



Agenda Notes for the 32nd Meeting of
Delhi Urban Shelter Improvement Board (DUSIB)
GOVT. OF NCT OF DELHI

Venue: Residence of Chief Minister, Camp Office – 06, Flag Staff Marg,
Civil Line, New Delhi - 110054

Agenda Items for 32nd Board Meeting
(Part-I)

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Agenda Items for 32nd Board Meeting
(Part-II)

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AGENDA ITEM NO. 32/01

CONFIRMATION OF THE MINUTES OF THE 31st MEETING OF THE BOARD HELD ON 08.08.2022.

The minutes of the 31st Meeting of the BOARD held on 08.08.2022 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. D-27/DD(Board)/2022-23 dated 19.09.2022 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 31st Meeting held on 08.08.2022.

AGENDA ITEM NO. 32/02

**ACTION TAKEN REPORT OF 31ST BOARD MEETING HELD ON
08.08.2022.**

S. No.	SUBJECT	ATR
31/03	Rescission of work through Final Notice under clause-3 of Agreement.	The Board ratified the agenda, the work has been rescinded vide letter no. WF/4756/161/1/EEC-2/2021/D-341 dt. 28.10.2021 and the new estimate for balance work and rectification of defects has been prepared and under award due to non availability of funds in head of account (JNNURM).
31/04	<p>Ratification of decisions for award of Tenders/NIQs invited in the year-2021 and calling of fresh tenders, for works of O & M of all JSCs in two groups.</p> <p>1) Ratification of decision/ approval accorded by the Hon'ble VC, DUSIB/Minister, UD, GNCTD on dated 27.01.2022 for award of Tenders/NIQs for period not exceeding 6 months after curtailing the period of 2 years & with modification in said decision, to call a single tender of all JSCs through GeM portal instead to call fresh tenders for portal instead to call fresh tenders for O&M of all JSCs in two groups Zone-wise through e-procurement system.</p>	<p>The Board approved all the proposals contained in the agenda.</p> <p>1) Tender for the fresh work were invited vide Bid No. Gem/2022/B/2450341 dated 18.08.2022 through Gem portal after approval of DUSIB Board. Two agency were found to be eligible for opening of financial bid. M/s Sai Nath Sales & Services Pvt. Ltd. Found L1. However, before a final decision for award of work could not be taken due to complaint on tendering process which was received in Hon'ble LG Office Delhi. Thereafter, the Tender process could not attain finality and ultimately process for inviting fresh Tender has been initiated.</p> <p>Thereafter, M/s Sai Nath Sales & Services Pvt. Ltd. Who found L1, has moved before the Hon'ble High Court and the matter is sub judice.</p>

	<p>2) Ratification of decision/ approval accorded by the Hon'ble VC, DUSIB/Minister, UD, GNCTD on dated 27.01.2022 for debarring previous agencies for all 4 Groups for 2 years due to poor performance, to whom the works of O&M of JSCs were awarded by DUSIB in the year 2018.</p> <p>3) Approval of extension of Agreements of previous agencies of all 4 groups maximum upto 15.03.2022 to whom works were awarded in the year 2018.</p>	<p>Accordingly, the Hon'ble Minister U.D. approved for Retender the same in four groups vide 10/N at para 37 on dated 21.04.2023. Copy enclosed. File regarding modified terms and condition for O&M of JSC, is at advance stage for obtaining approval of competent authority. Agenda for further extension of tenure of existing agencies till award of fresh tender is being moved separately.</p> <p>2) The agency of all four group debarred by the department and M/s Sai Nath Sales & Services Pvt. Ltd. Has been moved before the Hon'ble High Court and order was set aside by the Hon'ble High Court of Delhi WPC 9476/2022 and other two agency 1. M/s. Aakanksha Enterprises and M/s ACME also moved to Hon'ble High Court of Delhi & the matter is under sub judice.</p> <p>3) The approval of extension of existing vendor of JSC for operation, Management and Maintenance of JSC were further obtained from Hon'ble Minister of UD upto 20.06.2023 vide 15/N CD No. 204727375 dated 30.05.2023.</p>
31/05	Notification of J.J. Bastis as per provisions of Section 2(g) of the Delhi Urban Shelter Improvement Board Act, 2010.	The agenda was withdrawn by CEO, DUSIB. So no action is invited at this stage.
31/06	Agenda Item for proposal of extending the period of O & M Agencies of Community Toilet Complexes Under 30 Year Contract.	The Board considered and ratified the agenda. Further, the agenda for approval of continuity of the O & M agencies till their respective date of completion under 30 Year contract has been prepared and being placed before the Board in

		the coming Board Meeting.
31/07	Ratification of accord of Ex-post facto approval for the payments to be made to concerned SMAs running specific need Shelter Homes on existing awarded rates on the same terms and conditions and to continue to run such specific need shelter homes by DUSIB till these are awarded to new SMAs.	The Board ratified the agenda, payment is being made to concerned SMAs running Specific Need Shelter Homes on the existing rates and same terms and conditions subject to the completion of all formalities by the SMAs.
31/08	Regarding ratification of extension of agreements of SMAs for Operation & Management of Night Shelters/shelter homes upto 31.10.2022.	The Board after deliberation ratified the agenda, due to some delay in finalizing the portal to publish the tenders i.e. NIC or Gem and awarding the said tenders to new Shelter Management Agencies (SMAs), the work was extended four times i.e. upto 31.05.2023 by Hon'ble Minister (UD) vide his orders dated 26.08.22, 27.10.22, 08.02.23 and 08.05.23 subject to the condition that the agencies performance is satisfactory and terms & conditions of the agreement are same.
31/09	Ratification of the approval regarding provision of 03 Free Meals for the Homeless People of DUSIB Shelter Homes through Akshaya Patra Foundation.	As per ratification/approved of the Board, supply of food in the Shelter Homes of DUSIB resumed base on the direction of Dy. Chief Minister/UD Minister vide his orders dated 02.12.22. in this case, because of inability of Shelter Management Agencies (SMAs) to provide food, M/s Akshaya Patra Foundation continued to provide food at same rate i.e. @ 18.34 per meal per person, as charged previously. However, the menu has been modified. The supply of food is being continued as per the direction of Hon'ble High Court vide order dated 28.04.2023.

31/10	Proposal of calling tenders for Selection of Shelter Management Agencies (SMAs) and approval of A/A & E/S for Operation & Management of Shelter Homes for period of Two (02) Years.	The Board approved the proposal contained in the agenda, the approval to adopt Gem or NIC portal, as suitable, was accorded by the Hon'ble Dy. C.M./Minister (UD) on dated 08.02.2023 in respect of calling the tenders. Accordingly, as per previous practice i.e. through Delhi e-procurement was adopted by DUSIB to publish the Operation and Management of Shelter Homes tenders.
31/11	Ratification of provision Tea & Rusk to Homeless People provided from 1 st Dec. 2021 to 31 st March 2022.	The Board ratified the agenda, payment in this regard are being made to the respective agencies who have actually provide Tea and 02 No Rusk to homeless people subject to submission of bills in the Night Shelter Section.
31/12	Provision of Special Shelter Homes for trafficked/rescued women at sector-22, Rohini and Ghazipur, Delhi.	After approval of agenda by the Board, the modification work in special Shelter Homes in one location is completed and in another location it is going to be completed very soon.
31/13	<u>Provision of Library in Basti Vikas Kendra (BVK) provided in JJ Bastis in Delhi for Children/Students.</u>	As per decision in the matter by the Board, the renovation work in BVKs provisions of Libraries in 4 no BVKs is completed, while renovation in 1 no. BVK work is awarded and going to start soon.
31/14	<u>Provision of "Creches" in Basti Vikas Kendra (BVK) Provided in JJ Bastis in Delhi for the children of JJ Bastis.</u>	As per decision taken in the meeting, renovation work completed in all 5 locations. 4 no BVKs are allotted to Delhi Commission for Protection of Child Rights (DCPCR).
31/15	Ratification thereof from the Board in respect of issuance of NOC/User	The Board ratified the agenda, NOC/User Permission have already been issued for 17 sites.

	Permission for opening /establishment of AAMC in the form of Porta Cabin/Semi Permanent Structure and in Night Shelter/BVK/Community Halls on the land belongs to DUSIB on temporary basis.	
31/16	Regarding approval of the Board for allotment of land measuring 297 sqm on “as is where is” basis to NCRTC for connectivity of tabling Yard at Jungpura from Ring Road at Nehru Nagar near Lajpat Nagar and: cancellation of allotment of Oxford Public Education Society for the area measuring 54 sqm [Pillar-10 (27 sqm) and Pillar-11 (27 sqm)] comes under infringement of NCRTC.	EE(C-5) has informed that the site has not been handed over to NCRTC. Cancellation of Allotment of Oxford Public Education Society shall be made after handing over the site to NCRTC. The file is under submission for seeking approval of Hon’ble LG for transfer of Land to NCRTC, being land is a Reserved Subject .
31/17	Allotment of land measuring 5539.50 sqm allotted to Delhi Police for the construction of Police Station Bhalswa Dairy at Khasra no. 440 & 441 near Gurudwara, SRS Colony, Bhalswa, Delhi.	The land is being used by Delhi Police as dumping yard of vehicles and a police post is situated. DCP (L&B) Cell has been requested to vacate this site land or provide consent for taking over this site land on as is where is basis. File is under process for seeking approval of Hon’ble LG, GNCTD for transfer of land to NCRTC being land a Reserved Subject .
31/18	Agenda regarding approval of charging of Circle Rates as already decided in 7 th Board Meeting on 04.07.2012 vide item no. 5 and for treating of item no 5 & 6 of 27 th Board Meeting as null and void vide which	A demand letter dated 02.12.2022 sent to Chief Engg. (DR) Project – II, Delhi Jal Board for depositing Rs. 31,82,25,600/- but no payment has been received. A fresh demand notice dated 28.04.2022, on the recommendation of Chief Secy. and with prior approval of

	the charging of institutional of land measuring 3360 sqm to Delhi Jal Board for construction of Sewage Pumping Station in Badli Assembly Constituency.	Hon'ble LG with reminders dated 11.05.2022 has been sent for Rs. 6,03,01,830/-.
31/19	Allotment of Land measuring 234 sqm to Power Deptt. GNCTD for establishment of Grid Station of in-situ Slum Re-Development Project at Kathputli Colony.	Issue of implementation of policy of Power Deptt., GNCTD is yet to be decided. Demand letter amounting to Rs. 2,21,62,140/- has been sent to Secretary Power on dated 27.09.2022. No amount has been received from Power Deptt., GNCTD as yet.
31/20	Rehabilitation/ Relocation of eligible slum dwellers of G. Point, Gole Market, New Delhi.	Only informative Agenda was placed before the Board for information of the Members. No action is invited at this stage.
31/21	Engagement of Interns for survey of JJ Bastis on DUSIB land.	Total 42 Students/Interns were engaged. 33 Interns out of 42 were engaged for survey of Night Shelters. Payment made to the all the students/interns as per their attendance subject to maximum amount of Rs. 15000/- per month. These students were engaged only for one month, and the payments were credited in their bank account. No further extension was given to the Students/Interns.
31/22	Agenda for extension of temporally created posts of Engineering (Civil & Electrical) wing of DUSIB.	The proposal as contained in the Agenda has been ratified/approved by the Board. An O/o No. D-279 dt. 30.09.2022 has been issued.
31/23	<u>Ratification of appointment of Sh. Amrendra Kumar as Member (Expert) in DUSIB.</u>	As per ratification of the proposal by the Board O/o No. GA/ 1092 /3 / Admn/2015/D-292 dt. 19.10.2022 for appointment of Sh. Amrendra Kumar as Member (Expert) in DUSIB has been issued.

31/24	Ratification of extension of tenure of contractual engagement of Media Coordinator.	After ratification of the proposal by the Board an O/o No. D-288 dt. 14.10.2022 has been issued.
31/25	Extension of tenure of contractual engagement of Sh. R.K. Gupta, Retd. S.E. as consultant in DUSIB.	As ratified by the Board an O/o No. D-287 dt. 10.10.2022 has been issued for extension of tenure of contractual engagement of Sh. R.K. Gupta, Retd. S.E. as consultant in DUSIB.
31/26	Approval of DUSIB Annual Accounts for the year 01.07.2010 to 31.03.2011, 2011-12, 2012-13 and 2013-14.	The Agenda Item No. 31/26 in respect of Approval of Annual Accounts for the period 01.07.2010 to 31.03.2011 to 2013-14 duly approved by Board has been placed before the C&AG for audit which has already been done by the C&AG audit party. The action against CA Firm i.e. M/s Jain Mayank & Associate whom the work for preparation of Fixed Assets Register and Physical Verification of Fixed Assets of DUSIB was awarded has already been taken and CA firm debarred for a period of Two Years vide this office letter bearing no. F.No. 08/AO(DES)/2019-20/D-137 dated 27.10.2022.
31/27	Approval of DUSIB Budget for the year 2021-22.	The Agenda Item No. 31/27 in respect of Approval of Budget Estimate for the year 2021-2022 duly approved by the Boards in the 31 st Board Meeting. The same has been forwarded to the Govt of NCT of Delhi vide this office letter bearing no. BF/2405/(9)/B&C/DUSIB/ 2021-22/D-59 dated 15.11.2022.
31/28	Invitation of application from Advocates for DUSIB Panel.	The invitation of the application from advocates for empanelment in DUSIB has been re-advertised and published in the daily newspaper

		Hindustan Times, Times of India and Nav Bharat Times on dt 23.10.2022.
31/29	Vigilance Cases of Retd. Officer in which Board is the Disciplinary Authority (for decision of Pension cases).	The decision of the Board was conveyed to CVC. A presentation was made before CVC by CVO, DUSIB in the meeting held under the Chairmanship of Secy. CVC on 19.01.2023 on the issues related to the project. The minutes of the meeting have been received and matter is in process for placing before the Board in its next meeting.
31/30	Regarding refund of money of Rs.50,000/- deposited by the registrants of Special Housing Scheme of 1985 but now unwilling to accept the offer of allotment.	The process for refund of consent money to the registrants is under process and 52 files have already been sent to Finance Wing, DUSIB for vetting of refund amount, however rest of the registrants also being informed through telephonically as well as letters.
31/31	Engagement of Chief Engineer (Consultant) in DUSIB.	As per approval of Board, an advertisement has been published in News Paper.
31/32	Engagement of Sh. PCP Mahapatra, Retired Officer from Central Government Services as Expert in Administrative matter such as DPC etc. at a lump sum amount of Rs. 5000/- per visit/per day on need basis.	As per approval of the Board O/o No. GA/1076/10/Admn/Misc/2022/D-282 dt. 04.10.22 for engagement of Sh. PCP Mahapatra has been issued.
31/33	Increase in remuneration from Rs. 25,000/-to Rs. 30,000/- per month in respect of Contractual JE (Civil) & (Elect.) who have been re-designated from	The Board decided to fix remuneration in the minimum of the Pay Scale/Pay Matrix Level-6 instead of increasing only Rs. 5000/-. Accordingly O/o No. D-284 dt. 04.10.2022 has been issued.

	“Engineering interns” to “Contractual JE (Civil) & (Elect.)” with immediate effect.	
31/34	Engagement of Sh. R.K. Bhatia, Dy. Controller of Accounts (Retired), Govt. of NCT of Delhi as an External Expert Member on procurement at a lumpsum amount of Rs. 5000/- per meeting /per day on need basis.	The Board ratified the engagement of Sh. R.K. Bhatia, Dy. CA (Retd), as Member Expert in Committee for Discovery of Reserve Price for Parking & Marriage Chunks & also as Member of Drafting Committee to frame T&C of Parking Sites and Marriage Chunks for auctions, O/o in this regard has been issued on dated 04.10.2022.
	<u>TABLE AGENDA</u>	
1.	Regarding no coercive action to be taken in the case of bonafide sale purchase of the residential plots and tenements in the JJR Colonies (except the cases of tress passers) till the policy which is pending with the Govt. of India is approved.	Directions have been issued vide letter dt. 29.09.2022 to all Zonal Offices to initiate action on the proposal contained in Table Agenda.
2.	Regarding Geo referencing of the Schemes/Assets of DUSIB.	This was an informative agenda for the Board. The mapping of the boundaries covering all the schemes and other assets has been done by DUSIB on GSDL Portal. Mapping of DUSIB assets like BVKs, CH and Vacant Land Pockets etc. is in progress.

AGENDA ITEM NO. 32/03

AGENDA FOR THE RATIFICATION IN R/O PROPOSAL OF CALLING TENDERS FOR OPERATION AND MANAGEMENT OF SHELTER HOMES FOR PERIOD OF TWO (02) YEARS ON NIC PORTAL.

1. There are 197 Shelter Homes being run by DUSIB for providing basic amenities to the Homeless people under Delhi under the plan scheme of Delhi Govt. The Shelter Homes are being run on regular basis through the year at round the clock through SMAs engaged by department.

2. A/A&E/S for the work of Operation and Management of Shelter Homes for amounting to **Rs. 72.32 crores** has been approved by the DUSIB Board vide Agenda item No. 31/10 in the 31st Board Meeting held on 08.08.2022, minutes of which are conveyed vide No. D/27/DD (Board)/2022-23; dated- 19.09.2022.

3. Subsequently, the approval to adopt Gem or NIC portal, as suitable, was accorded by the Hon'ble Dy. C.M/ Minister (U.D) on dated: 08.02.2023 in respect of calling the call of tenders. Accordingly, as per previous practice i.e. through Delhi e-procurement was adopted by DUSIB to publish the Operation and Management of Shelter Homes tenders. [ANNEXURE-A].

4. It is pertinent to mention here that in response to above approval; tenders were invited in sixteen groups and received on dated: 17.03.2023. During the Technical Evaluation, the tenders were proposed to be recalled by the Committee with minor modification in the NIT. The proposal to recall the tenders have been processed for the accord of permission by the Hon'ble Minister (UD). The same will be recalled after the receipt of permission from the competent authority.

Proposal:

Taken in view of above, the matter is therefore, placed before the Board for the ratification of decision of the Hon'ble Minister (UD) in r/o calling the tenders of Operation and Management Work of Shelter Homes on NIC portal.

AGENDA ITEM NO. 32/04

REGARDING RATIFICATION FOR THE ACCORD OF A/A & E/S FOR THE WORK OF “PROVIDING WATER PROOF & FIRE RETARDANT EUROPEAN/GERMAN STYLE PAGODA TENTS AS TEMPORARY SHELTER HOMES ON HIRING BASIS AT VARIOUS LOCATION IN NCT OF DELHI FOR THE YEAR 2022-23.

1. During every winter season, about 75 Pagoda Tents of water proof & fire retardant quality (size-6m x 6m)/Hangers, are set up at various locations as per the need for utilizing them as temporary Shelter Homes so as to extend Shelter facility to the additional number of homeless people. Since the present capacity of existing 195 Shelter Homes, which are being run on a regular basis, has been reduced from about 17000 to only 7100 persons due to the aspect of maintaining Social Distancing protocol within the Shelter Homes during Covid-19 pandemic situation, the provision of 250 Pagoda Tents of size 6m x 6m (or hanger of bigger size), was planned under the Winter Action Plan-2022-23 so that the additional capacity of about 3000 persons could be created considering the previous year's peak occupancy of 10,000 homeless persons who availed shelter facility. The Winter Action Plan-2022-23 was operative from 15.11.2022 to 15.03.2023.
2. Accordingly, the preliminary Estimate amounting **Rs. 4,74,75,300/-** was framed for the work of “Providing Water Proof & Fire Retardant European/German Style Pagoda Tents as Temporary Shelter Homes on hiring basis at various locations in NCT of Delhi for the year 2022-23” under the plan head of Night Shelters, considering the provision of 250 Pagoda Tents as stated above. The financial concurrence to said P.E. was accorded by the Member (Finance) after technically checking the same by the office of SE (Planning).
3. Due to urgency of the work, the A/A & E/S for the said work amounting to Rs.4,74,75,300/- was accorded by the VC (DUSIB)/Hon'ble Minister (UD), GNCTD on dated 25.10.2022 subject to its ratification from DUSIB Board in next meeting. [AS PER ANNEXURE ATTACHED].

PROPOSAL

The A/A & E/S accorded by the VC (DUSIB)/Hon'ble Minister (UD), GNCTD for the work of "Providing Water Proof & Fire Retardant European/German Style Pagoda Tent as Temporary Shelter Homes on hiring basis at various locations in NCT of Delhi for the year 2022-23" under the plan head of Nigh Shelter, for **Rs.4,74,75,300/-**, may be ratified by DUSIB Board.

AGENDA ITEM NO. 32/05

**RATIFICATION OF ADMINISTRATIVE APPROVAL & EXPENDITURE
SANCTION FOR THE PERIOD 11.02.2022 TO 15.09.2022 IN RESPECT
OF PROVIDING 03 FREE MEALS TO HOMELESS PEOPLE OF DUSIB.**

1. The Plan scheme for Operation, Maintenance and Management of Night Shelters in Delhi is being implemented since 1984-85 with the objective to provide shelter to homeless with adequate basic amenities. DUSIB is the Nodal Agency of Govt. of NCT of Delhi for Operation, Maintenance and Management of the Shelters in Delhi, though is not covered under DUSIB Act. and at present DUSIB is managing 197 Shelter Homes.

2. Till the onset of COVID-19 pandemic in the March, 2020, the shelter homes/night shelters provided the mandated facility of shelter, bed and beddings to the homeless and facility of providing tea and rusk was available only during winter season.

3. However, due to prolonged lockdowns and the resultant labour migration issues, it was decided by the Hon'ble Chief Minister, Delhi that DUSIB shall provide free meals to the Shelter users during the Board Meeting held on 25.09.2020. The DUSIB Board further approved an amount of Rs.1531.20 Lakhs for the expenditure to be incurred on providing the free meals.

4. Previously, Ministry of Housing & Urban Affairs (MOHUA) had directed that free food should be provided for the urban homeless in the NULM shelters during lock down in view of COVID-19 outbreak. Similarly, since the Night Shelters in Delhi are being operated under the Plan Scheme of Govt of NCT of Delhi, in compliance to the directions/approval of Vice-Chairman DUSIB/UD Minister and Chairman DUSIB/Chief Minister on 20.03.2020 and 04.04.2020, DUSIB had provided free lunch and dinner to the homeless people as per following arrangements during the period in following manner:-

a). From 22.03.2020 to 31.07.2021: The Shelter Management Agencies (SMAs) were directed to provide free lunch and dinner to the homeless in the respective shelter homes @Rs.18.34 per meal per person. The total expenditure on this account comes to Rs 11.38 crores.

It is pertinent to mention that the system of providing free meals through SMAs was stopped in a phased manner from 15.07.2021 to 31.07.2021.

b). From 01.08.2021 to 10.02.2022: M/s AkshayaPatra Foundation provided free meals to the shelter users as a voluntary gesture and it did not charge any amount from DUSIB for providing free meals. However, M/s AkshayaPatra Foundation vide its references dated 24.01.2022 notified that they will discontinue providing free meals w.e.f. 31.01.2022. Considering this, the DUSIB Night Shelter wing invited bids vide Tender ID No. 2021_DUSIB_212970_I; dated: 17.12.2021. In the Bid document, a pre-bid meeting was provisioned on 27.12.2021 and the observations with considered addendums/corrigendum were proposed for approval of Hon'ble Minister of Urban Development, who ordered on date 21.01.2022 for the nomination of M/s AkshayaPatra Foundation to supply meals in the Shelter Home. In compliance to the orders of Hon'ble Minister of UD a Work Order dated: 23.02.2022 was issued to M/s AkshayaPatra Foundation.

c). From 11.02.2022 to 15.09.2022: M/s AkshayaPatra Foundation has been providing meals to the homeless in the Night Shelters by charging @Rs.18.34/- per meal per person from DUSIB. Distribution of food in Shelter Homes operated by DUSIB was stopped w.e.f. 15.09.2022 with the approval of Deputy Chief Minister/UD Minister.

d). From 19.09.2022 to till date: Supply of food in the Shelter Homes of DUSIB resumed based on the directions of Dy. Chief Minister/UD Minister vide his orders dated: 02.12.2022. In this case, because of inability of Shelter management Agencies (SMAs) to provide food, M/s AkshayaPatra Foundation continued to provide food at same rate i.e @ 18.34 per meal per person, as charged previously. However, the menu has been modified.

5. In view of above, an Administrative Approval & Expenditure Sanction (A/A&E/S) for the previous durations i.e. 11.02.2022 to 15.09.2022 amounting was given by the Hon'ble Minister (U.D) vide his orders dated- 02.12.2022. The same is also being put up for ratification of DUSIB, Board. [AS PER ANNEXURE ATTACHED]

PROPOSAL

The matter is therefore, placed before the Board for ratification of decisions of the Hon'ble Minister (UD) in r/o Administrative Approval & Expenditure Sanctionfor the period 11.02.2022 to 15.09.2022and further action shall be taken as per direction/ decision of the Board.

AGENDA ITEM NO. 32/06

INFORMATION REGARDING HIRING THE SERVICES OF DATA ENTRY OPERATORS (DEOs) AND I.T. PROFESSIONALS (4 NOS. PROGRAMMERS) AGAINST VACANT POSTS IN DUSIB.

In year 2018, DUSIB had informed about the hiring of 92 Nos. DEOs , 1 No. System Analyst and 3 Nos. Programmers in the 22nd board meeting held on 13/07/2018 (Agenda Item No. – 22/29). The board considered and noted the information and ratified the agenda. Copy Attached

1. Regarding Data Entry Operators (DEOs):

- (i) To discharge the functions of various sections of DUSIB, DEOs were deployed initially w.e.f. 01/01/2011 to 30/04/2011. Thereafter the Data Entry Operators were hired from M/S ICSIL (Intelligent Communication System India Ltd.- A joint Venture company of TCIL, a Govt. of INDIA Enterprise and DSIIDC) after approval from Competent Authority.
- (ii) Presently, 104 Nos. DEOS are deployed in the Department are rendering valuable services to the sections w.r.t. Data Entry, Typing, Processing of Tenders and Internet related works etc. The remuneration of the DEOs is paid as per the minimum wages fixed by Delhi Govt. The sanctioned strength of LDC in DUSIB is 367 Nos. and as of date vacant position is 292 Nos. against which the aforementioned DEOS have been hired. The matter for filling up of vacant posts of LDCs has been taken up with DSSSB.

2. Regarding I.T. Professionals (4 Nos. Programmers):

- (i) Initially 2 Nos. of IT Professionals (One No. System Analyst and One No. Programmer) were hired on Contract basis from M/s ICSIL in the year 2011 for which AA&ES was duly accorded and approval was granted by the then CEO.
- (ii) Further, 2 more Programmers were hired from M/s ICSIL in the year 2014 for which AA&ES was also duly accorded and approval was granted by the then CEO.
- (iii) During Covid Pandemic Sh. Saurabh Kumar, System Analyst passed away in May 2021 due to acute Covid Infection. One

Programmer Sh. Rohit Ujjainwal was hired in November'2021 after the demise of the System Analyst , Sh. Saurabh Kumar.

