

DELHI DEVELOPMENT AUTHORITY
(WORKS ADVISORY BOARD)

CONFIDENTIAL

No. WAB1 (76)/Vol.42/Secy./VI/2018/ 3008

Dated: 17/7/18

Subject: Minutes of the 6th WAB (2018) meeting held on 06.07.2018 at 04:00 P.M. in the VC's Conference Hall, 1st floor, B-Block, Vikas Sadan, INA, New Delhi.

Minutes of 6th WAB (2018) meeting held on 06-07-2018 at 04.00 PM in the conference Hall, 1st Floor, B- Block, Vikas Sadan, INA, New Delhi, are enclosed here with for favour of information & necessary action.

Encl: As above.

[Handwritten Signature]
17/7/18
(N.K. Gupta)
Secretary (WAB)

In Circulation to:

1. Chief Engineer (North), DDA.
2. Chief Engineer (South), DDA.

Copy to:-

1. Sr. PS to VC, DDA for kind information of the latter.
2. AD to EM, DDA for kind information of the latter.
3. Sr. PS to FM, DDA for kind information of the latter.
4. Chief Engineer(QAC), DDA for kind information.
5. Chief Account officer, DDA for kind information.
6. Chief Engineer (HQ), DDA for kind information.
7. Chief Engineer(NZ), DDA for kind information.
8. Chief Engineer(SZ), DDA for kind information.
9. Commissioner (Planning), DDA for kind information.
10. Chief Architect, DDA for kind information.
11. Sr. AO(Works) III, DDA for kind information.
12. Director (Works), DDA for kind information.
13. Director (System), DDA for uploading on DDA website and the same will be send through e-mail of your office.

[Handwritten Signature]
17/7/18
Secretary (WAB)

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No. WAB1 (76)/Vol.42/Secy./VI/2018/3008

Dated: 17/7/18

Subject: Minutes of the 6th WAB (2018) meeting held on 06.07.2018 at 04:00 PM in the VC's Conference Hall, 1st floor, B-Block, Vikas Sadan, INA, New Delhi. The List of officers, who attended this meeting.

Present(S/Shri)

1. Udai Pratap Singh	Vice-Chairman	Chairman
2. Jayesh Kumar	Engineer Member	Member
3. K. Vinayak Rao	FM	Member
4. Mrityunjay Jha	CAO	Member
5. A.K. Singh	CE(QAC)	Member
6. N.K. Gupta	EO-III to EM	Secy. (WAB)


Others (S/Shri)

1. Rajeev Kumar Singh	CE(HQ)
2. Ajay Gupta	CE(NZ)
3. Ramesh Kumar	CE(SZ)
4. H.K. Bharti	Director (Planning)
5. Mahesh Midha	Dy. Director(Arch.)/RZ
6. Anil Behki	Director (Works)

The following agenda items were discussed.

(A) Category "C" : New Items.1. WAB Item /CE(NZ)

Subject: - Fixation of stipulated date of completion for Alternate pockets & accordingly payment of escalation under clause 10CC & 10CA.



Name of Work: Construction of 24600 LIG & 4855 EWS houses by using prefabricated technology (having structural RCC members i.e. columns, beams, Walls & Slabs all precast) in Narela & Rohini, Delhi (A Turnkey Project.).

Sub Head:(1) C/O 11566 LIG & 2276 EWS houses i/c internal development & electrification at Sector – G-7 & G-8 Narela & Sector -34 & 35 Rohini (Group-I).

Agreement No: - 01/EE/ND-12/DDA/2013-14
01/EE/ND-9/DDA/2014-15

Estt. Cost: - Rs. 959.23 Crores

Tendered Cost: - Rs 1229.92 Crores

Original Stipulated Date of Completion – 02-05-2016.

Sub Head:(2) C/o 13094 LIG & 2579 EWS houses i/c internal development & electrification at Sector- G-2 & G-6 and G-3 & G-4, Narela (Group-II).

Agreement No: - 02/EE/ND-12/DDA/2013-14.

Estt. Cost: - Rs 1093 Crores

Tendered Cost: - Rs 1394.36 Crores

Original Stipulated date of Completion -02-05-2016

The agenda note was submitted and presented by CE(NZ).

