



विधान सभा
राष्ट्रीय राजधानी क्षेत्र दिल्ली
LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI

याचिका समिति
COMMITTEE ON PETITIONS

छठी विधान सभा का तृतीय प्रतिवेदन
THIRD REPORT OF THE SIXTH ASSEMBLY

23 अगस्त, 2019 को प्रस्तुत
PRESENTED ON 23rd AUGUST, 2019

ADOPTED ON 26th AUGUST, 2019 WITH AMENDMENTS

विधान सभा, पुराना सचिवालय, दिल्ली – 110054
Legislative Assembly, Old Secretariat, Delhi – 110054

DELHI LEGISLATIVE ASSEMBLY
COMMITTEE ON PETITIONS

Composition of the Committee

1. Sh. Saurabh Bharadwaj	CHAIRMAN
2. Sh. Pankaj Pushkar	MEMBER
3. Sh. Akhilesh Pati Tripathi	MEMBER
4. Ms. Bhawana Gaur	MEMBER
5. Ms. Bandana Kumari	MEMBER
6. Ch. Fateh Singh	MEMBER
7. Sh. Girish Soni	MEMBER
8. Sh. Raju Dhingan	MEMBER
9. Sh. Shri Dutt Sharma	MEMBER

Assembly Secretariat:

1. Shri C. Velmurugan	Secretary
2. Shri Manjeet Singh	Deputy Secretary

P R E F A C E

1. I, the Chairman, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Special Report on the petition received from Sh. Rajan Chadha, Chairman, E-Block Residents Welfare Society (Registered), Greater Kailash-1, New Delhi countersigned and presented by Sh. Naresh Yadav, Hon'ble MLA and referred to the Committee by the Hon'ble Speaker, Delhi Legislative Assembly. The Petition alleged that the RWA was up-keeping Park of E-Block, Greater Kailash-1 under PPP Scheme of Horticulture Department of South Delhi Municipal Corporation, however the same was cancelled arbitrarily without communicating the Inspection Report or Show Cause Notice to the Society/RWA. Later SDMC awarded the PPP contract to some other Organisation which was registered recently in order to misappropriate money.
2. The Committee considered and adopted the Draft Special Report at their sitting held on 22.08.2019.
3. The observations / recommendations of the Committee on the above matter have been included in the Report.
4. I would like to thank all the Members of the Committee specially Mr. Pankaj Pushkar and Mr. Akhilesh Tripathi for their continued guidance.
5. Special gratitude to the staff of the Assembly Committee namely Mr. Bhoop Singh, Mr. Ravinder, Mr. Kamlesh Upadhyay and Mr. Manjeet Singh for their hard work and commitment.

Dated: 22.08.2019


(SAURABH BHARDWAJ)
CHAIRMAN,
COMMITTEE ON PETITIONS

INTRODUCTION

1. Sh. Rajan Chadha, Chairman E-Block Residents' Welfare Society (Registered), Greater Kailash-I, New Delhi filed a Petition on 26.11.2018 alleging misappropriation of South Delhi Municipal Corporation (Horticulture PPP Scheme) corpus to Fund Ragtag Social Organisation floated by Political Party Workers. The Petition was countersigned & presented to the Hon'ble Speaker, Delhi Legislative Assembly by Sh. Naresh Yadav, Hon'ble MLA and referred to the Committee on Petitions on 30.11.2018.
2. It was alleged in the Petition that the 'E-Block Residents' Welfare Society' (Registered), Greater Kailash-I, New Delhi was up-keeping Park of E-Block, Greater Kailash-I under PPP Scheme of Horticulture Department of SDMC. The Department without inspecting the Site of Park and without issuing any Show Cause Notice cancelled its Agreement with the E-Block Residents Welfare Society. It was also claimed in the Petition that Society was maintaining the Park excellently and its conduct was admired by Media Report. It is also alleged that the Horticulture Department of SDMC did not follow the norms of propriety and fair play while cancelling its Agreement with the E-Block Residents Welfare Society. The SDMC further awarded the same park maintenance to Ragtag Social Organisation which was registered recently on 18th March 2018 without adhering the Rules thereby giving undue benefit and thus tried to squander Public Funds.