- (iv) The above mentioned Four IT Professionals have been hired and are deployed against vacant post in IT Section of (A) 3 Nos. Asstt. Director(System), (Sh. Deepak Kaushik, Programmer, Sh. Mukesh Singh, Programmer and Sh. Anoop Singh, Programmer) which carry a pay-scale at Level 10 on the minimum basic of Rs. 56,100/- and (B) 3 Nos. Asstt. Programmer, (Sh. Rohit Ujjainwal) which is at Level 6 on the minimum basic of Rs. 35,400/-. These Four IT Professionals have been deployed in DUSIB as per the Computerization initiative undertaken by DUSIB.
3. The IT professionals have developed various software applications for the department and have been managing the following:
- ❖ JJ Cluster dwellers survey database.
 - ❖ IT Section had developed the application for the DUSIB vacant lands database for capturing the various attributes which has latitude longitude, presence of Boundary Walls, Encroachment details, if any, and photographs of the vacant land. The same is updated into the Vacant Land Database. A web application of the Land MIS has been developed where the details of the land and the photograph can be viewed.
 - ❖ IT Section has Coordinated with M/s GSDL for the Geo referencing and geo tagging of DUSIB assets.
 - ❖ Remunerative Projects System.
Shop, stalls and Thar's 'have been built in various part of Delhi. The same is auctioned by RP Cell DUSIB and Yearly Ground rent is collected .DUSIB has Developed the Application Software for calculation of Ground Rent, Interest and Dues of allottee.
 - ❖ JSC Inspection Application:
It is web application for lodging complaints relating to Jan Suvidha Complex w.r.t to cleanness, water, light etc issues.
 - ❖ Community Hall Online Booking System:
In this Application user can make online booking of vacant community hall on their desired date. He/she can also check the status of booked

and vacant community halls. User can check community hall details and vacancy status of the community hall.

- ❖ Night Shelter Management System:
 - a. Rain Basera Mobile app for rescue of the homeless peoples.
 - b. Daily Occupancy Report of Night Shelters.

 - ❖ PMS System:

This application is being used for monitoring of civil projects for all DUSIB divisions. Additionally it is also being used for Quality control, NIQs, financial processing etc.

 - ❖ GPF System:

GPF System is to Enter and Calculate DUSIB Employee Provident Fund Data as per Financial Year and generates report. It is available online for the regular/Work Charge DUSIB employee.

 - ❖ Housing Recovery System:

This is computerized monitoring of Housing Recovery system (web based) for the Allottees of “1985 Housing Registration Scheme”. Generation of Demands & Calculation Sheets for Housing Section.

 - ❖ Managing of 4 Nos. Servers hired from CDAC data center Noida for DUSIB Applications.
 - (i) Configuration of Application on sever.
 - (ii) Database Maintenance.
 - (iii) Application Maintenance.

 - ❖ Maintenance of Aadhaar based Allotment System for JJ Dwellers:

All the processes of Allotment (Survey, Eligibility Determination, Allotment) for EWS Housing Beneficiaries has been computerized and Allotment is being done after Aadhaar based Biometric Authentication from UIDAI. After successful Authentication and Eligibility Determination, the Eligibility Letter is being generated.
4. a) Board is also informed that DUSIB participated in the SKOCH Governance Assessment and SKOCH Award for Governance 2018 held on 27/04/2018 and 15/05/2018 and submitted the following applications for nomination Viz. (i) Aadhaar Based Allotment System for Jhuggie

Dwellers (ii) Night Shelter management System. DUSIB IT Team attended the SKOCH Award for Governance 2018 function at the Constitution Club and were awarded Two Nos. "Order of Merit Awards", for our software applications.

b) **DUSIB IT Section is participating in the Best National e-Governance Award 2023.**

PROPOSAL

The Agenda is, therefore, placed before the Board for information of deployment of 4 Nos. IT Professionals and 104 Nos. of DEOs.

AGENDA ITEM NO. 32/07

REGARDING 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 BVKS ON THE LAND BELONGS TO DUSIB ON TEMPORARY BASIS.

1. Various requests were received from Hon'ble MLAs/ CDMOs 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, BastiVikas Kendra's and in the shape of porta cabin. Subsequently, on the basis of report furnished by Engineering Wing as well as by 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:-

S. No	LOCATION	REF. NO.
1.	Bawana A-Block JJ Colony.	F-14/222/AAMC/DUSIB/2022/204701203/D-505 dated 04.08.2022 (Copy is annexed as Annexure-A).
2.	Bawana C-Block JJ Colony (Double Storey).	F-14/222/AAMC/DUSIB/2022/204701203/D-505 dated 04.08.2022 (Copy is annexed as Annexure-A).
3.	Bawana E-Block JJ Colony.	F-14/222/AAMC/DUSIB/2022/204701203/D-505 dated 04.08.2022 (Copy is annexed as Annexure-A).
4.	BastiVikas Kendra, Nehru Ekta Colony R.K.Puram Sector-7.	F-14/193/DD/IAL/AAMC/DUSIB/2020-21/204693486/D-451 dated 14.06.2022 (Copy is annexed as Annexure-B).
5.	BastiVikas Kendra at Sonia Camp, Jhilmil Industrial Area.	F-14/DD/IAL/AAMC/DUSIB/2022/204550292/D-465 dated 30.06.2022 (Copy is annexed as Annexure-C).
6.	Bhalaswa JJ Colony Part-2, DUSIB office Near Shiv Mandir	F-14/223/AAMC/DUSIB/2022/204696763/D-469 dated 07.07.2022 (Copy is annexed as Annexure-D).
7.	Block-A-3 JJ Colony Bhalaswa Dairy BastiVikas Kendra.	F-14/223/AAMC/DUSIB/2022/204696763/D-469 dated 07.07.2022 (Copy is annexed as Annexure-D).

PROPOSAL

The proposal is placed before the Board in respect of NOC/user permissions on temporary basis issued for 07 feasible sites (03+01+01+02=07) for allotment of 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 is placed before the Board for ratification of the same.

AGENDA ITEM NO. 32/08

**REGARDING ALLOTMENT OF LAND AT PLOT NO. 2, 3 & 4 LSC
MOTIA KHAN, IDGAH ROAD AT QURESH NAGAR TO DIRECTORATE
OF EDUCATION FOR OPENING OF NEW GOVERNMENT SCHOOL.**

1.A request bearing No. F.16/(17)/Misc./Land/2021-22/2187-88 dated 06.06.2022 **(Annexure-1)** followed by its various reminders dated 13.06.2022, 13.12.2022, 17.01.2023, 06.02.2023, 07.02.2023 & 09.02.2023 of Section Officer (Land & Estate), Directorate of Education, GNCTD was received for allotment of land at Plot No. 2, 3 & 4 LSC Motia Khan, Idgah Road at Quresh Nagar to Directorate of Education for opening of New Govt. School in QasabPura Location. The break-up area of Plot No. 2, 3 & 4 as per LOP are as under:

Plot No. 2	=	357.00 sqm
Plot No. 3	=	360.00 sqm
Plot No. 4	=	<u>386.54 sqm</u>
Total	=	1103.54 sqm

2.In this regard, Architect, DUSIB reported that the land use of the land under reference as per LOP is “COMMERCIAL” and as per Zonal Development Plan of Zone – “A” is Residential (redevelopment area).**(Annexure-2)**

3.As per report of Dy. Director (Land), the land under reference has been transferred to Slum & JJ Department (now DUSIB) on 25.10.1982 and situated in Khasra No. 202/15 min. mauja (Village) Jhandewalan (Nazul Estate).**(Annexure-3)**

4.In this regard, in 7th Board Meeting held on 04.07.2012, it was decided vide Item No. 5 that:-

*“The Board agreed to the proposal of rates to be charged for different categories of Institutional Allotment in DUSIB with the sole exception of land to be allotted to schools of GNCTD. It was decided that in such cases rates as per DDA be charged. The loss of revenue incurred therein shall be compensated by grant in aid by Delhi Govt.” **(Annexure-4)***

5.The details of cost of land (Commercially) and ground rent as well on the circle rates basis, is as under:-

1. Proposed area to be allotted = 1103.54sqm
2. Rates to be applied (Circle Rate) = Rs. 70080/- p/sqm
3. Factor-3(Commercial)70080X3 = Rs. 210240 p/sqm
4. Cost of land (1103.54 X 210240/-) = Rs. 23,20,08,250/-
5. Ground rent @ 2.5% on cost of land = Rs. 58,00,206/-
6. 1103.54 p/sqm = **0.273 acre**

Area In Sqm	Cost of Land on circle rates basis (in Rs.) (Commercial)	Cost of land on DDA rates basis (in Rs)	Difference/Loss Incurred (IN RS)
1103.54	23,20,08,250/-	Rs.1	23,20,08,250/-

6.The file was placed before Hon'ble Minister of UD/VC, DUSIB and he has observed that:-

“86. There is a demand for school in the walled city in QureshNagar, DUSIB may allot 1103 sqm of vacant plot without any further delay to Directorate of Education at a cost of applicable in case of allotment to schools by DDA.”

“87. As regarding loss to DUSIB, the matter be put up to the Board of DUSIB in the next meeting.”

“88. DUSIB may also approach Town & Planning Department of MCD for getting approval of the competent authority for change of use of premises for commercial to education as per MPD 2021.”**(Annexure-5)**

7.In this regard, DDA is being allotted the land provisionally for Govt. Educational Institutions on nominal charges i.e. @ **Rs 1/- per annum per acre**. Further, for Financial Year 2022-2024, these rates are under

revision and subsequent approval of Competent Authority. A copy of letter of Dy. Director (IL), DDA is attached as **Annexure-6**.

8.The case was forwarded to Hon'ble LG, Delhi for further decision being 'Land' is a 'Reserved Subject'.Hon'ble CM, Delhi agreed to for placing the case before Hon'ble LG, Delhi. **(Annexure-7)**

9.Hon'ble LG, Delhi observed that the matter has not yet been placed before the Board and therefore advised the same be placed before Hon'ble LG, Delhi with the decision of the Board.**(Annexure-8)**

10.The file was placed before the Hon'ble Minister of UD for approval in regard to placing a draft Agenda before the next Board Meeting and the Hon'ble Minister directed that this matter be placed before the Board.**(Annexure-9)**

PROPOSAL

(i) The allotment of land made to Directorate of Education at Plot No. 2, 3 & 4 LSC Motia Khan, Idgah Road at Quresh Nagar for opening of School, **would bear a huge loss of revenue** for amounting to Rs. 23,20,08,250/- and also of ground rent @2.5% per annum of the cost of land which comes to Rs. 58,00,206/- per year;

OR

(ii) Allotment of 1103.54sqm of above mentioned plot to Directorate of Education at a cost in case of allotment to schools by DDA and change of land use of premises from 'Commercial' to 'Education' as per MPD 2021 from local authority i.e. MCD and further loss of revenue incurred be recouped from Delhi Govt.

OR

(iii) **Charging of circle rates in view of the decision taken** in 7th Board Meeting held on 04.07.2012 for allotment of land to Directorate of Education at Plot No. 2, 3 & 4 LSC Motia Khan, Idgah Road at Quresh Nagar on applicable **CIRCLE RATES BASIS** for opening of School on the usual terms and conditions below mentioned:-

a) That the land shall be used only for school only and not for any other purpose or commercial exploited.

- b) That the construction should be completed within a period of two years from the date of taking over the physical possession of the said piece of land in accordance with the approved building plan.
- c) That there should be no violation of terms and conditions of this allotment. In case of violation of the terms and conditions, the allotment shall be liable to be cancelled.
- d) That the land should not be transferred / parted with possession wholly or partly to any other organization/department.
- e) That the rates of ground rent shall be enhanced by 5 times after completion of 30 years from the date of handing over of above referred site.
- f) That the above said amount being purely provisional on the basis of Notification dated 23.09.2014 of Revenue Department, GNCTD and if the rates revised for the financial year 2022-2023, the differential amount of cost and Ground Rent @ 2.5% thereon shall be demanded and payable by the DOE, GNCTD.

AGENDA ITEM NO. 32/09

PROPOSAL FOR CONSTRUCTION OF MINI SPORTS COMPLEX (SEMI PERMANENT STRUCTURE) ON LAND BETWEEN BLOCK F & G IN JJ RESETTLEMENT COLONY, SULTAN PURT AS A DEPOSIT WORK UNDER THE SCHEME OF IMPROVEMENT OF SC/ST.BASTIES.

1. The land pocket measuring approx. 20775.00 Sqm.(5.12 Acres) is available between F&G block, in Sultan puri 33 Resettlement Colony, on which construction of a Min sports Complex having area of 17447.50 Sqm as per LOP is proposed. On remaining land portion, a Community Hall having area of 2913.73 sqm (including Vacant land +Godown), and a Community Tollet Complex (CTC) having area of 413.77 sqm, are existing. The land use of said land pocket as per zonal development plan of zone N, is Recreational Green.
2. The said proposal was initiated in the year 2015 by DUSIB on the request made by Hon,ble area MLA Sh. Sandeep Kumar (AC-10) and accordingly, the CEO, DUSIB In Principally approved the construction of a boundary wall in 1 phase for the proposed Mini Sports Complex, on dated 07.01.2015 and the work of boundary wall was completed under the head of account- "Improvement of SC/ST Bastles" by the agency on dated 15.12.2016. The said land is now under possession of DUSIB.
In similar case, the Agenda and minutes Board Meeting No. 22 date 13.07.2018 of Item No. 22/8, **the board considered and approved the agenda for construction of semi permanent structure in the form of CFC on green area with the observation that rather than land use change, the semi-permanent structure may be constructed.**
3. Hon,ble MLA Sh. Mukesh Ahlawat (AC-10) vide letter dated 28.09.2020, has again requested DUSIB for the construction of said Mini Sports Complex. But, the matter remained pending due to non decision of any department for maintenance of proposed Mini Sports Complex.
4. Now, a letter dated 13.09.2021, has been received from the Directorate of Education, Sports Branch, GNCTD (**Annexure-A**) stating therein that this department shall operate the said Mini-Sports Complex after its construction by DUSIB.
5. The layout plan for said Mini Sports Complex, has been got prepared by DUSIB through a private architect from the work C/O

boundary wall executed under the head of "Improvement of SC/ST Bastis".

6. Main Features: The main features included in the Mini-Sports Complex are Badminton Court, Volleyball Court, , children play area etc. including toilet facility and Security Guard Room (SPS Type).

PROPOSAL:-

The construction of proposed Mini Sports Complex on an area of 17447.50 Sqm. on green land in between Block F&G in JJ Resettlement Colony, Sultan Puri, may be approved by DUSIB Board as a deposit work under the scheme of "Improvement of SC/ST Basties".

AGENDA ITEM NO. 32/10

ADDITIONAL ALLOCATION OF BUDGET FOR CONSTRUCTION OF 6.0 MLD SEWAGE TREATMENT PLANT FOR 7620 EWS FLATS CONSTRUCTED AT SAVDA GHEWRA PH-III UNDER JNNURM OR ANY OTHER RELEVANT HEAD.

1. The Scheme of construction of 7620 (G+4) Five Storey Low Cost housing was constructed by DUSIB (under JNNURM) at Savda- Ghewra Ph-III and the proposal approved by the CSMC i.e. Central Sanctioning and Monitoring Committee in its 97th meeting held on dt.30/12/2010 the minutes of which were circulated vide noN-11026/1/2010BSUP/JNNURM/Vol-XXII dt.02/02/2011 for Rs. 407.69 Crores.

2. Chief Executive officer (DUSIB) referred to Chief Executive officer Delhi Jal Board to take up the work of construction of 6.0 MLD STP at Savda – Ghewra Ph-III as deposit work vide DO No. CE-I(DUSIB)/4088(9)/EA/EWS/ S.G/Vol-II(B)/18/D-26 dt. 22.06.2018 (Copy placed at P- 63/c). The C.E.O Delhi Jal Board vide letter no. D.O. No. CEO/M(DR)/2018/203 dt. 24/09/2018 (Copy placed at P-71/c to P-72/c) has accepted the proposal and have asked for release of Rs.2.91 crores as 25% advance payment for taking up the tendering process. It was intimated by DJB that capital cost comes to Rs. 11.63 crores. Also DJB asked for 4000sqm of land for construction of this STP.

3. In DPR the provision of STP component is Rs.750 lacs and Balance of Rs.243 lacs will be meet out in the component of available contingencies amounting to Rs.1154lacs-Rs.577 lacs=Rs.577 lacs. The O&M cost cannot be meet out in the available component of STP in DPR and it is proposed to Rs.10000/- will be add in the cost of flats and to be recovered from allottees of flats =7650x10000 =Rs.7.65 Crores.

4. Now ,as the tender approved by the DJB for the said work at a Cost of Rs.23.70 Crores including Capital Cost of Rs.16.56 Crores and operation and maintenance cost of the work are Rs.16,55,92,351/- and Rs.7,14,07,649/- respectively to the agency M/s Ayyappa Infra Project Pvt.Ltd. At present we have only Rs.7.50 Crores for the said work as per the provision taken in approved DPR as there is no balance amount left under the contegency head of this project as expenditure of Rs.11.36 Crores (i/c proposed work) against the total contingency amount of Rs.11.54 Crores taken in DPR.

5. In view of above ,it is requested to allocate additional amount of Rs.16.20 Crores (=Rs.23.70-Rs.7.50 Crores) beyond the provision of Rs.7.50 Crores in DPR for Construction of 6.0 MLD Sewage Treatment Plant for 7620 EWS Flats Constructed at Savda Ghewra Ph-III either under the head of account JNNURM where UD Deptt. is not allowing to utilize unspent balance under JNNURM or UD Department may allocate requisite amount under any other relevant head.

AGENDA ITEM NO. 32/11

**AGENDA TO BE PLACED BEFORE THE BOARD FOR TAKING
DECISION FOR ACCUMULATION OF DISPROPORTIONATE
PROPERTIES BY SH. LOV BHATIA, UDC/CO(RETD. UNDER 56j)
WITHOUT OBTAINING APPROVAL FROM THE COMPETENT
AUTHORITY.**

1. In the instant matter, it is submitted that two complaints have been received from Ms Meenakshi and Sh. A.K. Kochhar against Sh. Lov Kumar Bhatia, UDC/CO (Retd. under 56j). It has been alleged that Sh. Lov Kumar Bhatia, while serving as UDC in various branches of DUSIB, during his service period, had purchased and sold the properties/flat(s) at i) property No. 28/428, New Moti Nagar, New Delhi-110015 in the name of his wife Babita Bhatia, ii) he has also purchased and sold the property bearing flat No. 76, Block 12, Double Story Flats, Nehru Nagar, New Delhi-110062 to Mohd. Ismail S/o Sh. Ahmad Hassan, R/o Y-23, New Ranjeet Nagar, New Delhi-110008 for a consideration of Rs. 9,50,000/-, iii) he has purchased the property bearing flat No. B-68, Second Floor, Jhilmil Colony, Delhi in the name of his daughter i.e. Ms Kajal Bhatia for a consideration of Rs. 9,00,000/-, iv) he has purchased the property bearing flat No. 13/411, 2nd Floor, JJ Tenements, Kalkaji, New Delhi from Sh. Ajit Kumar Zimba and sold the same to Sh. Joginder Kapoor for a consideration of Rs. 31,00,000/- and did not seek prior permission of prescribed authority for above transactions as per rule. **(Annexure-I & II)**

2. As the said Sh. Lov Bhatia, UDC/CO, has already been retired under 56(j) by the department, the matter was placed before the Disciplinary Authority i.e. Hon'ble CM/Chairman, DUSIB for approval of initiation of disciplinary proceedings against Sh. Lov Kumar Bhatia, UDC/CO. The Hon'ble CM has approved the proposal of Department vide his order dated 06.08.2020 and vide order dated 19.12.2020 he has also agreed to include the matter pertains to property no. 13/411m 2nd floor, JJ Tenements, Kalkaji. **(Annexure- III & IV)**

3. Accordingly, a charge sheet for initiating of major penalty proceedings against Sh. Lov Kumar Bhatia, UDC/CO has been served upon him vide Memorandum No. RDA/01/Vig./DUSIB/75/2020/D-257 dated 22.03.2021 duly signed by Member(Admn.) on behalf of Chairman, DUSIB Board for the said grave misconduct that he has failed to obtain the necessary

prior permission of the prescribed authority while acquiring and disposing off various properties in his own name and in the name of members of his family which is violation of Rule 18(2) of CCS(Conduct) Rule. **(Annexure-V)**

4. Further, in response to above stated Memorandum dated 22.03.2021 Sh. Lov Kumar Bhatia, CO, did not submit his reply/written submission within the prescribed time limit of 10 days of receipt of said Memorandum as such another opportunity was given to him vide letter dated 16.06.2021. **(Annexure-VI)**

5. Sh. Lov Kumar Bhatia, UDC/CO did not respond to the said Memorandum despite sufficient opportunity was provided to him. Hence the then Member(Admn.) had appointed Sh. Akash Mohapatra, Former Secy., Planning, GNCTD as Inquiry Authority and Sh. Jagat Pati Prasad, Asstt, Engineer as Presenting Officer vide letters dated 15.07.2021 to inquire and present the case respectively, as per CCS(CCA) Rule. **(Annexure-VII & VIII)**

6. Sh. Lov Kumar Bhatia, CO had participated in the inquiry conducted by Sh. Akash Mohapatra, IO. The IO has submitted the inquiry report dated 18.08.2021 to the Member(Admn.). **(Annexure-IX)**

7. Sh. Akash Mohapatra, IO, in his findings has proved the charge and noted in his findings that CO, intentionally and with ulterior motive and malafide intention, did not seek prior permission of the Prescribed Authority in his Department for any of the aforesaid 4 transactions solely to evade submission of details of means by which, or source from which, the aforesaid 4 properties were acquired. However, it could not be proved in the enquiry in the charge sheet in the article with regard to accumulation of wealth beyond the CO's known sources of income on the ground that no evidence has been furnished by the state as regards CO's known sources of income to establish the aforesaid charge and hence that portion of the charge in the article of charge stands 'Not Proved'.

8. As per the approval of the then CEO, DUSIB dated 21.09.2022 the inquiry report of IO has been forwarded to Sh. Lov Kumar Bhatia, UDC/CO vide letter dated 14.12.2022 to submit his

representation/submission & comments to the inquiry report. **(Annexure-X)**

9. In response to the said inquiry report, Sh. Lov Kumar Bhatia, CO has submitted his representation to the CEO, DUSIB and with a copy to Director(Vig.) vide letter dated 30.01.2023.

Gist of present representation of Sh. Lov Bhtia, UDC(Retd. under 56j): (Annexure-XI)

10. The CO in his reply has stated that the charge memo no. RDA/01/Vig./DUSIB/75/2020/D-257 dated 22.03.2021, inter alia, clearly stated that "...which renders him liable for disciplinary action under Rule 9 of CCS(Pension) Rule, 1972". Obviously, the department had invoked the provisions of the Pension Rules for the simple reason that as on the date of issuance of the said charge memo, the CO was already retired under Rule 56(j) of CCS(Pension) Rule, 1972.

11. He has further elaborated that Rule 9 (2) (b) (ii) CCS(Pension) Rules, 1972, which has been invoked in this case, provides as under:

(b) The departmental proceedings, if not instituted while the Govt. servant was in service, whether before his retirement, or during his re-employment.

(i) shall not be instituted save with the sanction of the President.

(ii) shall not be in respect of any event which took place more than four years before such institution, andIt has also been stated by CO that this misconduct imputed against CO in the above charge memo related to the alleged purchase/sale of four properties in the name CO and his family members and further related to not seeking prior permission of department. It is further stated by CO that the charge memo further reveals that the date of events i.e. alleged purchase/sale of four properties relate to the years 1999 to 2014, which is clearly more than 04 years old as reckoned from the date of institution of the present inquiry i.e. on 22.03.2021 and thereafter, it becomes abundantly clear that the disciplinary proceedings in the

present case have been instituted in total violation of the provisions under the said Rule 9, as the same has been initiated after more than 4 years from the date of alleged event. He further stated that the word 'shall' in the above provisions of the Rule signified that the said provision is mandatory.

12. He has stated that institution of the present disciplinary proceedings through the charge memo of date 22.03.2021, is illegal since it is in clear violation of the mandatory provisions under Rule 9 (2) (b) (ii) of the CCS Pension Rules.

13. Further, CO has submitted that the mandatory nature of the provisions under Rule 9 (2) (b) (ii) of the CCS Pension Rules and the consequences of violation of these mandatory provisions, has been reiterated and reaffirmed by the Hon'ble Supreme Court of India in the case of Brajendera Singh Yambem Vs Union of India(UOI) and Ors. AIR 2016 SC 4107. A copy of the order of the 3-Judge Bench of the Hon'ble Supreme Court of India is attached by him. He has also referred to the relevant paras of said judgment of Hon'ble Supreme Court of India.

14. The CO has stated that after conclusion of the inquiry proceeding, in compliance with the express provisions under Rule 14(19) of CCS(CCA Rules), he had submitted a detailed written statement of defense dated 30.05.2022 to the Ld. IO. In the said written defense brief, CO had alleged about various procedural lapses on the part of Ld. IO, during the course of inquiry proceedings, in so far as denying him adequate opportunities for his defense and violation of express provisions under Rule 15(2) of CCS(CCA) Rule 1965.

15. The CO has also stated that the inquiry report submitted by the Ld. IO that his humble, rule-based and evidence-based submissions made by his written defense brief which also included his submissions as at para 2 to 6, he had been simply overlooked and ignored by the Ld. IO. He has alleged that rather than taking lawful and dispassionate cognizance of CO's true and honest submission, at one stage in the inquiry report, the Ld. IO has made a scathing remark that "this has not been pleaded by the CO either across the proceedings or in his brief...". By writing such a remark in the inquiry report, the Ld. IO is suggesting that CO should had pleaded his defense as per his taste and at a time of

his liking, which is highly unwarranted proposition on the part of IO since it unlawfully precluded CO from making his defense statement at any stage of the inquiry as mandated by the said CCS(CCA) Rules.

16. The CO has stated that in his submission of written defense brief before the IO during the course of inquiry, “after the completion of the production of evidence” was fully consistent with the provision under Rule 14(19) of CCS(CCA) Rules and it was not for the Ld. IO to determine and decide as to at what stage of the inquiry, he had to plead anything in his defense. The CO has alleged that the Ld. IO while recording the above remark in his inquiry report, has clearly exceeded his jurisdiction and is clearly an attempt to mislead the Disciplinary Authority.

17. The CO has submitted that the charge memo issue to him is illegal and consequently the inquiry conducted by the Ld. IO in pursuance of this illegal charge memo too becomes illegal in the eyes of law. He has further stated that he is not submitting his rebuttals on the inquiry report as the same would amount to accepting the illegal charge memo & the illegal inquiry and thereby granting it recognition. He has also stated that the institution of the present inquiry through the charge memo dated 22.03.2021 has become null and void *ab inito*.

Observations:

18. After examining the report of Sh. Akash Mohaptra, IO and reply of CO it has submitted that IO in his findings has proved the charge and noted in his findings that CO, intentionally and with ulterior motive and malafide intention did not seek prior permission of the Prescribed Authority in his Department for any of the aforesaid 4 transactions solely to evade submission of details of means by which, or source from which, the aforesaid 4 properties were acquired. However, it could not be proved in the enquiry in the charge sheet in the article with regard to accumulation of wealth beyond the CO's known sources of income on the ground that no evidence has been furnished by the state as regards CO's known sources of income to establish the aforesaid charge and hence that portion of the charge in the article of charge stands 'Not Proved'.

19. The IO has established on one occasion that CO has not able to produce source of income for purchase of property no. 28/428, New Moti Nagar, New Delhi. Further, Inquiry Authority himself in his findings mentioned that CO has violated the Rule 18(2) of CCS(Conduct) Rules as CO did not obtain prior permission of the Prescribed Authority in all the aforesaid four properties to evade declaration & detection of the source of income by which the purchase/sale of properties was funded. Further, all the properties were purchased by CO in his own name and in the name of his family members i.e. Smt. Babita Bhatia his wife and Ms Kajal Bhatia his daughter who were dependent on CO. In his written submission, the CO has only alleged against the procedure adopted by IO but he did not discuss about the purchase of said properties without obtaining prior permission of department.

