AGENDA

FOR

57TH MEETING

OF

BOARD OF DIRECTORS

OF

HARYANA STATE ROADS AND BRIDGES DEVELOPMENT CORPORATION LTD.

DAY : Monday

DATE : 29.09.2014

TIME : 03:00 P.M

IN THE OFFICE OF PRINCIPAL SECRETARY, PWD B&R, HARYANA,

NEW SECRETARIAT IN ROOM NO. 306 AT 3RD FLOOR, SECTOR 17, CHANDIGARH

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AGENDA ITEM NO. 57.01

LEAVE OF ABSENCE

Leave of absence may be granted to the Directors who have shown their inability to attend the meeting.

Sr. No.	Name	Designation	Present / Absent
1.	Sh. Sanjeev Kaushal, IAS	Chairman	
2.	Sh. Nitin Kumar Yadav, IAS	Director	
3.	Sh. Sanjeev Verma, IAS	Director	
4.	Sh. Mahesh Kumar, EIC	Managing Director	
5	Sh. Rakesh Manocha, CE	Director	
6.	Sh. H.R.Raheja, CE	Executive Director	

AGENDA ITEM NO. 57.02

TO TAKE NOTE OF THE APPOINTMENT OF EXECUTIVE DIRECTOR OF THE CORPORATION.

As per provision of Clause 20 (b) of the Articles of Association of the Company, the Director including the Chairman and Managing Director shall be appointed by the Government and Government will determine the period for which Chairman, Managing Director and Directors are to hold their respective office.

Haryana Government had appointed Sh. G.D.Goel, Chief Engineer as Executive Director of the Corporation in place of Sh. A.K.Jain, Chief Engineer who has relinquished the charge w.e.f. 06.08.2014.

The Govt. of Haryana further appointed Sh. K.B.Narang, Chief Engineer as Executive Director of the Corporation in place of Sh. G.D.Goel, Chief Engineer who has relinquished the charge w.e.f. 25.08.2014. Further, Sh. K.B. Narang, Executive Director has proceeded on earned leave from 10.09.2014 to 10.10.2014. Accordingly, PWD B&R vide office order no. 184/E-1 dated 11.09.2014 has given the additional charge of Executive Director, HSRDC to Sh. H.R.Raheja in addition to his own duty w.e.f. 11.09.2014 till the return of Sh. K.B.Narang, ED HSRDC from earned leave.

The Board is requested to take note of the same and authorize the Executive Director to file the necessary forms with the Registrar of Companies, Regional Director, Company Law Board or any other authority under the provisions of Companies Act, 2013.

AGENDA ITEM NO. 57.03

TO CONFIRM THE MINUTES OF 56TH MEETING OF THE BOARD OF DIRECTORS

The Minutes of the 56th meeting of the Board of Directors of the Corporation held on 27.06.2014 are enclosed. The Board is requested to confirm the same and pass the following resolution:-

"RESOLVED THAT the minutes of the 56th meeting of the Board of Directors held on 27.06.2014 be and are hereby approved and confirmed."

Minutes of 56TH BOD'S

MINUTES OF 56TH MEETING OF BOARD OF DIRECTORS OF HARYANA STATE ROADS & BRIDGES DEVELOPMENT CORPORATION LIMITED HELD ON 27.06.2014 AT 12.00 NOON IN THE OFFICE OF PRINCIPAL SECRETARY, PUBLIC WORKS DEPARTMENT, GOVT. HARYANA.

Present: -

1.	Sh. Sanjeev Kaushal, IAS Principal Secretary, Public Works Department Govt. Haryana.	Chairman
2.	Sh, Nitin Kumar Yadav, IAS Special Secretary, Finance	Director
3.	Sh. Sanjeev Verma, IAS Special Secretary PWD (B&R) Department	Director
4.	Sh. Mahesh Kumar Engineer-in-Chief Haryana PWD (B&R) Deptt.	Managing Director
5.	Sh. Rakesh Manocha Chief Engineer PWD (B&R) Department	Director
6.	Sh. A.K. Jain Chief Engineer Haryana PWD (B&R) Deptt.	Executive Director

ITEM NO 56.01
LEAVE OF ABSENCE.

All the directors were present.

ITEM NO 56.02
TO TAKE NOTE OF THE APPOINTMENT OF SH. NITIN KUMAR YADAV, IAS, SPECIAL SECRETARY, FINANCE AS ALTERNATE DIRECTOR OF THE CORPORATION IN PLACE OF SH. RAJEEV RANJAN, IAS.

Noted

ITEM NO. 56.03
TO TAKE NOTE OF THE APPOINTMENT OF SH. SANJEEV VERMA, IAS, SPECIAL SECRETARY, PWD B&R DEPARTMENT AS DIRECTOR OF THE CORPORATION.

Noted

ITEM NO. 56.04
TO TAKE NOTE OF THE APPOINTMENT OF SH. RAKESH MANOCHA, CHIEF ENGINEER, PWD B&R DEPARTMENT AS DIRECTOR OF THE CORPORATION.

Noted

8/7/14

ITEM NO. 56.05
TO CONFIRM THE MINUTES OF 55TH MEETING OF THE BOARD OF DIRECTORS.

"RESOLVED THAT the minutes of the 55th meeting of the Board of Directors held on 19.03.2014 be and are hereby approved and confirmed."

ITEM NO. 56.06
ADOPTION OF INSTRUCTIONS ISSUED BY THE FINANCE DEPARTMENT/ HBPE.

Noted.

ITEM NO. 56.07
FOLLOW UP ACTIONS ON THE DECISIONS TAKEN IN THE PREVIOUS MEETINGS OF BOARD OF DIRECTORS HELD ON 19.03.2014.

Noted. While taking note of item no:

55.05 (c) regarding fixing of responsibility for delay in execution of internal roads, the Board desired that a specific proposal be put up in the next meeting of the Board of Directors.

55.05 (d) regarding construction of Technical Block in Graduate Regional Centre at Jind district, the Board pursued the status and desired that a specific proposal be put up before the Board with the prior approval of the Managing Director.

ITEM NO. 56.08
TO TAKE NOTE OF THE STATUS OF THE ACTIVITIES OF ON GOING WORKS.

The Board pursued the status. However, the Board observed that in case of delay of the works, penal action, as deemed fit, should be taken. In case, it is felt that penal action is not to be initiated either due to delay on the part of Corporation or in the interest of the Corporation, then the same should be justified and put up before the Board.

ITEM NO. 56.09
TO TAKE NOTE OF THE STATUS OF COURT CASES.

Noted.

ITEM NO. 56.10
TO TAKE NOTE OF THE STATUS OF INCOME TAX CASES.

Noted. The Board took serious view of working of Sh. Atul Mandhar, Advocate who deliberately abstained from appearing before the CIT (Appeal) for the Assessment Year 2009-10 (Appeal No.-420/PKL/2011-12) u/s 246A of Income Tax Act, 1961 and decided that all Income Tax cases being handled by Sh. Atul Mandhar be withdrawn and assigned to another competent advocate to avoid recurrence of such situation.

8/7/17

ITEM NO. 56.11
CLEARANCE OF DEFECT LIABILITY PERIOD AND APPROVAL OF CHANGE OF SPECIFICATION FOR THE WORK OF IMPROVEMENT OF JHAJJAR DHAUR BERI ROAD, BAHADURGARH BERI KALANAUR ROAD, DIGHAL BERI JAHAZGARH ROAD IN JHAJJAR DISTRICT (PACKAGE NO. HSRDC/NCR/C-10/2008).

Ex post facto approval granted. However, the Board desired that in future prior approval should be obtained for such changes.

ITEM NO. 56.12
CONSULTANCY SERVICE FOR PREPARATION OF DPR OF IMPROVEMENT OF JHAJJAR –DHAUR-BERI, BAHADURGARH-BERI-KALANAUR ROAD & DIGHAL-BERI- JAHAZGARH ROAD IN JHAJJAR DISTRICT.

The Board carefully considered the representation of Consultant and on finding the reply unsatisfactory, decided to debar the Consultant for two years in HSRDC and the Department of PWD (B&R). Ordinarily, deductions would have been made from the consultancies already paid and cancellation of other consultancies already awarded would have been effected. However, this lenient action has been taken with a view to improve upon his working.

ITEM NO. 56.13
TO CONSIDER AND APPROVE THE APPOINTMENT OF INDEPENDENT DIRECTORS AND WOMAN DIRECTOR ON THE BOARD OF THE CORPORATION.

The Board on consideration the memorandum placed before it decided that the request be made to the Govt. of Haryana authorizing the Board of Directors to appoint two Independent Directors on the Board of the Corporation pursuant to the provisions of the Section 146 of the Companies Act, 2013. The Board further decided that the request be also made to the Govt, Haryana for appointing a Woman Director on the Board of the Corporation. The Board desired that the matter be also placed in the next Board meeting for further review.

ITEM NO. 56.14
TO CONSIDER FOR TAKING UP THE MATTER WITH THE STATE GOVERNMENT FOR CREATION OF POSTS OF COMPANY SECRETARY AND CHIEF FINANCIAL OFFICER IN THE CORPORATION.

The Board considered the proposal and decided that legal opinion be sought whether it is mandatory to appoint two separate persons as the Company Secretary and Chief Financial Officer or one person could be appointed as Company Secretary-cum-Chief Financial Officer of the Corporation pursuant to the provisions of Companies Act, 2013.

8/7/14

ITEM NO. 56.15
TO CONSIDER AND APPROVE THE DRAFT DIRECTORS' REPORT.

The Board considered and approved the draft Directors' Report for the year ending 31.03.2012 and passed the following resolution.

"RESOLVED THAT the draft Directors' Report for the year ending 31st March, 2012 as placed before the Board be and is hereby approved."

FURTHER RESOLVED THAT Sh. Mahesh Kumar, Managing Director and Sh. A. K. Jain, Executive Director of the Corporation be and are hereby authorized to sign the Directors' Report on behalf of the Board."

ITEM NO. 56.16
TO CONSIDER AND APPROVE THE NOTICE OF THE 13th ADJOURNED ANNUAL GENERAL MEETING AND FIX THE DATE, PLACE AND TIME FOR HOLDING THE ANNUAL GENERAL MEETING.

The Board considered and approved the notice of the 13th adjourned annual general meeting and passed the following resolution.

"RESOLVED THAT 13th adjourned Annual General Meeting of the Corporation be convened on Friday, the 27th day of June, 2014 at 3.00 PM at its registered office at Bay No. 13-14, Sector 2, Panchkula, Haryana to receive, consider and adopt the Audited Annual Accounts, Directors' Report, Auditors' Report along with the comments of the Comptroller & Auditor General of India for the year 2011-12, the replies of the management on the comments of the Comptroller & Auditor General of India appended to the Directors' Report."

"FURTHER RESOLVED THAT Sh. A.K.Jain, Executive Director of the Corporation be and is hereby authorized to issue the notice of the 13th adjourned Annual General Meeting as per draft placed before the Board of Directors and to complete all other formalities required under the Companies Act 1956."

