

204/c

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GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF DEVELOPMENT COMMISSIONER
5/9, Under Hill Road, Delhi – 110 054

Minister in Charge

: Sh. Gopal Rai
Hon'ble Minister of Development

NOTE FOR COUNCIL OF MINISTERS

Sub:-Modification of Cabinet Decision No.2665 dated 19/12/18 on para 6(D)-(i) of the Cabinet Note dated 17/12/18 regarding adoption of procedure of MLALAD Scheme-2012 of UD Department for the project proposals received for decision of Delhi Village Development Board (DVDB) and modification in the nature and scope of functions of DVDB.

1. Background

(A) Vide cabinet Decision No. 2665 dated 19/12/2018 , the Council of Ministers approved the proposal contained in para 10 of the Cabinet Note, with para 10(i) being amended to read as follows:

"DVDB shall adopt the procedure of UD Department for dealing with MLALADS proposals as per MLALAD Scheme 2012 with the modifications as listed in Para 6(D), (i)-(iii).

At Para 10(v), the Council of Ministers decided in favour of vesting the DVDB with powers to approve the project proposals received from Hon'ble MPs/MLAs as per Para 7(A)."

(B) Para 6(D)-(i)-(iii) of the Cabinet Note is reproduced below:-

"The procedure under the MLALAD Scheme-2012 is not exactly and completely applicable for DVDB projects. Accordingly, the procedure envisaged in the MLALAD Scheme-2012 may be modified and made applicable for DVDB projects.

2021

The proposed revised procedure for DVDB projects is as under:-

- (i) The Hon'ble MPs/MLAs would submit written request in the RD Unit for the release of fund along with detailed estimates of the executing engineering agency with a certificate of the executing engineering agency that the detailed estimates are prepared as per DSR-2016 and complies with the Law/Rules/policy/instructions, court orders and guidelines issued by the Govt./CVC from time to time and complies with the office Memo No. 741-749 dated 14-06-11 of Finance Deptt. regarding Contract Labour, ESI etc. and Finance Deptt Circular No.F.2(5)/2015-16/Finance E-IV/Infra/012274603/DSIV/4878-4957 dated 10.09.2015 regarding guidelines for preparation of capital infrastructure projects. The Executing Agency shall also certify that the proposed project is situated on Lal Dora areas, Sizra Roads, Abadi deh, Government Land including Gram Sabha Land and Vested Gram Sabha Land and the same is not located in any unauthorized colony, resettlement colony and J.J Basti falling under the jurisdiction of DUSIB or on private land. The Hon'ble MLA has to certify that the Village Development Committee (VDC) in respect of concerned village has been duly constituted and notified.
- (ii) After approval of the project proposals by the DVDB, the RD Unit will release the funds and place at the disposal of the Executing Engineering Agency concerned.
- (iii) The Executing Engineering Agency shall utilize the funds in accordance with law, the CPWD Manual, GFR, rules/policy/instructions, court orders and guidelines issued by the Government/CVC from time to time. The executing agency is required to submit utilization certificates after the execution of the work or by the end of the financial year, whichever is earlier, to the RD Unit of Development Deptt."

2. Ground for changes in the procedure approved for DVDB projects vide Cabinet Decision No. 2665

During the meeting of DVDB held on 11/01/2019, several MLAs raised the issue regarding requirement of a certificate from the Executing Engineering Agency that " the proposed project is situated Lal Dora areas, Sizra Roads, Abadi Deh, Government Land including Gram Sabha Land and Vested Gram Sabha Land and the same is not located in any unauthorized colony, resettlement colony and J.J Basti falling under the jurisdiction of DUSIB or on private land", which had been approved by the Cabinet in its Decision No.2665. They were unanimous in their opinion that the certificate asked for with regard to specific location of the project site would inter-alia require the land status report from the concerned DM, which would not only result in delay but the essence of the Cabinet

202/C

Decision of dispensing with the procedure of sending the files to DMs for land status report and specific recommendation will be defeated.

Keeping in view the concern of all the Hon'ble MLAs, the Hon'ble Minister of Development/Chairman, DVDB has recommended that only a certificate from the Executing Engineering Agency may be obtained to the effect that "the proposed project site is not located in any unauthorized colony, resettlement colony and J.J Basti falling under the jurisdiction of DUSIB or on private land".


3. **Accordingly, the proposed modified Para 6(D) (i) is as under:-**

6(D)-(i) "The Hon'ble MPs/MLAs would submit written request in the RD Unit for the release of funds alongwith detailed estimates of the Executing Agency, a certificate of the Executing Agency that the detailed estimates are prepared as per DSR-2016 and complies with the Law/Rules/ policy/instructions, court orders and guidelines issued by the Govt./CVC from time to time and complies with the office Memo No. 741-749 dated 14-06-11 of Finance Deptt. regarding Contract Labour, ESI etc. and Finance Deptt Circular No.F.2(5)/2015-16/Finance E-IV/Infra/012274603/DSIV/4878-4957 dated 10.09.2015 regarding guidelines for preparation of capital infrastructure projects and a certificate that the proposed project is not located in any unauthorized colony, resettlement colony and J.J Basti falling under the jurisdiction of DUSIB or on private land. The Hon'ble MLA has to certify that Village Development Committee(VDC) in respect of concerned village has been duly constituted and notified."

4. **DECISION TO BE TAKEN BY THE CABINET/COUNCIL OF MINISTERS:**

Modifying the Cabinet Decision No.2665 dated 19/12/18 to the extent of obtaining certificate from the Executing Agency as mentioned in Para 6(D)-(i) of the Cabinet Note dated 17.12.2018 as now proposed in Para 3 of this note.

The matter is placed before the Council of Ministers for consideration of the above proposal.


(Gopal Rai)
Minister Incharge