Appeal of Sh. Lov Bhatia, UDC(now ret'd. under 56j)/CO

20. The CO has prayed in the present appeal that the Ld. IO was to exercise its powers in a judicious manner and inform the Disciplinary Authority that the charge memo dated 22.03.2021, being illegal *ab initio*, does not warrant any action against him and the same is liable to be withdrawn/quashed and he may be honorably exonerated of all imputations of misconduct cited in the said illegal charge memo. He has further submitted that hoping good sense will prevail and injustice meted out to him shall be undone by cancelling and withdrawing this charge memo and he will not be constrained to seek other remedies including legal remedy from appropriate forums.

21. The above matter may be placed before the members of DUSIB Board for their consideration and appropriate orders in the matter please.

AGENDA ITEM NO. 32/12

FOR DECISION OF THE BOARD FOR APPOINTMENT OF INQUIRY OFFICER OR DROPPING OF CHARGE SHEET IN R/O OF 04 RETIRED ENGINEER'S IN CONTINUATION TO AGENDA ITEM NO. 31/29.

1. An Agenda item no. 31/29, with regard to decision in a vigilance case in respect of retired officers, in which Board is the Disciplinary Authority, was placed before the BOARD in its 31st Board Meeting held on 8.8.2022(Annexure- A).

2. In the light of the detailed submissions made in the agenda item no. 31/29 in the 31st Board meeting held on 08.08.2022, the Board considered and approved the proposal for dropping/closing the proceedings against Sh. Suresh Kumar, AE (Retd.) deceased, as per rule. For rest of the charged officials (Retd.), { viz a viz Sh. K. L. Suneja, Asstt. Engineer (Retd.) Sh. J. N Garg, AE/EE(Civil) Retd., Sh. Yash Pal Maini, A.E. (Civil), Retd Sh. Rajiv Dhawan, A.E. /EE (Civil),Retd}, it was decided that the opinion of the CVC may be awaited. Accordingly, the decision of the Board was conveyed to CVC.

3. In the meantime, the CVC vide O.M. Dated 04.08.2022 (Annexure-B) , received in the office of CVO DUSIB on 11.08.2022 i.e. after the 31st Board meeting held on 08.08.2022, advised that the Commission has noted the position with regard to case closed on the death of Sh. Suresh Kumar, AE(Retd.). Further, with regard to Disciplinary proceedings against Sh. K.L. Suneja, AE (Retd.), CVC advised to complete the inquiry process and if required, submit the case for SSA only after completion of enquiry against Sh. K.L. Suneja, AE (Retd.). In respect of Sh. Rajeev Dhawan, Sh. J.N. Garg and Sh. Yash Pal Maini (Retired officers), CVO has been advised to expedite the inquiry process and decision of the Disciplinary Authority and approach the Commission for SSA in case of deviation from the first stage advice.

4. However, as per the deliberations in the meeting and directions of the Board, the matter was referred to CVC to provide their comments on the Delhi Technological University report. In this regard, the CVC desired to have a Presentation in Central Vigilance Commission in “the project 7620 (G+4) five storied low cost housing (Under JNNURM) for slum dwellers at Savda Ghevra Ph.III”. The presentation by CVO, DUSIB was made in the meeting held under the Chairmanship of Secretary, Central Vigilance Commission, on 19.01.2023, to discuss the issues related to the project.

The meeting was attended by Secretary (Vigilance) DOV, GNCT of Delhi, Officers of the Engineering wing and Vigilance of DUSIB and Prof. A.K. Gupta, Advisor DTU and Prof. Kongan Aryan, Principal Investigator & Experts DTU. The minutes of the meeting dated 19.01.2023 is annexed as (Annexure-C).

5. In brief, it is submitted that after the presentation made by the CVO, DUSIB; explanation of the process of testing conducted by the DTU and result; and CTE's explanation that the major issues specifically related to quality of construction of the building noticed during the inspections carried out by CTE team, in the presence of Vigilance unit of DUSIB, and some pictures of different parts of the buildings taken during inspection of the site while collecting samples for testing, showed the bad quality of the construction. The poor quality of the building and difference of results in testing done through DTU and the joint team of CTE and CVO, DUSIB, were discussed in detail in the meeting. It was observed that tests were conducted from same agency - National Test House (NTH), Ghaziabad, but results were totally different. All the samples of concrete core collected by joint team of CVO, DUSIB and CTE were found failed to meet the comprehensive strength criteria for M-25 grade concrete whereas all the samples tested earlier by DTU and a committee headed by CE, PWD(GNCTD) were found to be in conformity with the specifications.

6. CVC expressing concern over the poor quality of the building, advised DUSIB to make all the efforts to take the required remedial actions to make the buildings safe before their allotment to the end users. Besides corrective actions, the CVO, DUSIB was also advised to provide the latest status of disciplinary proceedings as advised by the Commission in this case and expedite the process of pending cases.

7. So far as CVC expressing concern over the poor quality of the building advised DUSIB to make all the efforts to take the required remedial/corrective actions to make the buildings safe before their allotment to the end users it is stated that DTU along with the Engineering wing of DUSIB has already completed a survey of the flats in the entire project and DTU expert has suggested some more tests, which are now in process.

8. Now, with regard to the disciplinary proceeding against the Retired officers, under the above circumstances, the matter is placed before the Board for passing further orders/directions in the matter for decision:

1. **Sh. K. L. Suneja, Asstt. Engineer (Retd.)** The Board has to take a decision, keeping in view of the advice of the CVC conveyed vide CVC OM dated 4.8.2022 (received in DUSIB on 11.8.2022 i.e. after the BOARD Meeting). Board may take a decision whether to conduct inquiry by appointing an Inquiry Officer as per CVC advise. It is intimated that the case of Shri Suneja falls under the Rule 9(2) (b) (ii) CCS (Pension) Rules, i.e. proceedings against retired officer is not permissible after four years from the date of event.

2. **With regard to Sh. J. N Garg, AE/EE(Civil)Retd.**

The BOARD has to take a decision:

(a) whether to appoint Inquiry Authority in the case of Sh. J. N Garg, AE/EE(Civil)

Or

(b) Charge sheet to be dropped, keeping in view the detailed submission made by the charged officers.

3. **With regard to Sh. Yash Pal Maini, A.E. (Civil),Retd.**

The BOARD has to decide:

(a) whether to appoint Inquiry Authority in the case of Sh. Yash Pal Maini, A.E. (Civil)

Or

(b) Charge sheet to be dropped, keeping in view the detailed submission made by the charged officers.

4. **With regard to Sh. Rajiv Dhawan, A.E. /EE (Civil),Retd.**

The BOARD has to decide:

(a) whether to appoint Inquiry Authority in the case of Sh. Rajiv Dhawan, A.E. /EE (Civil)

Or

(b) Charge sheet to be dropped keeping in view the detailed submission made by the charged officers.

The agenda may please be placed before the BOARD for consideration and passing appropriate orders.

AGENDA ITEM NO. 32/13

AGENDA TO BE PLACED BEFORE THE BOARD FOR TAKING DECISION FOR CONDON THE DELAY AS PER REPRESENTATION FILED BY SH. LOV BHATIA, UDC/CO (RETD. UNDER 56j) AND REVIEW THE EARLIER PENALTY IMPOSED ON SH. LOV BHATIA, UDC.

The brief of the case

1. In the instant matter, Director(L&L) has observed that while processing the case of executing the conveyance deed in respect of flat No. D-41, Jhilmil Colony, Shahdara, Delhi-110095 that the then dealing hand Sh. Lov Kumar Bhatia, UDC, Sh. C.P. Sharma, the then AD (L&L), Sh. Harish Vats, the then DD(L&L)/Vender had violated the set procedure/prevailing policy governing the issue of conversion of lease hold property into free hold.

2. The said flats was initially allotted to Smt. Basanti W/o Sh. Mukundi in the year 1957. Later on, the said quarter was regularized in the name of Smt. Sushila Batra being an unauthorized occupant of the quarter on 28.12.1974 (**Annexure-I**) and a demand was also raised from her on 18.01.1983 (**Annexure-II**). As per terms of GOI's order dated 11.06.1984, Sh. Ashok Kumar Batra S/o Sh. B.R. Batra had applied for grant of lease hold rights (**Annexure-III**). As such the case was regularized in the name of Smt. Sushila Batra, she had given NOC on 05.05.1992 on an affidavit for execution of lease deed in favour of his son Sh. A.K. Batra. Letters were also sent to Sh. Ashok Kumar Batra S/o Sh. B.R. Batra by L&L Branch to submit the related documents in support of his claim of lease hold right in respect of above said flat No. D-41, Jhilmil Colony, Delhi-110032. After the death of Smt. Sushila Batra on 19.04.2004, his eldest son Sh. Ved Prakash Batra S/o Sh. B.R. Batra had applied for free hold right in respect of Qtr. No. D-41, Jhilmil Colony. vide application dated 12.12.2005 along with related documents (**Annexure-IV**). But because of no response from the department, Sh. Ved Prakash being eldest son has again represented on 09.01.2012 to issue him a demand letter in his favour. Accordingly, demand notice amounting to Rs. 8612/- was issued in the name of Sh. Ved Prakash on 12.01.2012 in respect of said flat. (**Annexure-V**)

3. It further reveals that Sh. Lov Kumar Bhatia, the then UDC while working in L&L branch during the year 2012 willfully ignored laid down policy/procedure governing issue of conveyance deed to favour particular

person Sh. Ved Prakash S/o Late Sh. B.R. Batra in whose name the conveyance deed was executed in respect of Qtr. No. D-41, Jhilmil Colony, Shahdara and thus committed serious misconduct. The main misconduct was that Sh. Lov Kumar Bhatia did not seek the details of legal heir and also did not verify the facts that mutation was not done before executing free hold rights in respect of the aforesaid property. He did not justify why he considered the NOC/documents submitted by Sh. A.K. Batra favouring Sh. Ved Prakash while another documents submitted by Sh. A.K. Batra i.e. an affidavit of Smt. Sushila Devi his mother favouring Sh. A.K. Batra was not considered.

4. The above said serious discrepancies were also not noticed by Sh. C.P. Sharma, the then AD and Sh, Harish Vats, the then Dy. Director/Vendor(Retd.). Accordingly, Show Cause Notices were issued to all of these official/officers detailing the misconduct. In their replies they have almost repeated the same contents and the defence taken by the said officials was not trustworthy and avoided specific reply to the Show Cause Notices.

5. The matter was placed before the then CVO, DUSIB and CVO, DUSIB vide his minutes dated 29.03.2017 ordered to initiate major penalty proceedings, considering the gravity of the matter, against the above named officials. (**Annexure-VI**)

6. In the matter of Sh. H.C. Vats, DD (Retd.), it is submitted that departmental proceedings in respect of retired govt. servant can be initiated as per rule 9 of the CCS(Pension) Rules, 1972. As per rule 9(2)(b)(ii) the departmental proceedings if not instituted while the govt. servant was in service, whether before his retirement or during his re-employment shall not be in respect of any event took place more than four years before such institution. Sh. H.C. Vats had retired on 30.06.2013 and the event took place on 11.05.2012 hence no action can be initiated against him under CCS(Pension) Rules as more than four years have been passed after his retirement.

7. The matter was placed before the then CEO, DUSIB and accordingly vide order dated 06.06.2017 CEO, DUSIB has approved to drop the action/inquiry against Sh. H.C. Vats and approved for holding common proceedings in respect of Sh. C.P. Sharma & Sh. Lov Bhatia. (**Annexure-VII**)

8. Further, as per the advice of CVC vide OM dated 06.12.2017, charge sheet for major penalty proceedings were issued to Sh. C.P. Sharma, Dy. Director/CO and Sh. Lov Bhatia, UDC/CO. After denial of charges by both

COs, IO & PO were appointed vide order dated 27.04.2018 (**Annexure-VIII**).

9. The IO vide his findings dated 08.03.2019 has submitted the report to CVO, DUSIB stated that charges are Not Proved. In the meantime Sh. C.P. Sharma, DD had expired on 10.03.2019 and as per Rule 15(4) of CCS(CCA) Rules, 1965, the case against Sh. C.P. Sharma, CO was closed after obtaining approval from the then CEO, DUSIB and issued order 02.05.2019 accordingly with a copy to CVC. The CVC vide OM No. 017/DLH/021-426920 dated 24.07.2019 has also noted the position in respect of Sh. C.P. Sharma, CO (**Annexure-IX**)

10. The inquiry report in respect of Sh. Lov Bhatia, UDC/CO was placed before CVO, DUSIB and it was observed by the CVO, DUSIB that the inquiry report is not in order on the various grounds and ordered to hold de-novo inquiry against Sh. Lov Bhatia, UDC/CO and accordingly matter was placed before the then CEO, DUSIB. The then CEO, DUSIB vide order dated 10.07.2019 had agreed for de-novo inquiry (**Annexure-X**) and appointed again Sh. Rohit Kumar as Inquiry Authority vide letter dated 24.07.2019 . (**Annexure-XI**)

11. Thereafter, IO has submitted his inquiry report dated 31.10.2019 vide which charges leveled against Sh. Lov Bhatia, UDC were held as proved (**Annexure-XII**). In the meantime, Competent Authority, DUSIB vide order No. GA/1160/17/Part-II.Admn./2017/D-214 dated 31.10.2019 given retirement under Rule 56(j) of CCS (Pension) Rule, 1972 to Sh. Lov Kumar Bhatia, UDC (**Annexure-XIII**). As per rule 15(2) of CCS(CCA) Rules, after obtaining approval from the then CEO, DUSIB dated 18.11.2019, the said report was provided to Sh. Lov Bhatia, UDC/CO (now retd. under 56j) for his written submission.

12. Sh. Lov Bhatia, CO has made representation vide dated 17.12.2019 against IO report. After considering the entire facts & record the CEO, DUSIB has imposed penalty of withholding Gratuity of Sh. Lov Bhatia, UDC/CO by 20% permanently and his pension to the extent of 20% for a period of 3 years. Order in this regard was issued on 20.02.2020. (**Annexure-XIV**)

Gist of present representation of Sh. Lov Bhatia, UDC(Retd. under 56j):

13. Now, Sh. Lov Bhatia, UDC (Retd. under 56j) vide his representation dated 03.08.2022 filed an appeal against the above order dated 20.02.2020 and requested to cancel and withdraw the penalty order and order restoration of full pension w.e.f. the date this penalty which had

been implemented and also to issue orders for payment of arrears, along with interest towards 20% cut in pension as well as deduction of 20% gratuity along with interest. (**Annexure-XV**)

14. He has further submitted that as per departmental inquiry initiated against CO in terms of charge Memo dated 16.01.2018, Sh. Rohit Kumar, SE(Retd.) from DDA was appointed as IO and he has submitted the report dated 08.03.2019 concluding that the articles of charges framed against him are 'Not Proved'. After that an UDC named J.P. Gandhi, UDC, (a junior most functionary in the vigilance wing of DUSIB) processed the file to hold on de-novo inquiry quoting discussions with CVO , DD & AD(Vig.) clearly reflects that they have pre-decided and pre-determined not to leave anything for Disciplinary Authority to apply his mind to. This preemptive stance is also manifestly clear from the note of AD(vig.).

15. It has also been submitted that the note of AD(Vig.) submitting draft orders of appointment of IO and PO clearly reflects that the AD(Vig.) too had supposed that the Disciplinary Authority is bound to approve what had been recorded and recommended by the UDC. It has further, stated the there is nothing left for the Disciplinary Authority to apply his own mind on the findings of the first inquiry report, blindly guided by the above pre-decided and prejudiced note, he too performed the ritual by recording "As Proposed". Thus, it is clear that the Disciplinary Authority did not, at all, apply his own mind while remitting the report to the same IO for conducting de-novo inquiry.

16. In support of his claim, he has provided the supported documents/guidelines as per Commission's Circular No. 005/VGL/11 dated 25.05.2015. It has also been submitted that the order of remitting the inquiry back to the inquiry officer for a de-novo inquiry, was issued without application of mind by the Disciplinary Authority, was arbitrary and in clear violation of the Govt. Orders and hence not sustainable in the eyes of law.

17. Further, the CO has requested to draw the kind attention towards DOPT OM No. F. No. 11012/3/2015-Estt. A-111 of 18.02.2015 with the subject line 'Importance of following the due process in disciplinary proceedings' and discussed in detail annexed.

18. Further, the CO has stated that despite the above order of GOI and the mandatory provisions in the CCS(CCA) Rules, the Ld. Inquiry Officer, during the first and de-novo inquiry, omitted to follow this mandatory procedure of generally examining the undersigned under Rule 14(18) of the CCS(CCA) Rules. As an evidence of procedural lapse, he has attached the documents i.e. daily order sheets dated 24.08.2018 during

first inquiry and daily order sheet 13.09.2019 recorded during de-novo inquiry. It has further clarified by the CO that in both daily order sheets, the Ld. Inquiry Officer did not comply with the mandatory procedure of first asking him whether he would like to examine himself as his own witness under Rule 14(17) and since neither IO asked nor CO opted to be examined as a witness, the Ld. IO was mandatorily duty bound to generally examine CO under Rule 14(18), but IO did not do so during both these inquiry proceedings. Therefore, in view of the above said DoPT OM of 18.02.2015, both these inquiry proceedings have been vitiated and as per the law settle by Hon'ble Supreme Court of India, both these proceedings are non-est for non-conformity of the procedure, without even going into the merits of the case.

19. Sh. Lov Bhatia, CO has also submitted that as per order of CAT, Principal Branch, New Delhi's dated 24.01.2017 in the case of Rajendra Mishra v. Ministry of Personnel, Public Grievances and Pensions, in which, relying on previous decision of the Apex Court, the consequence of non-compliance Rule 14(18) had been clearly recorded under para 23.

20. Sh. Lov Bhatia has further referred Handbook for Inquiry Officers and Disciplinary Authorities-2013 published by DoPT, GOI which clearly stipulates the 'grounds for seeking judicial review and stated that i) the inquiry report dated 27.04.2018 suffers from substantive procedural lapses ii) the order for remittance of inquiry report suffers from non-application of mind and iii) the second inquiry report dated 30.10.2019 too suffers from substantive procedural lapses.

21. At the end, Sh. Lov Bhatia has requested to cancel and withdraw the penalty order and order restoration of his full pension w.e.f. the date this penalty had been implemented and also issue orders for payment of arrears, along with interest towards unlawful 20% cut in pension as well as unlawfully deducted 20% gratuity along with interest.

Observations:

22. In this matter it is submitted that after receiving the first inquiry report dated 08.03.2019 from Sh. Rohit Kumar, IO, as per Rule 15(2) of the CCS(CCA) Rules, the inquiry report was placed before the then Disciplinary Authority/Member(Admn.) for further orders but the same was return with the remarks that "Pl. discuss the inquiry report" (**Annexure-XVI**). As per discussion certain facts in the matter was obtained from L&L branch and accordingly the Disciplinary Authority was in opinion for de-novo inquiry in the matter.

23. During the course of action in the matter, it has been observed that the then CEO, DUSIB had ordered to initiate common proceedings in respect of Sh. C.P. Sharma, DD(now expired) and Sh. Lov Bhatia, UDC. Due to initiate common inquiry for major penalty proceedings, the Disciplinary Authority was the then CEO, DUSIB as on officer of Group “A” was involved in the matter. **(Annexure-XVII)**

24. Hence, as per the directions the matter was placed before the then CEO, DUSIB vide note dated 04.07.2019 and obtained his approval for appointing IO & PO for de-novo inquiry as per the recommendations of the then CVO, DUSIB **(Annexure-XVIII)**. Hence, intention of CO that Disciplinary Authority did not apply his mind is not correct. After proper application of mind the Disciplinary Authority i.e. CEO, DUSIB vide order dated 27.01.2020 has “imposed penalty of withholding Gratuity of Sh. Lov Bhatia, UDC/CO by 20% permanently and his pension to the extent of 20% for a period of 3 years” .

25. Further, with regard to inquiry report submitted by IO as ‘Not Proved’ in his first report and ‘Proved’ in his second report is the outlook of the Inquiry Officer based on his findings.

26. After receiving the second report from IO, as per rule 15(2) of CCS(CCA) Rules, the same was placed before the Disciplinary Authority i.e. CEO, DUSIB vide note dated 16.01.2020 and Sh. Lov Kumar Bhatia, CO was given opportunity to make representation against findings of IO. After considering the entire facts/records the CEO, DUSIB vide his note dated 27.01.2020 has ordered to “impose penalty of withholding Gratuity of Sh. Lov Bhatia, UDC/CO by 20% permanently and his Pension to the extent of 20% for a period of 3 years”. Accordingly, the order in this regard was issued vide No. RDA No. 1/Vig./DUSIB/64/2017/D-115 dated 20.02.2020. **(Annexure-XIX)**

Appeal of Sh. Lov Bhatia, UDC(now retd. under 56j)/CO

27. Sh. Lov Bhatia has filed an appeal against the order of CEO, DUSIB dated 20.02.2022 before the Appellate Authority beyond the prescribed limit of 45 days by raising the certain issues. He has clarified that delay in filing this appeal has occurred firstly due to pandemic COVID related restrictions and prolonged health issues in his family and secondly due to time taken in identifying an able Counsel and in collecting needed inputs through RTI. He has humbly requested that on humanitarian grounds, the delay may please be condoned under powers vested with Appellate Authority under Rule 25 of CCS(CCA) Rules 1965.

28. As per Rule 24 (2) (i) “an appeal against an order in a common proceedings held under Rule 18 shall lie to the authority to which the authority functioning as the Disciplinary Authority for the purpose of that proceedings is immediately subordinate”. Hence, being common proceedings in the matter the next higher authority, i.e. Appellate Authority is DUSIB Board as CEO, DUSIB has passed order imposing penalty in accordance of Rule 9 CCS(Pension) Rules, CO being already given retirement under 56j by Competent Authority.

29. Further, as per Rule 25 of CCS(CCA) Rules, 1965 “no appeal preferred under this part shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant:

30. Provided that the Appellate Authority may entertain the appeal after expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time”.

31. The matter of appeal filed by CO before Board was placed before the then CEO, DUSIB. The CEO, DUSIB rejected the appeal of CO for condonation of delay stated that there are no compelling reasons. However, the matter was again placed before the then CEO, DUSIB stated that the Appellate Authority in the matter is DUSIB Board. Accordingly, CEO, DUSIB vide his order dated 07.10.2022 has approved to place the matter before the DUSIB Board. Since DUSIB Board is the Competent Authority to take decision in respect of appeal filed against the penalty order passed by the then CEO DUSIB dated 18.02.2020, we may place the matter before Board in the next Board meeting for decision w.r.t.

- i) Condon the delay as per representation filed by Sh. Lov Kumar Bhatia, CO dated 03.08.2022.
- ii) Appeal filed against order dated 20.02.2020 issued under the signature of CEO, DUSIB vide which CEO, DUSIB has imposed penalty of withholding Gratuity in respect of Sh. Lov Bhatia, UDC/CO by 20% permanently and his Pension to the extent of 20% for a period of 3 years.

AGENDA ITEM NO. 32/14

FOR CONSIDERATION AND FINAL DECISION IN THE DISCIPLINARY PROCEEDINGS IN R/O SH. C.P.SINGH, EXECUTIVE ENGINEER (RETD.).

1. The instant case relates to the unauthorized encroachment in the form of statues of Dr. Bhim Rao Ambedkar and Shri Sai Baba on both sides in front of the proposed double storey Community Centre at B block, JJR colony, Nangloi phase II, New Delhi, resulting in the unauthorized construction of 5 shops on the left side of the Community Centre, where the Baba Saheb Ambedkar statue was kept.
2. A Disciplinary proceeding was initiated against Sh. C.P. Singh, Executive Engineer {Civil} retired vide memorandum no. D-904/DD/Vig./ DUSIB/2019 dated 07/10/2019 under Rule 9 of Central Civil Services (Pension) Rules, 1972 in accordance with the procedure laid down in Rule 14 and 15 of the CCS (Classification, Control and Appeal Rules) 1965, after seeking 1st stage advice from CVC **(Annexure-I)**.
3. The charges were that Sh. C.P. Singh, Ex. Engineer (Civil), during his tenure in the C-2 Division (15/12/2007 to 31/03/2016) failed to take appropriate action at the initial stage for removal of the unauthorized encroachment in the form of statues of Bhim Rao Ambedkar and Shri Sai Baba on both sides in front of the proposed double storey Community Centre at B block, JJR colony, Nangloi phase II, New Delhi. This resulted in the un-authorized construction of 5 shops on the left side of the Community Centre, where the Baba Saheb Ambedkar statue was kept. He failed to take necessary action to stop the un-authorized construction.
4. Further, that Sh. C.P. Singh, EE/DDO has also made excess payment to the contractor for construction of the boundary wall of the Community Centre thereby causing loss to the Department and undue benefit to the Contractor.
5. The Charged Officer denied the charges leveled against him vide reply dated 21/12/2019 **(Annexure-II)**.

6. Sh. Ajay Tiwari, SR. S.E. (Retired), A.I.R., was appointed as Inquiry Authority to inquire into the charges framed against him vide order no. R.D.A. No.1/Vig./ DUSIB/ 68/ 2018-20/D-799 dated 28/10/2020.

Inquiry Authority

7. The Inquiry Authority submitted his findings dated 11/06/2021. However, the supporting records were not provided by the Inquiry Authority along with his report. He was directed to provide the requisite record vide this office letter dated 05/08/2021, 23/08/2021, 29/09/2021, 11/10/2021 and 22/11/2021. The records were provided piece meal. The Inquiry Authority did not prove the charges. **.(Annexure-III).**
8. The matter was placed before the CEO, DUSIB. In disagreement with the findings of the Inquiry Authority, a "Note of disagreement" along with the inquiry report was sent to the charged officer for his comments/submission, if any, vide no. D-326/DD/Vig./DUSIB/2022 dated 02/05/2022.**(Annexure-IV).**

"Note of disagreement"

9. In the disagreement note the CEO, DUSIB, found that the Inquiry Authority has not recorded the findings in a consistent and logical manner. The vital facts brought out by the Presenting Officer and witnesses during the inquiry have not been appreciated.
10. The Inquiry Authority has failed to take cognizance of the fact that the P.O. in his brief has stated that NOC granted by DEMS, purportedly issued by an S.I. of MCD, without any date, official address etc is in the records. I.O. could not brought out the fact as to how and when this NOC got into the concerned file which was relied upon by C.O. as the sole evidence that responsibility lies on the part of MCD. The Inquiry Authority has not taken into consideration that NOC is the base for all the confusion that has been created by C.O. to legitimize the idols, as structures which did not have a roof as per letter dated 24/01/2014 of Smt. Bhumi Rachoya in which she had made a request that proper shelter be arranged

over the statues. The said letter dated 24/01/2014 is a listed document and the same has not been properly examined by the Inquiry Authority. This is also corroborated by the statement of Sh. Mahender Singh, Asstt. Engineer, in his statement dated 07/11/2017 which is also a listed document. In his statement, he has stated that there were two uncovered statues of Dr. Bhim Rao Ambedkar and Shri Sai Baba at two corners facing the main road. He has not taken into consideration that how the shop like structures came into existence when from the very beginning there were only two uncovered statues at the site and no shop like structures existed.