PROCEEDINGS

1. In order to ascertain the facts and investigate the allegations levelled in the said petition, the Committee on Petitions conducted its meetings on 06.12.2018, 21.01.2019, 15.04.2019, 01.07.2019, 05.07.2019 and on 22.08.2019 and deliberated the matter comprehensively with the Commissioner & other Officers of SDMC. Besides, Committee also visited the Park of E-Block, Greater Kailash-I on 10.12.2018. A questionnaire was sent to Commissioner SDMC on 09.01.2019 to provide written replies.
2. The Committee also examined another issue which was of similar nature where another SDMC Park at S-Block, Greater Kailash-1 was also inspected by same officials of SDMC and based on that inspection, SDMC had recommended cancellation of PPP contract between 'S-Block RWA' and Delhi Parks and Gardens Society, GNCTD'.
3. The Committee proceedings were primarily aimed at finding answers to the following issues :
 1. Whether due process of law and principle of Natural Justice were followed by SDMC while cancelling the PPP contract with 'E-Block Residents' Welfare Society' (Registered), Greater Kailash-I, New Delhi ?
 2. Whether there was any attempt to squander or misappropriate funds while SDMC entered into PPP contract with a New Society?
 3. A copy of the said Petition was forwarded to the Commissioner, SDMC to whom the matter pertained vide letter dated 03.12.2018 with the direction to attend the Committee meeting on 06.01.2019 and to bring Original Files related to PPP Scheme of South Delhi Municipal Corporation in respect of Park of E-Block, Greater Kailash-1. The Committee examined the concerned file related to cancellation of contract under PPP Scheme with the RWA of E-Block, Residents Welfare Society for maintenance of Park. The Committee also examined the file in which a new contract was awarded to another organization namely 'Voice Of Residents, E-Block, Greater Kailash-1'.
4. The Committee noticed a number of anomalies and discrepancies committed during the process of cancellation of contract with the Former Society and in

the awarding of contract to the New Society. Initially questions were asked orally from SDMC representatives including the senior officers. However, answers were contradictory and multiple attempts were made to mislead the Committee.

5. Therefore, a 17 points questionnaire was sent to the Commissioner, SDMC vide letter dated 09.01.2019 in order to explain the contradictions and anomalies in the process followed by SDMC. The Committee was pained to put on record its displeasure against the SDMC officers who were clearly reluctant to answer the questionnaire. Finally, after lot of insistence and warnings, the South Delhi Municipal Corporation submitted its reply after six months vide letter dated 04.07.2019 in the meeting dated 05.07.2019.
6. We have reproduced questions and the replies received from South Delhi Municipal Corporation in a tabular form:-

S.No.	Point / Question	Reply from Commissioner, SDMC.
1.	Attested copies of Circulars No.DOH/DDH/(HQ)/SDMC/2013/259 dated 04.09.2013 and No.DOH/ADH/HORT/(HQ)/PPP/2009/442 dated 23.07.2009 as indicated in the relevant file (s).	Attested copies of Circular Nos.DOH/DDH/(HQ)/SDMC/2013/259 dated 04.09.2013 and No.DOH/ADH/HORT/(HQ)/PPP/2009/442 dated 23.07.2009 has been given Committee during hearing proceeding on 21.01.2019. Annexure-1 & Annexure-2
2.	Attested copies of all valid Circulars issued regarding PPP Scheme for maintenance of SDMC Parks.	Attested copies of all valid Circulars issued regarding PPP Scheme for maintain of SDMC has already been given to Committee during hearing proceeding on 21.01.2019.
3.	List of all requisite conditions required to be fulfilled by any RWA/NGO/ to enter into a contract under PPP Scheme with SDMC for maintenance of Parks.	Same reply as above. Annexure-3.
4.	Please provide information on the each condition as mentioned in Questions 3, whether all such conditions have been fulfilled by the society named 'Voice of Residents' which has been awarded contract under PPP Scheme for maintenance of SDMC Park in E-Block,	Copies of documents which were submitted by the RWA "Voice of Residents" are given to Committee during hearing proceeding on 21.01.2019 and all the conditions required have been fulfilled by the Society.