ITEM NO. 56.17
TO CONSIDER AND APPROVE THE ANNUAL ACCOUNTS FOR THE FINANCIAL YEAR 2012-2013.

The Board considered and approved the notice of the annual accounts for the financial year 2012-2013 and passed the following resolution.

"RESOLVED THAT the Balance Sheet as on 31.03.2013 and Profit & Loss Account for the period from 01.04.2012 to 31.03.2013 of the Corporation be and are hereby approved along with notes forming parts of the accounts.

8/7/14

RESOLVED FURTHER THAT Sh. Mahesh Kumar, Managing Director and Sh. A. K. Jain, Executive Director of the Corporation be and are hereby authorised to sign the Balance Sheet, Profit & Loss account and other schedules.

RESOLVED FURTHER THAT Sh. Mahesh Kumar, Managing Director and Sh. A. K. Jain, Executive Director of the Corporation be and are hereby authorized to approve changes as may be made in the accounts for the aforesaid period subsequently on the receipt of the comments of the Statutory Auditors and sign the same.

RESOLVED FURTHER THAT Sh. A. K. Jain, Executive Director of the Corporation be and is hereby authorised to forward a copy of the Annual Accounts duly authenticated as above to the Statutory Auditors and a copy of the Audited Accounts to the Comptroller & Auditor General of India for their comments thereon."

ITEM NO. 56.18
ANY OTHER ITEM WITH THE PERMISSION OF THE CHAIR.

ITEM NO. 56.18.01
TO CONSIDER AND IMPLEMENT THE DECISION REGARDING REGULARISATION OF SERVICES OF GROUP-C AND GROUP-D EMPLOYEES / WORKERS ENGAGED ON CONTRACT BASIS.

The Board further decided that the rider for not filling the posts on regular basis in the Corporation as stipulated in Govt. letter no. 9/60/09/3 B&R(W) dated 25.06.2009 be recommended for waiver to the government by making a written reference.

ITEM NO. 56.18.02
TO TAKE NOTE OF DISCLOSURE OF INTEREST GIVEN BY THE DIRECTORS.

The Board took note of the disclosure of interest given by the Directors and passed the following resolution.

"RESOLVED THAT general notice of disclosure of interest of Directors pursuant to the provisions of section 184(1) of Companies Act, 2013 that they are Directors/Partners/Sole Proprietors in other concerns and that they may be deemed to be considered interested in the contracts which the company enters into with the parties be and is hereby received and taken on record."

There being, no other business to transact, the meeting ended with thanks to all present.

8/7/14

(Mahesh Kumar)
Managing Director

(Sanjeev Kaushal, IAS)
Chairman

AGENDA ITEM 57.04

FOLLOW UP ACTIONS ON THE DECISIONS TAKEN IN THE PREVIOUS 56th MEETING OF BOARD OF DIRECTOTOR HELD ON 27.06.2014.

Item No.	Item	Follow up action
56.01	All the Directors were present	No action required.
56.02	The Board took note of the appointment of Sh. Nitin Kumar Yadav, IAS, Special Secretary, Finance as alternate Director of the Corporation in place of sh. Rajeev Ranjan, IAS.	No action required.
56.03	The Board took note of the appointment of Sh. Sanjeev Verma, IAS, Special Secretary, PWD B&R Department as Director of the Corporation.	No action required.
56.04	The Board took note of the appointment of Sh. Rakesh Manccha, Chief Engineer, PWD B&R Department as director of the Corporation.	No action required.
56.05	Minutes of the 55th meeting of the Board of Directors of the Corporation held on 19.03.2014, as circulated to members of the Board, were considered and confirmed.	No action required.
56.06	The Board noted the instructions issued by the Finance Department/ HBPE.	No action required.
56.07	The Board took note of the action taken on the decisions of 55th meeting of the Board of Directors held on 19.03.2014. While taking note of Item No. 55.05 (c) regarding fixing of responsibility for delay in execution of internal roads, the Board desired that a specific proposal be put in the next meeting of the Board of Directors.	This item is being taken as a separate item.

	55.05(d) regarding construction of Teaching Block in Graduate Regional Centre at Jind District, the Board pursued the status and desired that a specific proposal be put up before the Board with the prior approval of the Managing Director.	The SE Kaithal and EE PD Jind were asked vide HSRDC letter no. 7109-10/HSRDC dated 14.08.2014 to send the ATR of the points / issue pertaining to jurisdiction meaning thereby fixing of responsibility for delay in execution of the project. The SE, Kaithal / EE PD Jind has informed that a review meeting was held under the chairmanship of MD, HSRDC on 21.08.2014 and fixed the target to complete the work upto 31.12.2014. During the meeting, the agency has submitted the schedule of completion of work. A review meeting again held on 02.09.2014 under the Chairmanship of MD, HSRDC and the agency has shown satisfactory progress and completed the target as per schedule. The work has also been delayed due to non receipt of funds from University for which D.O reminder has also been issued to the VC of the University.
56.08	The Board pursued the status. However, the Board observed that in case of delay of the works, the penal action should be taken. In case, it is felt that the penal action is not to be initiated either due to delay on the part of Corporation or in the interest of the Corporation, then the same should be justified and put up before the Board.	It is submitted that all the 343 residential houses, transit accommodation work have been completed and officers club will be completed by 30.11.2014. The case regarding penal action/time extension will be put up before the Board after receipt of the proposal from the field office. The item with regard to construction of internal road in DCRTPP Yamuna Nagar is being taken as a separate agenda item.
56.09	The Board took note of the status of court cases.	No action required.

56.10	The Board took serious view of working of Sh. Atul Mandhar, Advocate who deliberately abstained from appearing before the Tribunal in one of the cases and it was decided that all Income Tax cases being handled by Sh. Atul Mandhar be withdrawn.	The necessary agenda item for engaging renowned Income Tax Advocate, Sh. Chaman Lal Sharma for defending the cases is being taken as the separate item.
56.11	Ex post facto approval w.r.t. clearance of defect liability period and change of specification for the work of improvement of Jhajjar Dhaur Beri Road, Bahadurgarh Beri Kalanaur Road, Dighal Beri Jahazgarh Road in Jhajjar District (package no. HSRDC/NCR/C-10/2008) was granted. However, the Board desired that in future prior approval should be obtained for such changes.	No action required. Noted for compliance in future.
56.12	The Board carefully considered the representation of Consultant M/s Marc Technocrat Pvt. Ltd. and on finding the unsatisfactory reply, decided to debar the Consultant for two years in HSRDC and Department of PWD (B&R). Ordinarily, deductions would have been made from the consultancies already paid and cancellation of other consultancies already awarded would have been effected. However, this lenient action has been taken with a view to improve upon his working.	M/s Marc Technocrat Pvt. Ltd. has been debarred for further tendering in HSRDC and Department of PWD(B&R) for a period of two years, vide No. 5031/HSRDC dated 01.08.2014.
56.13	The Board decided that the request be made to the Govt. Haryana authorizing the Board of Directors to appoint the two Independent Directors on the Board of the Corporation pursuant to the provisions of the Section 146 of the Companies Act, 2013. The Board further decided that the request be also made to the Govt, Haryana for appointing Woman Director on the Board of the Corporation. The Board desired that the matter be also placed in the next Board meeting for further review.	As decided by the Board, a proposal regarding appointment of two Independent Directors and Woman Director has been sent to Govt. vide U.O. 4354 / AC dated 17.09.2014.

56.14	The Board considered the proposal and decided that the legal opinion be sought whether it is mandatory to appoint two separate persons as the Company Secretary and the Chief Financial Officer or one person could be appointed as Company Secretary and Chief Financial Officer of the Corporation pursuant to the provisions of Companies Act, 2013.	As decided by the Board, advice of legal counsel Sh. Varun Katyal engaged by HSRDC has been obtained. As per advice of Legal Counsel, there is no provision which permits the same person to be both Chief Financial Officer and Company Secretary or to hold more than one of the three prescribed Key Managerial Personnel (KMP) position. Moreover, the Chief Financial Officer, if not a member of the Institute of Company Secretaries of India (ICSI), can never be appointed as Company Secretary as the qualification of Company Secretary has been prescribed under section 2(24) of the Act whereas no qualification has been prescribed for Chief Financial Officer. The Legal Counsel is of the opinion that one person cannot be appointed as Company Secretary and Chief Financial Officer. The Board is requested to take the appropriate decision.
56.15	The Board approved the draft Directors' Report for the year ending 31.03.2012 and authorized Sh. Mahesh Kumar, Managing Director and Sh. A. K. Jain, Executive Director of the Corporation to sign the Directors' Report on behalf of the Board."	The Director Report was got signed from Sh. Mahesh Kumar, Managing Director and Sh. A. K. Jain, Executive Director.
56.16	The Board approved the notice of the 13th adjourned annual general meeting to be held on 27th day of June, 2014	The 13th Adjourned Annual General Meeting was held on 27th day of June, 2014.

56.17	The Board approved the annual accounts for the financial year 2012-2013 and authorized Sh. Mahesh Kumar, Managing Director and Sh. A. K. Jain, Executive Director of the Corporation to sign the Balance Sheet, Profit & Loss account and other schedules.	Annual Accounts for the Financial Year 2012-2013 alongwith Auditors Report of Statutory Auditors were sent to PAG Haryana for conducting audit after getting the Balance Sheet signed from Sh. Mahesh Kumar, Managing Director and Sh. A. K. Jain, Executive Director. Audit of Annual Accounts by Principal Accountant General, Haryana is in progress.
56.18.01	The Board decided that the rider for not filling the post on regular basis in the Corporation as stipulated in Govt. letter no. 9/60/09/3 B&R(W) dated 25.06.2009 be recommended for waiver to the government by making a written reference.	A proposal regarding waiver of condition no. 8 of Govt. letter no. 9/60/09/3 B&R (W) dated 25.06.2009 was sent to Govt. vide HSRDC letter no. 4015 Dated 03.07.2014. The Govt. vide letter no. 13/32/2011-4B&R(W) dated 03.09.2014 has informed that as per policy issued by Chief Secretary, Haryana vide notification no 6/7/2014-1GSI dated 18.06.2014 only those Group C & D are covered which were regular and referable to Haryana Staff Selection Commission / Competent Authority for recruitment. The posts of Haryana State Roads & Bridges Development Corporation were not so referable. A back reference has been made to Govt. vide HSRDC letter No 7611 dated 08.09.2014 that in view of rider imposed / put by the Govt. vide letter dated 25.06.2009 regarding filling of post on regular basis in this Corporation, no requisition for recruitment on regular basis was sent to Staff Selection Commission / Competent Authority and the proposal of this Corporation is under consideration with the Govt.
56.18.02	The Board took note of the disclosure of interest given by the Directors	No action required.

AGENDA ITEM NO. 57.05

ADOPTION OF INSTRUCTIONS ISSUED BY THE FINANCE DEPARTMENT/ HBPE

The Board in its meeting held on 30.03.2012 had desired that in future, all instructions issued by the Finance Department/ HBPE should be taken as Standing Item in every meeting of the Board of Directors.