11. Further, the Inquiry Authority has not examined the fact that on the one hand the charged officer is taking the plea that the unauthorized structure/ portion of land with idols/structure on both sides was not taken over by DUSIB and that the action for removal of unauthorized construction/ encroachment/ idol was under the jurisdiction of MCD and hence no action was required by DUSIB. However, at a later stage, the Executive Engineer himself has processed the case for the removal of the same religious structure adjacent to double storey Community Centre at block B JJR Colony, Nangloi Ph. II to avoid hindrance in usage on their own which is contradictory. I.O. has not properly examined that If action for removal of encroachment lies on the part of MCD, it should have been referred to MCD, at the initial stage itself, which was not done. As such, the Inquiry authority has not properly examined the fact that no action was taken by the charged officer to remove the unauthorized structure/encroachment in form of statues/structure that came up during the construction of the Ambedkar Bhawan and payments were released to the contractor later on. He had failed to inform the concerned authorities to stop the unauthorized construction/ encroachment in the form of six shop like structure having various artifacts installed in each of it.
12. Further, the Inquiry Authority has not taken into account the fact that the presenting officer has stated that the payment of earthwork in excavation, P/L CC in foundation and brick work in foundation for the same wall of this work has been paid. The deposition of Sh. Navin Jain and Sh. Kulbhushan supported by

their report has not been appreciated by the Inquiry Authority which indicated that there is mismatch of measurement recorded in measurement book for which payment was released to contractor and physical measurement existed at site.

13. Further, the report of the inquiry authority has ignored the vital facts based on records that:

1. The Inquiry Authority has ignored the vital evidence on record that the payment made for the excavation of boundary wall show measurements of the JSC side is 37.9 mtr, play ground side as 36.05 mtr, school side 38.6 mtr and main road side as 30.64mtr, on 20/06/2014 in M.B. If there was a structure at the site as stated by Sh. Navin Gulati in his statement, how the payment was made to the contractor, for excavation of the boundary wall i.e. the area of measurement of earth excavation for boundary wall, brick work in foundation and plinth, brick work within superstructure above plinth level up to floor V level in all shapes and sizes of boundary wall for the entire measurement as indicated above?

2. The Inquiry Authority has also ignored and failed to correlate the vital evidence on record that the above measure is approximately the same measurements recorded in the detailed estimate prepared by Sh. Mahender Singh, AE, which states that "the back side wall to be constructed with foundation, front wall demolished and side length wall in deteriorated condition and damaged at places" and further in the sketch, the measurement of front side is 31.60 mtr; left side 39.10mtr; back side 35.80mtr and right side is 38.00 mtr. This appears to indicate that only back side wall was to be constructed with foundation work etc however measurement entries recorded in MB show that extraction, foundation etc work was taken for the entire four sides of boundary wall including the front side facing main road where encroachment in the form of unauthorized construction found existing at two corners. If the contention of C.O. that two corners in the form of shops and a temple already existing be so, how excavation, foundation etc work was made possible without disturbing the existing two so called already existing structures?

14. Further, the Inquiry Authority has not taken into consideration that the P.O. was not present at the time of

inspection carried out by him. The site visit made by the Inquiry Authority along with the charged officers during the process of inquiry is also not in order. Even if for a second, the measurements taken at site by the Inquiry Authority are taken into account, he has not provided the measurement on a sketch plan of the site to show how the measurements have been taken? Mere matching of figures without indicating it on a rough sketch or map and correlating it with the record of MB is an afterthought and as such has no justification. Hence, the same cannot be taken into consideration.

15. Further, the Inquiry Authority has ignored the vital evidence on record and the correctness of the conclusion of the said improper Inquiry report is neither justifiable nor supported by records. Thus, the finding of inquiry officer is vitiated due to such serious defects which necessitate the recording of the reason of disagreement and tentatively disagree with the findings of the Inquiry Authority that the charges are not proved on basis of the record.

Representation of Sh. C. P. Singh, E.E.(Retd.)/C.O. on the "Note of Disagreement"(Annexure-V).

16. Sh. C. P. Singh, Ex. Engineer (Retd.) vide his representation dated 20/05/2022 has made his submissions on the Note of Disagreement served on him. The brief submissions of Sh. C.P. Singh, Ex. Engineer (Retd.), are that the inquiry into the charges have been conducted by Sh. Ajay Tiwari, Senior Superintending Engineer (Retd.), after taking a total appraisal of the facts and evidences brought and discussed during the inquiry proceedings, the Inquiry Authority has not proved the leveled charges in his inquiry report submitted to the department. He has stated that he has enclosed the inquiry proceedings as Annexure A, B, and C.
17. With regard to para relating to N.O.C. granted by DEMS department of MCD, Sh. C.P. Singh, Ex. Engineer (Retd.), has stated that it is not a listed document but the presence of this NOC cannot be denied right from the inception of estimate file prepared for the construction of the Community centre at Block B, JJ R Colony, Nangloi, Phase-II. No investigation has been conducted by the vigilance department on this point as to on which date and how the NOC became part of the file and who inserted it in the file. It is made clear here that the IA

cannot carry out any investigation on this point but has to confine to his findings on the available material/record placed before him during the inquiry proceedings. The NOC has not created any confusion but has been properly considered time to time by all the authorities as and when the file was placed before them. It is quite evident from the letter dated 24/01/2014 that up to that date the alleged statues were uncovered. The presence of NOC in the relevant case file has been admitted by the prosecution witnesses during their deposition i.e. Sh. P.S. Johar and Sh. Naveen Gulati the retired AE. This is also again a point of investigation as to how and when the uncovered statues converted into shops. This point has not been properly investigated by the Vigilance department and the IA cannot carry out any fresh investigation on this point but has to write the inquiry report on the available documents and information.

18. With regard to removal of action on the alleged statues/structure he is still of firm conviction that the action was to be taken by the MCD and not by DUSIB. He has referred para 7 of the order no. PS/CEO/DUSIB/2013/D-107 dated 18/04/2013 i.e.

"Regulation of the building activities is the statutory responsibility of local bodies. However, any encroachment on the land not allotted to an individual or agency, should be stopped by DUSIB. Any unauthorized construction or encroachment on the lands of services which have been handed over to MCD in resettlement colonies/squatter resettlement (SRS) colonies, shall prevented/ removed by the Municipal Corporation concerned. But the vacant land which is not part of any civic centre shall be looked after by DUSIB in view of the fact that ownership of the land in the resettlement colonies/SRS colonies continues with DUSIB".

19. He has further stated that as EE(C-2) he has tried his level best to bring all these facts into the knowledge of higher authorities i.e. before SE, CE, Member (Engineer) and CEO for taking necessary actions. That he has initiated action for removal of the aforesaid statue/structure

under the order/guidance of the higher/competent authority. He has clarified that the proposal for the removal of statues/structure was submitted for the permission as per direction of the Hon'ble MLA and Anusuchit Jaati Vikas Sangathan which was explained in the note of his superior Sh. B.V. Gautam, S.E.

20. With regard to inspection by the quality control team which inspected the work with excavation, P/L CC in foundation and brick work did not take with them the existing AE(Civil) Sh. P.S. Johar, him or Sh. Naveen Gulati. Had they taken them, they could have clarified the factual position. In fact, he has stated that the factual excavation was properly entered in the MB and the payment thereto made accordingly as per measurement entered in the MB and there is no mismatch in recording the measurement book. Sh. Naveen Gulati is qualified engineer and carries with him vast experience of engineering works and has clarified that the officers deputed from the Vigilance cell are not qualified engineers competent to contribute anything in the measurement of boundary wall but could influence the inspection team. That Sh. Naveen Gulati further clarified that there is no standard measurement procedure. The total length is measured by the measuring authority including all the segments leaving no portion unmeasured even by mistake. And that Sh. Naveen Gulati further removed the fallacy that definitely there is a wide and broad possibility for honest error in measuring each small segment including corners around the pillars.
21. Further, Sh. C. P. Singh has clarified that till his existence as EE(C-2) i.e. upto March 2016 there were only alleged uncovered statues/structure and there was no shop or temple. The case for formulation of estimate was processed in the year 2013 wherein the entire plot of land including two statues in question was taken into account. However, no case was processed for demolition of these two statues/ structure in the next nearly 8 months till a decision was taken to shift the building line and to protect the statues on the recommendation of the area counselor and President, Anusuchit Jaati Sangh, Nangloi. Accordingly, the boundary wall was constructed leaving apart these structures. The length of the entire boundary wall including these structures as given in the

detailed estimate was about 144 mtrs. However, after the shift of building line the boundary was constructed leaving apart the two structures in question. The total building line of the constructed wall was 123 mtrs and the payment was made to the contractor accordingly as recorded in the measurement book by the contractor.

22. Sh. C.P. Singh has admitted the fact that the site inspection carried out by the Inquiry Authority carries no evidential value and has further has no comments to offer on the Inquiry Authority not conversant with the norms of Inquiry and did not send the said record to the Disciplinary Authority. However, he has stated that he has attached/enclosed the requisite relevant record (copies) for kind perusal to reach the right conclusion and impart justice.
23. Sh. C.P. Singh, EE (Retd.) has further requested for consideration on compassionate grounds that he joined Slum & JJ Department as a Jr. Engineer (Civil) and elevated to the post of Asstt. Engineer and then Executive Engineer and worked as EE C-2 from 15/12/2007 to 31/03/2016 and discharged his duties with due diligence and his work and performance commended by his superiors as well as HODs. In fact the present charge sheet is legally untenable, factually spurious and naturally malafide being served on him after 4 years of his retirement. The present cause of action arose before 4 years of his retirement i.e. 31/03/2016 i.e. before 07/10/2015. Hence, the proceedings are barred under Rule 9 of CCS Pension rule 1972.
24. He has further prayed that the worthy Disciplinary Authority may agree with the findings of the Inquiry Report and may exonerate him of the leveled charges for the sake of natural justice and fair play.

Observations:

25. On perusal of the reply submitted by the C.O. it is given to understand that whatever he has stated in the representation is repetition of his earlier submissions during the inquiry and the same has already been considered.
26. The Charged Officer would have come up with best evidence available with him to counter points raised in the note of disagreement that there were two uncovered statues of Dr. Bhim Rao Ambedkar and Sri Sai Baba at two corners facing the main road, the deposition of Sh. Mahender Singh, AE

(Civil) retired confirms the presence of two uncovered statues of Baba Saheb Ambedkar and Sri Sai Baba as well as representation from Area Municipal Councilor. Further, vital evidence on record with respect to mismatch of measurement recorded in measurement book not been correlated with physical measurement found at site. He was not able to bring any new facts in his reply on the above important points.

27. Two other Charged Officer's namely Sh. Mahender Singh, AE (Retd) and Sh. Navin Gulati, A.E. (Retd.) are also named in the case. Major penalty of 3% cut in pension for one year has been imposed upon Sh. Navin Gulati, AE (Retd) vide order of Disciplinary Authority dt. 29.04.2022. Sh. Mahender Singh, AE (Retd), has been exonerated by the Disciplinary Authority vide order dated 08/07/2022.

Rule position:

28. Sh. C.P. Singh, EE (Civil) superannuated on 31/12/2016. Charge sheet was issued to him on 07/10/2019, which is within a period of 04 years of retirement. Even though, the encroachment relates to the period when Sh. C.P. Singh, Ex. Engineer was posted in C-2 Division from 15.02.2007 to 31.03.2016, the last payment to the contractor was made by him on 23.10.2015. Hence, within a period of 4 years from the event.
29. The Board in its 3rd meeting has delegated the power of Disciplinary Authority to CEO & Member (Admn.) as mentioned in order no. PA/Dir.(Admn.)/2011/D-200 dated 28.07.2011(**Annexure-VI**). However, it is further mentioned that there are two categories in respect of retired employees i.e. (i) against whom charge sheet had been issued prior to retirement and(ii) against whom Disciplinary proceedings are contemplated after retirement for alleged misconduct. The Board vide its decision in the Board meeting held on 26/06/2011 ordered as under:
- (i) The Board delegates its power to their respective Disciplinary Authority as if they were continued in service.
 - (ii) The Chairperson of DUSIB shall approve initiation of disciplinary proceedings, issued of charge sheet and appointment of IO & PO, where after on the findings of the inquiry proceedings the case will be placed before the Delhi Urban Shelter Improvement Board for a final

view in the matter.

(iii) The UPSC and CVC will be consulted wherever applicable.

30. Sh. C. P. Singh, EE (Civil)/ charged officer is Group 'A' retired employee. As per the above order, the charged officer falls under the category (ii) above.
31. Now, keeping in view the charges framed against Sh. C. P. Singh, EE (Civil) retired, the report of the Inquiry officer and the representation filed in this regard to the disagreement note of CEO, DUSIB, by the charged officer, the matter is placed before the BOARD in pursuance of office order no. PA/Dir.(Admn.)/2011/D-200 dated 28.07.2011.
32. Accordingly, the facts as above are placed before the Board for consideration and taking final decision in the matter of Disciplinary proceedings (as the BOARD may deem fit) against Sh. C.P. Singh, Executive Engineer(Civil)-Retired/charged officer, DUSIB.

AGENDA ITEM NO. 32/15

ABSORPTION OF SH. MAHESH ASSTT. ENGINEER (ELECTRICAL) ON DEPUTATION IN DUSIB.

1. In DUSIB, there are 15 sanctioned post of Assistant Engineer (Electrical). As per RRs of Assistant Engineer (Electrical) of DDA which are being followed in DUSIB, the method of recruitment is as under:

- (i) 75% by promotion (50% from amongst degree holder Junior Engineer with 3 years service in the grade and 50% from amongst diploma holders with 8 years service in the grade.
- (ii) 25% by way of department examination from Junior Engineer with 5 years service in the grade. **(Ref. Annex. A1)**

2. At present, only one post of Assistant Engineer (Electrical) is filled up on deputation basis against sanctioned strength of 15 posts that too on deputation basis, the provision of which is not available in RRs. In addition, at present in feeder post, 23 posts of Junior Engineer (Electrical) are filled up i.e. 14 on regular basis who are not yet eligible for promotion as AE (Elect) and 09 on contract basis. The appointment /selection of Sh. Mahesh, on deputation was made as per approval of the then CEO, DUSIB. Sh Mahesh Joined DUSIB on 25.07.2017 to the Post of Assistant Engineer(Electrical) on deputation. Applications for deputation were invited through Newspapers and his selection was made through interview & after proper screening. The present extension of Sh Mahesh AE(E) is available up to 11.10.2023**(Ref. Annex. A2)**

3. It is pertinent to mention here that, Central University of Haryana, the parent department of Sh. Mahesh, Asstt. Engineer (Elect.) has already given no objection for absorption of Sh. Mahesh in DUSIB, vide University letter dated 08.02.2017 & 18.07.2019. **(Annexure A-3 & A-4)**

4. As per RRs, there is provision of power to relax, when the Appointing Authority is of the opinion that it is necessary or expedient so to do , it may by order, for reasons to be recorded in writing, relax any of the provisions of these regulations in respect of any class or category of persons or posts.

5. In view of above, the department sent the below mentioned proposal to the then Minister (UD)/ VC, DUSIB.

- (a) Relax the power in Recruitment Rules for the post of Assistant Engineer (Elect) for consideration of absorption in the said Recruitment Rules.
- (b) Consider & accord approval for absorption of Sh. Mahesh, AE (Elect) in DUSIB prospectively i.e. from date an approval is accorded and shall be regulated by the orders & regulations on such matters.**(Annexure-5)**

6. The above proposal was approved by the then Hon'ble Minister UD on 19.04.2022. This proposal has now also been approved by present Hon,ble Minister U.D on 29.05.2023 .**(Annexure-6)**

7. It is further added that DUSIB is an autonomous body constituted under Delhi Urban Shelter Improvement Board Act,2010.

As per Section 6 of the DUSIB ACT-2010**(Ref.Annex-A7)**

“6 (1) The Board may appoint a Secretary and such other officers and employees as it may consider necessary for the efficient performance of its functions under this Act.

(2) The pay and other conditions of service of the officers and employees of the Board shall be such as may be prescribed by regulation.

(3) Unless expressly provided to the contrary under this Act or the regulations made there under, the terms and conditions of service of officers and employees of the Board shall be governed mutatis mutandis by the terms and conditions of service under the rules and regulations applicable to the employees of the Government and by the order sand decisions issued by the Government from time to time.”

8. It is pertinent to mention that, since no Asstt. Engineer (Electrical) is in position, as such his absorption to the post of AE (Elect) will not affect any other official. It is worthwhile to mention that this relaxation will be one time and will not be applicable in any other case.

PROPOSAL:

In View of above, it proposed to:

1. Relax the Recruitment Rules for the Post of Assistant Engineer (Electrical) for consideration of absorption in the said Recruitment Rules.
2. Consider and accord approval for absorption of Sh. Mahesh, AE(Electrical) in DUSIB prospectively i.e from the date on which the approval was accorded by the Hon,ble Minister (UD)/Vice Chairman DUSIB i.e w.e.f 29.05.2023 and shall be regulated by the orders & regulations on such matters.

AGENDA ITEM NO. 32/16

ENGAGEMENT OF RETD. DUSIB ENGINEERS (SH. S.K DANIA, CE(C) RETIRED, SH. N.K. JAIN, AE(C) RETIRD AND SH. KULBHUSHAN, AE(C) RETIRD AS CONSULTANTS ON CONTRACTUAL BASIS.

1. There is an acute shortage of staff in the DUSIB and at present about 22% of the sanctioned staff is working in the DUSIB. As 03 Chief engineers have been retired on superannuation from DUSIB on 31.08.2023 due to which the work of Engineering Wing of DUSIB is suffering.

2. In this regard CEO, DUSIB has put up a proposal for appointment of Sh. S.K. Dania, CE(C) Retired, Sh. N.K. Jain, AE(C) Retired and Sh. Kulbhushan, AE(C) Retired as consultant in DUSIB. Further, it is stated that the Board in its 22nd meeting held on 13.07.2018 vide Resolution No. 22/26 approved to engage retired employees as Consultant in accordance with the terms and conditions stipulated in Office Memorandum No. F.20/472015-AC/204-208 dated 04.12.2015 issued by the Finance (Accounts) Department, GNCTD and their remuneration shall be drawn against the post vacated by an officer of DUSIB on his superannuation. **(Annexure-A)**

3. Hon'ble Minister (UD) vide his order dated 20.10.23 has approved the proposal and further O/o in respect of Sh. S.K. Dania, chief Engineer (Civil) Retired, Sh. N.K. Jain, AE(C) Retired and Sh. Kulbhushan, AE(C) Retired as consultants in DUSIB has been issued on 23.01.23. **(Annexure-B)**

PROPOSAL:

Engagement of Retd. DUSIB Engineers (Sh. S.K Dania, CE(C) Retired, Sh. N.K. Jain, AE(C) Retird and Sh. Kulbhushan, AE(C) Retird as Consultants on Contractual basis.

AGENDA ITEM NO. 32/17

**RATIFICATION OF ENDORSING OUTDOOR MEDICAL SCHEME
CIRCULARS ISSUED BY DDA IN DUSIB.**

1. After transfer of erstwhile Slum & JJ Wing, DDA to MCD on 01.09.1992 and even after constitution of DUSIB w.e.f. 01.07.2010, the DUSIB has been following the rules and regulations of DDA. This is regarding ratification of endorsing of circulars issued by DDA from time to time in r/o OPD Claims in DUSIB.
2. DUSIB became autonomous body of GNCT of Delhi with the enactment of DUSIB Act, 2010 vide Notification No.F.14(18)/LA-2007/Law/227 dt. 31.05.2010 read with Notification F.No.1(7)UD/DUSIB/2010/9736 dt. 01.07.2010 w.e.f. 1st July-2010, and erstwhile Slum and JJ Department was merged with DUSIB with all its assets and liabilities.
3. The Section 30 of the Delhi Urban Shelter Improvement Board Act-2010 provided terms and condition of services of employee shall not be altered to his disadvantage without prior approval of Govt.
4. As per 18th Board Meeting of DUSIB held on 06-02-2017 vide Agenda item No 18/24 it was resolved that DUSIB will continue following DDA pattern in r/o outdoor treatment.
5. Till date following circulars of DDA have been endorsed which are being followed in DUSIB:
 - 1) F & E Circular No. 15/2018 dated 13.07.2018
 - 2) F & E Circular No. 19/2018 dated 20.09.2018
 - 3) F & E Circular No. 02/2019 dated 21.01.2019
 - 4) F & E Circular No. 07/2018 dated 25.04.2018
 - 5) F & E Circular No. 24/2018 dated 07.12.2018
 - 6) F & E Circular No. 13/2019 dated 14.06.2019
 - 7) F & E Circular No. 25/2019 dated 03.10.2019
 - 8) Prescribed Performa of application for OPD claim under the annual ceiling.
 - 9) Prescribed application form for submitting claim for special chronic disease/ post operative.
 - 10)F & E Circular No. 23 dated 07.11.2022
 - 11)F & E Circular No. 28 dated 22.11.2022
 - 12)F & E Circular No. 29 dated 22.11.2022
 - 13)F & E Circular No. 37 dated 22.12.2022 (Annexure- I to XIII)

PROPOSAL:

Board may ratify endorsing of DDA Circulars issued by DDA from time to time in r/o OPD Claim. Subsequent amendment in the Outdoor Medical Scheme will also be circulated accordingly.

AGENDA ITEM NO. 32/18

ENGAGEMENT OF 50 JUNIOR ENGINEERS (CIVIL) ON CONTRACT BASIS THROUGH GATE SCORE IN DUSIB.

A Meeting was held on 15.03.2023 under the Chairmanship of Hon'ble Minister U.D. wherein, CEO, DUSIB, Member (Admn.) and all Director of DUSIB were present. In the Meeting, it was decided that keeping in view the scarcity of Junior Engineer (Civil), we should invite applications through leading Newspapers on contract basis through GATE Score.

Similar procedure was also adopted by Delhi Jal Board for recruitment of Junior Engineer (Civil) on short term contract basis initially for a period of one year.(Annexure-1)

In DUSIB, there are 182 sanctioned posts of Junior Engineer (Civil) out of which 16 posts are filled up on regular basis whereas 34 J.E. (C) have been engaged on contractual basis. Hence, at present 182-50 (34+16) = 132 posts of Junior Engineer (Civil) are lying vacant. As discussed, in the first instance we may fill up 50 posts of Junior Engineer (Civil) on contract basis, the bifurcation of which will be as under:

General	:	18
SC-15%	:	7
ST-7.5%	:	4
P.H.-4%	:	2
OBC-27.5%	:	14
EWS-10%	:	5

As per Recruitments Rules of DDA which are being adopted in DUSIB, the method of Recruitment of the post of Junior Engineer (Civil) is as under: (Annexure-2)

1. Diploma holders in Civil Engg. with two years experience.
2. Graduate in Civil Engg.

Based on Delhi Jal Board guideline and RRs of DDA prevalent in DUSIB, the following Terms & Conditions of engagement of Junior Engineer (Civil) on contract basis are proposed:

1. The appointment of Junior Engineers (Civil) shall be on Short-Term Contract for a period of one year and extendable upto three years (one year at a time), after giving 02 days break and shall automatically come to an end after the expiry of the stipulated period of contractual engagements and will be as per the availability of the posts falling vacant under Direct Recruitment quota. Such vacancies shall cease to exist in case of regular recruitment through DSSSB.
2. Applications shall be invited from eligible candidates by giving wide publicity through two leading newspapers (one English and one Hindi) and through DUSIB Website.
3. The selection of the candidates shall be made on the basis of GATE score in respective subject, i.e., Civil Engineering in any of the last 03 corresponding year (one of them) obtained by the applicants and GATE score must be valid as on the crucial date i.e., last date to submit application.
4. The required qualification for the post of Jr. Engineer (C) will be as under:

1. Graduate in Civil Engg. with GATE Qualified.

5. All the applicants must fulfill the essential requirements of the post and other conditions stipulated in the advertisement. They are advised to satisfy themselves before applying.
6. The department shall monitor the performance of the candidates so engaged and depending upon his/her performance and further engagement beyond one year shall be decided accordingly.
7. The engagement to the post of Junior Engineer (Civil) shall be purely on Short-Term Contract basis and these Junior Engineers shall report for duty within a period of 15 days from the date of receipt of offer letter.
8. The department will not bear any kind of liability/responsibility during the period he/she remains on contract with DUSIB except payment of contractual remuneration for his/her service rendered to the department.

9. DUSIB will not hold any responsibility of any incident/accident of the contractual engineers during the period of engagement in DUSIB.
10. If any contract appointee, Junior Engineer (Civil) remains absent from duty for more than 30 days continuously without any valid reason, his/her contractual engagement will automatically stand discontinued.
11. Persons engaged for the post of Junior Engineer (Civil) on Short-Term Contract will have to undergo medical examination and their character & past antecedents will have to be verified from Police Authorities by DDO concerned.
12. In case of fresh engagement/re-engagement or extension of the period of contract, the department shall enter into a fresh contract agreement including, the terms & conditions with the contractual engineer, after obtaining approval of the Competent Authority i.e., Chief Executive Officer.
13. Only one day C.L. in a month will be admissible to the contractual employees, which cannot be carried forward to the next calendar year.
14. OBC candidates must ensure that they possess the latest Non-Creamy layer certificate issued by the Government of NCT of Delhi on the last date of application.
15. Applicants not found to be meeting the prescribed eligibility criteria shall be rejected at any stage of the selection process or after selection. Any applicant submitting false/incorrect information shall be rejected during any stage of selection process or at any time during his engagement.
16. The selected applicants will be paid a consolidated amount equal to the pay drawn by a Junior Engineer in respective Pay Matrix Level + DA at the entry stage. The DA shall be revised as and when such increase is given to regular employees. This rate shall remain unchanged till expiry of the contract period. No other allowances or facilities, available to regular employees, shall be payable to person appointed on Short-Term Contract.
17. In case Contractual engineer is found indulging in malpractices or does not perform his duties or involved in criminal offences or commits act of indiscipline or is involved in mis-utilization or embezzlement of funds or failed to perform the duties assigned to him, his contractual engagement may be terminated immediately without any prior notice, apart from initiation of action as per law.

18. Applications shall be invited from the eligible/willing candidates in the prescribed proforma attached herewith, alongwith Self-attested copies of all the relevant Certificates/Degree/Mark sheets and valid GATE result in any of the last 03 corresponding years (one of them). Applications received through registered post or by e-mail (adm.delhishelter@gmail.com) or in person in the office of Dy. Director (Admn.), Room No. F-04, VikasKutir, DUSIB, I.P. Estate, ITO, New Delhi-110002 by 12.06.2023 shall be entertained.

Hon'ble Minister (UD), GNCTD vide his order dated 11.4.2023 approved engagement of 50 Junior Engineers (Civil) on contract basis through gate score in DUSIB.(**Annexure-3**)

Further, Hon'ble Minister (UD) vide his order dated 04.05.2023 approved the draft of Press release, Format of application and Terms and Conditions of engagement of Junior Engineers (Civil) on contract basis of GATE score for publishing in Hindustan Times (English), Times of India (English) and Nav Bharat Times (Hindi).(Annexure-4)

Therefore, Press Notice has been forwarded to DD(PR) for issuing advertisement in newspapers and also forwarded to DD(Sys) with format of application and Terms and Conditions for uploading in DUSIB website. (**Annexure-5**)

PROPOSAL:

Ratification of Engagement of 50 Junior Engineers (Civil) on contract basis through GATE Score in DUSIB.

AGENDA ITEM NO. 32/19

RESTORATION OF THE POST OF LAW OFFICER.

The DUSIB is contesting about 970 courts cases spread at various courts including High Court of Delhi and Supreme Court of India.

The Law Section on its strength has the posts of One Chief Legal Advisor in the pay scale of PB-3 15600-39100 with GP 8700, one Law Officer in the pay scale of PB-3 15600-39100 with GP 6600, 04 posts of Jr. Law Officer in the pay scale of PB-2 9300-34800 with GP 4800 and 04 Legal Assistants in the pay scale of PB-2 9300-34800 with GP 4600.