	GK-1.	Annexure-4.
5.	Please explain who has manually edited the area from 1.62 Acre to 0.995 Acre in the file related to adoption of E-Block Park to 'Voice of Residents' under PPP Scheme.	The area of Park was inadvertently written as 1.67 acre in place of 0.995, however the correction was made by ADH/SZ and accordingly the amount was also corrected.
6	What was the reason for such editing?	The proposal was moved by Section Officer (Hort.) wherein the park of area was mentioned as 1.67 acre. ADH/SZ inspected the site wherein it was found that out of 1.67 acre area, only 0.995 area is green and rest of the area is being maintained as playground where there is no need of Horticulture activity. Accordingly the proposal was corrected by Assistant Director (Hort.) page 1/N. Similarly at page 3/N & 4/N the correction were also made.
7.	Please explain who has manually edited the expenditure sanction amount from Rs. 40080/- to Rs. 24,800/- in the file related to adoption of E-Block Park to 'Voice of Residents' under PPP Scheme.	The reason for manual editing has already been explained at Sr. No. 5 wherein it is clearly mentioned that out of total 1.67 acre area only 0.995 acre area needs maintenance for Horticultural activity for which grant is provided under PPP Scheme.
8.	What was the reason for such manual editing.	Same reply as above.
9.	Please explain if such manual editing in the file noting is legal under law after the file has been signed by Commissioner, SDMC. If yes, provide copy of the rules?	The manual editing in the file noting has been done to correct the calculation error.
10	The file shows that the said Cancellation Notice No. DDH/SZ/SDMC/2018/389 dated 03.05.2018 is not received by anybody in the RWA. Please provide the evidence that the letter / notice was duly served.	As per record the letter no. DDH/SZ/2019-19/389 dated 03.05.2018 has not been served through post and the fault is found at the level of dispatcher Sh. Ashok Kumar and department is taking action against him and also relieved him from office. However, the letter No.DDH/SZ/2019-19/389 dated

		03.05.2018 letter has been handed over Mali of RWA by the area supervisor.					
11	Inspection Report dated 03.05.2018 is very evasive about the precise observations found in the inspection report.	Inspection Report was prepared as per format issued by Horticulture Department HQ for S, No. 01 to 13 and nothing is but specifically written at its Sl. No. 13 that overall maintenance is not as per agreement.					
12	Explain the reason why there is no noting regarding the Notice and the Inspection Report in the file on 40/N though there is a Notice No. DDH/SZ/SDMC/2018/389 dated 03.05.2018 and Inspection Report dated 03.05.2018 in the communication side of the file.	Based on inspection report by the inspection team a notice was issued by the then DDH/SZ/ Sh. S.P. Meena and it was mentioned on noting sheet of cancellation of the PPP Scheme during approval from competent authority. Annexure-5.					
13	There is a noting on 40/N dated 29.05.2018, where administrative approval is being accorded for satisfactory maintenance of park till 24.04.2018, how could Inspection Report dated 03.05.2018 not reflected in the file noting on 40/N.	The maintenance was satisfactory during the instalment quarter from 25.04.2017 to 24.04.2018. the file was supposed to be moved immediately after 24.04.2018 but due to late submission of utilization certificate and audited balance sheet required for payment, the file was moved on 25.05.2018 showing satisfactory conduction of park during 25.04.2017 to 24.04.2018.					
14	The file shows Notice DDH/SZ/SDMC/2018-19/1552 dated 10.08.2018 is received well by Mr. Rajan Chadha, RWA Chairman, why is it that other important notices are not delivered to anyone in RWA?	The Department has sent another letters to RWA and the details of letter with mode of post are given below:- Anexxure-6 to 8					
		Sl	Notic e letter No.	Dat e	Sen t by	Re cei ved by	Rema rk
		01.	DDH /SZ/ SDM C/18 - 19/3 89	03. 05. 201 8	Mai l of Dep art me nt	M ail of R W A E- Bl oc	Recei ving has not been given by Mail of