The Corporation has received the following instructions from the Finance Department/ HBPE from 25.07.2014, the copies of which are Annexed:-

Sr. No.	From	Subject	Letter No & Date
1.	FD	Grant of two advance increments on acquiring AMIE/BE degree, to the Junior Engineers.	6/90/2013-2PR(ED) 14.07.2014
2.	FD	Grant of ACP scale to such employees who forgo promotions - different pending SLPs in the Hon'ble Supreme Court of India.	6/90/2013-2PR(FD) 25.07.2014
3.	FD	Scheme for grant of maternity leave to female employees of Haryana Government engaged on contract basis.	11/8/2014-3FR/11887 dated 04.08.2014
4.	FD	Revision of Special Allowance to all Safai Karamcharies working in various Departments/ Public Undertaking/ Municipal Committees in the State.	4/2/2009-5FR 27.08.2014
5.	FD	Revision of Hill compensatory Allowance to the Haryana Government employees posted at Morni Hills.	4/3/2009-5FR 27.08.2014
6.	FD	Revision of Special Allowance to Peon-cum-Mali and Chowkidar-cum-Mali	4/4/2009-5FR 27.08.2014
7.	FD	Revision of Children Education Allowance	4/5/2009-5FR 27.08.2014
8.	FD	Revision of Cycle Allowance to all Group D employees	5/32/98-1FR 27.08.2014

The Board is requested to approve this item that instructions issued by the Finance Department and HBPE as mentioned above will be adopted by the Corporation.

Z 00412 / HR

566

GOVERNMENT OF HARYANA

FINANCE DEPARTMENT

CE (NCH)

ORDER

No. 6/90/2013-2PR(FD) Dated, Chandigarh the 14th July, 2014

Subject: Grant of two advance increments on acquiring AMIE/BE degree, to the Junior Engineers.

******

In furtherance of FD's Memo No. 1/16/2005-3PR(FD) dated 05-09-2007.

I have been directed to invite your kind attention to the subject noted above. It has already been decided to grant of two advance increments to the Junior Engineers who acquire AMIE/BE degree after joining the service subject to the condition that the incumbent has completed a minimum of five years regular and satisfactory service. However, this benefit was restricted up to the Junior Engineers of three wings of PWD.

2. After careful consideration, it has been decided that the benefit of two advance increments shall be granted to all those JEs whose pay scale and qualification etc. are at par with the Junior Engineers of three wings of PWD. This benefit is subject to terms and condition laid down in the letter under reference.

Etc

Dated, Chandigarh
the 18th June, 2014

Rajan Gupta
Addl. Chief Secretary to Govt. Haryana
Finance Department

Endst. No. 6/90/2013-2PR(FD) Dated, Chandigarh the 14th July, 2014

A copy is forwarded to the following for information and further necessary action at their end:-

1. The Chief Secretary to Govt. Haryana.
2. All the Addl. Chief Secretaries/Principle Secretaries to Government Haryana.
3. Registrar (General), the High Court of Punjab and Haryana.
4. All the Heads of Department in Haryana.
5. All the Divisional Commissioners in Haryana.
6. All the Deputy Commissioners in Haryana.
7. All the Sub Divisional Officers (Civil) in Haryana.
8. Secretary, Haryana Bureau of Public Enterprises.

Send scanned copy to all CE/SE/EE's

Mr DS

Jt. Secretary, Finance (PR)
for Addl. Chief Secretary to Govt. Haryana,
Finance Department

No. 6/90/2013-2PR(FD)

From

Addl. Chief Secretary to Govt. Haryana,
Finance Department.

To

1. All the Administrative Secretaries.
2. All the Head of Departments of State of Haryana.

Dated, Chandigarh the 25th July, 2014

Subject: Grant of ACP scale to such employees who forgoes promotions- different pending SLPs in the Hon'ble Supreme Court of India.

******

I have been directed to invite your kind attention to the subject noted above. It has been intimated by the Standing Counsel, Supreme Court of India that number of SLPs (list attached) on the subject cited above are pending before the Hon'ble Supreme Court of India. In some of the cases service of notice is not complete on the respondents. The Hon'ble Court directed that service may be completed by dasti also.

Therefore, you are requested to take necessary steps with respect to cases concerning to your department, so that service is complete. All the facts be brought to the notice of Standing Counsel, Supreme Court of India.

Jt. Secretary, Finance (PR)
for Addl. Chief Secretary to Govt. Haryana,
Finance Department

593

E-I-C PWD

44951/HR
11.08.2014

No. 11/8/2014-3FR/11887

From

The Additional Chief Secretary to Government Haryana,
Finance Department.

send scanned copy to all CE/SE/EEs 7.8.14 Mody

To,

i. All Heads of Departments,
ii. Commissioners, Ambala Division, Gurgaon Division, Hisar Division and Rohtak Division,
iii. All Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana,
iv. The Registrar, Punjab & Haryana High Court, Chandigarh.

Dated: Chandigarh, the 4th August ,2014

Subject: **Scheme for grant of maternity leave to female employees of Haryana Government engaged on contract basis.**

****

Sir,

I am directed to invite a reference to Haryana Government, Finance Department office Memorandum no. 11/126/2007-1FR dated 22/06/2009 wherein it was decided to grant of maternity leave to female employees of Haryana Government engaged on contact basis up to three months. It has now been decided to raise the maximum limit of maternity leave from three months to six months to the following conditions w.e.f. 01.08.2014.

I. A Women employee eligible for maternity benefits and whose services have been hired on contract basis in a lawfully authorised manner shall be entitled to 'fully paid maternity leave' up to a maximum of six months or till the currency of the subsisting contract, whichever is earlier.

II. The benefit under this scheme shall be admissible only up to two living children. A woman employee who already has two living children before her contractual engagement shall not be entitled to the benefit of maternity leave.

III. This leave shall be admissible subject to completion of minimum three months service.

IV. The Heads of Department concerned shall be competent to grant maternity leave in terms of these instructions.

-17-

2. Employment in the said category being regulated in terms of Rule: 1.3 of CSR, it shall be necessary to incorporate the import of this scheme in the 'terms and conditions' of the contractual employment in individual cases.

3. These instructions may be brought to the notice of all concerned for strict compliance.

Yours faithfully

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

Endst. No. 11/8/2014-3FR/11887 Chandigarh, the Dated 4th August, 2014

A Copy is forwarded for information and necessary action to the:-

1. The Principal Accountant General (A&E) and Audit, Haryana, Chandigarh with 50 spare copies.
2. The Director-General, HIPA, Gurgaon.
3. The Finance Secretary, Chandigarh Administration, Chandigarh.
4. The Director, Treasuries & Accounts, Haryana with 100 spare copies for information of TOs/ATOs etc.
5. The Principal, Accounts Training Institute, Haryana, Panchkula.
6. The Treasury Officer, Haryana, Chandigarh/Tees Hazari Court, Delhi.
7. The Incharge, Computer Cell (F.D) 7th Floor, Haryana Civil Secretariat for placing these orders on FD's website.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

A copy is forwarded to the Chief Secretary to Government Haryana, all the Additional Chief Secretaries/Principal Secretaries to Government, Haryana and all the Administrative Secretaries to Government Haryana for information and necessary action.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

To

1. The Chief Secretary to Government, Haryana
2. All the Additional Chief Secretaries/Principal Secretaries to Government, Haryana.
3. All the Administrative Secretaries to Government, Haryana.

U.O. No. 11/8/2014-3FR/11887 Chandigarh, the Dated 4th August, 2014

A copy is forwarded to the Principal Secretary I & II/Additional Principal Secretary/Principal OSD/Officers on Special Duty, I,II/Senior Secretaries/Private Secretaries to the Chief Minister/Ministers/Ministers of State/Deputy Chairman Planning Board/Chief Parliamentary Secretaries for the information of Chief Minister/Ministers/Ministers of State/Deputy Chairman Planning Board/Chief Parliamentary Secretaries Haryana.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

U.O. No. 11/8/2014-3FR/11887 Chandigarh, the Dated 4th August, 2014

52531—F.D.—H.G.P., Chd.

No. 4/2/2009-5FR
GOVERNMENT OF HARYANA
FINANCE DEPARTMENT

Chandigarh, the 27th August, 2014

Subject: Revision of Special Allowance to all Safai Karamcharies working in various Departments/Public Undertakings/Municipal Committees in the State.

I am directed to refer to Haryana Govt. Finance Department letter No. 4/2/2009-5FR dated 15.01.2009 on the subject noted above and to say that the matter regarding revision of Special Allowance to Safai Karamcharies was under consideration of the State Government. The Government has considered the matter in the light of recommendation of Sixth Pay Commission and has decided to increase the Special allowance @ 50% from the date when the dearness allowance payable on revised emoluments become 100%.

Now the rate of Special Allowance already admissible to all Safai Karamcharies working in various Departments is increased from the existing rate of Rs. 350/- per month to Rs. 525/- per month w.e.f. 01.01.2014.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana
Finance Department.

To

1. All Financial Commissioner/Addl. Chief Secretaries/Principal Secretaries/Administrative Secretaries to Government, Haryana.
2. All Heads of Departments/Boards/Corporations under Haryana Government.
3. All Divisional Commissioners in Haryana.
4. Registrar, Punjab & Haryana High Court Chandigarh.
5. All Deputy Commissioners in Haryana.
6. All Sub Divisional Officers (Civil) in Haryana State.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana
Finance Department.

Endst. No. 4/2/2009-5FR Dated, Chandigarh the 27th August, 2014

A copy is forwarded to the following for information and necessary action :-

1. Principal Accountant General (A&E) and Audit, Haryana, Chandigarh.
2. Home Secretary, Chandigarh Administration.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana
Finance Department.

Internal Circulations:

Incharge Computer Cell (FD).
All the officers/SSF/JSF/DSF/USF/Superintendents of Finance Department.

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52610—F.D.—H.G.P., Chd.

No. 4/3/2009-5FR
GOVERNMENT OF HARYANA
FINANCE DEPARTMENT

Chandigarh, the 27th August, 2014

Subject: **Revision of Hill Compensatory Allowance to the Haryana Government employees posted at 'Morni Hills'.**

Sir/Madam,

I am directed to refer to Haryana Govt. Finance Department letter No. 4/3/2009-5FR, dated 16.01.2009 on the subject noted above and to say that the matter regarding revision of Hill Compensatory Allowance was under consideration of the State Government. The Government has considered the whole matter in the light of recommendation of Sixth Pay Commission and has decided to increase the Hill Compensatory Allowance @ 50% from the date when the dearness allowance payable on revised emoluments become 100%.