The promotion channel between the post of Law Officer and Chief Legal Advisor i.e. Dy. Chief Legal Advisor in the pay scale of PB-3 15600-39100 with GP 7600 is missing as the post of Dy. Chief Legal advisor was upgraded to the post of Chief Legal Advisor. Earlier DUSIB was having two posts of Law Officers and out of them one post was later upgraded to the post of Dy. Chief Legal Advisor. Sh. R.K. Varshney and Sh. K.K. Aggrawal were given promotion on this post respectively **(Annexure-I & II)** After their retirement in the year 1994 and 1996, no other officer could be promoted to the post of Dy. Chief Legal Advisor as prior to becoming eligible for that post, the officers in feeder cadre got retired. The post was further upgraded to the post of Chief Legal Advisor but no officer joined on this post. Only a retired officer Sh. Praveen Shukla joined as C.L.A. for about one year on contract basis. After expiry of his contract he was not given extension. Since 6/11/2015 **(Annexure-III)** this post is lying vacant. It had been advertised on the website of DUSIB but nobody joined on this post. The incumbents in the feeder cadre are eligible for promotion to the post of Law Officer but they have been stagnated and they are not getting promotion for more than 14/15 years as there is a single post of Law Officer which is not vacant. Further, no officer is ready to join on the post of Chief legal Advisor. This post is lying vacant for more than 20 years since its upgradation/creation. Hence keeping the post of C.L.A. in DUSIB will not serve any purpose.

For proper representation and effective management of court cases, the DUSIB require at least two Law Officers who may be given higher responsibility. Since post has been proposed to be downgraded as such there is no financial implication.

In the Larger interest of DUSIB and the officers working in the feeder cadre of JLO, the post of Chief Legal Advisor/Dy. Chief Legal Advisor may be brought back /downgraded to the post of Law Officer in the pay scale of 15600-39100 with GP 6600 so that the incumbents may get the promotion and may be given higher responsibility.

Hon'ble Minister (UD) may has already approved the above proposal. Now it is submitted for ratification before the Board.

AGENDA ITEM NO. 32/20

REGARDING ALLOTMENT OF LAND TO VARIOUS GOVERNMENT AGENCIES ON INSTITUTIONAL INTER-DEPARTMENTAL RATES.

1. In the instant case, joint inspection was carried out on 08.02.2023 by the officials of DJB and DUSIB in order to identify the locations where DJB proposed to install tube wells bore alongwith pump room.
2. As per DUSIB policy decided in 7th Board Meeting held on 02.07.2012 under the Chairmanship of Hon'ble CM, Delhi, "Govt. Institution i.e. Schools, Hospitals and PSUs may be allotted land on the basis of Circle Rates on lease basis" **(Annexure-1)**.
3. A meeting was held on 10.03.2023 under the Chairmanship of Chief Secretary, GNCTD wherein vide Item No. 1(iii) it was decided that "DUSIB to handover land to DJB immediately and payment issue will be resolved as per approval of DUSIB subsequently." **(Annexure-2)**
4. Subsequently, a meeting was also held under the Chairmanship of Hon'ble CM on 15.03.2023 wherein Hon'ble CM asked Chief Secretary to pursue for permissions with all the concerned departments including DUSIB for boring of tubewells at 716 sites + 4 ranneywells sites **(Annexure-3)**.
5. Since 19 sites pertaining to DUSIB, CEO has issued an instructions vide No. PS/CEO/DUSIB/2023/D-115 dated 24.03.2023, in compliance with the directions of Hon'ble Chief Minister during the meeting held on 24.03.2023, that the land for these 19 tubewells be handed over to Delhi Jal Board at INSTITUTIONAL RATES in deviation of the policy approved by the Board, as a special case, in anticipation of the approval from the Government **(Annexure-4)**
6. The land under reference was handed over on 27.03.2023 **(Annexure-5)**.
7. Chief Secretary, GNCTD proposed that inter-departmental transfer of land shall be at the institutional rates rather than circle rates be charged as all these departments are dependent by and large in the Government support in terms of financial support. The Hon'ble Minister of UD forwarded the case to Hon'ble Chief Minister, Delhi. Hon'ble CM, Delhi

approved the proposal of Chief Secretary, Delhi and forwarded the same to Hon'ble LG, Delhi and approved the proposal **(Annexure-6)**.

8. Demand letter bearing No. D-840 dated 28.04.2023 has been issued on Inter-departmental Institutional Rates, as approved by Hon'ble LG, Delhi **(Annexure-7)**.

9. The file was forwarded to UD Department, GNCTD for issuance of Office Memorandum to the effect that the allotment of land pertaining to DUSIB shall be made on Inter-departmental Institutional Rates instead of Circle rates. CS, DUSIB has directed that DUSIB is required to obtain the approval of the BOARD which is chaired by Hon'ble CM and Hon'ble Minister is the Vice Chairman of DUSIB **(Annexure-8)**.

PROPOSAL:

As the proposal for charging of Inter-departmental Institutional Rates instead of circle rates moved by CS, DUSIB duly forwarded by Hon'ble UD Minister/Vice Chairman, DUSIB and Chief Minister, GNCTD/Chairman, DUSIB and subsequently approved by Hon'ble LG, Delhi, it is proposed that the allotment be made to Delhi Jal Board for 19 tubewells at the land measuring 171 sqm around Bhalswa Lake for boring and installation of tube well on Inter-departmental INSTITUTIONAL RATES fixed by DDA from time to time, on usual terms and conditions. The usual terms and conditions mentioned as under:

- i) That the land shall be used only for boring and installation of tube wells and not for any other purpose or commercial exploited.
- ii) That the construction should be completed within a period of two years from the date of taking over the physical possession of the said piece of land in accordance with the approved building plan.
- iii) That there should be no violation of terms and conditions of this allotment. In case of violation of the terms and conditions, the allotment shall be liable to be cancelled.
- iv) That the land should not be transferred / parted with possession wholly or partly to any other organization/department.

- v) That the rates of ground rent shall be enhanced by 5 times after completion of 30 years from the date of handing over of above referred site.

- vi) That the above said amount being purely provisional on the basis of DDA Institutional for the financial year 2020-2022 and if the rates revised for the financial year 2022-2023, the differential amount of cost and Ground Rent @ 2.5% thereon shall be demanded and payable by Delhi Jal Board, GNCTD.

AGENDA ITEM NO. 32/21

REGARDING RATIFICATION FOR THE EXTENSION OF AGREEMENTS OF SHELTER MANAGEMENT AGENCIES (SMAs) FOR OPERATION & MANAGEMENT OF SHELTER HOMES w.e.f. 01.11.2022 to 31.08.2023.

1. In the 31st Meeting of Board held on dated: 08.08.2022 vide agenda item no. 31/10, an agenda was placed for up-seeking approval of proposal for calling tenders for selection of SMA's & approval of A/A&E/S for amounting to Rs. 72.32 crore for Operation & Management of DUSIB Shelter Homes for a period of 02 years.

2. However, the above said proposal was not approved by DUSIB Board keeping in view the alarming situation of Covid-19 and past performance of SMAs, the extension of one year i.e. upto 31.10.2021 in respect existing agreements of SMAs was granted by the Board vide Minutes of 30th Meeting of DUSIB Board dated 09.06.2021. [ANNEXURE-A]

3. Further, in the 31st meeting of Board vide Agenda Item No. 31/08 held on dated: 08.08.2022, the existing contract agreements of SMAs were extended upto 31.10.2022 subject to the condition that the agencies performance is satisfactory and terms and conditions in vogue are accepted by the agency.

4. Subsequently, the existing work was extended for further 02 months i.e. upto 31.12.2022 for the finalizing the fresh tenders after taking prior approval from the Hon'ble Minister (UD) on dated 27.10.2022. [ANNEXURE-B]

5. In the meantime, the Draft Request for Approval (RFP) got approval for the portal NIC. The matter regarding call of tender on GeM portal could not be finalized due to administrative reason.

6. Furthermore, as per approval sought from Deputy CM/ Minister (UD) on dated- 08.02.2023, the existing work was further extended for a period of 03 months i.e. upto 31.03.2023. [ANNEXURE-C]

7. In addition to the extension, it was also suggested by the Hon'ble Deputy CM/ Minister (UD) that the tenders can be published on NIC or GeM portal as suitable urgently, so that the supply of services, being

provided to the Night Shelters are seamless and poor people do not suffer in the season of winter.

8. Moreover, the existing work was extended for further 02 months i.e. upto 31.05.2023 after taking approval from the Hon'ble Minister (UD) on dated- 08.05.2023 with the strict directions of putting all the efforts in awarding the said tenders to the new Shelter Management Agencies (SMAs). [ANNEXURE-D]

9. Accordingly, the said work has been extended from time to time again by Hon'ble Minister (UD) by upto 31.08.2023, as per the approval accorded vide orders dated- 26.08.2022, 27.10.2022, 08.02.2023, 08.05.202. [ANNEXURE-E]

10. The performance of the respective Shelter Management Agencies (SMAs) found satisfactory.

Proposal:

The matter is therefore, placed before the Board for ratification of decisions of the Hon'ble Minister (UD) for the extension of Agreements of SMAs for Operation & Management of Shelter Homes upto 31.08.2023 as per approval.

AGENDA ITEM NO. 32/22

OPERATION MANAGEMENT AND MAINTENANCE OF JSC's UNDER JURISDICTION OF DUSIB.

Ratification of decisions

Proposal 1.

Ratification of following decisions/approval accorded by the Hon'ble Minister (UD)/VC (DUSIB) GNCTD

- A. Ratification of Extensions approved by Hon'ble Minister UD/VC DUSIB for the following period :-
- (i) 06.09.22 to 05.10.22
 - (ii) 06.10.22 to 05.11.22
 - (iii) 06.11.22 to 05.12.22
 - (iv) 06.12.22 to 05.01.23
 - (v) 06.01.23 to 05.03.23
 - (vi) 05.03.23 to 20.06.23

The extension granted upto 20.06.2023 for execution of work through existing agreements already awarded for 6/3 months through call of tender/NIQ respectively as approved by Hon'ble Minister (UD)/VC (DUSIB) GNCTD

Since the services pertaining to Operation, Management & Maintenance of JSCs is a continuous process and cannot be disrupted at any point of time hence proposal for further extension upto 20.09.23 or till date of award of work through fresh call of tender whichever is earlier has been proposed as proposal no. 3 and incorporated in the agenda item.

- B. Decision/approval accorded for fresh call of tender in four groups on NIC portal as approved by Hon'ble Minister (UD)/VC (DUSIB) GNCTD
- C. To cancel existing Bid No. GeM/2022/B/2450341 dated 18.08.2022 as approved by Hon'ble Minister (UD)/VC (DUSIB) GNCTD
- D. Approval of sample NIT containing terms & condition for O&M of JSCs as approved by Hon'ble Minister (UD)/VC (DUSIB) GNCTD.

Proposal 2.

Accord of permission to call/award/tenders in-anticipation of AA&ES for the work O&M of JSCs

Project estimate amounting to Rs. 169.03 Crore has been prepared processed for accord of AA&ES and presently the same is the same is in

BSUP section of GNCTD under UD (Planning) and will take time on account of clearance from EFC etc which will ultimately delay for call of fresh tenders. Hence permission is solicited to call/award the tender in-anticipation of AA&ES. It is pertinent to mention here that the case for accord of permission to call/award/tenders in-anticipation of AA&ES for the work O&M of JSCs was sent to Hon'ble CM through Hon'ble Minister UD/VC DUSIB who subsequently advised to put up the matter before board in coming meeting. Accordingly, the agenda is being proposed.

Proposal 3.

Although extension has been granted upto 20.06.23 for execution of work through existing agreement already awarded for 06/03 months through call of tender/NIQ respectively but the tenders cannot be called a fresh due to non-accord of AA&ES which requires time for clearance from various stages i.e. UD planning and EFC etc.

Since the services pertaining to Operation, Management & Maintenance of JSCs is a continuous process and cannot be disrupted at any point of time hence proposal for further extension upto 20.09.23 or till date of award of work through fresh call of tender whichever is earlier has been proposed as proposal no. 3.

Brief about scheme

Delhi Urban Shelter Improvement Board, GNCT of Delhi (here-in-after referred to as "DUSIB") is presently providing common toilet facilities popularity known as Jan Suvidha Complexes (here-in after referred to as "JSCs") in JJ Cluster/Slum Besties scattered all over Delhi. The DUSIB is the owner of these JSCs. There are approximately 560 JSCs under the jurisdiction of DUSIB having about 18600 WCs, which are proposed to be operated, managed & maintained through Non-Government Organizations (NGOs)/Firms/Companies, meeting eligibility criteria. The intending agencies need to be registered under respective act/ company act as well as Delhi Govt. e-procurement system.

The JSCs are proposed to be operated, managed & maintained by the successful bidder on "Free User Charge Basis" for specified period prescribed in the tender document/NIT. The O&M agency shall be paid by DUSIB for the work of operation, management & maintenance of JSCs as per the awarded rates & shall not be permitted to take user charges from the users under any circumstances.

The “Free User Charge” scheme has been implemented by the DUSIB in pursuance of the commitment of the GNCT of Delhi to make the city clean and to get rid of the menace of open defecation and as such the concerned O&M agency would be expected to work to that target.

Reference to earlier approval accorded in 31st Board Meeting.

As per the approval of terms & Conditions of NIT for calling to tenders in small groups of JSCs (Max. 1000 WCs in each tender) for the works of O&M of JSCs by the Hon’ble VC (DUSIB)/Minister (UD), GNCTD on dated 09.12.2020 based on the criteria of works having two components, out of which one as fixed component (i.e. Part-A) for reimbursement of manpower cost to agencies and other variable component (i.e. Part-B) for overhead expenses (for bidding purpose), the tenders 24 in number for 565 JSCs having about 18500 WCs, were called by DUSIB in February, 2021. But, due to stay on opening of bids of agencies, by the Hon’ble High Court of Delhi vide it’s Order dated 09.03.2021 in WP(C)-2302/2021, the bids were opened in the mid of October, 2021 after vacation of stay by the Hon’ble Court vide it’s Judgement dated 21.09.2021. Due to receiving of single bid in 9 tenders, NIQs work orders against 9 tenders were invited.

Afterwards, during the review meeting convened under the Chairmanship of Hon’ble VC (DUSIB)/Minister (UD) GNCTD on dated 06.01.2022 for the works of O&M of JSCs, it was observed by the Hon’ble Minister that the agencies have quoted negligible rates for Part-B pertaining to overhead expenses and decided on dated 27.01.2022 vide Para-178 of Note to award such Tenders/NIQs only for interim period not exceeding 6 months after curtailing the time period of 2 years envisaged in tender and meanwhile call fresh tenders in only two groups (i.e. Group-1 & Group-2) pertaining to two respective Civil Zones of DUSIB, based on composite item for the O&M of all JSCs.

Accordingly in compliance, Tenders/NIQs invited for such works in small groups of JSCs, were awarded to the agencies in first week of March, 2022 and the previous awarded works of 4 groups, were closed within 2nd week of March, 2022.

Further, as per the decision, the Draft NIT for calling tenders for the works of O&M of all JSCs in two groups i.e. Group-1 & Group-2 pertaining to respective Zones of Civil Wing of DUSIB, was prepared and finalized on dated 26.04.2022 by the “Committee” constituted under the

Chairmanship of CE-1 for said purpose vide Office Order dated 06.10.2020. The tenders for Group-1 & Group-2, were called on dated 26.05.2022 & 27.05.2022 respectively through Delhi Govt. e-procurement system but, the same have not been considered for opening due to the reason that DUSIB is contemplating to call a single tender for all the JSCs through GeM Portal very soon.

All the above decisions were ratified in 31st Board meeting held on vide agenda item no. 31/04 minutes of which were circulated vide no. D/27/DD(Board)/2022-23 dated 19.09.2022 (refer annexure-A)

In accordance to above decision tenders were invited as single tender for all JSCs through GeM Portal vide NIT NO. 2022/B2450341 dated 18.08.2022.

The tenders invited as referred above could not be finalized due to administrative reasons.

Reference to approval accorded by Minister UD/VC DUSIB.

Since the services pertaining to O&M of JSCs being providing to the JJ dwellers as free user charges cannot be disrupted at any point of time so as to made city hygienic and clean.

The decision for cancellation of existing tender and approval for fresh call of tender took time hence the services of O&M of these JSC's continued through existing agreement which were awarded earlier for 6 months/3 months through call of tender/NIQs respectively.

Approval of extension of the existing agreement obtained from Hon'ble Minister (UD)/VC (DUSIB) from time to time vide note dated 02.09.2022, 03.10.2022, 07.11.2022 , 25.01.2022 and finally the extension has been granted upto 20/06/23 (referred P-30/c to 39/c).

For recalling of tender a fresh, the already invited tender through GeM Portal vide NIT No. 2022/B/2450341 dated 18.08.2022 was to be cancelled for which permission was sought from Hon'ble Minister (UD)/VC (DUSIB). The same has been accorded by Hon'ble Minister (UD)/VC (DUSIB) vide note para 57(2) dated 30.05.2023 (referred P-40/c).

For smooth functioning of O&M of JSCs it was proposed by DUSIB to call fresh tenders in four groups on NIC portal to achieve better and fair competition. The approval has been accorded by Hon'ble Minister (UD)/VC (DUSIB) vide note dated 21.04.2023 (referred P-42/c).

The existing terms & conditions on which tenders were invited on GeM portal requires some modification has felt necessary during processing of the case. Accordingly, a committee was constituted by worthy CEO, DUSIB to work out modalities and suggested modification (if any). The committee proposed some modifications which were subsequently examined and additional modification suggested by law section, and further discussed in the chamber of Hon'ble Minister (UD)/VC (DUSIB). All the above suggested modifications have been incorporated in the sample NIT and the same was approved by Hon'ble Minister (UD)/VC (DUSIB) vide note dated 05.06.2023 (referred P-44/c to 45/c).

Proposal 1.

Ratification of following decisions/approval accorded by the Hon'ble Minister (UD)/VC (DUSIB) GNCTD

- A. Ratification of Extensions approved by Hon'ble Minister UD/VC DUSIB for the following period :-
- (vii) 06.09.22 to 05.10.22
 - (viii) 06.10.22 to 05.11.22
 - (ix) 06.11.22 to 05.12.22
 - (x) 06.12.22 to 05.01.23
 - (xi) 06.01.23 to 05.03.23
 - (xii) 05.03.23 to 20.06.23

The extension granted upto 20.06.2023 for execution of work through existing agreements already awarded for 6/3 months through call of tender/NIQ respectively as approved by Hon'ble Minister (UD)/VC (DUSIB) GNCTD

Since the services pertaining to Operation, Management & Maintenance of JSCs is a continuous process and cannot be disrupted at any point of time hence proposal for further extension upto 20.09.23 or till date of award of work through fresh call of tender whichever is earlier as been proposed has proposal no. 3 and incorporated in the agenda item.

- B. Decision/approval accorded for fresh call of tender in four groups on NIC portal as approved by Hon'ble Minister (UD)/VC (DUSIB) GNCTD
- C. To cancel existing Bid No. GeM/2022/B/2450341 dated 18.08.2022 as approved by Hon'ble Minister (UD)/VC (DUSIB) GNCTD
- D. Approval of sample NIT containing terms & condition for O&M of JSCs as approved by Hon'ble Minister (UD)/VC (DUSIB) GNCTD.

Proposal 2.

Accord of permission to call/award/tenders in-anticipation of AA&ES for the work O&M of JSCs

Project estimate amounting to Rs.169.03 Crore has been prepared processed for accord of AA&ES and presently the same is in BSUP section of GNCTD under UD (Planning) and will take time on account of clearance from EFC etc which will ultimately delay for call of fresh tenders. Hence permission is solicited to call/award the tender in-anticipation of AA&ES. It is pertinent to mention here that the case for accord of permission to call/award/tenders in-anticipation of AA&ES for the work O&M of JSCs was sent to Hon'ble CM through Hon'ble Minister UD/VC DUSIB who subsequently advised to put up the matter before board in coming meeting.

Proposal 3.

Although extension has been granted upto 20.06.23 for execution of work through existing agreement already awarded for 06/03 months through call of tender/NIQ respectively but the tenders cannot be called a fresh due to non-accord of AA&ES which requires time for clearance from various stages i.e. UD planning and EFC etc.

Since the services pertaining to Operation, Management & Maintenance of JSCs is a continuous process and cannot be disrupted at any point of time hence proposal for further extension upto 20.09.23 or till date of award of work through fresh call of tender whichever is earlier has been proposed as proposal no. 3.

AGENDA ITEM NO. 32/23

AGENDA ITEM FOR PROPOSAL OF CONTINUING THE OPERATION AND MANAGEMENT AND MAINTENANCE OF JSCS TILL THEIR RESPECTIVE DATE OF COMPLETION CONSTRUCTED UNDER 30 YEARS CONTRACT.

1. Erstwhile Slum & JJ Department, presently DUSIB has constructed 92 Nos of JSCs Comprising of 3134 Toilet Seats under construction and subsequent maintenance of JSC for 30 years at various locations in Delhi The funds for construction of these Toilets were provided by the erstwhile Slum & JJ presently DUSIB. These 30 years JSCs were constructed and are being maintained by NGOs and these contracts were executed between 1994-1996, which will be concluding in the years 2024-2026 as per agreement.
2. A decision was taken in the DUSIB 20th Board Meeting held on 27.10.2017 to make all Community Toilets available to dwellers of JJ Basties Free of user charges w.e.f. 01.01.2018 to optimize the usage of JSC's and help in making JJ Basties open defecation free. Accordingly, to implement the decision of Board, Operation & Management of all the JSC's except the JSC's under 30 Years contract were handed over to the new agencies by clubbing these JSC's in four groups through bidding process
3. To abide by the decision of Board to make all the Community Toilets available to dwellers of JJ Bastis "Free of user charges w.e.f. 01.01.2018, the Operation & Management agencies of 30 Years contract Toilets were being reimbursed by DUSIB on actual number (average) of users as per their original agreement rates i.e. 50 paisa per use which these agencies were charging the users except the children below the age of 12 years, with the approval of Hon'ble Minister UD GNCTD/VC, DUSIB. Earlier the agencies were allowed to charge 50 paisa per use from user before the decision of free of user charges w.e.f. 01.01.2018.
4. It was decided in the 25th Board Meeting held on 05.12.2018 that for smooth functioning and uniformity of The Operation & Management of Toilet complexes constructed under the Scheme of Construction and Subsequent maintenance of 30 years be taken back from the existing agencies and be handed over to the new agencies selected for Operation & Management of the JSC other than the 30 years contract JSC's.
5. Subsequent to the above decision of Board some NGOs maintaining 30 years JSC moved to the Hon'ble High Court for the Cancelation of Board's

decision. After hearing the cases, Hon'ble High Court appointed Arbitrator Sh. Prem Kumar, ADJ (Retd.) who gave the award for the same on 09.12.2019 as below.

6. "The resolution passed by the respondent Board's in its 25 Board's Meetings under table agenda item no.1 to terminate 30 years contract of the claimant of JSC's constructed under the scheme of construction and subsequent maintenance due to change of policy from 'pay and use' to 'free users' and to handover these complexes to the new agencies cannot be said to be reasonable and justified. The termination 30 years contract is held to be illegal. The respondent is restrained from taking back possession of the JSC's on the basis of decision taken on the basis of the agenda no. 1 in its 25 Board Meetings till the expiry of the 30 years contract. The claimant shall be entitled to the reimbursement to the cost of Operation & Management of the complex at the rate of Rs. 0.50 (Fifty Paisa Only) per use or at such rate as agreed to the claimant with regard to the JSC's being maintained by the claimant from the time the policy is changed till the completion of the 30 Years agreement".

7. In view of the above no further action was possible as per directions of Hon'ble Court, except the permission to continue these complexes with NGO's with their earlier agreement term & conditions. Accordingly, permission were taken for continuation up to 31.12.2019, 30.06.2020, 31.12.2020, 31.12.2021 & 30.06.2022 (enclosed as Annexure "A") The approval of VC, DUSIB/Hon'ble Minister of Urban Development was also granted from time to time for above permission in the absence of Board's Meetings.

8. A meeting was also held under the chairmanship of CEO, DUSIB on 03.02.2020 in which a decision was taken that as present standard of operation and management/maintenance of JSCs under 30 Year contract is not at par with present standard of maintenance of JSCs being maintained on free user charges, separate efforts shall be made to hand over the 30 year complexes to the existing agencies to maintain the said complexes on the same term and condition of the contract, tender of which are under process and has not been finalized yet and if the agencies refuse to come in the same terms & conditions then we will challenge in court. Accordingly, it is proposed for extending the existing system of reimbursement to the agencies maintaining JSCS on 30 Year contract on earlier term & condition of payment of Rs. 0.50/- per use.

9. The tenders for operation management and maintenance in respect of JSCs constructed under the scheme other than 30 Years contract has not been yet finalized but about to recall within next 15 days.

10. It is pertinent to mention here that the completion date of JSCs constructed and being maintained under 30 Years contract is from year 2024-26.

11. In the present circumstances, it is proposed that the JSC constructed and being maintained under 30 Year contract may be allowed to continue till their date of completion in public interest on existing system of reimbursement to the agency maintaining JSC on 30 Years contract on earlier Terms & Conditions of contract as payment of Rs. 0.50/- per use, as was charged by the agencies from the user before making the JSCs user free charges.

12. The extension of above proposal of reimbursement @ Rs. 0.50/- per use has already been approved by Board upto 31.12.2022 vide agenda item no. 31/6 minutes of which were circulated vide no. D/27/DD(Board)/2022-23 dt.19.09.2022 (Annexure "B")

Proposal:

The agenda may be placed before Board for kind consideration and approval of proposal for continuing the operation, management and maintenance of JSCs constructed under 30 Year contract till respective date of completion of individual complex on existing system of payment @ Rs. 0.50/- per use on average no. of users as was charged by the agencies from user before making the JSCs user free charges.

AGENDA ITEM NO. 32/24

AGENDA FOR THE RATIFICATION IN R/O APPROVAL FOR THE PAYMENT TO SHELTER MANAGEMENT AGENCIES (SMAS) ON A/C OF OPERATION & MANAGEMENT OF SHELTER HOMES IN DELHI (CLUSTER 1 – 16).

1. There are 197 Shelter Homes which are being run by DUSIB, Govt. of NCT of Delhi through SMAs for providing Shelter facilities and other basic amenities to the homeless people in Delhi under the Plan scheme of Delhi Govt. The Shelter Homes are being run on regular basis throughout the year and round the clock.

2. Since year 2018 these Shelter Homes were divided in 16 Clusters and are being maintained through SMAs, after the award of work to them with approval of DUSIB Board accorded in 24th Meeting held on 12.10.2018. The works were awarded for a period of 2 years (24 Months) with a provision in NIT/ Agreement condition that “DUSIB on discretion, may choose to extend the term of Agreement for further period of 24 (Twenty Four) months on mutual consent basis and subject to the period of maximum twelve months extension at a time (any extension shall not be for more than 12 months at a time), with all the terms and conditions being the same as for original term”.

3. In the 30th meeting of Board held on dated 12.04.2021, a proposal was placed vide Agenda Item No. 30/15 for the proposal of calling Tenders for selection of SMAs as per RFP Vol-I & Vol-II and accord of A/A & E/S for Rs. 72.32 Crores for operation & management of DUSIB Shelter Homes on re-imburement basis for a period of 02 years.

4. However, the above said proposal was not approved by DUSIB Board keeping in view the alarming situation of Covid-19 and past performance of SMAs, the extension of one year i.e. upto 31.10.2021 in respect existing agreements of SMAs was granted by the Board vide Minutes of 30th Meeting of DUSIB Board dated 09.06.2021.

