259 of GFR 2017 . However, the proposal was not approved by the Board as the matter was required to be examined by the Government of NCT of Delhi before consideration of the Board.

8 The Hon'ble Urban Development Minister/VC DUSIB was subsequently apprised of the financial position of DUSIB expressing inability of DUSIB to repay its loan at this stage with the request for conversion of loan into grant-in-aid as per provisions of the Civil Accounts Manual and GFR as referred in para 7 above. It was also requested that in future grant-in-aid may be given to DUSIB for payment of salary to the employees of the organization. The Hon'ble Urban Development Minister/VC DUSIB vide his orders dated 23.10.2018 had decided to defer the recovery of loan from DUSIB. **Copy of the approval of the Hon'ble Urban Development Minister/ VC DUSIB is annexed as Annexure-C.**

9 It was also brought before Board that that DUSIB is facing a deficit of Rs.119.31 Cr in the Provident Fund Account. A proposal seeking one time financial assistance of Rs.100.00 Cr from Government of NCT of Delhi was placed before the Board vide Agenda Item No 22/12 in its 22<sup>nd</sup> Board Meeting held on 13.7.2018 which was accepted and approved by the Board. **Minutes of the Board Meeting dated 25.7.2018 is annexed as Annexure-D.**

10 Accordingly, proposal for providing one time lump sum grant of Rs. 100.00 was incorporated in the RE-2018-19 and BE-2019-20 of DUSIB and sent to Special Secretary (UD) vide letter No. PM/1810/P-75/DUSIB/2017-18/D-119 dated 16.10.2018 for consideration of the Government of NCT of Delhi. Pursuing the matter further a request was made vide letter dated 22.10.2018 to the Principal Secretary (UD) for providing one time lump sum grant of Rs.100.00 Cr for recouping the deficit in the Provident Fund Account of DUSIB. But no

financial assistance to meet the deficit in the PF Account has been provided as yet by the Government of NCT of Delhi. **Copy of letter dated 22.10.2018 is annexed as Annexure-E.**

11 On the direction of the board, a separate pension account No 3641659841 was been opened by the DUSIB with the Central Bank of India, Vikas Kuteer, I.P. Estate, New Delhi from November, 2017. However, as a result of deficit in General Provident Fund A/C and non availability of sufficient funds in the Pension A/C, funds for payment of pension, commuted value of pension and provident fund of the retiring employees are being provided from the non-plan salary account which is approximate Rs. 3.00 Cr to Rs. 5.00 Cr per month

12 The statement showing revenue and capital receipt, ways and means loan/ Grants-in aid already provided by the Government of NCT of Delhi and capital expenditure and establishment expenditure out of non plan salary

account since 2010-11 to 2018-19. **A copy of the statement is annexed as Annexure-F.**

13 The financial position/ availability of liquidity in the non-plan accounts, Pension and Provident Fund Accounts as on date is given hereunder for information.

**(Rs in Crores)**

<b>S. No.</b>	<b>Name of Account</b>	<b>Accounts No.</b>	<b>Balance in Bank</b>	<b>Amount in FDRs.</b>	<b>Remarks</b>
1.	Non-plan salary A/C	3086234857	4.28 Cr	00.00	As on 26.8..2019, there is temporary loan of Rs. Rs.64.30 Cr in non-plan which is to be recouped/ adjusted by transfer to funds to non-plan deposit works account as mentioned in para 12.
2.	Deposit works A/C	3426253800	23.60 Cr	75.00Cr	In addition to funds available in Bank and FDs, a sum of Rs.64.30 Cr is to be received from non – plan salary account as mentioned above.
3.	Pension A/C	3641659871	0.24 Cr	00.00	Monthly requirement of funds or pension and commutation of pension is

					between pension is Rs.2.50 Rs.3.00 Cr to Rs.3.50 Cr depending upon the employees retiring in a particular month against the monthly pension contribution of Rs. 0.50 Cr
4.	GPF	3086326919	2.86 Cr	00.00	We are facing deficit of Rs.100.Cr in GPF Account. As mentioned above in para 8 & 9. The monthly requirement of funds for payment of advances, withdrawal from GPF A/C and final payment of GPF amount to the retiring employees is 1.50 Cr to Rs. 2.00 Cr (after adjusting monthly subscription)
5.	Yamuna Action Plan A/C	3426254065	0.12 Cr	0.30 Cr	Liability of the scheme is yet to be conveyed by Engg. Wing
6.	SRS A/C	3426254848	3.18 Cr	37.71 Cr	Share of land owning agencies is lying in the bank account and FDs. Accounts with the land owning agencies are yet to be settled
7.	UID A/C	3102254574	1.81 Cr	00.00	Certain adjustment and payment of bills are yet to be made.
		<b>Total:</b>	<b>36.09 Cr</b>	<b>113.01 Cr</b>	

14 The funds available in bank and FDs under the A/Cs of Deposit Works, SRS YAP A/C & UID A/C cannot be utilized for payment of salary to the employees of DUSIB.

15 DUSIB needs funds to the tune of Rs.210. Cr (approx) per annum for establishment expenses, pension, contingent expense, GPF to the retiring employees whereas our capital receipt, and revenue receipt together with ways and means loan of Rs. 100. Cr per annum being provided by the Government of NCT of Delhi is estimated at Rs.150 .00 Cr to Rs.160Cr (Approx) Thus, there is a deficit of Rs. 50.00 Cr to Rs.60.00 Cr per annum even after getting a ways and means loan of Rs.100. Cr per annum from Government of NCT of Delhi.