					k	RWA.
		02.	DDH /SZ/SDM C/18 - 19/1552	10.08.2018	Official Messenger	RWA E-Block
		03.	DDH /SZ/SDM C/18 - 19/2245	10.10.2018	By speed post	RWA E-Block Vide speed post receipt No. ED33 3001 038IN
15	The file shows Notice DDH/SZ/SDMC/2018-19/1552 dated 10.08.2018 regarding alleged commercial use of park. Please provide details of all such notices being served to other RWAs in 2018 in GK-1 Ward.	Another letters were issued to various RWAs to stop commercial activity in the parks and the details are under:-				
		Sl	Notice Letter No.	Date	Sent by	Received by
		1.	DDH /SZ/SDM C/18 - 19/1550	10.08.2018	Official Messenger	Member of RWAs Block
		2.	DDH /SZ/SDM C/18 - 19/1551	10.08.2018	Official Messenger	Member of RWAC Block
		3.	DDH /SZ/SDM C/18 - 19/1552	10.08.2018	Official Messenger	Member of RWAE Block

16	The Dy. Director Horticulture along with his staff deposed before the Committee that Notices dated 03.05.2018 were handed over to Malis in the Park, however, the Inspection Report on the same dated mentions about Malis-“Not found During the Inspection”. Please explain this contradiction.	During Inspection by team the Mali of RWA was not found in the park of E-Block GK-1 and it was clearly written in joint inspection team report. Thereafter, notice issued to RWA E-Block G.K-1 by the then DDH/SZ Sh. S.P. Meena with the direction to serve the same to RWA. The same has been served by hand to Mali of RWA in Park. This is based on actual condition during the time of inspection and serving of notice and there is no contradiction.
17	The file shows that the said Cancellation Letter/Notice DDH/SZ/SDMC/2018-19/2245 dated 10.10.2018 is not received by anybody in the RWA. Please provide the evidence that the Letter / Notice was duly served.	The letter No. DDH/SZ/SDMC/2018-19/2245 dated 10.10.2018 was given to RWA through speed post. It was delayed by the dispatcher Sh. Ashok Kumar and action taken against him as already replied at Sl.No.10.

Issue 1

Whether due process of law and principles of Natural Justice were followed by SDMC while cancelling the PPP contract with ‘E-Block Residents’ Welfare Society’ (Registered), Greater Kailash-I, New Delhi?

1. The Committee examined the original files of SDMC which dealt with the entire process that was followed by SDMC while cancelling the PPP Contract with the earlier RWA.
2. The Show cause Notice about unsatisfactory maintenance of park dated 03.05.2018 at 137/C finds no mention in the Noting side of the file, and this could not be explained by SDMC.
3. The File noting on 39/N ends with a note dated 12.07.2019. Page 40/N starts with Note dated 29.05.2018 and ends with Note dated 04.07.2018, these are file noting dealing with payments for satisfactory maintenance of park.
4. The SDMC could not provide any evidence that show cause Notice dated 03.05.2018 was ever dispatched or delivered to intended people.
5. Initially the Additional Commissioner Mr. Ramesh Kumar Verma tried to mislead the Committee that Notice was delivered at RWA office, he was confronted that said RWA does not have any office. Later, he changed his version that Notice was delivered to a gardener. However,