5. Further, the Hon'ble Minister (UD) vide his orders dated 26.08.2022 extended the contract agreements of SMAs upto 31.10.2022 subject to the condition that the agencies performance is satisfactory and terms and conditions in vogue are accepted by the agency. This is further subject to ratification of this decision by the Board.

6. Subsequently, the existing work was extended for further 02 months i.e. upto 31.12.2022 for the finalizing the fresh tenders after taking prior approval from the Hon'ble Minister (UD) on dated 27.10.2022. In the meantime, the Draft Request for Approval (RFP) got approval for the publishing of tenders on portal NIC. [Annexure-A]

7. Furthermore, as per approval sought from Deputy CM/ Minister (UD) on dated- 08.02.2023, the existing work was further extended for a period of 03 months i.e. upto 31.03.2023. In addition to the extension, it was also suggested by the Hon'ble Deputy CM/ Minister (UD) that the tenders can be published on NIC or GeM portal as suitable urgently, so that the supply of services, being provided to the Night Shelters are seamless and poor people do not suffer in the season of winter. [Annexure-B]

8. Moreover, the existing work was extended for further 02 months i.e. upto 31.05.2023 after taking approval from the Hon'ble Minister (UD) on dated- 08.05.2023 with the strict directions of putting all the efforts in awarding the said tenders to the new Shelter Management Agencies (SMAs). [Annexure-C]

9. Additionally, the work was extended for further 03 months i.e. upto 31.08.2023 after taking approval from the Hon'ble Minister (UD) on dated- 21.06.2023 for the finalizing the fresh tenders in the meantime. [Refer Page- 16/C to 17/C].

10. Enumerating the above extensions, the said work has been extended from time to time by Hon'ble Minister (UD) i.e. upto 31.08.2023, as per the approval accorded vide orders dated- 26.08.2022, 27.10.2022, 08.02.2023, 08.05.2023 and 21.06.2023.

11. It is pertinent to mention that the existing ongoing works were initially awarded to the SMAs on dated: 01.11.2018 for a period of 02 years with the approved A/A&E/S of Rs. 51.62 Crore. However, the work has been extended for a further period of about 03 years i.e. till 31.08.2023 and the A/A&E/S shall be revised from Rs. 51.62 Crore to Rs. 121.00 Crore approximately.

12. In addition to that, it is to inform as the already accorded A/A&E/S of amounting to Rs. 51.62 Crore has been exhausted and without any further

permission from the Board, no payment can be made to the Shelter Management Agencies (SMAs) engaged for the Operation and Management.

13. The Average details of Expenditure of varied cluster ranging from 1 to 16 for O&M of Shelter Homes for the period Nov. 2018 to August, 2023 are as follows:

S.No.	Cluster No.	Per Month Average Expenditure (in lacs)
1	Cluster- 1	11.76
2	Cluster- 2	8.63
3	Cluster- 3	8.00
4	Cluster- 4	9.20
5	Cluster- 5	8.00
6	Cluster- 6	12.54
7	Cluster- 7	10.98
8	Cluster- 8	14.11
9	Cluster- 9	9.41
10	Cluster- 10	7.84
11	Cluster- 11	9.20
12	Cluster- 12	13.53
13	Cluster- 13	11.14
14	Cluster- 14	17.24
15	CES (NS Code-191,243,244)	2.28
16	Cluster- 16	13.33
	Total	167.19
	Enhancement @ 16.50 % [in r/o O&M of Pagoda Tents]	27.59
	Total	194.78
	Add 1% Labour Charges	1.95
		196.72
	Add 1% Contingencies	1.97
		198.69
	Add 5 % Departmental Charges	9.93
	Total	208.63
	Expenditure for 58 Months w.e.f. Nov. 2018 to August, 2023	12100.30

Say Rs.121.00 Crore

**** The monthly expenditure taken is as per the average of bills submitted by the respective Shelter Management Agencies (SMAs) in the Night Shelter Branch.**

14. In regard to the payment in favour of respective Shelter Management Agencies (SMAs), the said matter/ issue has already been discussed several times in the State level Shelter monitoring Committee (SLSMC) and the Chairman of the Committee has directed DUSIB occasionally to look into the said matter. It is to inform that in the 43rd SLSMC meeting, Sh. InduPrakash Singh, Member SLSMC raised the issue about the delay in the payment to the Shelter Management Agencies (SMAs) and the Chairman (SLSMC) expressed his displeasure at the same. In response, the Director (Night Shelter), DUSIB informed the committee that all codal formalities in respect of payment to the respective SMAs have been done and is awaiting the approval of the revised AA&E/S from the Board, DUSIB Board and once the approval is accorded, necessary payment to the respective Shelter Management Agencies (SMAs) will be made positively without any further delay.

15. In this regard, the Hon'ble Chairman of the SLSMC directed DUSIB to send the said case to the Hon'ble Minister (UD)/ VC, Board for the in-anticipation approval and get the approval ratified in the next DUSIB Board Meeting.

16. Moreover, it is to mention that as the work is related to management of Shelter Homes of DUSIB by the means of engaging manpower (Supervisor, Caretaker, Security Guard, SafaiKaramchari), which is essential in nature and delay in the further payment to the respective Shelter Management Agencies (SMAs) as per the terms and conditions of the Agreement, will lead to non-payment to the staffs engaged.

17. In addition, bills are being received from respective SMAs for the reimbursement of manpower engaged at Shelter Homes for the clearance of payment. The details of bills received to DUSIB have been placed opposite and are categorically arranged as per the phase/ stage they are lying for the completion of Codal formalities and payment in favour of respective Shelter Management Agencies (SMAs).

18. In this regard, the in-principle approval from the Hon'ble Minister (UD)/ VC, Board for the payment in favour of respective Shelter Management Agencies (SMAs) till the extended period i.e. 31.08.2023 In-anticipation of

Revised Administrative Approval and Expenditure Sanction (A&A/E/S) from 51.62 Crore to 121.00 Crore for the Operation & Management of Shelter Homes in Delhi, with the condition to place before the Board in its next meeting. [Annexure-E].

Proposal:

The matter is therefore, placed before the Board for ratification of decisions of the Hon'ble Minister (UD) in regard to the payment in favour of respective Shelter Management Agencies (SMAs) till the extended period i.e. 31.08.2023 In-anticipation of Revised Administrative Approval and Expenditure Sanction (A&A/E/S) from 51.62 Crore to 121.00 Crore for the Operation & Management of Shelter Homes in Delhi.

AGENDA ITEM NO. 32/25

PROPOSAL FOR RELEASE OF ADDITIONAL AMOUNT OF RS. 10.00 CRORE ON A/C OF PROVIDING FREE MEALS TO THE HOMELESS PEOPLE RESIDING IN VARIOUS SHELTER HOMES OF DUSIB.

1. The Plan scheme for Operation, Maintenance and Management of Night Shelters in Delhi is being implemented since 1984-85 with the objective to provide shelter to homeless with adequate basic amenities. DUSIB is the Nodal Agency of Govt. of NCT of Delhi for Operation, Maintenance and Management of the Shelters in Delhi and at present managing 195 Shelter Homes.
2. Till the onset of COVID -19 pandemic in the March, 2020, the shelter homes/night shelters provided the mandated facility of shelter, bed and beddings to the homeless and facility of providing tea and rusk was available only during winter season. There had been no provision of providing 03 meals to homeless residing in the Shelter homes of DUSIB, as the same has not been the mandate of DUSIB and non-existence of the same in the DUSIB ACT, 2010.
3. However, due to prolonged lockdowns and the resultant labour migration issues, it was decided by the Hon'ble Chief Minister, Delhi that DUSIB shall provide free meals to the Shelter users during the Board Meeting held on 25.09.2020. The DUSIB Board further approved an amount of Rs.1531.20 Lakhs for the expenditure to be incurred on providing the free meals.
4. Previously, Ministry of Housing & Urban Affairs (MOHUA) had directed that free food should be provided for the urban homeless in the NULM shelters during lock down in view of COVID-19 outbreak. Similarly, since the Night Shelters in Delhi are being operated under the Plan Scheme of Govt of NCT of Delhi, in compliance to the directions/approval of Vice-Chairman DUSIB/UD Minister and Chairman DUSIB/Chief Minister on 20.03.2020 and 04.04.2020, DUSIB had provided free lunch and dinner to the homeless people as per following arrangements during the period in following manner:-
 - a). **From 22.03.2020 to 31.07.2021:** The Shelter Management Agencies (SMAs) were directed to provide free lunch and dinner to the homeless in the respective shelter homes @Rs.18.34 per meal per person. The total expenditure on this account comes to Rs 11.38 crores. It is pertinent to mention that the system of providing free meals through SMAs was stopped in a phased manner from 15.07.2021 to 31.07.2021.

b). From 01.08.2021 to 10.02.2022: M/s AkshayaPatra Foundation provided free meals to the shelter users as a voluntary gesture and it did not charge any amount from DUSIB for providing free meals. However, M/s AkshayaPatra Foundation vide its references dated 24.01.2022 notified that they will discontinue providing free meals w.e.f. 31.01.2022. Considering this, the DUSIB Night Shelter wing invited bids vide Tender ID No. 2021_DUSIB_212970_I; dated: 17.12.2021. In the Bid document, a pre-bid meeting was provisioned on 27.12.2021 and the observations with considered addendums/corrigendum were proposed for approval of Hon'ble Minister of Urban Development, who ordered on date 21.01.2022 for the nomination of M/s AkshayaPatra Foundation to supply meals in the Shelter Home. In compliance to the orders of Hon'ble Minister of UD a Work Order dated: 23.02.2022 was issued to M/s AkshayaPatra Foundation.

c). From 11.02.2022 to 15.09.2022: M/s AkshayaPatra Foundation has been providing meals to the homeless in the Night Shelters by charging @Rs.18.34/- per meal per person from DUSIB. Distribution of food in Shelter Homes operated by DUSIB was stopped w.e.f. 15.09.2022 with the approval of Deputy Chief Minister/UD Minister.

d). From 19.09.2022 to 25.04.2023: Supply of food in the Shelter Homes of DUSIB resumed based on the directions of Dy. Chief Minister/UD Minister. In this case, because of inability of Shelter management Agencies (SMAs) to provide food, M/s AkshayaPatra Foundation continues to provide food at same rate as charged previously. However, the Food Menu was superseded from the already approved Food Menu by the food supplying agency M/s AkshayaPatra Foundation.

e). From 29.04.2022 to till date: The work of supply of 03 meals to homeless people was further on continued from M/s AkshayaPatra Foundation at same rate i.e. @ 18.34 per meal per person, only after the directions of Hon'ble High Court of Delhi issued vide court order W.P. (C) 5540/2023 COURT ON ITS OWN MOTION on dated: 28.04.202 and with the strict directions of clearing all pending dues of M/s AkshayaPatra Foundation.

5. A proposal for the release of amount in favour of M/s AkshayaPatra Foundation was sent to Hon'ble Minister (U.D) and accordingly, an amount of Rs. 10.00 crore was released to DUSIB vide order bearing No: F.No.21(7)/UD/BSUP/2023-24/519-528; dated: 05.06.2023.

6. Taken in view of the above, the payment of M/s AkshayaPatra Foundation was cleared subject to the verification of the bills submitted by the agency and completion of all codal formalities. The details of the payment made in favour of M/s AkshayaPatra Foundation against the

released amount from Government of NCT of Delhi for amounting to Rs. 10.00 crore.

7. The details of payment made in favour of M/s AkshayaPatra foundation are as follows:

S.No.	Period		Amount	Remarks
	From	To		
1	01.08.2022	30.08.2022	8872764.00	Payment made on dated: 12.07.2023.
2	01.09.2022	15.09.2022	4255834.00	Payment made on dated: 12.07.2023.
3	19.09.2022	30.09.2022	3522160.00	Payment made on dated: 12.07.2023.
4	01.10.2022	31.10.2022	8901796.00	Payment made on dated: 12.07.2023.
5	01.11.2022	30.11.2022	8647273.00	Payment made on dated: 12.07.2023.
6	01.12.2022	31.12.2022	9007819.00	Payment made on dated: 12.07.2023.
7	01.01.2023	31.01.2023	9377627.00	Payment made on dated: 12.07.2023.
8	16.12.2022	31.12.2022	798634.00	[PAGODA TENTS] Payment made on dated: 12.07.2023.
9	01.01.2023	31.01.2023	3468149.00	[PAGODA TENTS] Payment made on dated: 12.07.2023.
10	01.02.2023	28.02.2023	3429103.00	[PAGODA TENTS] Payment made on dated: 21.07.2023.
11	01.02.2023	28.02.2023	8346424.00	Payment made on dated: 21.07.2023.
12	01.04.2023	30.04.2023	7505425.00	Payment made on dated: 21.07.2023.
13	01.05.2023	31.05.2023	8588988.00	Payment made on dated: 21.07.2023.
14	01.03.2023	31.03.2023	8965161.00	Payment made on dated: 24.07.2023.
15	01.03.2023	15.03.2023	1597084.00	[PAGODA TENTS] Payment made on dated: 24.07.2023.
Total			9,52,84,241.00	
Less T.D.S @ 2%			(-) 19,05,686.00	
Total			9,33,78,555.00	
Add 5 % D.C			(+) 47,64,211.00	
Total			10,00,48,452.00	

8. It is pertinent to mention that an additional expenditure of amounting to Rs. 48,452.00 has been incurred against the released/ sanctioned amount from the GNCTD [F.No.21(7)/UD/BSUP/2023-24/519-528; dated: 05.06.2023] in clearing the outstanding dues till the period upto 31.05.2023 in favour of M/s AkashyaPatra Foundation.

9. It is to inform that a separate file for the proposal in r/o amendment in Plan Scheme has already been processed for the Cabinet Approval vide file bearing No: F-06/NS/DUSIB/955/2022-23.

10. Moreover it is to inform that the Draft Proposal for amendment in Plan Scheme (Cabinet Note) has been accorded by the Hon'ble Minister (U.D) vide order dated: 04.07.2023 with certain modifications to be incorporated in the Draft Cabinet Note before circulation to Finance/ Planning/ Law Department of GNCTD for their comments and suggestions.

11. Accordingly, the Proposal for amendment in Plan Scheme (Cabinet Note) is already in process for the incorporation of modifications in the Cabinet Note before circulation to Finance/ Planning/ Law Department of GNCTD.

12. As the already sanctioned/ released amount from the GNCTD for amounting to Rs. 10.00 crore has been exhausted in making the payment in favour of M/s AkshayaPatra Foundation till the period 31.05.2023 and the payment for the bills from the period 01.06.2023 to 30.06.2023 can't be made due to the lack of availability of funds in the respective 03 meals Head of account.

13. Furthermore, in order to continue the supply of 03 meals to homeless people residing in the Shelter Homes of DUSIB, an additional sanction/ budget of amounting to Rs. 10.00 crore may kindly be released to DUSIB in compliance of Hon'ble Delhi High Court orders dated: 28.04.2023.

Proposal:

Taken in view of above, the matter is therefore, placed before the Board for the release of additional amount of Rs. 10.00 crore on a/c of providing free meals to the homeless people residing in various shelter homes of DUSIB.

AGENDA ITEM NO. 32/26

DISCIPLINARY PROCEEDINGS AGAINST SH. NARENDER KUMAR SHARMA (UDC-RETIRED UNDER SUSPENSION) FOR DECISION.

Brief of the case:

1. In the instant, on a complaint dated 15.06.2020 (**Annexure-I**) of Sh. Kapil Bhargava who has identified himself by visiting Vigilance Branch, DUSIB and also provided photocopy of his identity and owned the complaint. He has made serious allegations of having paid bribe of Rs. 20,000/- to Sh. Narender Kumar Sharma, UDC (written submission of complainant at **Annexure-II**) in matter relating to the freehold case in which he had applied for freehold rights for flat No. A-85A, Madipur, New Delhi in the name of his cousin Ms. Sarika Chaurasia. He had also provided voice conversation between him and Sh. Narender Kumar Sharma, UDC in one pen drive.

2. On the basis of the facts of the case placed before the higher authorities, CVO, DUSIB vide dt. 27.01.2021 had recommended major penalty proceedings under rule 9 of CCS (Pension) Rules, against Sh. Narender Kumar Sharma, UDC now stands retired under suspension on attaining the age of superannuation. CEO, DUSIB vide dt. 28.01.2021 agreed with the recommendation of CVO, DUSIB.

3. With the approval of the Hon'ble CM vide dt. 03.12.2021 a charge sheet was issued to Sh. Narender Kumar Sharma. UDC/CO under Rule 9 of CCS (Pension) Rules, 1972 vide No. RDA/01/ Vig./DUSIB/78/2021/D-52 & D-53 dated 02.02.2022 (**Annexure-III**).

The charges was as under:

4. Sh. Narender Kumar Sharma worked as UDC in Allotment Branch of Delhi Urban Shelter Improvement Board during the period from December, 2018 to June, 2020. During his posting in the Allotment Branch he had demanded bribe from Sh. Kapil Bhargawa, the complainant for execution of Conveyance Deed in respect of flat No. A-85-A, Madipur, New Delhi.

5. The charges were denied by the charged officer vide 10.02.2022 (**Annexure-IV**) and he has stated that the charge leveled in the Momorandum bearing on. RDA/01/Vig./ DUSIB/78/2021/ D-53 dt. 02.02.2022 is false, baseless and concocted.

6. On denial of charges, Disciplinary Authority appointed Shri Ramdas Narasimha Nayak, Former Director, CVC as Inquiry Officer vide order No. VG/1201/352/DD/Vig./DUSIB/2020/ D-591 dated 27.06.2022.

(**Annexure-V**) Shri Manoj Kumar Jain, AAO, DUSIB was appointed the Presenting Officer vide order No.VG/1201/352/DD/Vig./DUSIB/ 2020/D-175 dt. 09.03.2022 (**Annexure-VI**).

7. Shri Ramdas Narasimha Nayak, Inquiry Officer submitted his inquiry report dated 09.06.2023 (**Annexure-VII**) before Member(Admn.) in which the charges has "**NOT PROVED**" against Shri Narender Kumar Sharma, UDC (retired under suspension). Inquiry Officer has found in his inquiry that there was no delay in dealing with the application for freehold of the alleged property in view of the fact that such work was withheld/not carried out w.e.f. December, 2018 to September, 2019 due to the clarification/jurisdiction of rights and powers of the Director (Allotment) and Dy. Director (Allotment). The Conveyance deed of Flat No. A-85-A, Madipur had already been approved on 16.12.2019 and the freehold rights were also approved on 22.12.2019. While claiming of Sh. Kapil Bhargava to have paid Rs. 20,000/- to Sh. Narender Kumar Sharma, UDC, he was not able to recall the date, day, time, and venue of any witness for the purported transaction, when asked during cross-examination.

8. The copy of inquiry report was sent to Charged Official as per rule and vide letter dated dt. 26.06.2023 (**Annexure-VIII**) for submission of representation of Charged Official, if any.

9. Sh. Narender Kumar Sharma, UDC/CO (retired under suspension) vide dt. 30.06.2023 (**Annexure-IX**) has made submission and mainly stated that he has agreed with the inquiry report as the charges has "Not Proved" by the IO which has been based on the facts emerged during the Inquiry proceedings and further requested to exonerate him from all the charges leveled against him.

10. Charge sheet was issued to Sh. Narender Kumar Sharma, UDC (retired u/s) under Rule 9 of the CCS Pension Rules and for retired employees, the Disciplinary Authority is the Board as per order dated July 28, 2011. Now, the entire facts of the case may be placed before the BOARD (**Annexure-X**) for decision in matter of Disciplinary proceedings against Sh. Narender Kumar Sharma (UDC retired under suspension).

AGENDA ITEM NO. 32/27

REGARDING ACCORD OF A/A&E/S AND PERMISSION TO CALL OF TENDER FOR THE WORK OF PROVIDING WATER PROOF & FIRE RETARDANT EUROPEAN/GERMAN STYLE PAGODA TENTS AS TEMPORARY SHELTER HOMES ON HIRING BASIS AT VARIOUS LOCATIONS IN NCT OF DELHI FOR THE YEAR 2023-24.

1. There are 197 Shelter Homes which are being run by DUSIB, Govt. of NCT of Delhi through SMAs for providing Shelter facilities and other basic amenities to the homeless people in Delhi under Plan scheme of Delhi Govt. The Shelter Homes are being run on regular basis throughout the year and round the clock. Moreover, during the winter season, the quantity of the Shelter Homes has to be increased additionally by around 250 nos. temporary Shelter homes erected in the form of Pagoda tents at designated places after the commencement of the Winter Action Plan.
2. The Winter Action Plan for the year 2023-24 has been approved by Hon'ble Minister (U.D)/ V.C Board on dated: 13.09.2023 **[ANNEXURE-A]** and the same will be operative from the fortnight of November, 2023 to fortnight of March, 2024. Considering the imminent arrival of the Winter Season and as per the previous practice, it is desired that Pagoda Tents be installed at designated places for homeless people during Winter Season. It is pertinent to mention that as per DUSIB occupancy records there are approximately 7,000 homeless people in Delhi and which generally increases considerably during the winter season at odd places.
3. Accordingly, the preliminary Estimate amounting **Rs. 4,74,75,300/-** has been framed for the work of "Providing Water Proof & Fire Retardant European/German Style Pagoda Tents as Temporary Shelter Homes on hiring basis at various locations in NCT of Delhi for the year 2023-24" under the plan head of Night Shelters, considering the provision of 250 Pagoda Tents as stated above. The estimate has already been got duly examined from the Planning Section of DUSIB on dated 19.09.2023. **[ANNEXURE-B]**
4. To prevail the delay in publishing the tender and keeping in view the inevitable nature of work, permission may please be accorded to call the tender for the work of providing Pagoda Tents to be used as temporary shelter homes during forthcoming winter season of 2023-24.

Proposal:

Accord of Administrative Approval and Expenditure Sanction (A/A&E/S) of amounting to Rs. 4,74,75,300.00 and permission to call of tender for the work of providing Water Proof & Fire Retardant European/German Style Pagoda Tents as Temporary Shelter Homes on hiring basis at various locations in NCT of Delhi for the year 2023-24.

AGENDA ITEM NO. 32/28

AGENDA FOR THE RATIFICATION OF EX-POST FACTO SANCTION OF OPERATION, MANAGEMENT AND MAINTENANCE OF JAN SUVIDHA COMPLEXES UNDER DUSIB W.E.F. FEB.2022 TO TILL FEB. 2024.

NOW: Pay and Use (JSC)

Sh:- Operation, management and maintenance of Jan Suvidha Complexes under jurisdiction of DUSIB for two years

Estimated Cost :- Rs. 146,65,56,900/-

Head of A/c :- A.8(2)(1)(10)

Year :- 2021-22

1. These JSCS/MTVs are being maintained by DUSIB through various maintenance agencies so as to provide hygienic condition in the above Slum Basties. Earlier these JSCs were maintained by charging user charges as pay and use basis. The DUSIB Board in its 20th meeting held on 27.10.2017 and Minutes of Meeting circulated vide No. PS to CE (Coord) 17-18/D-71 dated 4.12.2017 had taken a discussion to wave off the user charges from all the users we.f. 01.01.2018 in the Community Toilets complex being maintained by DUSIB. Further it was decided to call tenders to outsource the work of Operation, Management and Maintenance through specialized agency in the field of sanitation/hospitality who will be responsible for cleanliness and maintenance of toilet complexes without taking any user charges from JJ Dwellers.

2. As per decision conveyed vide email dated 18.12.2020 the work of O&M of JSCs, all the JSCS were to be divided in such a way that the Nos. of JSCs in each Tender having maximum 1000 Nos. of WCs

3. As per the amended terms and conditions provided along with the current Orders the cost of O&M of JSCS may be divided into two parts, one Part -A which is fixed involving wages of labour, their EPF, ESI and Bonus whereas another Part –B which is variable involving expenditure towards Electrical consumption charges, cost towards T&P, machines equipment's Cleaning material like brooms, moppers, cleaning powder, etc.. Upkeep of sanitary napkin vending machine and Sanitary pad Incinerator(sanitary napkin vending machine and sanitary pad Incinerator shall be provided by DUSIB). Expenditure for day to day repair and upkeep of fixtures & fittings of WCs including cost of labour engaged for such repairs, cost of uniform and ID card of Staff display boards,

conveyance charges of supervisor, cost of office expenditure for daily reports, cost of cleaning of septic tank/ sewer line and cost of Insurance of Staff etc... Labourcess and Contractor profit. It is also proposed that third party monitoring agency will be engaged for efficient monitoring of Toilet Complexes.

4. The provision of staff to be engaged has been considered as per terms and conditions and sample draft NIT approved by Hon'ble Minister UD which were circulated by email dated 18.12.2020.

5. Rate of Labour are considered as per minimum wages rates circulated vide notification dated 07.12.2020 from Labour Department, Delhi Govt. reference File No. F.12(142)/MW/ VII/Part File 3786-3809 dated 07 12.2020 and Bonus is considered as per Labour bonus act and as per ADVISORY from the office of secretary-cum-labour-commissioner GNCTD issued vide F.137/Lab./Advisory /Bonus/2018/3082 dated 18.10.2018.

5. The Preliminary Estimate have provision for 18,669 Nos. of WCs and Estimated expenditure works out to Rs. 146,65,56,900/- which includes 1% contingency, 3% Quality Assurance Third Party monitoring and 5% Departmental Charges.

6. The individual cases for accord of A/A &E/S were already been processed for financial concurrence and during processing it was observed by Finance that a consolidated Project / Preliminary Estimates is required to be prepared at centralized level to keep a watch on the budget. Accordingly this consolidated Project/Preliminary Estimate has been prepared for amounting to Rs. 146,65,56,900/- by clubbing all the above 24 Estimates pertaining to all divisions of DUSIB .

7. Hon'ble Minister (UD) / Vice Chairman DUSIB dated 23.01.2022 on P-7/N of the main file accorded "In principle approval for the proposed AA&ES amount Rs. 146,65,56,900/- for obtaining Ex-post facto approval of the DUSIB Board as proposed by CEO (DUSIB) on dated 18.11.2021.

Proposal:

It is proposed that Ex-Post Facto Administrative approval and expenditure sanction amounting to Rs. 146,65,56,900/- may be placed before DUSIB Board for its approval and ratification.

AGENDA ITEM NO. 32/29

AGENDA ITEM FOR PROPOSAL OF CONTINUING THE WORK OF PROVIDING OF PORTABLE TOILETS AS SERVICE FACILITY INCLUDING OPERATION MANAGEMENT AND MAINTENANCE AT VARIOUS LOCATIONS IN JJ CLUSTERS IN DELHI WHERE PROPER WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES ARE NOT AVAILABLE.

The work of “Providing of portable toilets as service facility including Operation Management and Maintenance at various locations where proper water supply and sewage disposal facilities are not available” was awarded to M/s YLDA India Pvt. Ltd. Vide No. AL/31/WA/9834/EE/E-2/DUSIB/2018-19/D-428 dated 06.03.2019. The A/A & E/S amounting to Rs.12.78 Crores with approval of DUSIB Board circulated vide No. Meeting Cell/DUSIB/DD(Board)/2018. The time allowed for this work was 02 years. The work had to be executed by 02 Division i.e. E-2 & E-4.

It was decided in 30th Board Meeting held on 12.04.2021.

1. To extend the existing ongoing contract for final time by another one year as stipulated in the agreement.
2. To accord revised A/A & E/S of this work amounting to Rs. 19.00 Cr.

Further, in 31st Meeting of DUSIB Board vide No.DD(Board)/DUSIB/2022/D-22 dated 05.08.2022 and Agenda Item No.30/19, the following action was taken .

Agenda:- Accord of approval to extend the existing contact for providing portable toilets as service facility and the revised A/A & E/S for the work.