16 In view of the above financial position already summarized in preceding para's,, DUSIB does not have sufficient funds to ensure payment of salary, pension, commutation of pension, GPF advances and withdrawal and final payment of GPF to the retiring employees on regular basis Accordingly, the financial position of DUSIB is placed before Board with the proposal to request to the Government of NCT of Delhi for the following:-

**Proposal:**

1. All the Ways and Means loan granted to DUSIB during previous years may be converted into Grant-in-Aid.
2. The Interest payable to Govt on the Ways and Means loan may be waived off.
3. Grant-in-Aid for payment of salary, pension etc of Rs.200 Crore may be provided instead of Ways and Mean Loan.
4. One time lump-sum grant of Rs.100 Crore may be provided for meeting the deficit of GPF.



## AGENDA ITEM NO. 27/12

### EXTENSION OF TENURE OF CONTRACTUAL ENGAGEMENT OF MEDIA COORDINATOR.

1. DUSIB deals with the large population base and several references are received under CPGRAMS, PGMS, PGC, L.G. Listening Post, MPs and MLAs and general public. These grievances are received through various portals and also in physical format. Handling of all these grievances requires specialized knowledge of electronic and information technology. It was felt imperative to recruit a person well-versed with all these technologies to assist the Chief Engineer (Coordination) to deal with these public grievances and media related issues effectively and expeditiously.
2. In DUSIB, there is one sanctioned post of Press Coordinator which has been lying vacant. To fill up the post, the matter was placed before High Level Coordination Committee, DUSIB. In its meeting held on 26.07.2016, considering the magnitude of the issues requiring remedial measures, the committee was of the view that it will be imperative to recruit a person, well-versed with the technologies in the field of electronics and information & technology and having qualification of Graduate Engineering with Computer Science/information Technology/Electronic and Electrical Engineering, with three years experience in the portal handling, grievance management and social media interaction, on consolidate remuneration of Rs. 50,000/- plus Rs. 20,000/- as conveyance charge.
3. Accordingly, an advertisement was published in leading newspapers for intending candidate on 02.08.2016. Interview of the short-listed candidates was held on 17.08.2016 and the Selection Committee, duly constituted, recommended the name of Sh. Bhaskar Sharma S/o Sh. Ashok Sharma. The Committee further recommended to redesignate the post of Press Coordinator as Media Coordinator. The offer letter to Sh. Bhaskar Sharma to the post Media Coordinator, on contractual basis had been issued on 19.08.2016 initially for a period of one year (**Annexure- 'A'**).
4. Further, after receipt of satisfactory work performance report time to time one year extension was granted to him. The last extension of one year w.e.f. 26.08.2019 to 25.08.2020 on the usual terms and conditions as conveyed to him through offer letter, has been granted to him with approval of Vice –Chairperson, DUSIB vide his order dated 03.09.2019 & issued vide O/o dated 12.9.2019 (**Annexure- 'B'**).

**Proposal:**

Accordingly, the above extension (w.e.f. 26.08.2019 to 25.08.2019) of contractual engagement of Sh. Bhaskar Sharma as Media Coordinator on contract basis is submitted for ratification by the Board.

## **AGENDA ITEM NO. 27/13**

### **EXTENSION OF TENURE OF CONTRACTUAL ENGAGEMENT OF LEGAL ASSISTANTS.**

1. In DUSIB, there are 04 sanctioned posts of Legal Assistants in the Pay Matrix Level-6. The earlier appointees to the post of Legal Assistant have already been promoted to the post of Jr. Law Officer. There are large numbers of court cases wherein DUSIB has to represent and defend its interest in various courts of NCT of Delhi through Legal Assistants.
2. In the year 2016, for filling 03 vacant post of Legal Assistant on contract basis on consolidated amount of Rs. 35000/- per month an Advertisement was published in daily newspapers and also uploaded on the website of DUSIB, inviting application for the post (initially for a period of one year which may be extendable on satisfactory performance up to three years). The Scrutiny Committee and a Selection Committee were constituted for selection of the eligible candidates.
3. Accordingly, after conducting interview and completing all codal formalities three Legal Assistants Ms. Kanchan Chawla, Sh. Kamal Kumar Pandey and Smt. Manju Gaur were engaged here as Legal Assistant on contract basis initially for one year. On receipt of satisfactory work performance from Law office, time to time extension was granted to these Legal Assistants. The 03 year tenure of these Legal Assistants is to be expired in the year 2019 and their services are further required from the date of their last extension.
4. There is acute shortage of staff in Law Branch and services of these three Legal Assistants are further required from the date of their last extension. The process of completion of fresh recruitment of Legal Assistant through DSSSB will take takes considerable time. Therefore, the contractual period of these three Legal Assistants has been further extended for period of six month after giving one day break with the approval of CEO (DUSIB) vide his order dated 01.08.2019.

#### **Proposal:**

Therefore, the above extension of contractual engagement of these three Legal Assistants for further period of six month is submitted for ratification by the Board.