Now the Hill Compensatory Allowance admissible to Haryana Government employees posted at Morni Hills is increased from the existing rate of 5% to 7.5% of basic pay in the revised pay structure subject to minimum of Rs. 300/- and maximum of Rs. 600/- p.m. w.e.f. 01.01.2014.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

To

1. All Financial Commissioner/Addl. Chief Secretaries/Principal Secretaries/Administrative Secretaries to Government, Haryana.
2. All Heads of Departments in Haryana.
3. All Divisional Commissioners in Haryana.
4. Registrar, Punjab & Haryana High Court Chandigarh.
5. All Deputy Commissioners in Haryana.
6. All Sub Divisional Officers (Civil) in Haryana State.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

Endst. No. 4/3/2009-5FR Dated, Chandigarh the 27th August, 2014

A copy is forwarded to the following for information and necessary action :-

1. Principal Accountant General (A&E) and Audit, Haryana, Chandigarh.
2. Home Secretary, Chandigarh Administration.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

Internal Circulations:

Incharge Computer Cell (FD).
All the officers/SSF/JSF/DSF/USF/Superintendents of Finance Department.

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52609—F.D.—H.G.P., Chd.

No. 4/4/2009-5FR
GOVERNMENT OF HARYANA
FINANCE DEPARTMENT

49086 / 4R
11/9/14

620

Chandigarh, the 27th August, 2014

Subject: **Revision of Special Allowance to Peon-cum-Chowkidar, Peon-cum-Mali and Chowkidar-cum-Mali.**

I am directed to refer to Haryana Govt. Finance Department letter No. 4/4/2009-5FR, dated 16.01.2009 on the subject noted above and to say that the matter regarding revision of Special Allowance was under consideration of the State Government. The Government has considered the matter in the light of recommendation of Sixth Pay Commission and has decided to increase the Special allowance @ 50% from the date when the dearness allowance payable on revised emoluments become 100%.

Now the Special Allowance admissible to Group D employees holding charge of dual posts, i.e. Peon-cum-Chowkidar, Peon-cum-Mali, and Chowkidar-cum-Mali, in Government offices of the State of Haryana is increased from the existing rate of Rs. 60/- per month to Rs. 90/- per month w.e.f. 01.01.2014.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

EIC

Send scanned copy to all CEOs

To

1. All Financial Commissioner/Addl. Chief Secretaries/Principal Secretaries/Administrative Secretaries to Government, Haryana.
2. All Heads of Departments in Haryana.
3. All Divisional Commissioners in Haryana.
4. Registrar, Punjab & Haryana High Court Chandigarh.
5. All Deputy Commissioners in Haryana.
6. All Sub Divisional Officers (Civil) In Haryana State.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

Endst. No. 4/4/2009-5FR Dated, Chandigarh the 27th August, 2014

A copy is forwarded to the following for information and necessary action :-

1. Principal Accountant General (A&E) and Audit, Haryana, Chandigarh
2. Home Secretary, Chandigarh Administration.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

Internal Circulations:

Incharge Computer Cell (FD)
All the officers/SSF/JSF/DSF/USF/Superintendents of Finance Department.

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52608—F.D.—H.G.P., Chd.

No. 4/5/2009-5FR
GOVERNMENT OF HARYANA
FINANCE DEPARTMENT

Chandigarh, the 27th August, 2014

Subject: Revision of Children Education Allowance.

I am directed to refer to Haryana Govt. Finance Department letter No. 4/5/2009-5FR dated 23.08.2010 on the subject noted above and to say that the matter regarding revision of Children Education Allowance was under consideration of the State Government. The Government has considered the matter in the light of recommendation of Sixth Pay Commission and has decided to increase the Children Education Allowance @ 50% from the date when the dearness allowance payable on revised emoluments become 100%.

Now the Children Education Allowance admissible to Haryana Government employees is increased from the existing rate of Rs. 500/- per month to Rs. 750/- per month w.e.f. 01.01.2014. Other terms and conditions will remain unchanged.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

To

1. All Financial Commissioner/Addl. Chief Secretaries/Principal Secretaries/Administrative Secretaries to Government, Haryana.
2. All Heads of Departments in Haryana.
3. All Divisional Commissioners in Haryana.
4. Registrar, Punjab & Haryana High Court Chandigarh.
5. All Deputy Commissioners in Haryana.
6. All Sub Divisional Officers (Civil) in Haryana State.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

Endst. No. 4/5/2009-5FR Dated Chandigarh the 27th August, 2014

A copy is forwarded to the following for information and necessary action :-

1. Principal Accountant General (A&E) and Audit, Haryana, Chandigarh.
2. Home Secretary, Chandigarh Administration.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

Internal Circulations:

Incharge Computer Cell (FD)
All the officers/SSF/JSF/DSF/USF/Superintendents of Finance Department.

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52612—F.D.—H.G.P., Chd.

No. 5/32/98-1FR
GOVERNMENT OF HARYANA
FINANCE DEPARTMENT

Chandigarh, the 27th August, 2014

Subject: Revision of Cycle Allowance to all Group D employees.

I am directed to refer to Haryana Govt. Finance Department letter No. 5/32/98-1FR dated 14.01.2009 on the subject noted above and to say that the matter regarding revision of Cycle Allowance was under consideration of the State Government. The Government has considered the matter in the light of recommendation of Sixth Pay Commission and has decided to increase the Cycle Allowance @ 50% from the date when the dearness allowance payable on revised emoluments become 100%.

Now the Cycle Allowance admissible to Group D employees of Haryana Government is increased from the existing rate of Rs. 100/- per month to Rs. 150/- per month w.e.f. 01.01.2014.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

To

1. All Financial Commissioner/Addl. Chief Secretaries/Principal Secretaries/Administrative Secretaries to Government, Haryana.
2. All Heads of Departments in Haryana.
3. All Divisional Commissioners in Haryana.
4. Registrar, Punjab & Haryana High Court Chandigarh.
5. All Deputy Commissioners in Haryana.
6. All Sub Divisional Officers (Civil) in Haryana State.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

Endst. No. 5/32/98-1FR Dated, Chandigarh the 27th August, 2014

A copy is also forwarded to the following for information and necessary action :-

1. Principal Accountant General (A&E) and Audit, Haryana, Chandigarh.
2. Home Secretary, Chandigarh Administration.

(Ram Kumar Beniwal)
Joint Secretary Finance
for Additional Chief Secretary to Government Haryana,
Finance Department.

Internal Circulations:

Incharge Computer Cell (FD)
All the officers/SSF/JSF/DSF/USF/Superintendents of Finance Department.

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52611—F.D.—H.G.P., Chd.

AGENDA ITEM NO. 57.06

TO TAKE NOTE OF THE STATUS OF THE ACTIVITIES OF ON GOING WORKS.

The status of the activities of the following ongoing works is given at **Annexures I-III** as under:

1. Construction of Colony in Deenbandhu Chhotu Ram Thermal Power Project (DCRTPP) at Yamuna Nagar — **Annexure - I**
2. Works under Loan Scheme. — **Annexure - II**
3. Other Projects — **Annexure -III**

The Board is requested to take note of the same.

Annexure-1

Agenda Item for 57th Meeting of BOD

Building Works DCRTPP, Yamuna Nagar

1) Residential Houses

All 343 residential houses have been completed.

2) Non-residential Houses

Transit Accommodation work is completed and ready for handing over and officer club will be completed by 30.11.2014.

3) Internal Road

The balance road work has been completed on 31.05.2014.

Annexure-II

Other works (BUILDINGS)

Name of work	Administrative Approval / Cost of work (In. Cr.)	Stipulated date of start/ Stipulated date of Completion/ Target date of completion (for balance work)	Remarks
1.	2.	3.	4.
DCRUST Murthal			
Construction of Convention Centre, Library and Computer Centre at Deenbandhu Chhottu Ram University of Science and Technology at Murthal in Sonipat Distt.	56.40	03.03.2014 02.03.2015	**Library Block** Library block completed. Inaugurated by Hon'ble C.M Haryana on dated 13.06.2013. After termination of contract agreement of M/s Omaxe Ltd New Delhi vide letter no.9149/HSRDC dated 02.09.2014 the balance work was allotted to M/s Gawar Construction Ltd. Gurgaon vide DGM-III, Sonepat letter no.1300 dated 28.02.2014 with a time limit of 12 months. The date of completion is 02.03.2015. The progress of the work is as under:- **Convention centre : -** 1.G.F Brick work & Plaster work 95% completed. 2. 1st floor brick work and plaster work 75% completed. 3. 2nd floor brick work and plaster work 60% completed. 4. Buffet area brick work and plaster work completed. 5. Dholpur stone work completed. 6. The entire slab will be aid by 31.10.2014 (both floors) 7. The total upto date expenditure incurred is Rs. 1.25 Crore. **Overall progress 30% work completed.**
Construction of Administrative Block Academic Staff Hostel, Scholar Hostel, B.Sc labs Hospitality / Hostel and Hostel for – college in Bhagat Phool Mahila Vishwavidyalaya at Khanpur Kalan in Sonepat Distt.	9.85	31.08.2011 31.08.2012 30.06.2014 30.09.2014 (Revised)	The progress of the work is as under : **Administrative Block:** The work completed in all respect for handing over to the BPSMV Khanpur Kalan authority. The University authority has requested to EE, Electrical PWD & R Br. Karnal for fixing 30 nos. Split AC before taking over the building. **B.Sc Lab** 92% work has been completed and the minor balance works like Aluminum joinery Painting, Electrical and Pubic Health works are in progress and likely to be completed by 30.09.2014. The progress of work hampered due to non receipt of funds from university. **Research Scholar Hostel:** 80% work has been completed and the minor balance works like flooring wooden joinery ,Painting Electrical and Public Health works are in progress and likely to be completed by 30.09.2014. The progress of work hampered due to non receipt of funds from university.

			Academic Staff Hostel 65% work has been completed. The 2nd storey slab has been laid and brick work on ground floor is in progress. The balance works of flooring, wooden Joinery, Electrical and Public Health works will be started soon and likely to be completed by 30.09.2014. The progress of work hampered due to non receipt of funds from university. **Degree college Hostel** 90% work has been completed. The balance work of paintaing, wooden Joinery, Electrical & Public Health works are in progress and likely to be completed by 30.09.2014. The progress of work hampered due to non receipt of funds from University.
Construction of Teaching Block for Regional Centre at Jind for Kurukshetra University at Jind in Jind Distt.	8.83	06.01.2012 05.01.2013 **31.12.2014** Work completed upto expansion joint & the project is likely to be completed by **31.12.2014)**	The progress of the work is as under: **1st Storey: (Overall)** i) All foundation and plinth completed. ii) 95% RCC slab, 95% brick work of Super structure completed and balance work is in progress. iii) **95%** cement plaster completed. iv) **65%** Grid slab laid completed. v) **65%** Kota stone flooring completed vi) Unistone unibrick cladding outer & vii) Internal plaster, external & internal painting is in progress.
			2nd Storey **i)** 95% R.C.C. slab, 95% brick work & 65% flooring completed. ii) 65% cement plaster completed iii) Unistone unibrick cladding, outer & internal plaster, external & internal painting is in progress.
			3rd Storey i) 95% slab laid and 95% brick work completed ii) 65% KOTA FLOORING & 65% PLASTER completed and balance work is in progress. iii) Unistone unibrick cladding, outer & internal plaster, external & internal painting and aluminum joinery work is in progress.
			4th Storey i) 95% slab laid and 80% brick work completed. ii) Unistone unibrick cladding, outer & internal plaster, external and internal painting and aluminum joinery work is in progress.
			B) Progress Up to Expansion Joint Completed in all respect. **Overall 65% work has been completed.**
Construction of additional block at district Hospital Dadri (Two storey building & allotment amount is Rs. 6.33 Crores)	10.00	19.04.2012 18.10.2013 31.12.2014	The progress of the work is as under:- **Ground Floor:** Roof slab complete, Brick work completed, Plastering work completed, Flooring completed,, Joinery work 80% completed **First floor:** Roof slab complete, brick work complete, Plastering work 95% completed, Flooring 80% completed, Joinery work 80%