Action:- DUSIB has further extended the existing contract for one year as per decision of the DUSIB Board in its meeting held on 05-08-2022 and has further invited the e-Bids for this work which has been received on 13.05.2022. The e-bids are being examined by a committee headed by SE E-1 and after completion of the bidding process including its evaluation, OR and following other laid down procedure DUSIB shall again place before the DUSIB Board an Agenda items for seeking

approval for acceptance of the offer of the lowest bidder/bidders in term of the bid document process and till such time the existing ongoing contract shall remain operative.

In the instant tender case, the Engineering Wing and Finance Wing of DUSIB have provided contrary views regarding condition mentioned at S.No.6 of the terms & conditions of the NIT. The extract of condition in question is as follows :

Award of Work

(i) Process of Selection

(a) The technical evaluation committee shall determine the list of qualified bidders as per the laid-down parameters whose financial bids shall be opened.

(b) The bidder quoting the lowest rates shall be entitled to be considered for the award of work for Zone-1 comprising 512 nos. of portable toilet cubicles.

(c) The next lowest bidder (L-2) shall be given an opportunity to match the rates offered by L-1 and if L-2 agrees to match of L-1, then L-2 is entitled to be considered for consideration for an award of work for Zone-2 comprising 341 nos of portable toilet cubicles.

If L-2 does not agree to match the rates/offer, then the opportunity to match the offer shall to L-3,L-4.... in their order respectively.

(d) In case the quoted rates of L-1 and L-2 are found to be same, the bidder having more financial turnover in the financial year 2020-21 shall be entitled to be considered for Zone-1 and the one with the lower turnover for Zone-2.

(e) In case L-2, L-3,L-4.... fails to match the offer of L-1, then the Zone-2 shall be offered to L-1 for a acceptance if it agrees to execute on the same rates and terms as for Zone-1.

VIEWS OF THE FINANCE WING OF DUSIB

“Para-181 - On the detailed scrutiny of the file and perusal of NIT conditions and observations raised by the Finance at P-50/N Para-157(4) regarding allowing the second lowest tenderer i.e. M/s YLDA India Pvt Ltd is against the CVC guidelines/instructions and conditions so incorporated in the D/NIT under 6(1) is i.e. against free and fair competition among bidders ad there is an evident splitting of work, post tender negotiation/reduction of rates is a source of corruption and Finance is of

the view that tenders may be recalled and called a fresh after reviewing the condition No.6 of the D/NIT and responsibility may be fixed as well.”

VIEWS OF THE ENGG. DEPARTMENT OF DUSIB

A provision has been specified at S.No.6 under the head “Award of Work in the approved draft NIT/e-Bid Document (reference P-08 of the DNIT – 119/C). To award the work to more than one Agency i.e. to two agencies is strictly in line with the provisions made in CVC Circular No.4/3/07 dated 03-03-2007 (reference P-316/C to P-317/C which, inter-alia prescribes in Para-IV and Para-V as under :**PARA-IV** – As regards the splitting of quantities, some organizations have expressed apprehension that pre-disclosing the distribution of quantities in the bid document may not be feasible, as the capacity of L-1 firm may not be known in advance. It may be stated that if, after due processing, it is discovered that the quantity to be ordered is far more than what L-1 along is capable of supplying and there was no prior decision to split the quantities, then the quantity being finally ordered should be distributed among other bidders in a manner that is fair, transparent and equitable. It is essentially in cases where the organizations decided in advance to have more than one source of supply (due to critical or vital nature of the item) that the Commission insists on pre-disclosing the ratio of splitting the supply in tender itself. This must be followed scrupulously **PARA-V** – Counter offer to L-1, in order to arrive at an acceptable price shall amount to negotiation. However, any counter offer thereafter to L-2, L-3 etc. (at the rates accepted by L-1) in case of splitting of quantities, as per disclosure in the tender, shall not be deemed to be a negotiation.

The Hon’ble Minister(UD)/Vice-Chairman on the relevant file has observed as under :

“During the course of one of the meetings to review the extreme poorly operation, management and maintenance of Jan Suvridha Complexes/Portable Toilet Complexes under the management and control of DUSIB, with the Engineers of DUSIB, it has been brought to the notice of the Hon’ble Minister(UD)/Vice-Chairman, DUSIB, by the Engineers of DUSIB that due to unnecessary/unwarranted/unreasonable/inappropriate objections raised by the Finance Division of DUSIB, payments to vendors could not be released on time, thus, constraining them to show apathy towards operation, management and maintenance of JSCs/Portable

Toilets, thus, non-payment to staff deployed by the vendors at the Jan Suvidha Complexes. One such case regarding 'providing of portable toilet cubicles as service facility including operation, management and maintenance at various locations where proper water supply and sewage disposal facilities are not available' was specifically quoted by then SE, now Chief Engineer and other Engineers of DUSIB. Therefore, the file pertaining to e-Tender No.2022_DUSIB_220647 NIT No.03/EE/E-02/DUSIB/2022-23 was called by the Hon'ble Minister(UD)/Vice-Chairman, DUSIB. After going through various notes available on file, *prima-facie*, serious irregularities were noticed by the Hon'ble Minister(UD)/Vice-Chairman, DUSIB. Hence, the matter was referred by the Hon'ble Minister(UD)/Vice-Chairman, DUSIB to appropriate authority for examination and further necessary action.

It is also important to mention that the work is related to completely stop open defecation at such places where sewerage disposal facilities are not available and therefore being such a critical work cannot be stopped even for a single day as it may lead to chaos in the entire region of Delhi.

As the service facilities are of continuing nature and no other alternative arrangement is available due to non-availability of water and sewage arrangement locally at the provided location, it becomes necessary to extend the ongoing contract till 31.12.2023 or fresh award of work after finalization of already received e-bids on 13.05.2022, whichever is earlier. The work executing agency i.e. M/s YLDA India Pvt. Ltd. vide its e-mail dated 03.08.2023 has given its consent to extend the existing work till 31.12.2023 on the same rates, terms & conditions of the ongoing agreement.

The extension of the period of the contract till 31.12.2023 shall require the re-revision of revised A/A & E/S of the 19.00 Crores to the re-revised A/A & E/S of Rs. 28.50 Crore which comprises Rs. 11.92 Crore as an amount payable for 800 Portable toilet cubicles up to 31.12.2023 and approx Rs.16.58 crore as reimbursement of fair salary wages as to be notified from time to time by Govt. of NCT of Delhi up to 31.12.2023.

Accordingly, the agenda item for the work of "Construction of JSC Sub Head: Providing of portable toilets as service facility including operation and management and maintenance at various locations where proper water supply and sewerage disposal facilities are not available is placed before DUSIB Board for its kind consideration and approval to .

PROPOSAL

The matter is, therefore, placed before the Board for consideration and decision on :

- a) Extending the existing ongoing Contract up to 31/12/2023 or till the finalization of e-Bids for new tender, whichever is earlier, and to release the payment up to 31/12/2023 against the work done/liability in anticipation of approval of Revised A/A&E/S, which will be prepared on completion of work and will be placed before the Board in its next meeting for approval.

AGENDA ITEM NO. 32/30

PROPOSAL FOR THE ADMINISTRATIVE APPROVAL & EXPENDITURE SANCTION OF AMOUNTING TO Rs. 21,15,77,308.00 FOR THE PERIOD 11.02.2022 TO 31.12.2023 IN RESPECT OF PROVIDING 03 FREE MEALS TO HOMELESS PEOPLE RESIDING IN THE SHELTER HOMES OF DUSIB.

The Plan scheme for Operation, Maintenance and Management of Night Shelters in Delhi is being implemented since 1984-85 with the objective to provide shelter to homeless with adequate basic amenities. DUSIB is the Nodal Agency on behalf of the Govt. of NCT of Delhi for Operation, Maintenance and Management of the Shelters in Delhi. At present DUSIB is managing 197 Shelter Homes.

Till the onset of COVID-19 pandemic in the March, 2020, the shelter homes/night shelters provided the mandated facility of shelter, bed and beddings to the homeless and facility of providing tea and rusk was available only during winter season.

However, due to prolonged lockdowns and the resultant labour migration issues, it was decided by the Hon'ble Chief Minister, Delhi that DUSIB shall provide free meals to the Shelter users as per the decision taken during the Meeting of the Board held on 25.09.2020. The DUSIB Board further approved an amount of Rs.1531.20 Lakhs for the expenditure to be incurred on providing the free meals.

Previously, Ministry of Housing & Urban Affairs (MOHUA) had directed that free food should be provided for the urban homeless in the NULM shelters during lock down in view of COVID-19 outbreak. Similarly, since the Night Shelters in Delhi are being operated under the Plan Scheme of Govt of NCT of Delhi, in compliance to the directions/approval of Vice-Chairman DUSIB/UD Minister and Chairman DUSIB/Chief Minister on 20.03.2020 and 04.04.2020, DUSIB had provided free lunch and dinner to the homeless people as per following arrangements during the period in following manner:-

a). From 22.03.2020 to 31.07.2021: The Shelter Management Agencies (SMAs) were directed to provide free lunch and dinner to the homeless in the respective shelter homes @Rs.18.34 per meal per person. The total expenditure on this account comes to Rs 11.38 crores.

It is pertinent to mention that the system of providing free meals through SMAs was stopped in a phased manner from 15.07.2021 to 31.07.2021 because SMAs refused to supply meals @ Rs. 18.34 per meal per person.

b). From 01.08.2021 to 10.02.2022: M/s Akshaya Patra Foundation provided free meals to the shelter users as a voluntary gesture and it did not charge any amount from DUSIB for providing free meals. However, M/s Akshaya Patra Foundation vide its reference dated 24.01.2022 communicated that they will discontinue providing free meals w.e.f. 31.01.2022. Considering this, the DUSIB Night Shelter Section invited bids vide Tender ID No. 2021_DUSIB_212970_I; dated: 17.12.2021. In the Bid document, a pre-bid meeting was convened on 27.12.2021 and the observations with considered addendums/corrigendum were proposed for approval of the then Hon'ble Minister of Urban Development, who ordered on date 21.01.2022 for the nomination of M/s Akshaya Patra Foundation to supply meals in the Shelter Home. In compliance of the orders of the then Hon'ble Minister of UD, a Work Order dated: 23.02.2022 was issued to M/s Akshaya Patra Foundation. **[ANNEXURE-A]**

c). From 11.02.2022 to 15.09.2022: M/s Akshaya Patra Foundation has been providing meals to the homeless in the Night Shelters by charging @Rs.18.34/- per meal per person from DUSIB. Distribution of food in Shelter Homes operated by DUSIB was stopped w.e.f. 15.09.2022 with the approval of Deputy Chief Minister/UD Minister.

d). From 19.09.2022 to 25.04.2023: Supply of food in the Shelter Homes of DUSIB resumed based on the directions of the then Dy. Chief Minister/UD Minister. **[ANNEXURE-B]**

In this case, because of inability of Shelter Management Agencies (SMAs) to provide food, M/s Akshaya Patra Foundation continued to provide food at same rate @ Rs. 18.34 per meal per person as charged previously. However, the Food Menu was superseded from the already approved Food Menu by the food supplying agency M/s Akshaya Patra Foundation.

e). From 29.04.2022 to till date: The work of supply of 03 meals to homeless people was further continued by M/s Akshaya Patra Foundation at same rate i.e. @ 18.34 per meal per person, on the specific directions of Hon'ble High Court of Delhi issued in W.P. (C) 5540/2023 titled COURT

ON ITS OWN MOTION VS DUSIB & Govt. of NCTD on dated: 28.04.2023. The Hon'ble High Court further directed DUSIB to clear all pending dues of M/s Akshaya Patra Foundation. **[ANNEXURE- C]**

Moreover, it is to submitted that the DUSIB had already made a payment of amounting to **Rs. 13,34,77,308.00** in favour of M/s Akshaya Patra Foundation for the period 11.02.2022 to 31.05.2023. **[ANNEXURE-D]**

Furthermore, the expenditure likely to be incurred for the 01.06.2023 to 31.12.2023 for supply of 03 meals to homeless has been calculated which comes to be **Rs. 7.81 crores** (approx). **[ANNEXURE-E]**

Hence, the total Administrative Approval and Expenditure Sanction(A/A&E/S) amount for the period 11.02.2023 to 31.12.2023 is as follows:

S.No	Period	Amount	Remarks
1.	11.02.2023 to 31.05.2023	Rs. 13,34,77,308.00	Amount already paid in favour of M/s Akshaya Foundation
2.	01.06.2023 to 31.12.2023	Rs. 7,81,00,000.00	Payment is to be made to M/s Akshaya Foundation
	Total	Rs. 21,15,77,308.00	

In view of the above, Administrative Approval and Expenditure Sanction (A/A&E/S) to the tune of **Rs. 21,15,77,308.00** is being sought for supply of meals for the period **11.02.2022 to 31.12.2023**.

In addition, it is pertinent to mention that the expenditure to be incurred will be at the nominal rate of Rs. 18.34 per meal per homeless and considering the occupancy of the Shelter Home uploaded on DUSIB portal. In the meantime, the new tender for the supply and distribution of 03 meals to homeless persons residing in the Shelter Homes of DUSIB will be finalized subject to the completion of all codal formalities.

Proposal:

The matter is therefore, placed before the Board for the Administrative Approval & Expenditure Sanction of amounting to **Rs.21,15,77,308.00** for the period 11.02.2022 to 31.12.2023 on a/c of providing free meals to the homeless people residing in various shelter homes of DUSIB. The matter is placed before the Board for its consideration and decision.

AGENDA ITEM NO. 32/31

**APPROVAL OF DUSIB ANNUAL ACCOUNTS FOR THE YEAR
01.4.2014 TO 31.03.2015 AND 01.04.2015 TO 31.03.2016.**

1. Delhi Urban Shelter Improvement Board (DUSIB) has come in existence under Delhi urban improvement Board Act -2010 which has been passed by the Legislative Assembly of the National Capital Territory of Delhi on the 01st April 2010 and has come in force by the order of Hon'ble Lt. Governor of Delhi on 01st July 2010. The Slum and JJ Department which was earlier part of MCD was transferred to this Board. The Slum and JJ Department was not Set up under any statute, but as part of MCD in 1962. The Department was entrusted with the work of operating the provisions of Slum Areas (Improvement & Clearance) Act, 1956. In 1967 JJ Wing was transferred to DDA and subsequently merged with DDA. However, Slum and JJ department was transferred back & Forth from MCD to DDA from 1974 till 1980 and was finally with MCD, Since September 1992.
2. DUSIB has 17 divisions across Delhi and a HQ which is subdivided into 5 branches i.e. Non Plan, Plan, GPF, Pension and JJR. Accounting of Each division /branch is decentralized and is on cash basis. Each division prepare accounts in single entry basis which are consolidated at HQ for preparation of Annual Accounts. The accounts of Each Financial Year are approved by Board of DUSIB.
3. Government had already decided that all the accounts of Government and autonomous bodies will be converted into Double Entry System and further the same be prepared in Double Entry System not into cash basis/single entry system. C&AG also insisted for early conversion of all accounts of DUSIB from single entry system to Double Entry System. Accordingly, the process of conversion of accounts from single entry system to Double Entry system initiated by DUSIB. The accounts for financial year 2014-15 and 2015-16 have been prepared by Chartered Accounts firms appointed by DUSIB. The opening Balance for preparation of DUSIB's Annual Account in Double Entry system/Financial statement has been taken from Financial Statement ending 31.3.14 and 31.3.15 respectively. The Financial statement is prepared from the Annual/Monthly Accounts, Classified Register, Utilization

certificates, Cash Book and FDR Register. The figures from Monthly Accounts, Classified Register, Utilization certificates and Cash Book have been compiled after making necessary adjustments as per accounting system.

4. The Delhi Urban Shelter was in receipt of Grants for execution of various Development works in Slum area under jurisdiction of DUSIB. DUSIB provides basic amenities to JJ Dwellers and economically weaker section of the society in Delhi. The consolidated grants received from GNCTD/ Govt of India under various head of accounts for execution of various Development works are divided as under:-

Name of Grants	Transferred to Capital (%)	Transferred to Revenue (%)
Environmental Improvement in Slum	50	50
Slum Katra Repair/Renewal Programme	67	33
Construction & Management of Night Shelter	55	45
Construction of pay & use Jan Suvidha Complexes	25	75
Construction of Community Halls/Bastivikas Kendra	12	88
ShishuVatikas /Common spaces in JJ Clusters	45	55
Centrally Assisted Slum Development Programme.	50	50
Construction of Flats/Incremental houses for Katra dwellers in walled city & other areas	92	8
Maintenance of assets created out of Plan Fund	50	50
C/o Houses under JNNRUM	100	0
Study & Preparation Of Perspective Plan For Delhi slums	0	100
GIA to DUSIB, C/o& M/o Office Building and staff qtrs.	55	45
Work under Trans Yamuna Area Dev.Board	100	-
Improvement of services I SRS Pocket	-	100
Swacch Bharat Abhiyan	-	100

5. The expenditure and Grant received has been taken as per Abstract Register on actual basis and the closing balances of Grant taken on the basis of Utilization Certificates submitted for the financial year 2014-15 and 2015-16 to GNCTD wherein unspent balances for the relevant year has been reflected.
6. The earmarked funds i.e. G.P.F, Pension and New Pension scheme have been adjusted by working out the actual G.P.F, Pension and New Pension scheme. The interest accrued on GPF has been added to earmarked funds of GPF. All Debit and Credit entries have been taken from Abstract Registers, Monthly accounts of DUSIB.
7. The depreciation to fixed assets have been taken as written down value method which is as under:-

Particulars	Rate of Depreciation
Land	Nil
Dustbin & Dhalaos	20.00%
CTCs (Conventional)	20.00%
CTCs (YAP)	20.00%
Pre fab JSCs	20.00%
MTVs	20.00%
MTVs (YAP)	20.00%
Sewer Treatment Plant (YAP)	20.00%
Sanitation Equipments (YAP)	20.00%
Lavatory Blocks & Urinals	20.00%
Roads, Streets, Lanes	20.00%
Structural repair & Maintenance of Slum	20.00%
Development of Sewerage	20.00%
Drainage	20.00%
Shishuvatika	10.00%
Building	1.61%
Building District Center	1.61%
CWIP- Building School	1.61%
Electrical Cables	7.07%
Computers	15.50%
Furniture, Fixtures & Office Equipments	9.50%
Lamp Post & Luminary Fittings	10.00%

Books	100.00%
Plants & Machinery	4.75%
Vehicles	10.00%
Developments of Site	0.00%
Environmental Improvement in Slum	20.00%
Slum Katra Repair/Renewal Programme	20.00%
Construction & Management of Night Shelter	1.61%
Jan Suvidha Complexes	20.00%
Kendra OR Adg. Built up Facilities of C/Halls,	1.61%
Construction of Flats at Mata Sundari Road	1.61%
Shishu Vatikas /Common spaces	20.00%
Centrally Assisted Slum Development Programme	20.00%
C/o Houses Under JNNRUM	20.00%
Improvement of services in SRS pockets	20.00%
Rajiv AwasYojna	20.00%
Development Work Trans Yamuna Area Development Board	1.61%
GIA to DUDIB, ID C/o&R/o O.Building&S.Qtr	1.61%
M/o Slum/JJ Cluster & informal shelter	1.61%
Property, Plant & Machinery	4.75%
Furniture	9.50%

8. The capital work in progress has now been capitalized and also transferred in fixed assets while preparing the financial statements. The capital works in progress capitalized and taken as fixed assets. However, actual fixed asset register is to be finalized for which agency is to be assigned through call of tender to carry out the work of preparation of Fixed Assets Register. Actual figures so arrived after finalization of fixed asset register will be transferred / adjusted in financial statement of the financial year during which the same will be finalized.
9. The details of investment made by the DUSIB under various scheme as on 31.03.2011 have been prepared on the basis of FDR Registers, Accrued interest for the financial year 2014-2015 and 2015-2016 have been calculated on the basis of investments of DUSIB which have been taken as per available records of FDRs i.e. FDR Registers/Cash Books/Monthly Accounts.

10.A “General Reserve (Plan Fund)” created for Income from Investment from Plan Fund. The Expenditure through Capital Grants is transferred to Capital Reserve Account considered the Expenditure of Capital Grants on Construction or/and Purchase of Fixed Assets. But in the absence of capitalisation certificate, date of capitalisation, actual date of put to use and other details. The exact fixed assets details will be incorporated/adjusted as and when completed by the department. The amount of Capital Reserve decreases with the same of the depreciation charged on the Fixed Assets created through the Capital Grants.

11. The extract of Section 24 of DUSIB Act-2010 is as under:-

(1) The Board shall prepare in such form and at such time every year as may be prescribed by rules, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Board and shall forward to the Government such number of copies thereof as may be prescribed by rules.

(2) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance-sheet in such form as the Government may by rules prescribe in consultation with the Comptroller and Auditor-General of India.

(3) The accounts of the Board shall be subject to audit annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.

(4) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of accounts of the Board shall have the same right, privilege and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and in particular, shall have the right to demand the

production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Board.

(5) The accounts of the Board as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Government and the Government shall cause a copy of the same to be laid before the Legislative Assembly of Delhi.

12. The Balance sheet, Profit and loss accounts of DUSIB for the period 2014-2015 and 2015-2016 are as under:-

**DELHI URBAN SHELTER IMPROVEMENT BOARD
BALANCE SHEET AS AT 31ST MARCH 2015**

LIABILITIES			
Particulars	Sch.	Current Year	Previous Year
Corpus/Capital Fund	1	6,61,58,06,429.73	6,26,91,86,908.02
Grants	2	62,34,09,473.00	96,55,06,367.00
Earmarked Fund/Endowment Funds	3	1,32,00,64,382.36	1,13,77,70,872.36
Secured Loans and Borrowings	4	0.00	0.00
Unsecured Loans and Borrowings	5	1,27,94,71,837.00	1,23,75,21,837.00
Deffered Credit Liabilities	6	0.00	0.00
Current Liabilities and Provisions	7	2,26,41,43,749.00	2,34,03,83,279.00
Total		12,10,28,95,871.09	11,95,03,69,263.38
ASSETS			
Particulars	Sch.	Current Year	Previous Year
Fixed Assets	8	7,44,88,69,464.72	7,06,97,42,729.56
Investments-From Earmarked Funds	9	44,14,12,922.00	50,24,36,694.00
Investments-Others	10	2,45,06,35,098.42	1,85,33,21,972.30
Current Assets,Loans,Advances Etc.	11	1,76,19,78,385.95	2,52,48,67,867.52
Total		12,10,28,95,871.09	11,95,03,69,263.38

INCOME AND EXPENDITURE FOR THE YEAR ENDED 31ST MARCH 2015

INCOME			
Particulars	Sch.	Current year	Previous Year

Income from Sales / Services	12	0.00	0.00
Fees /Subscriptions	13	39,96,79,578.77	13,12,95,018.45
Grant from GNCTD (WAYS & MEANS)	13A	44,53,00,000.00	0.00
Grants Income	-	43,29,23,235.40	50,39,85,883.52
Income from Investments	14	0.00	0.00
Income from Royalty, Publication etc.	15	0.00	0.00
Interest Earned	16	12,40,20,000.83	15,79,45,505.54
Other Income	17	26,52,64,109.97	5,36,70,027.45
Increase/(decrease) in stock of Finished goods an works-in-progress	18	0.00	0.00
Total (A)		1,66,71,86,924.97	84,68,96,434.96
EXPENDITURE			
Particulars	Sch.	Current year	Previous Year
Establishment Expenses	19	1,15,92,63,202.47	1,03,78,22,262.60
Other Administrative Expenses etc.	20	6,24,14,819.55	4,34,83,708.00
Expenditure related to Grants	-	43,29,23,235.40	50,39,85,883.52
Finance Cost	21	12,69,74,892.00	11,91,64,332.00
Depreciation	8	20,67,42,922.93	25,05,34,414.29
Total (B)		1,98,83,19,072.35	1,95,49,90,600.41
Balance being excess of Income over Expenditure (A-B)		-32,11,32,147.38	-1,10,80,94,165.45
Transfer to Special Reserve (Specify each)			
Transfer to/ from General Reserve			
BALANCE BEING SURPLUS/(DEFICIT) CARRIED TO CORPUS/CAPITAL FUND		-32,11,32,147.38	-1,10,80,94,165.45

DELHI URBAN SHELTER IMPROVEMENT BOARD
BALANCE SHEET AS AT 31ST MARCH 2016

LIABILITIES			
Particulars	Sch.	Current Year	Previous Year
Corpus/Capital Fund	1	6,49,56,27,354.84	6,61,58,06,429.73
Grants	2	62,95,06,957.00	62,34,09,473.00
Earmarked Fund/Endowment Funds	3	1,54,88,00,458.36	1,32,00,64,382.36
Secured Loans and Borrowings	4	0.00	0.00
Unsecured Loans and Borrowings	5	1,77,17,21,837.00	1,27,94,71,837.00
Deferred Credit Liabilities	6	0.00	0.00
Current Liabilities and Provisions	7	2,34,49,41,059.78	2,26,41,43,749.00
Total		12,79,05,97,666.98	12,10,28,95,871.09
ASSETS			
Particulars	Sch.	Current Year	Previous Year
Fixed Assets	8	8,11,89,98,925.82	7,44,88,69,464.72
Investment-From Earmarked Funds	9	38,17,22,998.00	44,14,12,922.00
Investment-Others	10	2,47,71,99,533.84	2,45,06,35,098.42
Current Assets, Loans, Advances Etc.	11	1,81,26,76,209.32	1,76,19,78,385.95
Total		12,79,05,97,666.98	12,10,28,95,871.09

DELHI URBAN SHELTER IMPROVEMENT BOARD
INCOME AND EXPENDITURE FOR THE YEAR ENDED 31ST MARCH 2016

INCOME			
Particulars	Sch.	Current year	Previous Year
Income from Sales / Services	12	0.00	0.00
Fees /Subscriptions	13	22,59,74,943.85	39,96,79,578.77
Grant from GNCTD (WAYS & MEANS)	13A	0.00	44,53,00,000.00
Grants Income	-	65,35,91,388.36	43,29,23,235.40
Income from Investments	14	9,24,40,854.54	0.00
Income from Royalty, Publication etc.	15	0.00	0.00
Interest Earned	16	5,45,55,438.80	12,40,20,000.83
Other Income	17	23,73,03,260.78	26,52,64,109.97
Increase/(decrease) in stock of Finished goods an works-in- progress	18	0.00	0.00
Total (A)		1,26,38,65,886.33	1,66,71,86,924.97
EXPENDITURE			
Particulars	Sch.	Current year	Previous Year
Establishment Expenses	19	1,26,64,72,832.49	1,15,92,63,202.47
Other Administrative Expenses etc.	20	4,94,36,475.47	6,24,14,819.55
Expenditure related to Grants	-	65,35,91,388.36	43,29,23,235.40
Finance Cost	21	18,09,86,169.00	12,69,74,892.00
Depreciation	8	17,14,37,898.52	20,67,42,922.93
Total (B)		2,32,19,24,763.84	1,98,83,19,072.35
Balance being excess of Income over Expenditure (A-B)		-1,05,80,58,877.51	-32,11,32,147.38
Transfer to Special Reserve (Specify each)			

Transfer to/ from General Reserve		
BALANCE BEING SURPLUS/(DEFICIT) CARRIED TO CORPUS/CAPITAL FUND	-1,05,80,58,877.51	-32,11,32,147.38

As per provision in Section 24 of DUSIB Act-2010, the Balance Sheet, Profit & Loss Account for the year 2014-15 and 2015-16 is placed before the BOARD for its consideration and approval please.

AGENDA ITEM NO. 32/32

APPROVAL OF DUSIB BUDGET FOR THE YEAR 2022-23.