## AGENDA ITEM NO. 27/14

### EXTENSION OF TENURE OF CONTRACTUAL ENGAGEMENT OF Sh. R.K. GUPTA, Retd. S.E. AS CONSULTANT IN DUSIB.

1. Section 6(1) of Chapter II of DUSIB Act, 2010 provides that the Board may appoint a Secretary and such other Officers and employees as it may consider necessary for discharge of its function under this Act.

2. Delhi Urban Shelter Improvement Board is executing various projects especially In-situ Rehabilitation of JJ Basties and projects being carried out in JJ Basties under various Plan Scheme of DUSIB. For effective monitoring and to coordinate the progress of these projects and their completion in a time bound manner, Sh. R.K. Gupta, Retd. Superintending Engineer from Delhi Development Authority has been appointed as Consultant in Delhi Urban Shelter Improvement Board for a period of one year on contract basis w.e.f. 01.09.2017 with the approval of the Hon'ble Chief Minister/Chairperson, DUSIB. The appointment of Sh. R.K. Gupta, SE(Retd.) was made as per the terms of Office Memorandum No. f.20/472015-AC/204-248 dated 04.12.2015 issued by the Finance (Accounts) Department, GNCTD (**Annexure- A**). The remuneration is to be paid to the Officer against the vacant post of Director, DUSIB.

3. Sh. R. K. Gupta, SE(Retd) was engaged as Consultant vide Office Order No. GA/1076/12/2017/Admn/D-313 dated 27.09.2017 (**Annexure- B**). The appointment of Sh. R.K. Gupta SE(Retd.) as Consultant in DUSIB has been placed before the Board in its 20<sup>th</sup> Meeting on 27.10.2017 as Agenda Item No. 20/08 which was ratified by the Board (**Annexure- C**). Further his tenure has further been extended upto 31.08.2019 with the approval of the Board in its 22<sup>nd</sup> Meeting held on 13.07.2018 as Agenda Item No. 22/23.

4. Now, the period of engagement of Sh. R.K. Gupta, SE (Retd.) as Consultant has expired on 31.08.2019. On the recommendation of Vice-Chairperson of DUSIB, further one year extension w.e.f. 01.09.2019 has been granted to him.

#### **Proposal:**

Accordingly, the above extension of contractual engagement of Sh. R.K. Gupta, SE(Retd.) as Consultant in DUSIB for further one year period w.e.f. 01.09.2019 is submitted for ratification by the Board.

## **AGENDA ITEM NO. 27/15**

### **EXTENSION OF TENURE OF CONTRACTUAL ENGAGEMENT OF ENGINEERING INTERNS (CIVIL & ELECTRICAL).**

1. In DUSIB, there are 195 sanctioned posts of Jr. Engineer (Civil) and 35 sanctioned posts of Jr. Engineering (Electrical) out of which 61 posts are lying vacant in Civil Wing and 26 posts are lying vacant in Electrical Wing.
2. There is acute shortage of JE(Civil & Elect.) in DUSIB. Department had placed an Agenda in its 11<sup>th</sup> Board Meeting held on 10.09.2014 for engagement of Jr. Engineer (Civil) & Jr. Engineer (Elect.) on contract basis. After considering the agenda, the Board approved the hiring of Jr. Engineer on a consolidated remuneration of Rs. 30,000/- per month from Director General Rehabilitation (DGR), M/o Defence, GoI, initially for a period of one year against the approved and vacant posts. As per approval, DGR was requested to sponsor the names of eligible candidates. Only one candidate was found eligible and was selected as JE(Civil) on contract basis.
3. Further, as per the decision of Board in 11<sup>th</sup> Board Meeting, requisition for 61 JE(Civil) and 27 JE(Elect.) has been sent to Delhi Sub-ordinate Service Selection Board (DSSSB) vide letter dated 12<sup>th</sup> January, 2016. Since DGR could not provide sufficient eligible candidates and since the procedure of recruitment of JE's on behalf of DUSIB by DSSSB is taking considerable time, the non-availability of Engineers at JE level had hampering the Engineering projects of DUSIB. Accordingly, an agenda for engagement of 61 Jr. Engineer (Civil) and 26 Jr. Engineer (Elect.) on contract basis from ICSIL or open market against the vacant post of Jr. Engineer (Civil) & Jr. Engineer (Elect.) in DUSIB was placed before 16<sup>th</sup> Board Meeting of DUSIB held on 11.04.2016 vide item No. 16/14 and the same was approved by the Board.
4. As per approval of the Board, request was made to ICSIL to provide Jr. Engineer (Civil & Elect.) on contract basis but due to some administrative reason, the same did not materlized. In view of the above and to meet the exigencies of work, an advertisement was published in the leading newspapers and on the website of DUSIB vide which applications were invited online from intended candidates to engage them as engineering interns (Civil & Electrical), 50 & 20 nos. respectively, for a period of six months, on contractual basis @ Rs. 25,000/- per month.
5. Separate Committees were duly constituted for selection of the Civil & Electrical Interns, selected the candidates. Accordingly, offer letters were issued

to them. Most of the selected candidates (43 in civil side & 18 in electrical side) had joined his/her duty. The above selection of engineering interns (Civil & Electrical) was placed at 17<sup>th</sup> Board Meeting of DUSIB held on 28.09.2016 vide item No. 17/10 and the same was ratified by the Board.