- they could not explain why there was no name mentioned, no acknowledgement receipt for the same.
6. The SDMC could not provide any evidence that 'cancellation of agreement letter' dated 10.10.2018 was ever dispatched and delivered to intended people.
 7. In the note dated 29.05.2018 at page 14/N, it is recorded that the maintenance of the Park is satisfactory, however Inspection conducted on 03.05.2018 declared the maintenance as unsatisfactory. This inspection resulted in the cancellation of Agreement with the E-Block Residents Welfare Society.
 8. The Committee was not convinced with the reply of the Department at point 13, if the inspection of Park was already conducted on 03.05.2018 if park was found unsatisfactory, then the same should be reflected in the note dated 29.05.2018.
 9. The Committee was not satisfied with the reply in reference to Questionnaire at No. 14. A less important SDMC Notice dated 10.08.2018 (which was not related to cancellation process) was duly acknowledged/received by Sh. Rajan Chadha (RWA Chairman) while important Notice No. DDH/SZ/SDMC/18-19/389 dated 03.05.2018 and one dated 10.10.2018 was never delivered to the RWA members.
 10. The Committee noted in the meeting dated 06.12.2018 that the Officers of South Delhi Municipal Corporation have no documentary evidence of acknowledging the delivery of Letter / Notice dated 03.05.2018 and even could not mention the name of Mali to whom it was delivered. The Committee fails to understand that inspection report dated 03.05.2018 mentions that there are no Mali (Gardner) to maintain this park while the SDMC makes an excuse that Show Cause Notice Dated 03.5.2018 was delivered to Mali (gardener).
 11. Besides, the Department could not furnish any documentary proof of serving / delivery of Notice No. DDH/SZ/SDMC/2018-19/2245 dated 10.10.2018 regarding cancellation of Agreement. The Dept admitted the same in its reply of Point No. 17 and as a punishment claims to have relieved the concerned dispatcher Shri Ashok Kumar.
 12. The Committee also observed that Inspection Report of Park conducted by the Officers of Horticulture Department, South Delhi Municipal Corporation on 03.05.2018 is placed at page-138/C and thereafter, at page-139/C and 140/C, office copies of letter dated 10.08.2018 and cancellation letter dated 10.10.2018 addressed to the President, E-Block Residents Welfare Society are placed. But surprisingly the photographs in support of inspection conducted on 03.05.2018 and regarding commercial activities in the Park are placed at page-141/C to 145/C which established that these photographs have been

annexed in the file as an afterthought at later stage to fill up the gap. This explains that some kind of documentary evidence of alleged commercial activities or the non-maintenance of Park was later created much after the said inspection. The Department could not explain how such evidences landed up at the later stage in this file.

13. The Committee on Petitions itself inspected the said park along with Mr. Alok Singh (Director, Horticulture, SDMC), Mr. R.K Singh (Dy. Director, SZ, Horticulture) and other officers. The Committee asked basic questions related to their observations about non-maintenance of the said park, but SDMC officers were evasive in their replies. After lot of insistence, SDMC officers submitted that there was over grown grass in some unidentified portion and garden waste lying in the park at the time of inspection dated 03.05.2018. They were asked to identify Mali to whom the Show Cause Notice was delivered, but they could not identify any such person.

Issue 2

Whether there was any attempt to squander or misappropriate funds while SDMC entered into PPP contract with a New Society?

1. It was alleged that SDMC had cancelled its earlier PPP agreement with the E block RWA with the intention to help another Society named "Voice of Residents, E-Block, Greater Kailash-1" through a new PPP agreement at exaggerated payment.
2. In the meeting dated 21.01.2019, the Committee looked into file noting dealing with processing of payments for maintenance of said park under a New PPP Agreement between SDMC and the Society named "Voice of Residents, E-Block, Greater Kailash-1".
3. It was surprising to note that the same park under the same PPP scheme had now got exaggerated figures in terms of area/payment. The earlier agreement had mentioned the park area as 0.995 acres while the new agreement mentioned 1.67 acres as area to be maintained for the same park.
4. It was found that in the typed file noting, the area of the park to be maintained was mentioned as 1.67 Acre and payment was processed accordingly, however, later this typed figure of 1.67 acre was later manually-edited with an ink pen mentioning 0.995 Acre. The Officer / Official who had manually edited this file did not append his signature there.
5. Though, it was clearly made out that manual editing was an afterthought which obviously had happened much after the Competent Authority of SDMC had approved the exaggerated figures, however SDMC officers including Dy. Director R. K. Singh, Dy. Commissioner

Ms. Nidhi Srivastava and Additional Commissioner Mr. Randhir Sahay tried their best to mislead the Committee.

