

Confidential

DELHI TRANSPORT CORPORATION
(Government of NCT of Delhi)

**Minutes of 6th Meeting of 2019 of the DTC Board held on 10.12.2019
at 6.00 PM in the Conference Room of Hon'ble Transport Minister,
Govt. of NCT of Delhi/Chairman, DTC at 8th Level, Delhi Sectt., New
Delhi-110002.**

PRESENT:

- | | | |
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| 1. | Shri Kailash Gahlot,
Hon'ble M.O.T., GNCTD &
Chairman, DTC | Chairman |
| 2. | Shri Manoj Kumar, IAS
Managing Director,
Delhi Transport Corporation | Director |
| 3. | Ms. Renu Sharma, IAS
Additional Chief Secretary (Transport),
Govt. of NCT of Delhi | Director |
| 4. | Shri Rajeev Verma, IAS
Principal Secretary (Finance),
Govt. of NCT of Delhi | Director |

ALSO PRESENT:

1. Shri Rajiv Vadehra, Secretary, DTC Board.

Rajiv Vadehra

Confirmation of Minutes of 5th meeting of 2019 of the DTC Board held on 25.11.2019.

The Draft Minutes of the DTC Board Meeting held on 25.11.2019 were circulated vide letter No.SB/Bd.Minutes/Nov./2019 dated 26.11.2019. The aforesaid Minutes were confirmed except Board Resolution No.42/2019 & Board Resolution No.49/2019 for which communications were received by Secretary, DTC Board from Principal Secretary (Finance) vide letter dated 29.11.2019 and also from Addl. Chief Secretary (Transport) through her OSD vide letter no.PS/Secctt/5159 dated 29.11.2019.

After detailed discussions in the meeting, the Resolutions were confirmed by the Hon'ble Chairman, as under:

- (i) Resolution No.42/2019 : Item 25/2019 : Proposal for grant of Transport Allowance to DTC regular employees.

The Agenda Item was discussed in detail. Principal Secretary (Finance) pointed out that the proposal of withdrawing free DTC bus pass facility for the employees may not be a good idea especially in case they shift to personal mode of transport since it is not in consonance with the policy of the Govt. to encourage people to use public transport. The financial condition of DTC has not improved to bear this additional burden and the proposal entails additional financial implications to Government. Therefore, approval of Hon'ble Council of Ministers may be required. However, keeping in view the persistent demand of DTC employees to grant T.A. as per the recommendations of 7th Pay Commission Report and also the fact that similar organizations like DTTDC and DSIIDC are also giving such facility to their employees, the Board accorded approval for the following:

- i) Grant of Transport Allowance to all existing regular employees of DTC.

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- ii) The destination free pass facility being extended to such regular employees be withdrawn and they be issued a fresh Identity Card without the existing provisions of free travelling facility between residence to office & back. Further, DTC would also obtain an undertaking from such employees for not using the free bus facility for commuting between office to residence & back.
- iii) The benefit of Transport Allowance be extended to DTC Officers subject to condition they are not availing the staff car facility.
- iv) Further, DTC will take up the matter with the Govt. of NCT of Delhi through Transport Deptt., GNCTD for seeking approval of Hon'ble Council of Ministers for release of additional funds required for extending the benefit of Transport Allowance to the eligible existing regular employees of DTC.
- (ii) Resolution No.49/2019 : Item 31/2019 : Procurement of 1000 AC fully built CNG Propelled Low Floor Buses - Issuance of LOA.

The Agenda Item was discussed in detail. The Addl. Chief Secretary (Transport) made queries about the manner in which the tender has been dealt by the DTC and it was pointed out by her that this was one tender but the DTC is processing the same as if there are two separate tenders for the BS-IV and BS-VI buses (400 and 600) respectively and therefore the DTC needs to re-examine the tender strictly in accordance with the RFQP only and as per CVC guidelines of the same.