6. The first tenure of engagement of Interns was upto 10.02.2017 and again the period of engagement was extended upto 08.08.2017 after approval of BOARD in its 18<sup>th</sup> Board meeting held on 06.02.2017. After that, on the basis of satisfactory work performance report, time to time, their tenure of contractual engagement has been extended.

7. At present total 40 Engineering Interns (Civil) and 10 Engineering Interns (Elect.) are working and on satisfactory work performance of these Engineering Interns (Civil & Electrical) further extension of another 06 month (i.e. w.e.f. 13.08.2019 to 12.02.2020) or till the recruitment of JEs through other sources, whichever is earlier by giving one day break of 12.08.2019 on existing terms and conditions have been granted after approval of Vice – Chairperson, DUSIB.

**Proposal:**

Therefore, the above extension of contractual engagement of these Engineering Interns for a further period of six month (w.e.f. 13.08.2019 to 12.02.2020) or till the recruitment of JEs through other sources, is submitted for ratification by the Board.

## AGENDA ITEM NO. 27/16

### APPEAL FOR REVISION UNDER RULE 29 OF CCS(CCA)RULES 1965 AGAINST THE ORDERS OF APPELLATE AUTHORITY /CEO, DUSIB VIDE ORDER BEARING NO. D-777/DD/VIG./DUSIB/2017 DATED 26/09/2017 IN RESPECT OF SHRI BHARAT BHUSHAN, ASSTT. ACCOUNTS OFFICER.

1. This case relates to the embezzlement of government money, amounting to Rs. 19.44 crores by one Sh. Purshottam Kumar, Asstt. Director/Head Cashier and others, in the accounts wing of the erstwhile Slum and JJ Department of MCD (Now DUSIB). Soon after the scam came to the knowledge of the higher authorities in Sept'2010, Sh. Purshottam Kumar, Assistant Director was suspended on 23.09.2010. Besides on the basis of Preliminary inquiry by Shri Mukesh Kumar, Vigilance Officer/DJS, nine more officials/officers including Sh. Bharat Bhushan, AAO, were also placed under suspension on 29.09.2010 and booked for major penalty proceedings.

2. Initially, the case was reported to the local police by the accounts officers but later on, the same was referred to the CBI for carrying out investigation into the above matter. In the meantime; the local police had referred the matter to the Economic Offences Wing, Crime Branch of Delhi Police. But, the CBI did not take any action in the first instance. Letters were also sent to the Directorate of Vigilance, GNCTD etc. The then CEO again referred the matter to CBI requesting therein to the CBI to investigate the matter, keeping in view of the involvement of large number of officials and magnitude of the embezzled amount. Before the CBI could take any action, the Anti-Corruption Branch of Govt. of NCT of Delhi registered an FIR in the matter. Presently it is under investigation with the A.C.B., GNCT of Delhi.

3. A special audit of the accounts section was carried out by the Comptroller of Accounts (Audit), Directorate of Audit, for the period 1992 to 2010. The Special Audit report received in the year 2011 reflects serious irregularities such as non-maintenance of ledgers, non-conducting of audit by the internal audit branch & Municipal Chief Auditor, huge difference in opening and closing balance and also irregularities in financial statements of annual accounts including the embezzlement of government money to the tune of Rs.19.44 crores. The Special audit report suggested action against the erring officers and also suggested some preventive actions for future to avoid recurrence of such scams in future. The special audit report also suggested for recovery of the embezzled amount.



4. After receipt of Special Audit Report, 18 more officers were found prima facie guilty besides the 10 officers (9+1) as mentioned in Para 1 above, some of the officers' role also came into picture in the above case. Regular Departmental Action (RDA) for major penalty has been ordered against all the 28 officers/officials including Sh. Bharat Bhushan, AAO. Some Officers had retired before this misconduct came to notice of higher authorities. Role of some other officers/officials are under examination.

5. Sh. Bharat Bhushan was reinstated in service pending inquiry/trial in court of law vide order no. D-876/DD/Vig./DUSIB/12 dated 06/12/2012.

6. A first stage CVC advice was sought. Commission advised major penalty proceedings against the 28 officers/officials (including 06 officers from DDA who were posted in S&JJ Deptt., MCD (Now DUSIB).

7. Sh. Bharat Bhushan , was working AAO, in Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.) during the period December, 2009 to September, 2010. He was posted at HQ as A.A.O. (HQ). The Special Audit report received in the year 2011 reflects irregularities such as non-maintenance of ledgers, non-conducting of audit by the internal audit branch & Municipal Chief Auditor, and also irregularities in financial statements of annual accounts including the embezzlement of government money to the tune of Rs.19.44 crores.

8. Accordingly, a disciplinary proceeding under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 was initiated against Sh. Bharat Bhushan, AAO. A charge sheet was issued to him vide no. VG/1201/01/DUSIB/2010/D-77 dated 23.01.2013. The article of charges are given below.

#### Article-I

Sh. Bharat Bhushan failed to supervise the remittance of public funds in bank which were received in cash by Shri Purshottam Kumar, Cashier/Asstt. Director (Cash). Sh. Bharat Bhushan failed to supervise the remittance of public funds in bank which were received by Shri Purshottam Kumar, Cashier/Asstt. Director (Cash). Sh. Purshottam Kumar was working Cashier/AD(Cash) in Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.) during the period 1990 to 23.9.2010. Shri Purshottam Kumar remained posted in accounts branch (Slum & JJ) as UDC (Cashier) thereafter as Head clerk (Cashier) and later on as Asstt. Director (Cash). Sh. Purshottam Kumar did not remit the revenue collected/received in cash through challans and G-8 books

from various sources in bank accounts of the Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.). As per 26 cash books of squatter scheme for the period from 17/5/2000 to 9/9/2010 there is a difference of Rs. 14,74,13, 861/- which he did not remit/deposit in bank account No. 10310544886 (Old No. 80090) State Bank of India, I.P. Estate, New Delhi which was collected/received by him through challans and G-8 books etc. from various sources of the Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.), as reflected in the Special audit report.