			completed. Tile terracing completed. i) Frame work completed, brick work completed, plaster completed and flooring and other finishing activities are in progress. ii) Scope of work increased due to sight is low lying area and accordingly plinth level has been raised i.e. above 1 mtr. iii) Initially work delayed on account of stay order by the Hon'ble Court Ch. Dadri and stay got vacated from the Hon'ble court Distt. Judge Bhiwnai. Shortage of funds and labour the work has been delayed. **Overall Physical progress is 85%.**
Construction of additional block at district Hospital Rewari (four storey building & allotment amount is Rs. 5.49 Crores)	20.00	23.11.2012 22.04.2014 31.10.2014	The progress of the work is as under:- Ground floor 1st floor & 2nd floor slab work completed Third floor slab in progress, plaster work completed at Ground floor & 1st floor & 2nd floor is in progress. Flooring work is in progress. **Overall progress is 87%.**
Construction of additional block at district Hospital Panipat	42.17		The latest status of the work is as under:- 5 nos. technical bids opened on 19.09.2014 and the Technical evaluation is under process.

DETAIL OF ONGOING ROAD PROJECTS UNDER NCRPB LOAN SCHEME UPTO 31-08-2014

Sr No	Name of project. (Category)	Length (km)	Project amount NCRPB share (In crore).	Loan Asst. Recd. from NCRPB till date	Schd. Start / Sch. Comp. / Rev. Comp./ Stipulated / Revised date of compln. as per NCRPB	REMARKS/ PHYSICAL PROGRESS
1	2	3	4	5	6	7
	ONGOING ROADS					
1	Improvement by way of four lanning of (i) Rewari Kot Kasim road upto NH-8 (7.20 Km length) **(ODR)**	25.41	106.07 79.55	67.5500	15.05.2009 14.05.2010 **31.03.2015** 31.03.2012	Completed except one minor Bridge
	(v) Rewari Dadri road upto proposed by pass (4.14 Km length) **(ODR)**					completed
	(iii) Rewari Narnaul road (SH-26) (4.88 Km length) **(SH-26)**					completed
	(iv) Rewari Mohindergarh road (4.98 Km length)**(SH-28)**					completed
	(ii)Shahjahanpur rewari road upto km 6 (5.50 Km length) **(SH-15)**					completed
2	New construction of roads from (i) Kalaka to NH-8 (4.26 Km length) (ii) Sheoraj Majra to Sangwari (4.26 Km length) (iii) Barriwas to NH-8 (4.257 Km length) (iv) Rojka to Asadpur (2.040 Km length) (v) Bikaner to Gurukawas (2.057 Km length) (vi) New link Rewari Jhajjar road to Rewari Narnaul road via Rewari Dadri road (5.14 Km length) (i to vi,ALL ODR)(The expenditure includes the L.A Cost of Rs.18.00cr.)	19.63	41.40 31.05	25.8000	15.05.2009 14.05.2010 **30.06.2014** 31.03.2012	The new link Rewari Jhajjar road to Rewari Narnaul road via Rewari Dadri road (5.14 Km length) has been deleted from the agreement as approved by Board of Directors in their 55th meeting in view of delay by Railways in shifiting of level crossings **Rest of the roads i.e. (i to v) have been fully completed**
3	Gurgaon Pataudi Road From RD 5.80 To 17.800 **(S.H)**	6.21	90.36 67.77	32.05	02.03.2010 11.06.2011 **30.09.2013** **OCT-2011**	The work Substantially completed on dated 17.09.2013
	DJ Road (Rampur) To Kota Khandewla Via Naurangpur Road From RD 0 To 6.970. **(ODR)**	6.97				
	Urban Estate To Kherki Majra Upto Dhankot Road From RD 1.20 To 6.190 **(ODR)**	4.99				
	Manesar To Kasan Upto Puran Bhagat Mandir Road From RD 0 To 4.420.**(ODR)**	4.42				
4	Wdg. & Stg. of Bahadurgarh Jhajjar Road in Jhajjar District (SH)	28.30 -30-	156.52 117.39	95.44	09.07.2013 08.07.2014 Dec 14	Work completed

Sr No	Name of project. (Category)	Length (km)	Project amount NCRPB share (In crore).	Loan Asst. Recd. from NCRPB till date	Schd. Start / Sch. Comp. / Rev. Comp./ Stipulated / Revised date of compln. as per NCRPB	REMARKS/ PHYSICAL PROGRESS
1	2	3	4	5	6	7
5	Construction of Bye-pass at Beri(ODR)	5.85	48.82 36.62	0.00	01.01.2014 31.12.2014 _____	LA under process
6	Construction of Bye-pass at Kosli(SH)	3.40	27.68 20.76	12.46	01.01.2014 31.12.2014 _____ Dec 2014	68% work completed
7	Construction of Bye-pass at Subana(SH)	3.05	25.18 18.89	0.00	01.01.2014 31.12.2014 _____	LA under process
8	Construction of Bye-pass at Chhara(MDR)	5.35	47.16 35.37	21.22	01.01.2014 31.12.2014 _____ Dec 2014	45 % work completed
9	Widening and strengthening of Bahalgarh Chowk to Sonepat Gohana upto Dist Sonepat boundary road on Jind Road (SH)	62.40	176.26 132.20	79.25	29.10.2013 31.05.2015 _____ July 15	72 % work completed
10	Widening and strengthening of Gohana Lakhan Majra Bhiwani road upto district Rohtak boundary (SH)	36.95	99.77 74.83	44.90	20.11.2013 21.11.2014 _____ July 15	75 % work completed
11	Construction and upgradation of (i) Badli Bahadurgarh Road (RD 0.00 to 18.100) (Jhajjar) **includes LA cost of Rs. 8.50 Cr**	39.00	244.11 183.08	109.85	01.01.2014 31.12.2014 _____ Aug 15	75 % work completed
	(ii) Gurgaon Chandu Badli Road (RD 18.100 to 39.100) (Gurgaon) **includes Forest clearance charges of Rs. 0.62 Cr**				01.01.2014 31.12.2014 _____ Aug 15	40% work completed
	Total (ONGOING ROADS)	**223.6270**	**1063.32** **787.51**	**488.5200**		

DETAIL OF ONGOING ROBs PROJECTS UNDER NCRPB LOAN SCHEME UPTO 31-08-2014

Sr. No.	Name of project. NCRPB sanction date (Category)	Length (km)	Project amount NCRPB share (Rs. in crore).	Loan Asst. Recd. from NCRPB till date	Schd. Start / Sch. Comp. / Rev. Comp./ Stipulated / Revised date of compln. as per NCRPB	REMARKS/ PHYSICAL PROGRESS
1	2	3	4	5	6	7
	ONGOING ROBs					
A)	**ROBs UNDER NCR LOAN SCHEME**					
1	Const. of 2 lane ROB at Panipat Jatal road on Delhi Ambala Railway line at L/C No. 52C in Panipat district	0.00	31.85 13.26	10.63	**27..07.2013** **26.07.2015** ——— **Dec 14**	Work in progress All caps of piers and abutments casted completely. Retaining wall towards Jattal side completed & Retaining wall towards G.T.Road side in progress. 830 no. piles out of 1012 no. piles 400mm dia under reamed casted. Shuttering and steel reinforcement for guirders is in progress. **Overall 60% work completed.**
2	2 Lane ROB at Hodal Hassanpur road on Delhi Palwal Mathura Railway line at L/C No. 553	0.00	24.10 13.76	6.88	**13.08.2013** **12.05.2015** ——— **Dec 14**	**State approach portion-** Likely date of completion is 03.12.2015 **Hodal Side-** Work of casting of piles in progress (101 no. piles casted) **Hassanpur Side-** Work of casting of piles in progress (172 no. piles casted) **Overall 20% work completed**
3	2 Lane ROB at Sonepat Purkhas road near Sugar Mill on Delhi Ambala Railway line at LC No. 29	0.00	40.37 16.42	8.21	**29.07.2013** **28.07.2015** ——— **Dec 14**	**Overall 12% work Completed.**
	TOTAL ONGOING (ROBs)	**0.00**	**96.32**	**25.720**		
			43.44			

Sr. No.	Name of project. NCRPB sanction date (Category)	Length (km)	Project amount NCRPB share (Rs. in crore).	Loan Asst. Recd. from NCRPB till date	Schd. Start / Sch. Comp. / Rev. Comp./ Stipulated / Revised date of compln. as per NCRPB	REMARKS/ PHYSICAL PROGRESS
1	2	3	4	5	6	7
B)	**ROBs UNDER HEAD 5054 R& B(PLAN)**					
1	ROB AT G.T. ROAD TO NAHRA BAHADURGARH ROAD ON DELHI AMBALA RAILWAY LINE L/C NO. 21.	--	59.68	—	12.10.12 11.10.14 ——	1) 362 no. piles completed 2) 56 no. piers completed 3) 32 no. pier caps completed 24 no. balance pier caps, retaining walls and girders are in progress **Overall 45% work completed**
2	ROB AT PALWAL ALAWALPUR ROAD ON DELHI PALWAL RAILWAY LINE L/C NO. 566.	--	35.92	—	22.09.2012 31.12.2014 ——-	**Palwal side:** Piles - 114 no., Pile caps - 13no including abetment., pier- 13 no. with pier cap & Total 333mtr retaining wall casted, 35 no. girder launched, deck slab- 7 no. & 750 mtr side drain & 1 no. gap slab constructed **Alawalpur side :**Piles - 114 no., Pile caps - 11no & pier- 11 no with pier cap - 06 no & 60 mtr. retaining wall casted, 12 no. girders launched, 3 no. deck slabs & 150 mtr. side drain constructed **Overall 75% work completed**
	TOTAL		**95.60**			

AGENDA ITEM NO. 57.07

TO TAKE NOTE OF THE STATUS OF COUR. CASES.

The status of Court cases in the tabular form, as desired by Board of Directors in 55th meeting, is placed below for information of the Board and taking note of the same.