CE (NZ) stated that the above mentioned works were awarded to the agency, M/s B. G. Shirke Construction Tech. Pvt. Ltd. (BGSCPTL), in April 2013, in two parts, having two separate agreements as stated in the sub-heads above. Under the two agreements, the work was to be taken up by the agency in twelve pockets. However, work in seven out of the 12 pockets could only be taken up due to following reasons:

- i) Suspension of works at sites in Rohini (Pkt. 6B & 4B) in Sector 34 & 35 due to the continuous agitation by the local villagers and also due to the Order of the Hon'ble Supreme Court to maintain "Status Quo".
- ii) Non availability of full site in Holambi Kalan Pkt. I, II & V in Sector G3-G4, Narela due to the Order of the Hon'ble High Court of Delhi to maintain "Status Quo".

As a result, the shortfall in number of units that could not be taken up for construction was 34.81% (8583 nos.) for LIG houses and 25.36% (1231 nos.) for EWS houses against the contract stipulation of 24,660 LIG and 4,855 EWS houses.

Therefore, the proposal for approval of Alternate sites was taken up: -

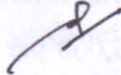
CE (NZ) informed that initially proposal for alternative site in Pocket-VI, VII, VIII & IX in Sector-G-7 & G-8, Narela was submitted where total no. of balance flats as per scope of the work was within 20% deviation as per agreement provisions, which did not materialize due to dispute in pockets G7 & G8.

Therefore, another proposal was prepared for pocket-VI, VII & XI in Sector-G-7 & G-8, Narela, for which in principle approval for taking up the work in alternative pockets, i.e. Pocket-VI, VII & XI in Sector – G-7 & G-8 in Narela by the working agency as per its agreement rates was accorded by VC/DDA on 28.11.2014 and minutes circulated vide letter No. F.7(111)/2014/CE(NZ)/DDA/3428 dated 08.12.2014 by Chief Engineer (NZ)/DDA.

The same got approved in 329th screening committee meeting held on 10.04.2015, with the direction that the agency has to take further approval from local bodies/DUAC, etc. WAB in the meeting held on 09.09.2016 approved the above proposal after considering the deviation in the number of flats, cost benefits analysis and financial implication with the same terms & conditions as incorporated in the Agreement.

After the approval of WAB, letter was issued by EE/ND-9 & ND-12 on 13/10/2016 to the agency to start the work with the same terms & conditions as incorporated in the original agreement after taking an undertaking from BGSCTPL, as per deliberation of WAB meeting held on 09.09.2016 and accordingly the agency took up the works of both the groups of Alternate pockets on ground w.e.f. 27/10/2016.

BGSCTPL has communicated to DDA through various letters requesting change in stipulated date of completion from 03.05.2016 to 26.04.2019. for alternate sites, so that compensation under clause 10 CC & 10CA is payable as per prevailing indices, and not by freezing of indices as prevailing at the time of stipulated date of completion (i.e. 02.05.2016) and the same was denied by EE/ND-9 & EE/ND-12.

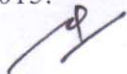


The agency then requested vide Letter no- BGSCTPL/DDA/DPP/LIG/2017/1025 dated 03.04.2017 to EM on the subject matter for appointment of an arbitrator for adjudicating disputes towards payment of actual escalation on work executed beyond the stipulated date of completion, after following the laid down procedure as per clause 25 of the agreement.

CE (NZ) further mentioned that, BGSCTPL has already invoked arbitration vide clause No.25 of the agreement asking DDA to appoint an Arbitrator to resolve the issue. If, DDA at this point appoints Arbitrator & asks BGSCTPL to proceed with the Arbitration for resolving the dispute then it is stated that the case of BGSCTPL is strong enough for the decision to go in their favor for payment of escalation as per prevailing price indices. It is also likely that BGSCTPL may also raise claims for loss of profitability, idling of workforce and machinery, remobilization of resources at new sites and interest.