#### Article-II

Sh. Bharat Bhushan, AAO failed to supervise the remittance of public funds in bank which were received in cash by Sh. Purshottam Kumar, Cashier/Asstt. Director(Cash). As per 31 cash books of Slum (Non plan) scheme for the period from 29/1/1997 to 21/9/2010 there is a difference of Rs. 3,20,95,777/- which Shri Purshottam Kumar did not remit/deposit in bank account No. 10310544412 (Old No. 17658) State Bank of India, I.P. Estate, New Delhi which was collected/received by him through challans and G-8 books etc. from various sources of the Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.), as reflected in the Special audit report.

#### Article-III

Sh. Bharat Bhushan, AAO failed to supervise the remittance of public funds in bank which were received in cash by Sh. Purshottam Kumar, Cashier/Asstt. Director(Cash). As per 04 cash books of YAP scheme for the period from 19/9/2001 to 31/5/2010 there is a difference of Rs. 609174/- which Shri Purshottam Kumar did not remit/deposit in bank account No. 10310541669 (Old No. 80130) State Bank of India, I.P. Estate, New Delhi which was collected/received by him through challans and G-8 books etc. from various sources of the Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.) Shri Purshottam Kumar embezzled and misappropriated above said funds of the Delhi Urban Shelter Improvement erstwhile Slum & JJ Department of MCD as reflected in the special audit report

#### Article-IV

Sh. Bharat Bhushan, AAO failed to supervise Sh. Purshottam Kumar, Cashier/Asstt. Director (Cash). He in connivance with Sh. Purshottam Kumar & other officials of DUSIB did not reconcile bank statement in respect of various accounts maintained by DUSIB with State bank of India, I.P. Estate, New Delhi and Central Bank of Inida, Vikas Kutir, I.P. Estate, New Delhi for many years. The DDOs were required to prepare bank reconciliation statement of drawals and deposits on monthly basis to keep a track of deposits and withdrawals from bank account. But the same was not done by DDO in mutual connivance with cashier Sh. Purshottam Kumar for so many years.

#### Article-V

Sh. Bharat Bhushan, AAO failed to supervise Sh. Purshottam Kumar, Cashier/Asstt. Director(Cash). He in connivance with Sh. Purshottam Kumar & other officials of DUSIB did not make entry in cash books regarding cash deposits in various bank accounts of Slum non plan, Yamuna action plan i.e. account no. 10310544412 & 10301541669 respectively.

#### Article-VI

Sh. Bharat Bhushan, AAO failed to supervise Sh. Purshottam Kumar, Cashier/Asstt. Director(Cash). Sh. Purshottam Kumar did not enter interest given by the bank in cash books at several occasions as reflected in the special audit report.

#### Article-VII

Sh. Bharat Bhushan, AAO failed to supervise Sh. Purshottam Kumar, Cashier/Asstt. Director(Cash). Sh. Purshottam Kumar did not enter some cheque payments in cash books which were shown in bank statement and vice versa, as reflected in the special audit report.

#### Article- VIII

Sh. Bharat Bhushan, AAO failed to supervise Sh. Purshottam Kumar, Cashier/Asstt. Director(Cash). Sh. Purshottam Kumar did not make entry of debit of the amount invested in various FDR in cash book as reflected in the Special audit report.

#### Article-IX

Sh. Bharat Bhushan, A.A.O. was duty bound to cross check and verify the bank remittance slips, while signing the cash book, vide which the cash was collected by Shri Purshottam Kumar, Cashier/AD(Cash), and was deposited in the bank but Sh. Bhushan failed to do so. Sh. Purshottam Kumar prepared and used bank remittance slips which were later on found fake. Sh. Bharat Bhushan, AAO, failed to supervise the cashier.

Sh. Bharat Bhushan, AAO, failed to supervise remittance of cash in bank accounts of DUSIB by Sh. Purshottam Kumar. He did not reconcile the bank statement with cash books. He did not take proper preventive steps to stop the embezzlement and misappropriation of funds by Sh. Purshottam Kumar.

9. The charges were denied by him. Accordingly, Shri. K.R. Kishore, Sr. DANICS (Retd.) was appointed as Inquiry Officer vide no. D/1402/DD/Vig/DUSIB/2013 dated 29.10.13 to inquire into the charges. The I.O. submitted his report dated 20/05/2015. Out of the total nine charges, Article no. II, Article- IV & Article-

VI are stated to be proved by the Inquiry Officer ; Article I, Art.III, Art. V, VII & VIII are held as 'Not Proved' and Art. IX "partly proved".

10. A copy of the report was served to Shri. Bharat Bhushan, AAO/C.O. to make any representation or comments against the findings of the I.O. vide letter dated 26/06/2015. He submitted his representation on 13/07/2015 after seeking extension.