LIST OF COURT CASES (BUILDING BRANCH)

Sr. no.	Title of case alongwith case no.	Date of 1st hearing	Brief of the case alongwith name of works including main issue	Whether the reply filed by the Department or not	Reasons thereof if reply is not filed	Last date of hearing with purpose and outcome of the last date of hearing	Next date of hearing alongwith purpose.
1.	2.	3.	4.	5.	6.	7.	8.
1.	M/s Starcco Engineer V/s HSRDC Case no. 233/31.08.09 Now case No. is 309 dated 26.09.2013 in the court of Ms. Indu Bala (Civil Judge) (JD) Yamuna Nagar at Jagadhari **ID No.1448139**	01.08.2009	i) M/s Starrco Engineers, Delhi has filed a case in the Court of Civil Judge (Senior Division) at Jagadhari against termination of contract and the hearing is in process. M/s Starrco Engineers, Delhi further filed an amendment of application in the Hon'ble Punjab and Haryana High Court with additional claims i.e. regarding additional L.D., material put to auction after termination etc & Hon'ble High Court directed M/s Starrco Engineers, Delhi to file their amended suit in the lower court in Jagadhari alongwith court fees. M/s Starrco filed an application for amendment of above suit on 21.02.2011 without court fees and quantification of claims in a lower court. During last hearing on dated 26.02.2014 in the court of **Civil Judge (Junior Division) Jagadhari Ms. Indu Bala,** a penalty of Rs.2000/- was imposed on M/s Starrco for not depositing required court fees and next date of hearing has been fixed on **28.03.2014** for (a) depositing fee and fine (b) for filing amended application alongwith quantified claims viz-a-viz the corresponding fees on account of claim in the court of **Civil Judge (Junior Division). Jagadhari Ms. Indu Bala. Sh. Balwinder Singh, Advocate, Yamunanagar is counsel on behalf of HSRDC.** ii) After termination of agreement of M/s Starrco Engineers, the material / equipments were put to auction by HSRDC on **09.02.2011,**as the material became property of HSRDC. M/s Starrco Engineers filed the application for stay of auction of material in the same court and the auction was stayed on **08.02.2011** and the case was clubbed with the main case at Sr. no.(i)	Reply filed	--	17.09.2014 Reply of Amended Plaint has filed by EE,PD, Yamunanagar	06.10.2014 for consideration and arguments on reply to the amended plaint.

			iii) Some of the material after termination of agreement of M/s Starrco Engineers was issued to M/s Savvy Constructions, the contractual agency engaged for construction of balance work of houses. The agreement of M/s Savvy was also terminated and material / equipment at site of work was also put to auction and M/s Starrco Engineers filed stay application against this auction also in the same court referred above and stay was granted by the Hon'ble Court the case was clubbed with the main case . iv) M/s Starrco had filed amended plaint in the Hon'ble court from Executive Engineer, Yamuna Nagar and reply to amended plaint has been submitted on 17.09.2014				
2.	HSRDC V/s M/s Starcco Engineer Case no. 304 **ID no.1448142**	29.09.2011	Regarding vacation of stay of auction of material granted by the (Sr. Sub Judge,) **Jagadhari** on dated 08.02.2011 for construction of residential quarter at DCRTPP colony, Yamunanagar.	Reply filed	--	20.09.2014 for arguments yet to be done	The next date of hearing is fixed on 17.10.2014 for arguments.
3.	HSRDC V/s M/s Starcco Engineer Case no. 51 of 2011 **ID no.1448151**	23.05.2011	Regarding recovery suit in the court of Civil Judge, (Senior Division,) **Chandigarh.**	Reply filed	--	01.08.2014 for filing replication by HSRDC to the reply submitted by M/s Starrco.	Next date of hearing is fixed for 11.11.2014 for evidence & arguments on the reply submitted by both parties.
4.	M/s Savvy Construction V/s M/s Starcco Engineer, HSRDC and M/s CEA Case no.2012/2012 and IA no. 12817 of 2012 **ID no.1448144**	02.07.2012	Regarding recovery of Rs. 36,85,978/- alongwith interest @ 18% in the Hon'ble **High Court** at **Delhi.**	Reply filed	--	26.08.2014 the plaintiff filed amended memo of parties & application order 1 Rule 10 on behalf of the plaintiff for impalement of party as defendant with affidavit.	12.01.2015 fixed to take decision regarding the impalement of party on the amended memo of plaintiff itself.

5.	M/s Hissar Friends Colony Co-op L/C Society Ltd., V/s HSRDC Case no. 5/2014 **ID no.1448163**	14.01.2014	The plaintiff had filed a civil suit in the court of Civil Judge **(Sr.Division), Hissar** claiming Rs. 47,56,947/- alongwith interest. On account of Payment of final bill, securities deducted and performance bank guarantees with interest for the work of construction of internal road in the campus of RGTPP, Khedar, Hissar.	Reply filed.	--	27.08.2014 for the argument but the court was adjourned to 09.10.2014 on the request of counsel of plaintiff	09.10.2014 for arguments
6.	M/s Allied Engineers V/s State of Haryana, MD HSRDC & EE, PD, Panipat CWP 13487 of 2014 **ID no.1448170**	14.07.2014	The plaintiff had filed a civil suit against State of Haryana, MD HSRDC & EE, PD, Panipat for release of performance security which was withheld by the department for the non-rectification of the defects by the agency But now the agency had rectified all the defects and had given the undertaking that they will withdraw the case on next dated of hearing i.e. on 03.11.2014 as the performance security had been released.	Next date of hearing is 03.11.2014 in Punjab and Haryana High Court. Reply not required to be filed as per advice of DDA,H.O.		14.07.2014	03.11.2014 (the agency will withdraw the case on next date of hearing)
7.	M/s Krishna Motors Services V/s State of Haryana CWP no. 398 of 2008.	09.07.2008	Against collection of toll at Bahadurgarh Jhajjar Dadri Loharu road.	Reply submitted	--	Case admitted on 09.07.2008.	No further date has been decided by the Court.
8.	K.K. Singh V/s State CWP no. 4157 of 2011	03.11.2011	Release of Security / Guarantee (TP-14 & TP-16).	Written statement filed on 08.09.2011	--	06.09.2014	Sh. D.R. Bansal is Advocate and he has sent draft replication which is under process and will be filed after approval of competent authority well before 06.02.2015 Next date is fixed for **06.02.2015.**
9.	HSRDC V/s Raj Bala, Sunny & Himansu legal heirs of Manoj Kumar (TP 12 & 24)	30.09.2011	Recovery of amount of Rs. 1,92,66,433/-	Recovery suit filed.	--	11.09.2014	The replication filed by HSRDC through Sh. Varun Katyal, Advocate. Next date of hearing is **29.09.2014.**

AGENDA ITEM NO. 57.08

TO TAKE NOTE OF THE STATUS OF INCOME TAX CASES.

The detail of Income Tax cases pending with Income Tax authorities at different level is placed below for the perusal of the Board.

Sr. No	Date of filling Appeal	Particulars	Defended by	Rs. (In Lacs)	Status
1.	06/01/2011	Appeal filed to Commissioner (Appeal) on dated 06/01/2011 for the **Assessment Year 2005-06.** Appeal No.-98/PKL/2010-11. (Appeal in ITAT for the A.Y. 2005-06 No. 937/08 was for Rs. 2,56,64,179/- which was decreased to Rs 1,35,42,404/-)	Sh. Atul Mandhar (Advocate, Income Tax)	Expenses of Rs. 135.42 lacs On account of interest on HUDCO loan disallowed as expenses.	Case is on final stage and orders of Commissioner Income Tax (Appeal) are awaited.
2	02/07/2012	Appeal filed in the Punjab & Haryana High Court against the order of ITAT Chandigarh for the year **Assessment Year 2006-07.**	Sh. Vinod Bhardwaj (Addl. Advocate General)	Expenses of Rs. 1479.86 lacs on account of interest on HUDCO loan interest disallowed as expenses.	The case was fixed for 26.08.2014. Hon'ble Court called Income Tax Deptt. for Argument. Next date is fixed on 01.10.2014
3.	17/01/11	Appeal filed to Commissioner (Appeal) on dated 17/01/2011 against assessment order of Deputy Commissioner of Income Tax Panchkula Circle Panchkula dated 10/12/2010 for the **Assessment Year 2008-09** u/s 246A of Income Tax Act, 1961. Appeal No.-112/PKL/2010-11	Sh. Atul Mandhar (Advocate Income Tax)	Expenses for the year 2008-09 amounting to Rs. 1686.54 lacs disallowed. i) Difference in income and expenses Rs. 115.20 lacs. ii) Old liabilities Rs. 98.94 Lacs. iii) deposit works - liabilities = Rs. 1410.57 Lacs. iv) Guarantee fee Rs. 96.91 lacs v) Provision of TDS deduction Rs. 4.91 Lacs.	The case was held on 06.09.2014 and orders of Commissioner Income Tax (Appeal) are awaited.

				vi) Income as per return Deposit works- LADT accounts- Liabilities (-) Rs. 984.53 Lacs.	
4.		Appeal is filed with ITAT on dated 23/01/2012 against assessment order of Commissioner (Appeal) Panchkula dated 23/12/11 for the **Assessment Year 2009-10.**	Sh. Chaman Lal Sharma (Advocate Income Tax)	Expenses of Rs. 154.56 lacs for the year 2009-10 disallowed. i) Guarantee Fee- Rs. 96.91 Lacs ii) Prior period expenses Rs. 11.37 lacs iii)Front end fee Rs. 46.28 lacs.	1st hearing was on 22.09.2014 and adjourned to 13.10.2014 for submission of paper book.
5.	17/04/2014	Appeal filed with income Tax Appellate Tribunal (ITAT) against orders of Commissioner Income Tax Appeals Panchkula for the **Assessment Year 2010-11** u/s 250(6) of Income Tax Act, 1961. Appeal No.- 404/CHANDI-2014	Sh. Atul Mandhar, (Advocate Income Tax)	Expenses of Rs. 103.94 lacs for the year 2010-11 disallowed i) Guarantee fee Rs. 96.91 lacs ii) Provision of TDS payable Rs. 4.03 lacs.	Date of hearing was on 02.07.2014. More documents were desired to be produced. Next date is fixed on 25.09.2014. **This case is proposed to be transferred to Income Tax Advocate Sh. Chaman Lal Sharma.**
6.	28/02/2014	Appeal filed to Commissioner (Appeal) against assessment order of Deputy Commissioner of Income Tax Panchkula Circle Panchkula for the **Assessment Year 2011-12** u/s 246A(1) (a) of Income Tax Act, 196. Appeal No.- 100/PKL/2010-11	Ms Monika Jalota Advocate (appointed by Advocate General Haryana)	Expenses for the year 2011-12 amounting to Rs.133.10 lacs disallowed. i) Sales Tax Rs. 10.62 lacs ii) Labour Cess Rs. 9.86 lacs. iii) Prior Period expenses Rs.112.62 Lacs.	Date of hearing was fixed for 10.09.2014. Advocate Ms Monika Jalota was out of station, so the case was adjourned to 09.10.2014. **This case is proposed to be transferred to Income Tax Advocate Sh. Chaman Lal Sharma.**

AGENDA ITEM NO. 57.09

TO CONSIDER & APPROVE THE RE-APPOINTMENT OF TAX AUDITORS.