Principal Secretary (Finance) also pointed out that the agenda is not clear. It states that front facing seat is the requirement of tender but does not clarify if it was requirement of tender, then how could deviation be accepted. Further, the tender was for procurement of 1000 low floor buses and the eligibility conditions, EMD etc. would have been prescribed as a single tender with reference to entire quantity and it is to be treated as single tender. The agenda item however, gives impression that proposal is to consider bids of 600 and 400 buses separately which would not be possible as it was single tender. There is no clarity, if the bids were complete and meeting the requirements of single tender for procurement of 1000

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buses. Therefore, it needs to be confirmed and explained by DTC how the applicable Rules and Guidelines including CVC Guidelines have been complied, in formulating and processing the tender by the DTC.

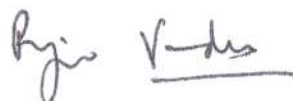
The Addl. Chief Secretary (Transport) & Principal Secretary (Finance) further informed that complete documents of the tender have also not been supplied to the Board Members for proper examination of the agenda in the absence of which decision on this agenda cannot be taken.

The Hon'ble Minister (Transport)/Chairman, DTC had directed that opinion from Standing Counsel of DTC may be obtained by DTC regarding fulfillment of terms and conditions on the issue of rear facing seats offered by M/s. JBM and whether there has been any legal infirmity/violation of terms of tender in proceeding with procurement of only 600 buses of BS-VI standards albeit tender provided for procurement of 1000 buses.

2) In the light of discussions in the Board meeting held on 25.11.2019, the Board was informed by M.D, D.T.C. that Legal Opinion on the Tender for Procurement of 1000 Low Floor CNG Buses has since been obtained from Shri Manish Vashisht, Standing Counsel, D.T.C. vide his letter dated 30.11.2019 wherein he had expressed his considered opinion that the decision of the Delhi Transport Corporation to procure 600 buses complying with BS-VI norms is neither arbitrary nor whimsical in nature as none of the actions on the part of D.T.C nullifies or destroys the effect and impact of the tender conditions in procuring the buses for public transport.

M.D, DTC further informed that Transport Deptt., Govt. of NCT of Delhi has sent a detailed note to the Hon'ble Chairman (DTC) dated 27.11.2019 with a copy endorsed to him on the issue wherein they have pointed out certain discrepancies/irregularities and also recommended that DTC should scrap the tender and call for fresh bids without any delay since the RFP/Tender process has been vitiated. Transport Deptt., GNCTD further mentioned that BS-VI buses are mandated w.e.f. 1.4.2020.

It was further informed by Addl. Chief Secretary (Transport), that a request letter dated 27.11.2019 has also been received from Anti-Corruption Branch, Govt. of NCT of Delhi for seeking prior approval of the competent authority u/s 17A P.C Act 1988 for



conducting enquiry in the matter of allegation of corruption and other irregularities in the tender/purchase of 1000 low floor CNG buses by DTC. The said letter has already been forwarded by the Transport Deptt., GNCTD to DTC vide letter dated 28.11.2019 for further action. In this regard, it was informed to the Board by M.D, DTC that the matter is being examined by DTC and the Board shall be apprised accordingly.

After detailed deliberations on the issue, the Board was of the opinion that keeping in account the divergent views on the issue, the instant tender be "Short Closed" and fresh bids be invited immediately for procurement of 1000 buses conforming to BS-VI norms as mandated by law w.e.f 01.04.2020.

The Hon'ble Chairman further instructed to deal with the fresh tender strictly in accordance with prescribed guidelines of CVC/GFR and in case of any confusion or slight deviation from the tender, expert opinion be taken immediately and further adequate precautions and corrective steps be taken especially at the pre-bid stage so that such type of situation does not arise again. Further, the time-lines for procurement of buses be followed scrupulously so that the buses are made available for the convenience of general public in the prescribed time-limit.

Resolution No. 50/2019 : Item 32/2019 : Statement showing Action Taken Report on the Resolutions adopted by the DTC Board in its meeting held on 23.9.2019.