6. Both the officers were repeatedly warned by the Committee that their deposition on Oath should be truthful; however, they kept on insisting that manual corrections were done before the file was signed by Competent Authority.
7. Later Committee pointed out that at page 5/N of that file, a note has been recorded on 06.12.2018 under the signature of ADH/South Zone that *"as per report at page no. 03/N & 04/N, the expenditure sanction amount of 40,080/- approved from Competent Authority, which is not appropriate and the verified sanction amount is 23,760/- submitted for approval by Competent Authority"*.
8. This was enough evidence to prove that manual corrections with reference to Area and amount were done later after the file was already approved by Competent Authority.
9. This conclusively proved that Dy. Director R.K. Singh, Dy. Commissioner Ms. Nidhi Srivastava and Additional Commissioner Mr. Randhir Sahay misled the Petitions Committee and thus intentionally committed breach of Privileges and Contempt of House. Untruthful statements under the oath also amount to wilful act of perjury.
10. The Committee noted that Shri S.K. Sharma, Director (Vigilance), SDMC conducted an inquiry in reference to the over writing/editing observed by the Committee on Petitions and submitted his report dated 28.01.2019 which was forwarded to the Committee by the Additional Commissioner, Finance (SDMC) vide letter No.3825/Additional Commissioner (Finance)/SDMC/2019 dated 30.01.2019. In the conclusion of said inquiry he mentioned that *"From the Scrutiny of the documents and record of the file it has been observed that the cutting / editing in the Noting Sheet were made by Sh. Naresh Tomar, ADH/SZ even after getting approval of the Competent Authority on 25.09.2018. Once a decision is taken, there is standard of procedure on what should be done. What happened in this case that after getting sanctioned of the Competent Authority is against well established laid down procedure. However, in this case there is no financial loss to the Corporation as well as any financial benefit to Sh. Naresh Tomar, ADH/SZ"*.
11. Mr. S.K. Sharma could not explain in his enquiry report, how could a junior officer (namely Sh. Naresh Tomar, ADH/SZ) could manually edit the file (in back date) after it was approved without patronage of Senior Officers of SDMC.
12. The Commissioner, SDMC also admitted before the Committee in a meeting that prima facie there are lapses on the part of Officers /

Officials in this matter and assured for appropriate action against such erring staff in due course of time.

13. The Committee in its meeting dated 01.07.2019 was informed by the Officers of South Delhi Municipal Corporation that as no financial loss was caused, therefore no action has been taken on the Report dated 28.01.2019 authored by Shri S.K. Sharma, Director, Vigilance, South Delhi Municipal Corporation. The Committee expressed displeasure over the statement as period of more than six months had already passed and no action against the Officers / Officials was taken even despite the Commissioner, SDMC admitted the prima facie foul play in the matter.
14. The Committee decided to bring this in the knowledge of CVO of GNCTD and accordingly a copy of the Enquiry Report was forwarded to the Chief Secretary, Govt. of NCT of Delhi vide letter dated F.No.24(25)/Petitions(25)/2018-19/LAS-VI/Leg./746-49 dated 12.07.2019 for a time bound and impartial inquiry in the matter and to apprise the Committee about the action taken in this regard.
15. We would like to highlight that Ms. Nidhi Srivastava, Dy. Commissioner, South Zone, SDMC had categorically explained one important qualifying condition for any NGO/Society to enter into PPP agreement with SDMC for maintenance of Parks. She explained that the Society should have completed minimum three years after its registration and it must submit details of its social activities for last two years along with its audited balance sheet.
16. When Committee looked into the file of SDMC, there were no such records available for the said society establishing its existence of three years. In-fact, the said society was registered recently and it was also agreed by Department Representative that there was no evidence on record that the said Society (Voice of Residents, E-Block, Greater Kailash-1) was an RWA of E-Block, Greater Kailash-1. It was already agreed that the earlier party to the contract namely E-Block Residents Welfare Association was in fact a very old and legitimate RWA of the area.
17. It is also a matter of record that Society (Voice of Residents, E-Block, Greater Kailash-1) was registered on 18.04.2019 and had applied for PPP agreement on 27.08.2019. Nobody in SDMC could explain how could a newly registered Society apply for PPP agreement on 27.08.2019 while the Notice for cancellation of earlier PPP agreement is dated 10.10.2019. This compliments the fact that this Cancellation Notice dated 10.10.2019 was never received or acknowledged by anyone.
18. This could not have been done without connivance of Senior Officers of SDMC. We are pained to highlight that Commissioner of

SDMC evaded most of the Committee proceedings while the Deputy Commissioner Ms. Nidhi Srivastava and other officers tried to defended all illegalities and arbitrary decisions which were blatantly visible on the record.