11. After affording a personal hearing to the charged officer on 11.07.2017, the Disciplinary Authority imposed a penalty of **"reduction in the time scale of pay by two stages for two years on Sh. Bharat Bhushan. During the period of such reduction, he will not earn increment of pay and on expiry of such period the reduction will not have the effect of postponing the future increments of his pay"** vide order no. D-645/DD/Vig./DUSIB/2017 dated 10/08/2017.

12. Sh. Bharat Bhushan, AAO/C.O. then filed an appeal dated 16/08/2017, against the order of the Disciplinary Authority dated 10/08/2017 before the Appellate Authority/CEO, DUSIB.

13. After granting a personal hearing to Sh. Bharat Bhushan, AAO on 11/07/2017, the Appellate Authority vide office order no. D-777/DD/Vig./DUSIB/2017 dated 26/09/2017 upheld the orders of Disciplinary Authority and disposed off the appeal.

14. Sh. Bharat Bhushan, AAO vide appeal dated 31/10/2017 filed a review appeal before the Chief Executive Officer, DUSIB.

15. Sh. Bharat Bhushan, AAO, vide letter no. D-75/DD/Vig./DUSIB/2018 dated 19/01/2018 was informed that the review appeal filed by him cannot be taken up for consideration again by the same authority and was to be raised before the appropriate authority i.e. the BOARD.

16. Sh. Bharat Bhushan, AAO vide his representation dated 04/02/2019 has submitted before the Hon'ble Chief Minister/Chairperson, DUSIB for revision under Rule 29 of the CCS(CCA) Rules 1965 in view of the direction contained in the letter/communication bearing no. D/75/DD/Vig/DUSIB/2018 dated 19/01/2018 issued by the Dy.Director(Vig), DUSIB against the order no. D-777/DD/Vig/DUSIB/2017 dated 26/09/2017 of the Appellate Authority/CEO, DUSIB upholding thereby the penalty of reduction in the time scale of pay by two stages for two years upon him i.e. Bharat Bhushan, AAO, DUSIB (Revisionist) with further direction that he will not earn increment of pay during the period of

such reduction and on expiry of such period the reduction will not have the effect of postponing the future increments of his pay.

17. The points raised in his representation for consideration are as under:

He has requested to condone delay in appeal due to depression and serious ailment of his wife. He has enclosed copy of documents related to medical treatment of his psychiatric problem and ailment of his wife due to which present revision could not be preferred within the prescribed time.

18. Grounds:

- a. Citing the view of law laid down by Hon'ble Supreme Court of India titled as "Union of India and Others Vs J Ahmed " 1979 AIR 1022, no penalty could have been imposed on him on the grounds that in the judgment the Supreme court has held that if any negligence of duty is not coupled with malafide intention and improper motive then the same does not fall within the ambit of misconduct and no penalty could be imposed under such circumstances. In his case, he has stated that he was the first person who detected and reported the matter regarding fraud committed by Sh. Purshottam Kumar, cashier vide his note date 21/09/2010. This is undisputed and unchallenged proof of his diligent and proper functioning as the AAO (HQ), DUSIB during the relevant period of time. This aspect has been ignored by the Disciplinary Authority and Appellate Authority.
- b. That the orders passed by the disciplinary Authority and Appellate Authority are not maintainable as the prosecution failed to establish lack of supervision attributable on his part during his short stint from January 2010 to 29/09/2010 with legally sustainable evidence and that his submissions have not been dealt with by passing speaking orders by the Ld. Appellate Authority as well as Disciplinary Authority.
- c. Sh. Bharat Bhushan, AAO has stated that he has been awarded more severe penalty compared to Sh. Vijay Pal Tyagi, AAO(JJ) HQ and Sh. Ashok Kumar Tyagi, AAO who had longer stint in the Accounts and some officers have been exonerated of the in identical case of misappropriation of funds. That impugned penalty is arbitrary and discriminatory in nature.

- d. That the Appellate Authority and Disciplinary Authority failed to consider that the prosecution could not adduce any evidence, which suggest that he was assigned the work of preparation of the bank reconciliation statements in respect of various accounts maintained by DUSIB with SBI , IP Estate and Central Bank of India at any stage. It is on record that even before his joining in the department; the bank reconciliation was not done and was within the knowledge of higher authorities.
- e. Evidence favorable to charged officer was not considered by the disciplinary Authority as well as the Appellate Authority.
- f. That the findings of the Inquiry Officer is based on the presumption and surmises as no incriminating evidence was adduced by the prosecution against him. Hence, the impugned orders are liable to be quashed out rightly.
- g. He has cited Hon'ble Supreme Court of India case titled "Sher Bahadur Vs Union of India" wherein the Hon'ble Court has held that 'in view of the oral, documentary and circumstantial evidence as adduced in the inquiry' is not sufficient and there must be evidence to link the charged officer with the alleged misconduct. In his case all the oral as well as the documentary evidence adduced during the inquiry proceedings point towards the fact that he had not committed any lack of supervision for which the impugned penalty has been imposed upon him. Moreover it was due to his prompt and diligent working, detection and report the fraud committed by Sh. Purshottam Kumar, Cashier came to notice of department.
- h. Neither the Disciplinary Authority nor the Appellate Authority has dealt with any contention raised by him in his representation to the Inquiry report as well as appeal in proper manner and the authorities in very casual manner, without assigning any legally sustainable reason, passed the cryptic penalty order in mechanical manner. During the inquiry proceedings nothing incriminating came against him.
- i. Because the impugned order dated 26/09/2017 of the Ld. Appellate Authority as well as the penalty order dated 10/08/2017 of the Disciplinary Authority are not maintainable in the eye of law due to the reason that the Hon'ble Supreme Court has laid down the proposition of law in case titled " Union of India Vs H. C. Goel, AIR 1964 sc 364 and union of India Vs