It is brought to the notice of the Board that M/s Rajiv Mittal & Co, Chartered Accountants were appointed as Tax Auditors for the Financial Years 2012-2013 at a fee of Rs. 10,000/- p.a. plus service tax as applicable. The Corporation has received a request from them for their re-appointment as Tax Auditors for the Financial Year 2013-14 on the existing terms and conditions.

The Board is requested to consider and approve the re-appointment of M/s Rajiv Mittal & Co, Chartered Accountants as Tax Auditors for the Financial Year 2013-14.

AGENDA ITEM NO. 57.10

TO CONSIDER AND APPROVE THE APPOINTMENT OF ADVOCATE FOR DEALING WITH INCOME TAX CASES.

The Board in its meeting held on 27.06.2014 had decided that all Income Tax Cases being handled by Sh. Atul Mandhar, who deliberately abstained from appearing before CIT (Appeal), be withdrawn and assigned to another competent Advocate.

Sh. Atul Mandhar, Advocate is dealing with the Appeal filed with Commissioner (Appeal) for the assessment year 2005-06 and Appeal filed with Commissioner (Appeal) against assessment order of Deputy Commissioner of Income Tax, Panchkula circle for the assessment year 2008-09. These two appeal cases are at final stage and orders of the Commissioner Income Tax (Appeal) are awaited. Therefore, there is no need to withdraw these two cases from Sh. Atul Mandhar, Advocate.

However, Sh. Atul Mandhar, Advocate is also dealing with the Appeal filed with Income Tax Appellate Tribunal (ITAT) against orders of Commissioner Income Tax Appeals Panchkula for the Assessment Year 2010-11. This case is at initial stage and is fixed on 24.9.2014, when more documents are desired to be produced.

Therefore, in compliance of the decision of the Board, the Corporation has proposed to assign this job to renowned Income Tax Advocate Sh. Chaman Lal Sharma. He has offered his services for this case at a fee of Rs. 45,000/- per case + service tax as applicable.

Further, the corporation also proposes to withdraw the Appeal case filed for the assessment year 2011-12 to Miss. Monika Jalota, Advocate since she is not Advocate for the Income Tax cases, although she has been appointed by Advocate General, Haryana. This case is also proposed to be assigned to Sh. Chaman Lal Sharma, Advocate. For this case, he has offered his services at fee of Rs. 25,000/- per case+service tax as applicable.

The Board requested to consider and approve the appointment of Sh. Chaman Lal Sharma, Advocate for dealing with above two Income Tax cases.

AGENDA ITEM NO. 57.11

TO CONSIDER AND APPROVE THE TRANSFER OF FUNDS AMOUNTING TO RS.100.00 CRORES FROM HSRDC TO PWD B&R FOR THE WORKS UNDER HEAD 5054-R & B (P).

It is brought to the kind notice of the Board that in order to consider the demand of PWD (B&R) for additional funds/diversion of fund, a meeting was held under the Chairmanship of Sh. S. S. Dhillon, IAS, PSCM on 8th of August, 2014. In this meeting it was proposed by ACS (Finance) that in order to tide over the cash flow problem, PWD (B&R) may borrow Rs.100.00 crores from HSRDC which will be recouped in the revised estimates. Accordingly, it was recorded at Sr. No. 5(ii) of the minutes of said meeting dated 8 August, 2014 **(Annexure-I).**

In line with the decision of above said meeting, PWD (B&R) has requested for transfer Rs. 100.00 crores through P.I.O in HOA 8443 vide U.O. No. 701/Budget dated 25.08.2014.

In this regard, it is submitted that the inflow of funds with the HSRDC is on accounts of the following factors:-

i) Amount of toll tax collected from various toll points in the State.
ii) Deposit works of the client departments.
iii) Interest earned on the FDRs and service charges on execution of the works on behalf of PWD (B&R) and other Department / Corporations.

As on date, the following is the position of the funds available with the HSRDC:-

Detail of available funds with HSRDC as on 27.08.2014		
Sr. No.	Particulars	Amount (Crores)
1	Bank Balance available on account of Toll receipts	23.43
2	Bank Balance available on account of various departments for works being executed by PWD B&R of Govt. Department.	154.18
3	Bank Balance available on account of public undertaking of Govt. Departments for which dedicated accounts are not opened.	38.26
4	Bank Balance of Others accounts	189.19

The following is also brought notice of the Board:-

1. As regard funds collected from various toll points, the attention of the Board is invited toward decision of the Board of Directors of HSRDC taken in its 45th Meeting of the BOD held on 30.9.2011 under which it was decided to repay the surplus funds out of Toll Collection to the State Govt. against outstanding liabilities towards PWD B&R Haryana after making quarterly payment to HUDCO against the principal amount and the interest.

In view of the decision referred to above, the funds lying with the HSRDC in toll account cannot be utilized for the purpose of making payment of Rs.100.00 crores to the PWD (B&R). As such, the amount of Rs.23.43 crores lying in the Toll Account cannot be utilized for the purpose and the same is to be deposited to Govt. at the start of next quarter.

2 So far as the amount lying in the shape of deposits with the banks as against Sr. No. 2 & 3 in the above table is concerned, this amount too, cannot be utilized for purpose, since this amount has been deposited with HSRDC against specific works.

3. After giving the effect of the submissions at 1 & 2 above, Rs.100.00 crores can be made out of Rs. 189.19 crores to the PWD (B&R).

This amount is lying in the shape of FDRs with different banks and carry interest ranging from 8.8% to 9.75%. It is the set principal of banks that whenever, the FDRs are got matured in mid way, there is always a deduction on rate of interest by the banks. Since, we are also going to do the same exercise, i.e. on liquidation of FDRs of Rs.100.00 crores would result into a direct loss of interest to the extent of interest due to be received on maturity less interest received as a sequel to the pre liquidation of the FDRs.

While refunding the amount of Rs.100.00 crores, the PWD (B&R) may also make payment of actual loss of interest which has arisen due to pre-mature liquidation of FDRs also and interest at the present rate of FDRs for the period the money is to be utilized by PWD B&R so that the interest loss sustained by the Corporation can be compensated. Terms/period for the repayment may also be determined.

The clause of Memorandum & Article of the Memorandum Associations of HSRDC under point III (B) 11 of other objects of HSRDC which is reproduce as under:-

"To lend and advance or give credit to such persons or companies and on such terms as may seem expedient, and in particular to customer and others having dealings with the Company, and to guarantee the performance of any contract or obligations and the payment of money to any such persons or Companies, and generally to give guarantees and indemnities."

According to above clause, HSRDC can lend/provide loans on such terms as may seem expedient.

Sh. Rakesh Manocha Chief Engineer (Roads) cum Director, HSRDC has brought out that the payment of actual loss of interest as pointed out by HSRDC does not seem to be justified and also intimated that in the most of the agreements of road works, there is a clause on 'payment' which is reproduced below:-

"Payment shall be adjusted.....The employer shall pay the contractor the amount certified by the Engineer within 28 days of the date of each certificate. If the employer makes a late payment, the contractor shall be paid interest on the late payment in next payment. Interest shall be calculated the date by which payment should have been made upto the date the late payment is made at 12% per annum."

According to the decision taken in the meeting held on 08.08.2014 under the chairmanship of PSCM, a U.O note was sent by the Corporation to the Finance Department vide U.O no. 84/HSRDC dated 09.09.2014 to suggest best course of action so that BOD can adopt the decision of the Finance Department for implementation. The Additional Chief Secretary (Finance) discussed the matter with PSPW (B&R) cum Chairman HSRDC on 15.09.2014 when MD HSRDC & ED HSRDC were also present.

Following is the gist of discussion held on 15.09.2014:-

1. ACS Finance brought out that in the meeting dated 08.08.2014, it has already been decided in order to tide over the cash flow problem, PWD (B&R) may borrow Rs. 100.00 crore from HSRDC. This money will be recouped in the revised estimate. As such now borrowing of Rs. 100.00 Crore from HSRDC is internal to the Department. The Board of Directors of HSRDC is fully competent to approve the same. It has already been assured that in the next revised estimates, additional budget of Rs. 100.00 crore would be provided.
2. It was also brought out that the quarterly installment of toll money of the order of Rs. 35.00 crore due in October, 2014 cannot be allowed to be used being the revenue receipt.
3. HSRDC may utilize the FDRs or amount lying in the swipe accounts in such a way that there is minimum loss of interest to the Corporation on account of premature withdrawal from FDRs/swipe accounts.

In view of above, the Board is requested to consider the above proposal of lending Rs. 100.00 crore to PWD (B&R) Department on the terms and conditions as per instructions of Finance Deptt. in this regard. Further, PWD (B&R) Deptt. may authorize the concerned Chief Engineer to draw this amount from HSRDC and order of priority shall be making complete payments of works under head 5054 R&B (P) as due for State Highways and Major District Roads. For Other District Roads and Village Roads, the proportionate payments shall be made under this head of account.

(Annexure-I)

HARYANA PUBLIC WORKS (B&R) DEPARTMENT
NIRMAN SADAN PLOT NO.1&2, DAKSHIN MARG,
SECTOR-33 A, CHANDIGARH-160020

To

The Additional Chief Secretary
to Govt. Haryana, Finance Department, Chandigarh.

The Principal Secretary to Govt. Haryana,
Public Works (B&R) Department, Chandigarh.

The Director,
Treasury and Accounts, Haryana.

The Engineer-in-Chief, Haryana,
Public Works (B&R) Department, Chandigarh.

Memo No. 1661-71/Plg. Dated: 25/8/2014

Subject: **Minutes of the meeting held under the chairmanship of Sh. S.S. Dhillon, IAS, PSCM on 8th August 2014 for considering the demand of the PWD (B&R) for additional funds/Diversion of funds.**

Please find enclosed herewith a copy of minutes of meeting held under the chairmanship of Sh. S.S. Dhillon, IAS, PSCM on 8th August 2014 for considering the demand of the PWD (B&R) for additional funds/Diversion of funds for further necessary action please.

DA/As above.

Executive Engineer (Roads-II),
For Engineer-In-Chief, Haryana,
PWD B&R Br, Chandigarh.

Endst. No. 1662-76/Plg. Dated: 25/8/2014

A copy of the above is forwarded to The Chief Engineer (Road), The Chief Engineer (NABARD,PMGSY), The Chief Engineer (Buildings), The Chief Engineer (Bridges), The Chief Engineer (NH), The Executive Director (HSRDC) Panchkula The Executive Engineer (Road-I), The Superintendent (Budget).

Executive Engineer (Roads-II),
For Engineer-In-Chief, Haryana,
PWD B&R Br, Chandigarh.

Draft minutes of the meeting held under the chairmanship of Sh. S.S. Dhillon, IAS, PSCM on 8th August, 2014 for considering the demand of the PWD (B&R) for additional funds / diversion of funds.

Present:

1. Addl. Chief Secretary, Finance
2. Principal Secretary, PWD (B&R)
3. Director, Treasury & Accounts, Haryana
4. EIC, PWD (B&R)

1. The agenda note circulated by EIC PWD (B&R) vide Memo No 426/PS/EIC dated 08.08.2014 was discussed. PSPW explained at length the contents of the agenda. PSPW also intimated that Hon'ble CM has ordered to take up 9 works worth Rs 31.49 cr where allotment letter has been issued and more works worth Rs 74.39 cr also have been ordered. It was also explained that at present Rs 296.71 cr is the due payment to be released for completed / in-progress work under head 5054 R&B (Plan).