19. The Committee on Petition puts its displeasure on record that SDMC officers like Mr. Vishvendra (DC, South Zone, SDMC) intentionally delayed their responses to the Committee and tested our patience in terms of answering questionnaire and submitting responses to the Committee. The letters dated 17.07.2019 demanding Action Taken Report addressed to Ms. Varsha Joshi (IAS, additionally responsible as Commissioner SDMC) and Mr. R.K. Verma (IAS, Additional Commissioner, SDMC) have still not been responded while this Special Report is being drafted.
20. In another case, where SDMC had recommended cancellation of PPP Agreement between S-Block RWA and DPGS, the Committee had directed a joint inspection of Horticulture Dept of SDMC and DPGS for the same park in S-Block, Greater Kailash-1. It was surprising that the maintenance of the park was found to be satisfactory. Later, SDMC withdrew the cancellation recommendation in the light of joint inspection. It is needless to say that well maintained parks and their RWAs were harassed by SDMC officials for reasons best known to them.

FINDINGS AND CONCLUSIONS

1. The due and established procedure was flouted at every level with a premeditated intention of terminating of the PPP Agreement between SDMC and RWA of E- Block Greater Kailash-1 without knowledge of the affected party. It is proved beyond doubt that the basic principles of propriety and natural justice were flouted by SDMC officials.
2. The SDMC officials namely Mr. R.K Singh (Dy. Director, Horticulture), Madhusudan (SO, Horticulture), Mr. K.S. Meena (Dy. Director Horticulture) connived and created paper trail as an afterthought in order to justify their illegal and irrational acts. Nothing but malafide can explain their unreasonable conduct.
3. The SDMC officials namely Mr. R.K Singh (Dy. Director Horticulture), Mr. Naresh Tomar (ADH, Horticulture) exaggerated the area of the Park with clear intention to misappropriate SDMC funds to favour society named 'Voice of Residents, E-Block, Greater Kailash-1'.
4. No appropriate action was taken against the erring officials inspite of Enquiry Report dated 28.01.2019 by Sh. S.K Sharma, Director of Vigilance, SDMC

RECOMMENDATIONS:

1. The PPP Agreement between the RWA of E Block Greater Kailash-1 and SDMC should be restored. The said RWA should be permitted to choose if they would want to avail PPP Scheme under Delhi Parks and Garden Society, GNCTD.
2. The Chief Secretary of GNCTD should ensure that appropriate punishment is awarded to Mr. R.K Singh (Dy. Director, Horticulture, SDMC) and Mr. Naresh Tomar (ADH, Horticulture, SDMC) for their capricious and vexatious conduct.
3. The Chief Secretary of GNCTD should submit action taken report to the House through Hon'ble Speaker, based on the recommendations and findings of the Committee within a month of the adoption of this Report by the Legislative Assembly.
4. Privilege proceedings should be initiated against Ms. Nidhi Srivastava, IAS, then D.C., SDMC and Mr. R.K Singh, Dy. Director (Horticulture), SDMC for wilfully misleading the Committee and thereby committing breach of privilege and contempt of the House.

Annexure:

1. Enquiry Report dated 28.01.2019 by Sh. S.K. Sharma, Director of Vigilance, South Delhi Municipal Corporation.



(SAURABH BHARDWAJ)

**CHAIRMAN,
COMMITTEE ON PETITIONS**

Randhir Sahay,
IRAS



South Delhi Municipal Corporation
Office of the
Additional Commissioner (Finance)
E1 Block, 23rd Floor, Dr. Shyama Prasad Mukherjee
Civic Centre, Jawahar Lal Nehru Marg, New Delhi-110 002.
Phone No. 23227315
E-Mail ID: caumta-sdmo@md.gov.in



3825
No. _____/Addl. Commr., (Finance)/SDMC/2019

Dated :- 30.01.2019

Subject:- Enquiry report in the case of allotment of a Park, E-Block, Greater Kailash-1 by Horticulture Department.