Sardar Bahadur(1972) 4 SCC 618 that the standard of proof required in a disciplinary case is that of preponderance of probability and not necessarily the proof being reasonable doubt but in these cases the supreme court also cautioned that if there is no evidence to prove a particular fact, then the case will fall under the category of “No evidence” and the employee deserves exoneration and no question of preponderance of probability arises. Preponderance of probability does not mean suspicion or presumptions. In another case” Devendra Bhai Vs R.V. Sheth, 1992, AIR SCW 144, the Hon’ble Supreme Court held that in a quasi judicial proceedings, the allegation/charge must be proved on the basis of evidence adduced during the proceedings. No inference could be drawn on the basis of surmises or conjectures. However, in the present case there was not even a single ground on the basis of which it could be inferred that he was supposed to supervise the activities of Sh. Purshottam Kumar, Cashier who committed the fraud with the department. The prosecution could not produce any such material which might negate his submission that Sh. Purshottam Kumar, cashier was directly reporting to AO(HQ)/DDO in terms of the GFR/CTR and at no stage the power of supervision over the cashier was assigned to him. Hence, by no stretch of imagination the charges framed against him considered to have been proved.

He has prayed:

- i. to call the entire record from the vigilance branch of the DUSIB, GNCTD pertaining to the case.
- ii. To quash the order dated 26/09/2017 whereby my appeal was dismissed by the Ld. CEO, DUSIB.
- iii. To quash the impugned penalty order dated 10/08/2017
- iv. To reject the findings contained in r/o Article II, IV and VI and partly proved portion of the Article IX of the Inquiry report dated 20/05/2015
- v. To quash the Charge memo dated 23/01/2013
- vi. To pass any other order/orders that is deemed fit and proper under the facts and circumstances of the case.

19. Sh. Bharat Bhushan, AAO in his revision representation has mainly repeated the contents of his earlier submissions before the inquiry

authority, disciplinary authority and appellate authority and the same have been considered by the respective Authorities.

(i) The main contention of the C.O. is that for all cash related matters, the cashier functions directly under DDO and not through AAO. AD (Cash) was directly reporting to AO (HQ)/DDO. That GFR/CTR and receipt and payment Rules were applicable in the Department. That Cashier and DDO are responsible for cash and bank related issues etc and CO has no power to handle the cash or supervising the cashier. However, the inquiry officer in his findings clearly noted that the evidence on record show that cashier was writing the entries in the cash book and were being checked by Acctt/AAO and were finally signed by AO(HQ)/DDO. Further, in the analysis he has also stated that cashier, AAO ie.CO and AO/DDO were privy to the entries made in the cash book. Therefore they are accountable for the entries made in the cash book which had shown the said cash as remitted into the respective bank account but in fact not found remitted. His contention that administration/ supervision of cashier does not fall under the sphere of duties of the Asstt. Accounts Officer is a cover up and does not hold good due to the fact that the C.O. himself admitted that Shri Purshottam Kumar was working under him and he had given verbal directions to him to reconcile the accounts with cash book of the Department with that of the amount in bank accounts but CO never gave anything in writing to the Cashier to get the work done. The admission of the CO that during his tenure more than eight lakh rupees was not deposited/remitted by Sh. Purshottam Kumar, AD(Cash) into the concerned bank account clearly disproves his contention that administration/ supervision of cashier does not fall under the sphere of duties of the Asstt. Accounts Officer.

(ii) The contention of the C.O. that that his submissions have not been dealt with by passing speaking orders by the Ld. Appellate Authority as well as Disciplinary Authority is also not correct as on both the occasion he was granted personal hearing by respective authorities before passing the detailed orders . In the Detailed penalty orders, Disciplinary Authority elaborated the reasons for holding him responsible for the lapses and has noted that he is definitely guilty of supervisory lapses due to the fact of non remittances of huge amounts during the tenure of the CO, non preparation of bank reconciliation statement knowing that it is mandatory etc. indicate supervisory lapses on the part of C.O. which resulted in embezzlement being done even though he had short stint as AAO (HQ).

(iii) As regards comparison made by CO on the imposition of penalty on other CO's in the same matter, it is stated that the orders of Disciplinary Authority are self explanatory.



20. Sh. Bharat Bhushan, Asstt. Accounts Officer, has not brought out any new facts as per his representation which has not been considered by the Disciplinary Authority or the Appellate Authority. A recovery suit is also filed in the matter by the Finance wing of DUSIB and the same is admitted in the Hon'ble High Court of Delhi and his name figures in it.

21. As per the office order no. PA/Dir. (Admn.)/2011/D-200 dated July 28, 2011, the Authority Competent to decide Review petition in respect of group 'B' employees is the BOARD. Therefore, the present review petition of Shri Bharat Bhushan, Asstt. Accounts Officer dated 04/02/2019 for condonation for delay and revision is required to be placed before the BOARD for consideration and taking a decision as deemed fit.