The Board considered the item and noted the same.

**Chairman
DTC Board**

Rajiv V. Kumar

Confirmation of minutes of 6th meeting of 2019 of DTC Board meeting held on 10.12.2019, with respect to Resolution No.50/2019 as well as the discussions held as at Point No.(2) at page-4 of the minutes.

The Minutes of the DTC Board Meeting held on 10.12.2019 were circulated vide letter No.SB/Bd.Minutes/Dec./2019 dated 16.12.2019 whereby it was also informed that the Resolutions No. 42/2019 and 49/2019 were already confirmed by the Hon'ble Chairman in the said meeting. Further, since no objection was received regarding Resolution No. 50/2019, the said Resolution is also confirmed. However, regarding the discussions held as at Point No.(2) of the minutes regarding the tender for procurement of 1000 CNG Low Floor buses, communications were received by Secretary, DTC Board from Principal Secretary (Finance), GNCTD and also from Addl. Chief Secretary (Transport), GNCTD vide their notes dated 20.12.2019.

After detailed deliberations in the meeting, the said discussions held as at Point No.(2) of the minutes were confirmed by the Hon'ble Chairman, as under:

- The Board was informed by M.D, D.T.C. that Legal Opinion on the Tender for Procurement of 1000 Low Floor CNG Buses has since been obtained from Shri Manish Vashisht, Standing Counsel, D.T.C. vide his letter dated 30.11.2019. The legal opinion was perused by the Board and it was observed that the Standing Counsel, DTC has expressed his considered opinion that the decision of the Delhi Transport Corporation to procure 600 buses complying with BS-VI norms is neither arbitrary nor whimsical in nature as none of the actions on the part of D.T.C nullifies or destroys the effect and impact of the tender conditions in procuring the buses for public transport.
- M.D, DTC further informed that Transport Deptt., Govt. of NCT of Delhi has sent a detailed note to the Hon'ble Chairman (DTC) dated 27.11.2019 with a copy endorsed to him on the issue wherein they have pointed out certain discrepancies/irregularities and also recommended that DTC should scrap the tender and call for fresh bids without any delay since the RFP/Tender process has been vitiated. Transport Deptt., GNCTD further mentioned that BS-VI buses are mandated w.e.f. 1.4.2020.

It was further informed by Addl. Chief Secretary (Transport), that a request letter dated 27.11.2019 has also been received from Anti-Corruption Branch, Govt. of NCT of Delhi for seeking prior approval of the competent authority u/s 17A P.C Act 1988 for conducting enquiry in the matter of allegation of corruption and other irregularities in the tender/purchase of 1000 low floor CNG buses by DTC. The said letter has already been forwarded by the Transport Deptt., GNCTD to DTC vide letter dated 28.11.2019 for further action. In this regard, it was informed to the Board by M.D, DTC that the matter is being examined by DTC and the Board shall be apprised accordingly.

Detailed deliberations were held on the issue and it was observed that both the Principal Secretary (Finance) & Addl. Chief Secretary (Transport) had pointed out certain discrepancies in the tendering process and the Transport Deptt., GNCTD in their note dated 27.11.2019 had even recommended for scrapping of tender in view of the Tender process being vitiated.

In view of above position, the Board unanimously decided to short close the tender in view of the information provided to the Board and invite fresh bids immediately for procurement of 1000 buses conforming to BS-VI norms as mandated by law w.e.f 01.04.2020.

The Hon'ble Chairman further instructed to deal with the fresh tender strictly in accordance with prescribed guidelines of CVC/GFR and in case of any confusion or slight deviation from the tender, expert opinion be taken immediately and further adequate precautions and corrective steps be taken especially at the pre-bid stage so that such type of situation does not arise again. Further, the time-lines for procurement of buses be followed scrupulously so that the buses are made available for the convenience of general public in the prescribed time-limit.