CE(NZ) stated that the above claims could be justified easily on three counts, viz, (i) new sites were given due to reasons beyond the control of BGSCTPL and DDA. (ii) Alternate pockets have been allotted to them after 3 ½ years or more from the date of start of the project and also 5 months after the original dated of completion of work. In arbitration there is a strong likely hood of the decision going in favour of BGSCTPL. (iii) In this regard attention is also drawn to the circular issued by CPWD vide No. DG/CON/272 dated 21.08.2013 & further amended vide no DG/CON/297 dated 04.09.2017, wherein the previous provision has been amended to make the prevailing indices applicable during the stipulated period of the contract including the justified period extended under the provisions of clause 5 of the contract without any action under clause 2.

CE(NZ) further states that the rates per sqmt. tentatively works out to Rs. 21400/sqmt. for alternate sites as per terms & conditions of the original agreement with payment under Clause- 10CC & 10CA after revising the date of completion from 02.05.2016 to 26.04.2019 against more than Rs. 25,000 per sqmt of the works of mass housing awarded in the year 2015.



After due deliberations and discussions, the WAB decided to revise the stipulated date of completion for alternate pockets from 2.5.2016 to 26.4.2019 and accordingly pay compensation under clause 10CA & 10CC to the agency with the actual prevailing price index (It shall be limited to prices/wages prevailing at the time of revised stipulated date of completion i.e. 26/4/2019 or as prevailing for the period under consideration whichever is less).

The WAB also directed that before conveying the decision of the board to the agency an undertaking is to be given by BGSCTPL stating that they shall not raise any claim though arbitration or otherwise in future on any account what so ever including but not limited to loss of profitability, idling of workforce and machinery, remobilization of resources at new sites and interest. WAB also directed that draft of such undertaking be got vetted by CLA, DDA.

2. WAB AGENDA/CE(SZ)/(On Table)

Name of Work:	D/o Millennium Park along ring road between ISBT Sarai Kale Khan & Bahiron Road.
SH:	Providing & fixing of Brass Temple Top on Peace Museum at Vishva Shanti Stupa (Millennium Park).
Estimated Cost :	Rs.23,60,000/-

CE(SZ) submitted and presented the above said agenda on table in the WAB meeting with the recommendation of award of work order to M/s Sudarshan Craft Museum being the lowest bidder with quoted amount 22.40 Lacs which is 5.08% below the estimated cost, subject to the following terms & condition for the payment.

1. 40% advance with order letter for actual drawing, clay & fiber glass model.
2. Further 40% advance at the time of bronze casting.
3. Rest within 7 days after supply at site.

Note: After completing the work at our work shop, we will transport the same to the site at our own cost.

CE(SZ) further stated that the in principle approval for calling of quotations for this work has been taken from the competent Authority i.e. Vice Chairman DDA. For getting the work executed through work order the power of Chief Engineer is Rs. 15.00 Lacs and more than Rs. 15.00 Lacs rest with WAB. Accordingly, quotations were invited from seven firms

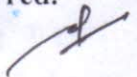
and three Quotations were received. During, the discussion FM DDA has pointed out the following:

1. As per provision of GFR, Bank Guarantee is to be taken from the agency against advance payment which shall be 110% of the advance amount.
2. The format of Bank Guarantee shall be got vetted through Legal Branch of DDA.

WAB inquired about the present status of sanction of the work. It was explained that original PE was sanctioned in 2009 for Rs.4.15 Crores. Thereafter, during construction, construction of viewing gallery and additional electrical works are also to be carried out for which RPE is yet to be sanctioned. RPE for approximately Rs.16 Crores is being processed.

After due deliberation and discussion Board approved the recommendation of CE(SZ) to accept the work order of M/s Sudarshan Crafts Museum on his quoted rates i.e. Rs. 22.40 Lacs after taking bank guarantee from the agency against advance payment which shall be 110% of the advance amount. WAB also directed that the format of the bank guarantee shall be got vetted through CLA/DDA.

WAB also directed CE(SZ) to submit RPE for approval of EAC immediately, and no further expenditure beyond the scope of work of RPE shall be incurred.



Sd/-
(Mrityunjay Jha)
Chief Account Officer

Sd/-
(A.K. Singh)
CE (QAC)

Sd/-
(Jayesh Kumar)
EM/DDA

Sd/-
(K.Vinayak Rao)
FM/DDA

Sd/-
(Udai Pratap Singh)
Vice Chairman/DDA