Ref:- Direction of Hon'ble Chairman Petition Committee given on 21.01.2019

Please find enclosed enquiry report on the above subject as conducted by Sh. S.K. Sharma, Director of Vigilance, SDMC. This is for kind perusal of the Committee please.

Diary No. 3622.....R&I/LAS

Dated.....31.1.19.....

Shri Manjeet Singh,
Deputy Secretary,
Legislative Assembly, GNCTD,
New Delhi.

(Signature) 30/01/2019
(Randhir Sahay)
Additional Commissioner
(Finance)

*Pl. send a copy
of the Report of the Hon'ble
Chairman.*
(Signature) 31.01.19
Sh. D. Suman

another association i.e., Voice of Residents E-Block under PPP scheme and grant expenditure sanction of quarterly payment of Rs.40,000/- (which was tempered/corrected as 24,000/-). In the said note the area of park was again mentioned as 1.67 acres, which was corrected as 0.995 acre. There is no counter signatures in the cutting made in the said note.

The Competent authority approved the said proposal on 25.09.18 & the file was sent to DDOH/SZ for needful.

The ADH/SZ vide note dt. 06.12.18 put up a note before the DDH/SZ mentioning that the expenditure sanction of Rs.40,080/- approved from Competent Authority, which is not appropriate and the verified sanction amount is 23,760/- and put up the file to competent authority for approval.

In the meanwhile, the chairman of Committee vide letter dt. 09.01.2019 raised certain question about the same. The copy of said letter is marked as **Flag-A**. In response of said letter a report dt. 17.1.19 has been prepared South Zone mentioning that the area of said park was written as 1.67 acre in place of 0.995 acre, inadvertently. The site was also inspected by SO(H) wherein it was found that out of 1.67 acre only 0.995 acre in green and rest of the area is being maintained as playground. Accordingly, the proposal was corrected by ADH and approval of Competent Authority was taken accordingly. It is further mentioned in the report that manual editing in the file has been done to correct the calculation error and has been done before the approval by Commissioner, SDMC.

Since, in the noting dt. 28.08.18, the cutting were counter signed by Shri Naresh Tomer, ADH/SZ, hence he was called up in Vigilance Department for clarifications. His statement was also recorded, the same is available at P-2/C of the file.

Statement of Shri Naresh Tomer, ADH/SZ: In his statement he stated that all the correction in the noting were made by him on the directions of DDOH/SZ and all corrections were made before forwarding the file to the competent authority. He further stated that he inspection the said park along with his senior officers & in this regard no inspection report was prepared. He further stated that there is no financial loss of the corporation and no payment has been made under PPP scheme to this park.

Observations

From the scrutiny of the file as well as relevant record, it has been observed that:

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- Cuttings were made in the noting by Shri Naresh Tomer, ADH/SZ on the subsequent stage.
- The holistic examination however does not reveal any malafide intention behind this cutting made in the notings.
- There has been neither any personal gain to the individuals, nor any financial loss to the Corporation.
- But the cutting which appears to be done at subsequent stage is against the office procedure/manuals and at all when it was required, the approval of competent authority should have been taken subsequently also.
- Shri Tomer, ADH/SZ had tried to shift the blame of subsequent editing to his senior officers, but he failed to provide any evidence in his support. He already admitted in his statement that the said editing were done by him.
- That the submission given by ADH of SZ in response of committee letter dated that the manual editing in the file noting has been done before the approval of competent authority is not correct, because, the same ADH in his note dt. 06.12.18 mentioned that the approval of competent authority of Rs. 40,080/- (later on edited as Rs.24,000/-) is not appropriate. There is contradiction in both the two version, which proves that the cutting were made by ADH/SZ on later on stage.

Conclusion:

From the scrutiny of the documents and record of the file, it has been observed that the cutting/editing in the noting sheet were made by Shri Naresh Tomer, ADH/SZ even after getting approval of the Competent Authority on 25.09.18. Once a decision is taken, there is standard of procedure on what should be done. What happened in this case that after getting sanctioned of the Competent Authority is against well established laid down procedure. However, in this case there is no financial loss to the Corporation as well as any financial benefits to Shri Naresh Tomer, ADH/SZ.

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