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. 1st 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 752 JJ clusters all over Delhi having 3,25,000 jhuggies. The Operation and Maintenance of already existing 197 Night Shelters (Pucca and Porta Cabin) spread all over in Delhi are also the responsibility of DUSIB.

3. The Budget for the year 2022-23 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 2022-23 includes actual (Receipts & Expenditure) for the year 2021-22 and Budget Estimates for the year 2022-23 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. Establishment expenditure are being met out of loan under Ways and Means support from GNCTD. During 2021-22 the total revenue receipts of DUSIB were Rs. 3,046.09 Lakh (excluding interest i.e. total revenue receipts Rs.10,937.03 Lakh minus Interest Rs. 7,890.94 Lakh), while the revenue expenditure was Rs. 16,538.12 Lakh.

Thus revenue deficit in 2021-22 was Rs. 13,492.03 Lakh. The revenue deficit i.e. the gap between revenue receipts and expenditure as well as deficit in GPF payment has been met out of financial assistance provided by Government of NCT of Delhi in the form of Loan under Ways and Means Support.

6. The sources of receipt (Capital and Revenue) for DUSIB during 2021-22 were as under:-

(All figures in Lakh Rupees)

S.NO.	Head of Account	ACTUAL 2021-22
1	CAPITAL RECEIPTS	
(i)	DEVELOPMENTS OF PLOTS/PROJECTS	
(ii)	Liquidation of Tenements	102.13
(iii)	Equated Installment in r/o flat allotted under Spl. Registration Scheme	72.44
(iv)	Liquidation of Stalls/shops under S.C.P	14.90
(v)	Conversion of JJR Plots into freehold	3.86
(vi)	Dairy Farm Receipt (Premium)	0.82
	TOTAL 1	194.15
2	REVENUE RECEIPTS	
(A)	RENT RECEIPTS	
(i)	LICENCE FEE	
(a)	Tenements/ /Residential	656.58
(b)	Commercial including SCP & JJR	
(c)	Institutional allotment	
(d)	Properties in the walled city	
(e)	JJR Plots	
(f)	Staff qtrs.	1.03
(g)	Licencee Fees plus Booking charges from Community Halls	160.26
(h)	Rent from chunks/vacant land	636.32
(ii)	DAMAGES	
(a)	Properties in Walled City & JJR	206.38
(iii)	Ground Rent	407.18
	TOTAL 2 (A)	2067.75
2 (B)	OTHER RECEIPTS	
(i)	Sale of tender forms	12.60
(ii)	Forfeiture of Earnest Money	8.92
(iii)	Maintenance charges of Jan Suvidha Complexes	0.26
(iv)	Cleaning Charges and other misc. receipts	347.95
(v)	Right to Information Act-2005	0.03
(vi)	Baba Ramdevji Old Cloth Seller Market, Raghbir Nagar, informal sector	15.19

(vii)	Parking Fee	107.41
(viii)	Medical Contribution	115.43
(ix)	Departmental Charges	370.55
	TOTAL 2 (B)	978.34
	TOTAL 2 (A+B)	3046.09
C)	Interest	7890.94
	Total (A+B+C)	10937.03
D)	Loan from GNCTD	11250.00
	Total (A+B+C+D)	22187.03

7. The then Chairperson in the 5th 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. Board discussed the issue of providing loan to DUSIB by Government for salary disbursement to its staff. The Hon'ble Chief Minister, Delhi/Chairperson Board directed that loan should be converted into Grant as they are meant for the payment of salaries to the employees of the organization. After giving Grant-in-Aid for two years 2012-2013 and 2013-2014, Govt again started providing Ways and Means loan to DUSIB for salary purpose, which resulted loan to tune of Rs.1,19,428.00 Lakh.

8. 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. The capital receipt declined during the financial year 2021-22 to the tune of Rs.697.04 Lac as compared to last financial year 2020-21(Rs.891.19 lac for 2020-21 minus Rs.194.15 Lac for 2021-22). Major decrease is due to less receipt under the scheme Equated Instalment of special registration scheme 1985. The Revenue receipt have increased to the tune of Rs.366.43 Lac in financial year 2021-22 (Rs.3046.09 lac for 2021-22 minus Rs.2679.66 Lac for 2020-21) and likely to be increased marginally in current financial year 2022-23. Accordingly, the targets of capital receipts and revenue receipt have been fixed Rs. 515.00 lakh and Rs. 2,641.00 (Total Rs. 5,641.00 Lakh minus interest Rs. 3,000 lakh) respectively in the Budget Estimates 2022-23.

9. The sources of revenue receipts of DUSIB are limited and not sufficient even to meet the establishment expenditure. The revenue receipts have been drastically hit in all Heads of revenue generation. 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.

10. COMPARISON BETWEEN CAPITAL & REVENUE RECEIPTS FOR THE FINANCIAL YEAR 2021-22 (ACTUAL) & FOR THE FINANCIAL YEAR 2022-23 (PROPOSED).

(Rs. In Lakh)

Details	Financial year 2021-22 (Actual)	Financial year 2022-23 (Proposed) Budget Estimates
Capital Receipt.	194.15	515.00
Revenue Receipt including Loan from Govt. of Delhi	22,187.03	28,141.00
GIA for Execution of Plan Works-Capital	51,017.07	2,153.00
GIA for Execution of Plan Works-Revenue	4,836.49	17,054.00

Note:

- (i) It is estimated that during 2022-23 there would be sharp decrease in Capital Receipts of GIA for execution of Plan work by Rs. 48,864.07 Lakh as Rs.50,000.00 Lac received in the year 2021-22 under the scheme Mukhya Mantri Awas Yojna(MMAY) and the said scheme to be implemented by PWD now. The capital receipt of DUSIB to be increased by Rs. 320.85 lac and Revenue Receipt including Loan from Govt. of Delhi would increase by Rs. 5,953.97Lakh. The increase in revenue receipt of GIA for execution of Plan work

is due to addition of New scheme for providing food to inmates of Night Shelter

- (ii) The Capital Receipts in the Budget Estimates under auction of Plots (a) Residential (b) Commercial have not been factored in due to uncertainty of approval of policy by GNCTD.

11. COMPARISON BETWEEN CAPITAL & REVENUE EXPENDITURE FOR THE FINANCIAL YEAR 2021-22 (ACTUAL) AND 2022-23 (PROPOSED)

(Rs. In Lakh)

Details	Financial year 2021-22 (Actual)	Financial year 2022-2023 (Proposed) Budget Estimates
Capital Expenditure including Expenditure on Execution of Plan Works	3,094.15	6,985.00
Revenue Expenditure on Pay & Allowances etc. and Execution of Plan Works	23,524.45	36,745.00

12. A Capital Expenditure outlay for execution of Plan Scheme amounting to Rs. 6,470.00 Lakh is proposed mainly to meet the expenditure on housing scheme at Dev Nagar, upgradation of Jan Suivdha complexes, C/O Night shelters etc.

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. 19,161.00 Lakh (Revenue Rs. 12,691.00 Lakh and Capital Rs. 6,470.00 Lakh). The work of construction of 784 Nos EWS flats at Dev Nagar, Karol Bagh under In-situ upgradation is under progress.

14. 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 to make Delhi Open Defecation Free city and 691 Jan Suvidha Complexes having 22000 WCs has been completed for public use 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 01.01.2018. For this an outlay of Rs. 6,800.00 Lakh is proposed for Revenue Expenditure and Rs.1,000.00 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. The work of construction of 784 EWS flat at Dev Nagar, Karol Bagh is also under progress. During the year 2022-23, an amount of Rs. 1,000.00 Lakh is proposed for constructing EWS Houses under JNNURM scheme.
- (iii) The works relating to operation & management (O&M) of existing shelters (197) will also be undertaken and 300 units of Pagoda Tents will be installed during winter season. In addition to the above, three time meals to all inmates of Night shelter are also being provided through NGO maintaining the Night shelter till NGO Akshay Patra taken over for providing free meals to inmates of Night shelter. For meeting out the expenditure, the provision of Rs.3,300.00 Lakh have been taken for revenue head and Rs.500.00 taken for provision of food for inmates of Night shelters. An amount of Rs.500.00 Lakh taken for provision of upgradation/Construction of Night Shelters.

15. The DUSIB have also taken responsibility of setting up quarantine centre at Sultanpuri, Dwarka and Radha Swamy Satsant Ghar, Chhattarpur in the financial year 2020-21 during Pandemic and provision of Rs. 20.00 Lakh only taken under the head Prevention of isolation home for vector borne disease for meeting old liabilities.

16. The revenue receipts for the financial year 2021-2022 have slight increase and the amount received in the current financial year is not sufficient to meet out expenditure as there is financial crunch in DUSIB for meeting out establishment expenditure. DUSIB have requested GNCTD, Delhi for providing Grant of Rs.225.00 Crores under the Ways & Means support instead of provision of loan.

17. The statement showing details of actual for the last three financial years, Actuals for the financial year 2021-22 and Budget Estimate for the year 2021-22 and Budget Estimate for the year 2022-23 are annexed herewith.

18. As stipulated under section 24(1) of the Delhi Urban Shelter Improvement Board Act 2010, the proposals containing Actuals for the financial year 2021-22 and Budget Estimates for the financial year 2022-23 have been prepared and placed before the Board in the next Board Meeting for consideration, adoption and approval.

AGENDA ITEM NO. 32/33

APPROVAL OF DUSIB BUDGET FOR THE YEAR 2023-24.

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. 1st 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 752 JJ clusters all over Delhi having 3,25,000 jhuggies. The Operation and Maintenance of already existing 197 Night Shelters (Pucca and Porta Cabin) spread all over in Delhi are also the responsibility of DUSIB.

3. The Budget for the year 2023-24 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 2023-24 includes actual (Receipts & Expenditure) for the year 2022-23 and Budget Estimates for the year 2023-24 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. Establishment expenditure are being met out of loan under Ways and Means support from GNCTD. During 2022-23 the total revenue receipts of DUSIB were Rs. 4,702.58 Lakh (excluding interest i.e. total revenue receipts Rs.6,497.34 Lakh minus Interest Rs. 1,794.76 Lakh), while the revenue expenditure was Rs. 18,593.97 Lakh.

Thus revenue deficit in 2022-23 was Rs. 13,891.39 Lakh. The revenue deficit i.e. the gap between revenue receipts and expenditure has been met out of financial assistance provided by Government of NCT of Delhi in the form of Loan under Ways and Means Support.

6. The sources of receipt (Capital and Revenue) for DUSIB during 2022-23 were as under:-

(All figures in Lakh Rupees)

S.NO.	Head of Account	ACTUAL 2022-23
1	CAPITAL RECEIPTS	
(i)	DEVELOPMENTS OF PLOTS/PROJECTS	
(a)	Institutional	640.02
(ii)	Liquidation of Tenements	251.69
(iii)	Equated Installment in r/o flat allotted under Spl. Registration Scheme	164.12
(iv)	Liquidation of Stalls/shops under S.C.P	204.35
(v)	Conversion of JJR Plots into freehold	9.45
(vi)	Dairy Farm Receipt (Premium)	96.45
	TOTAL 1	1366.08
2	REVENUE RECEIPTS	
(A)	RENT RECEIPTS	
(i)	LICENCE FEE	
(a)	Tenements/ /Residential	616.77
(b)	Commercial including SCP & JJR	
(c)	Institutional allotment	
(d)	Properties in the walled city	
(e)	JJR Plots	
(f)	Staff qtrs.	10.00
(g)	Licencee Fees plus Booking charges from Community Halls	210.43
(h)	Rent from chunks/vacant land	1664.68
(ii)	DAMAGES	
(a)	Properties in Walled City & JJR	158.61
(iii)	GROUND RENT	627.65
(iv)	Recovery for Water Charges	0.00
	TOTAL 2 (A)	3288.13
2 (B)	OTHER RCEIPTS	
(i)	Sale of tender forms	13.53
(ii)	Forfeiture of Earnest Money	25.12
(iii)	Maintenance charges of Jan Suvidha Complexes	5.13
(iv)	Cleaning Charges and other misc. receipts	492.48

(v)	Right to Information Act-2005	0.33
(vi)	Baba Ramdevji Old Cloth Seller Market, Raghbir Nagar,informal sector	26.68
(vii)	Parking Fee	117.67
(viii)	Medical Contribution	118.10
(ix)	Departmental Charges	615.42
	TOTAL 2 (B)	1414.45
	TOTAL 2 (A+B)	4702.58
2 (C)	Interest	1794.76
	Total(A+B+C)	6497.34
2 (D) (i)	Non-Plan Grants	0.00
(ii)	Loan from GNCTD	31915.00
	TOTAL 2 (A+B+C+D)	38412.34

7. The then Chairperson in the 5th 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. Board discussed the issue of providing loan to DUSIB by Government for salary disbursement to its staff. The Hon'ble Chief Minister, Delhi/Chairperson Board directed that loan should be converted into Grant as they are meant for the payment of salaries to the employees of the organization. After giving Grant-in-Aid for two years 2012-2013 and 2013-2014, Govt again started providing Ways and Means loan to DUSIB for salary purpose, which resulted loan to tune of Rs.1,30,093.00 Lakh.

8. 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. The capital receipt increased during the financial year 2022-23 to the tune of Rs.1,171.93 Lac as compared to last financial year 2021-22 (Rs.1366.08 lac for 2022-23 minus Rs.194.15 Lac for 2021-22). Major increase is due to receipt of arrear of dues under Housing scheme 1985, SCP stall, receipt from Institutional Allotment & Cattle Dairy Farm

etc. The Revenue receipt have increased to the tune of Rs.1,656.49 Lac in financial year 2022-23 (Rs.4702.58 lac for 2022-23 minus Rs.3046.09 Lac for 2021-22) and likely to be increased marginally in current financial year 2023-24. Accordingly, the targets of capital receipts and revenue receipt have been fixed Rs. 1,365.00 lakh and Rs. 4,906.97 (Total Rs. 7,906.97.00 Lakh minus interest Rs. 3,000 lakh) respectively in the Budget Estimates 2023-24.

9. The sources of revenue receipts of DUSIB are limited and not sufficient even to meet the establishment expenditure. The revenue receipts have been drastically hit in all Heads of revenue generation. 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.

10. COMPARISON BETWEEN CAPITAL & REVENUE RECEIPTS FOR THE FINANCIAL YEAR 2022-23 (ACTUAL) & FOR THE FINANCIAL YEAR 2023-24 (PROPOSED).

(Rs. in Lakh)

Details	Financial year 2022-23 (Actual)	<i>Financial year 2023-24 (Proposed) Budget Estimates</i>
Capital Receipt.	1,366.08	1,365.00
Revenue Receipt including Loan from Govt. of Delhi	38,412.34	24,906.97
GIA for Execution of Plan Works-Capital	720.70	3,110.00
GIA for Execution of Plan Works-Revenue	14,851.00	15,407.00

Note:

- (iii) It is estimated that during 2023-24 there would be increase in Capital Receipts of GIA for execution of Plan work by Rs. 2,389.30 Lakh due to increase in Budget estimate under JSC(Capital). The Revenue Receipt including Loan from

Govt. of Delhi would decrease by Rs. 13,505.37 Lakh. The major decrease is due to loan receipt from GNCTD for ways and Means i.e. Actual receipt Rs.31,915.00 including Rs.10,000.00 lac for meeting GPF Deficit and Budget Estimate for year 2023-24 is only Rs. 17,000.00. The increase in revenue receipt of GIA for execution of Plan work is marginal i.e. Rs. 556.00 lac.

- (iv) The Capital Receipts in the Budget Estimates under auction of Plots (a) Residential (b) Commercial have not been factored in due to uncertainty of approval of policy by GNCTD.

11. COMPARISON BETWEEN CAPITAL & REVENUE EXPENDITURE FOR THE FINANCIAL YEAR 2022-23 (ACTUAL) AND 2023-24 (PROPOSED)

(Rs. in Lakh)

Details	Financial year 2022-23 (Actual)	Financial year 2023-24 (Proposed) Budget Estimates
Capital Expenditure including Expenditure on Execution of Plan Works	1,087.34	7,923.40
Revenue Expenditure on Pay & Allowances etc. and Execution of Plan Works	21,078.08	41,316.00

- 12.** A Capital Expenditure outlay for execution of Plan work amounting to Rs. 7,540.00 Lakh is proposed mainly to meet the expenditure on housing scheme at Dev Nagar, upgradation of Jan Suivdha complexes, C/O Night shelters etc.

- 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. 24,840.00 Lakh (Revenue Rs. 17,300.00 Lakh and Capital Rs. 7,540.00 Lakh). The work of construction of 784 Nos EWS flats at Dev Nagar, Karol Bagh under In-situ upgradation is under progress.

14. 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:

- (iv) To maintain the JJ clusters in hygienic condition and to provide clean environment, a massive programme to make Delhi Open Defecation Free city and 691 Jan Suvidha Complexes having 22000 WCs has been completed for public use 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 01.01.2018. For this an outlay of Rs. 7,200.00 Lakh is proposed for Revenue Expenditure and Rs.2,000.00 Lakh for Capital Expenditure.
- (v) 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. The work of construction of 784 EWS flat at Dev Nagar, Karol Bagh is also under progress. During the year 2023-24, an amount of Rs. 1000.00 Lakh is proposed for constructing EWS Houses at Dev Nagar under In-situ upgradation scheme and Rs.1,000.00 Lac under JNNURM.
- (vi) The works relating to operation & management (O&M) of existing shelters (197) will also be undertaken and Pagoda Tents are also to be installed during winter season. In addition to the above, three time meals to all inmates of Night shelter are also being provided through NGO maintaining the Night shelter till NGO Akshay Patra taken over for providing free meals to inmates of Night shelter. For meeting out the expenditure, the provision of Rs.5000.00 Lakh have been taken for revenue head and Rs.550.00 taken for provision of food for inmates of Night shelters. An amount of Rs.1500.00 Lakh taken for provision of upgradation/Construction of Night Shelters.

15. The DUSIB have also taken responsibility of setting up quarantine centre at Sultanpuri, Dwarka and Radha Swamy Satsant Ghar, Chhattarpur in the financial year 2020-21 during Pandemic and provision of Rs. 50.00 Lakh only taken under the head Prevention of isolation home for vector borne disease for meeting old liabilities.

16. The revenue receipts for the financial year 2022-23 have slight increase and the amount received in the current financial year is not sufficient to meet out expenditure as there is financial crunch in DUSIB for

meeting out establishment expenditure. DUSIB have requested GNCTD, Delhi for providing Grant of Rs.170.00 Crores under the Ways & Means support instead of provision of loan.

17. The statement showing details of actual for the last three financial years, Actuals for the financial year 2022-23 and Budget Estimate for the year 2023-24 are annexed herewith.

18. As stipulated under section 24(1) of the Delhi Urban Shelter Improvement Board Act 2010, the proposals containing Actuals for the financial year 2022-23 and Budget Estimates for the financial year 2023-24 have been prepared and placed before the Board for consideration, adoption and approval.

AGENDA ITEM NO. 32/34

APPROVAL TO AWARD THE TENDER OF FOUR GROUPS FOR OPERATION MANAGEMENT AND MAINTENANCE OF JSCS UNDER JURISDICTION OF DUSIB.

Background

There are 565 JSCs having about 18500 WCs seats which were divided in four groups i.e. group 1, group 2, group 3 & group 4. Tenders for O & M of these JSCs in four groups were called vide NIT no. 17/EEC-3/DUSIB/2023-24 dt. 01.11.2023, 18/EEC-3/DUSIB/2023-24 dt. 01.11.2023, 19/EEC-3/DUSIB/2023-24 dt. 01.11.2023 & 24/EEC-3/DUSIB/2023-24 dt.27.12.2023.

These tenders were called for two years further extendable up to two years subject to performance of the agencies in anticipation of A/A & E/S amounting to Rs. 169.03 Cr.

E-Tenders were called in anticipation with the approval of Hon'ble Minister UD/VC DUSIB which was monitored regularly at its personal level till call of tenders.

Now, the tenders have been received and evaluated for all the four groups i.e. group 1, group 2, group 3 & group 4 and are required to be accepted before award of work.

The details of tender evaluated are as under:

S. No	No of Group	Agency	Estimated Cost	Award Amount	Remark
1	Group-1	SaiNath Sales & Services Pvt. Ltd.	365386000.00	360614046.00	First lowest
2	Group-2	Khagaul Loco Labours Cooperative society Ltd.	320571120.00	316961064.00	First lowest
3	Group-3	Good Year Security Service	284388071.00	241685136.00	First lowest
4	Group-4	R Enterprises R	279339600.00	235087741.00	Lowest as per remark* given below

Remark* : In the above said tender Khagaul Loco Labours Cooperative society Ltd was the first lowest bidder in Group 2 and Group-4, but as per NIT conditions only work of one Group can be awarded to one agency. Accordingly consent of agency was taken who opted for group-2 and surrender the work of group 4. Accordingly, the agency Good Year Security Service was the first lowest quotationer in Group 3 and Group-4, but as per NIT conditions only work of one Group can be awarded to one agency. Accordingly consent of agency was taken who opted for group-3 and surrender the work of group 4. The agency R R Enterprises was the first lowest of the work of group due to surrender of above two agencies but his rates were some higher than quoted rates of Khagaul Loco Labours Cooperative society Ltd that he quoted for Group-4 before surrendering as above, so the agency R R Enterprises was asked to accept the rates at par as quoted by Khagaul Loco Labours Cooperative society Ltd for group 4 and which were accepted by him

It is pertinent to mention here that the approval to award a work of CEO, DUSIB is only 3 Cr. (copy enclosed).

PROPOSAL:

1. DUSIB Board may give approval of A/A & E/S amounting to Rs. 169.03 Cr. for operation and management of JSCs.
2. DUSIB Board may give the approval of acceptance of tenders of all four groups as above. No EFC is required for approval (Copy of which is attached at P- 76/C)

AGENDA ITEM NO. 32/35

REGARDING RATIFICATION FOR THE ACCORD OF A/A & E/S AND IN-ANTICIPATION APPROVAL FOR CALLING OF TENDERS FOR THE WORK OF “PREPARATION, SUPPLY AND DISTRIBUTION FRESH COOKED THREE MEALS I.E BREAKFAST, LUNCH & DINNER FOR A PERIOD OF 02 YEARS TO HOMELESS PEOPLE OF DELHI RESIDING IN SHELTER HOMES OF DUSIB, GOVT. OF NCT OF DELHI”.

The Plan scheme for Operation, Maintenance and Management of Night Shelters in Delhi is being implemented since 1984-85 with the objective to provide shelter to homeless with adequate basic amenities. DUSIB is the Nodal Agency of Govt. of NCT of Delhi for Operation, Maintenance and Management of the Shelters in Delhi and at present managing about 197 Shelter Homes.

Till the onset of COVID-19 pandemic in the March, 2020, the shelter homes/night shelters provided the mandated facility of shelter, bed and beddings to the homeless and facility of providing tea and rusk was available only during winter season. There had been no provision of providing 03 meals to homeless residing in the Shelter homes of DUSIB, as the same has not been the mandate of DUSIB and non-existence of the same in the DUSIB ACT, 2010.

However, due to prolonged lockdowns and the resultant labour migration issues, it was decided by the Hon'ble Chief Minister, Delhi that DUSIB shall provide free meals to the Shelter users during the Board Meeting held on 25.09.2020. The DUSIB Board further approved an amount of Rs.1531.20 Lakhs for the expenditure to be incurred on providing the free meals.

Previously, Ministry of Housing & Urban Affairs (MOHUA) had directed that free food should be provided for the urban homeless in the NULM shelters during lock down in view of COVID-19 outbreak. Similarly, since the Night Shelters in Delhi are being operated under the Plan Scheme of Govt of NCT of Delhi, in compliance to the directions/approval of Vice-Chairman DUSIB/UD Minister and Chairman DUSIB/Chief Minister on 20.03.2020 and 04.04.2020, DUSIB had provided free lunch and dinner to the homeless people as per following arrangements during the period in following manner:-

a). From 22.03.2020 to 31.07.2021: The Shelter Management Agencies (SMAs) were directed to provide free lunch and dinner to the homeless in the respective shelter homes @Rs.18.34 per meal per person. The total expenditure on this account comes to Rs 11.38 crores.

It is pertinent to mention that the system of providing free meals through SMAs was stopped in a phased manner from 15.07.2021 to 31.07.2021.

b). From 01.08.2021 to 10.02.2022: M/s Akshaya Patra Foundation provided free meals to the shelter users as a voluntary gesture and it did not charge any amount from DUSIB for providing free meals. However, M/s Akshaya Patra Foundation vide its references dated 24.01.2022 notified that they will discontinue providing free meals w.e.f. 31.01.2022. Considering this, the DUSIB Night Shelter wing invited bids vide Tender ID No. 2021_DUSIB_212970_I; dated: 17.12.2021. In the Bid document, a pre-bid meeting was provisioned on 27.12.2021 and the observations with considered addendums/corrigendum were proposed for approval of Hon'ble Minister of Urban Development, who ordered on date 21.01.2022 for the nomination of M/s Akshaya Patra Foundation to supply meals in the Shelter Home. In compliance to the orders of Hon'ble Minister of UD a Work Order dated: 23.02.2022 was issued to M/s Akshaya Patra Foundation.

c). From 11.02.2022 to 15.09.2022: M/s Akshaya Patra Foundation has been providing meals to the homeless in the Night Shelters by charging @Rs.18.34/- per meal per person from DUSIB. Distribution of food in Shelter Homes operated by DUSIB was stopped w.e.f. 15.09.2022 with the approval of Deputy Chief Minister/UD Minister.

d). From 19.09.2022 to 25.04.2023: Supply of food in the Shelter Homes of DUSIB resumed based on the directions of Dy. Chief Minister/UD Minister. In this case, because of inability of Shelter Management Agencies (SMAs) to provide food, M/s Akshaya Patra Foundation continues to provide food at same rate as charged previously. However, the Food Menu was superseded from the already approved Food Menu by the food supplying agency M/s Akshaya Patra Foundation.

e). From 29.04.2022 to till date: The work of supply of 03 meals to homeless people was further continued from M/s Akshaya Patra Foundation at same rate i.e. @ 18.34 per meal per person, only after the directions of Hon'ble High Court of Delhi issued vide court order W.P. (C) 5540/2023 COURT ON ITS OWN MOTION on dated: 28.04.2023.

Accordingly, as per the direction received for calling the tender in r/o 03 meals, the preliminary Estimate (P.E) amounting **Rs. 39,37,70,920/-** was framed after taking into consideration of existing rate of Rs. 18.34 per meal per person for the work of "Preparation, supply and distribution fresh cooked three meals i.e. breakfast, lunch & dinner for a period 02 years to homeless people of Delhi residing in Shelter Homes of DUSIB, Govt. of NCT of Delhi" under the plan head of Night Shelters. The A/A&E/S for the

said work amounting to **Rs. 39,37,70,920/-** and in-anticipation approval for calling of tenders of the said was accorded by the VC (DUSIB)/ Hon'ble Minister (UD), GNCTD on dated 13.11.2023 subject to its ratification from DUSIB Board in next meeting.[AS PER ANNEXURE ATTACHED]

PROPOSAL:

The A/A & E/S and In-anticipation approval for calling of tenders accorded by the VC (DUSIB)/Hon'ble Minister (UD), GNCTD for the work of "Preparation, supply and distribution fresh cooked three meals i.e. breakfast, lunch & dinner for a period 02 years to homeless people of Delhi residing in Shelter Homes of DUSIB, Govt. of NCT of Delhi." under the plan head of Nigh Shelter, for **Rs. 39,37,70,920/-**, may be ratified by DUSIB Board.

The matter is placed before Board for its consideration and decision.