**Proposal:**

Accordingly, the facts as above are placed before the Board for consideration and taking final decision in the matter of condonation for delay in filing revision petition and revision petition (as the BOARD may deem fit) filed by Shri Bharat Bhushan, Asstt. Accounts Officer against the penalty imposed by the Disciplinary Authority/Appellate Authority.

**AGENDA ITEM NO. 27/17**

**RATIFICATION OF THE DECISION OF THE 26<sup>TH</sup> BOARD'S MEETING HELD ON 26.02.2019 VIDE AGENDA ITEM No. 26/3 REGARDING ALLOTMENT OF ALTERNATIVE ACCOMMODATION TO THE EVICTEES OF THE CPWD KOTHI NO.23, 25, 27 & 29 BARRON ROAD, MINTO ROAD**

**The brief history of the case is submitted as under:-**

1. In the year 1983 Slum & JJ department had temporarily allotted the CPWD Kothies at Barron Road, Minto Road, Deen Dayal Upadhaya Marg, Thomson Road, Mata Sundari Lane and Press Road etc. on licence fee basis to the evictees of the Walled City area, under the Slum Clearance Policy. These persons were either licensees or paying damages to the Govt. As and when the land of these kothies was required by the L&DO Department for the purpose, as the place of Shayama Prasad Mukherjee Civic Centre Building, AGCR Building, DDU Marg, these kothies were demolished by the Slum & JJ Department and the occupants of these kothies were allotted alternative accommodation i.e. single Janta Flat to eligible families.
2. As per policy of Slum Clearance Policy, a built up flat is provided as an alternative accommodation to each of the family and if the family has more than 05 members then the married person is provided an additional flat, provided that the name of the same is mentioned in the ration card. However, in no circumstances, more than 02 flats are provided to a family.
3. Further on 20.08.2008, the Land & Development Office (L&DO) had allotted a land measuring 1431.3 sq. m. of CPWD Kothies 23, 25, 27 & 29 at Barron Road, Minto Road New Delhi to M/s Indraprashta Gas Ltd. for setting up of CNG filling station on licence fee basis. A total of 12 Nos. families were residing in these 4 CPWD kothies No. 23, 25, 27 & 29 Minto Road, Barron Road.
4. These families had filed an appeal before the Delhi High Court vide CM No. 10621-10622/2016, however, the Hon'ble court vide order dated 26.07.2016, directed the petitioners that they should approach DUSIB and collect the offer letters within two weeks. Further the allottees should accept the offer within stipulated period or face the eviction by the department.
5. Thereafter, on 27.02.2017, the Indraprastha Gas Ltd.(IGL) also filed a civil writ petition vide No. 3640/2017 and C.M. No. 16044/2017 before the Hon'ble High Court of Delhi requesting for implementation of the aforesaid order.

6. Hon'ble High Court of Delhi in WP (C ) 3640/2017 vide its orders dated 03.12.2018 had given a last opportunity for evicting the illegal occupants within a period of 10 weeks' from today (date of order) and ensure that the site is vacated on or before 20.02.2019 under any circumstances with further observation that if this order is not complied with the Petitioner would be at liberty to move an appropriate application under the Contempt of Courts Act, 1971.

7. Accordingly, an eviction program was successfully carried out on 11.02.2019 and the site was handed over to IGL in compliance of orders of Hon'ble Court.

8. Later on, on the representation of the occupants/evictees of these kothis, the Board, in its 26th meeting held on 26.02.2019 had considered the request of the occupants and resolved as under :

i. DUSIB in its 26<sup>th</sup> Board Meeting vide agenda item No. 26/3 decided to extend the "*Delhi Slum and Jhuggi Jhopri Relocation and Rehabilitation Policy-2015*" to the evictees of CPWD Kothies, Barron Road Minto with decision that they may be charged in accordance with the pattern of the policy. Further, the allotment may be made accordingly in anticipation of the approval of the cabinet for charging cost as per the *Delhi Slum and Jhuggi Jhopri Relocation and Rehabilitation Policy-2015*.

ii. To allot them alternative accommodation at Sector-16B, Dwarka .

9. As per decision of the Board, the eligible occupants/evictees had been issued offer letters dated 08.03.2019 for the same.

10. However, later on, the evictees ,vide their representations dated 01.05.2019, have requested for allotment of flats, which were offered to them in the year 2015 under Slum Clearance Policy.

11. Earlier, the eligible evictees of Barron Road Minto Road were rehabilitated in accordance with the Slum Clearance Policy and they had already been offered flats under that policy at various locations on the basis of Computerised Draw in the year 2015.

12. The matter was apprised to Hon'ble Minister (UD)/ Vice Chairperson, DUSIB with recommendation to consider the requests of the evictees for allotting them flats in accordance with Slum Clearance Policy. The Vice Chairperson DUSIB/Hon'ble Minister (UD), consented the same on dated 14.06.2019.

13. Accordingly, 11 eligible evictees have been issued allotment letters under slum Clearance Policy, reiterating the earlier offers. 07 of them have already got the possession and 04 are under process.

**Proposal:**

In view of the above, the matter needs to be placed before the Board for information with reference to decision of the Board no. 26/03 by ratifying the earlier decision dated 26.02.2019 by considering their requests for allotting them flats in accordance with Slum Clearance Policy.