2. ACS (Finance) stated that against the original budgetary provision of Rs 1660 cr, the expenditure is Rs 480.22 cr. It was also stated that necessary diversions from Non Plan Head to Plan Head within the department budget shall be allowed.

3. E-in-C explained that the transfer of works from head 5054 R&B (Plan) to 3054 R&B (Non Plan) is only useful to the extent of maintaining bank of sanctions as per the instructions. However department is also not comfortable under head 3054 R&B (Non Plan) as the bank of sanction of Rs 505.90 cr as on 25.07.2014 for allotted works and budget left out is only Rs 187.58 cr. It is confirmed from the facts that we have been able to utilize Rs 307.65 cr in four months and the balance budget amounting to Rs 187.58 cr is likely to be utilized by 31.10.2014 as per the same pace of work.

Subsequently after 31.10.2014, there will be no money/funds left to be released to the contractual agencies.

4. ACS(Finance) expressed the following views :-

(i) Against the budgetary provision of Rs.1660 crores (Plan) for the year 2014-15, only Rs.480.22 crores has been spent so far by the PWD (B&R). Further, on the repeated requests of the department diversion of works amounting to Rs.330 crores from the capital head 5054 to Non-Plan head 3054 has been allowed which will have the effect of releasing equivalent resources in the capital head for undertaking road projects. Further, additionalities in certain head have also been allowed as per requirement of the department. The department has also been allowed to incur expenditure up to 75% under the capital head as per their requirement.

(ii) With the above request to the department having been accepted, they should not face any problem for commencing/completing the works prioritized by the State Government.

(iii) Problem has arisen basically on account of the fact that Rs.500 crores were given to the PWD (B&R) in the financial year 2013-14 as a one time measure for undertaking special maintenance of roads in the State, but the PWD (B&R) incorrectly considered it a part of their normal allocation and applied the formula of 2.25 times the works which could be taken up against the budgetary allocation, against this special grant also. Accordingly the department has undertaken much more works than they were authorized to do.

(iv) It is agreed that State share under PMGSY-II has not been provided in the budget, which upto Rs. 125 crores or 25% of the actual release by the Central Government, whichever is less will be provided to the department as additionality.

5. After discussions/deliberations, following was decided :-

(i) 25% State share under PMHSY-II will be provided to the AD as additionality in the revised estimates. For undertaking certain projects prioritized by the State Government, another one time allocation of Rs.100 crores will be granted to the AD in the R.E. This however will be subject to the condition that the formula of 2.25 times will not be applicable on this special grant.

(ii) In order to tide over the cash flow problem, PWD (B&R) may borrow Rs.100 crores from HSRDC. This money will be re-couped in the revised estimates stated above.

(iii) PWD (B&R) may commence prioritized projects and that they should manage rest of the current financial year with this additional allocation of funds.

(iv) The possible transfer of funds from the head of account Revenue Buildings, Capital Buildings or any other head of account shall be processed separately.

AGENDA ITEM No. 57.12

SHIFTING OF MILESTONES AND INTENDED DATE OF COMPLETION FOR THE WORK OF CONSTRUCTION OF FOUR LANE ROB ON RAI NAHRA BAHADURGARH ROAD LEVEL CROSSING NO. 21 ON DELHI AMBALA RAILWAY LINE IN SONEPAT DISTRICT.

The work of construction of four lane ROB on Rai Nahra Bahadurgarh road level crossing no. 21 on Delhi Ambala Railway line in Sonepat District was allotted to M/s MBL Infrastructure Ltd. New Delhi at the contract amount of Rs. 43,26,31,557/- vide SE Sonepat letter No. 4107 dated 03.09.2012 with a time limit of 24 months. The date of start of the work was 13.10.2012 and as per agreement the intended date of complication of the project is 13.10.2014.

The agency could not achieve the milestones as per schedule given in the agreement and on the recommendations of SE Sonepat, the date of achieving of 1st and 2nd milestones were shifted by the corporation vide letter No. 10038/HSRDC dated 09.10.2013 (annexure-1) as tabulated below:-

Sr. No.	Milestone No.	Physical progress required as per agreement	Schedule date as per agreement	Shifted vide letter No. 10038/HSRDC dated 09.10.2013
1	1st	25%	13.04.2013	13.12.2013
2	2nd	50%	13.10.2013	13.12.2013
3	3rd	75%	13.04.2014	13.04.2014 (no change)
4	4th	100%	13.10.2014	13.10.2014 (no change)

Superintending Engineer, Sonepat vide his letter no. 1430 dated 02.07.2014 (annexure-2) has brought out that 85% work was required to be completed till date. However only 45% work has been completed by the agency. SE, Sonepat has further intimated that the agency has applied for further shifting of 2nd, 3rd, & 4th milestones vide application no. MBL / ROB/14-15 dated 16.05.2014 for the following reasons:-

1) There were hindrances viz HT/LT electric lines, trees, boundary wall of MSIT and a farm house. Also there is a temporary structure of hot mix plant of NHAI with stay from Hon'ble High Court in the alignment of ROB.
2) The agency has been allotted approximately Rs. 200.00 Cr. of projects by the PWD B&R Department of Sonepat. There is scarcity of road material in Haryana State due to blanket ban on the quarries by the Apex Court of India.

3) The pace of all works allotted to the agency is hampered and could not achieve the milestones as exhibited in the contract agreement and as such LD more than Rs. 550.00 lacs has been imposed by the department on various projects. Resultantly, the agency is not in a position to continue the pace of work further.

SE, Sonepat has recommended for shifting of milestones alongwith intended dates as under:-

Sr. No.	Milestone No.	As per agreement	Shifted vide letter No. 10038/HSRDC dated 09.10.2013	New Dates
1.	2nd (50%)	13.10.2013	13.12.2013	13.02.2014
2.	3rd (75%)	13.04.2014	13.04.2014	13.06.2014
3.	4th (100%)	13.10.2014	13.10.2014	13.12.2014

According to SE, Sonepat, agency has assured that work worth Rs. 2.50 Cr. per month will be executed. The effect of hindrances mentioned below has already been taken into account while shifting of the milestones earlier vide head office no. 37/2010/Road-II/10038/HSRDC dated 09.10.2013:-

Sr. No.	Nature of Hindrance	Net effective days of hindrance
1	Cutting of trees.	74 days
2	Shifting of electric poles on Rai side (Delhi side)	18 days
2 (a)	Shifting of electric poles on Rai side (Delhi side)	17 days
3	Shifting of electric poles on Rai side (Ambala side)	11 days
4	Dismantling of boundary wall of Farm house	13 days
5	Dismantling of boundary wall of MSIT	17 days
	Total Hindrance	150 days

SE Sonepat has further brought out that Project Manager of the agency had stated during the hearings held on 27.08.2013 & 28.08.2013 for time extension and shifting of milestones that initially there were various hiccups but the same have now been resolved. The major reasons of the delay in the work were shortage of the labour, steel and cement. Also the agency has not properly managed the things to execute the work with full tempo of progress as per targets.

SE Sonepat further added that presently, there is one hindrance left i.e. a temporary structure of Hot Mix Plant of NHAI in the alignment of retaining wall of ROB. On account of this hindrance only 35mtr. retaining wall on Rai side / Ambala side of ROB can't be constructed. The matter stands already taken up with NHAI and the temporary structure will be dismantled soon. Also the pace of work got hindered from 01.05.2014 to 28.06.2014 due to non availability of steel of brands i.e. TATA and RINL in the market.

SE, Sonepat has recommended as under:-

(i) The permission for shifting of milestones as given below may be granted.

Sr. No.	Milestone No.	As per agreement	Shifted vide letter No. 10038/HSRDC dated 09.10.2013	New Dates
1.	2nd	13.10.2013	13.12.2013	13.02.2014
2.	3rd	13.04.2014	13.04.2014	13.06.2014
3.	4th	13.10.2014	13.10.2014	13.12.2014

(ii) LD worth Rs. 3.65 Cr. has already been deducted from the bills of the agency. The payment of work done including LD amount (Rs. 3.65 Cr.) may kindly be allowed to be released, so that the flow of funds is ensured to the agency to complete the work.

(iii) The final decision of levy of LD and penalties as per agreement may be decided at the time of completion of the work.

The case has been examined in the Corporation and it is brought out that the agency is doing works of worth Rs. 200.00 Cr on construction of number of ROBs in / around Sonepat town. In addition, Liquidated damages of more than Rs. 550.00 lacs have also imposed to the agency by the department, which is making agency to feel financially tight. Although agency needs to be penalized for any delay caused in the execution of work, but simultaneously the availability of flow of funds to the agency for the sake of smooth execution of work also needs to be ensured.

For maintaining cash flow of the agency for getting the work completed, the following mechanism is proposed -

(i) to release already recovered LD as recommended by SE, Sonepat with the written assurance / undertaking on non judicial paper from the agency that final decision on the LD if taken against him at the end of work would be recoverable from him with simple interest and

(ii) also not to recover further LD, if any, as recommended by SE, Sonepat with the written assurance / undertaking on non judicial paper from the agency that final decision on the LD if taken against him at the end of work would be recoverable from him with simple interest

(iii) no further extension beyond 13.12.2014 now proposed by SE, Sonepat for completion of work shall be granted. The extension upto 13.12.2014 would be considered on merit only if work is completed by that date in all respect.

The board is requested to consider and approve the above proposal for getting the work completed.

Annexure-II

HARYANA PWD (B&R) SONEPAT CIRCLE, SONEPAT

To

The Executive Director
Haryana State Road & Bridges Development Corporation,
Bay No. 13-14, Sector-2, Panchkula (Haryana).

Memo No.:- 1430 Dated:- 2/5/14

Subject:- **Construction of four lane ROB on Rai - Nahra - Bahadurgarh road level crossing No. 21 on Delhi - Ambala Railway line in Sonepat Distt.**

App. Cost Rs. 43,26,31,557/-

In this context, it is kindly intimated that the above noted work stands allotted to M/S MBL Infrastructure Ltd., New Delhi vide this office memo No. 4107 dated 03.09.2012 on contractual basis with a time limit of 24 months. The date of start of this work is 14.10.2012.

The schedule of milestones as per contract agreement, which was originally to be achieved by the agency is as under:-

Table -1

Sr. No.	Milestone No.	Physical progress required as per agreement	Period from the date of start	Schedule date as per agreement
1.	1st	25%	6 Months	13.04.2013
2.	2nd	50%	12 Months	13.10.2013
3.	3rd	75%	18 Months	13.04.2014
4.	4th	100%	24 Months	13.10.2014

The agency could not achieve the milestones as per schedule given above and applied for extension of time limit along with shifting of milestones and on the recommendations of this office the date of achieving 1st & 2nd milestones were shifted vide Head office letter No. 37/2010/Road-II/10038/HSRDC dated 09.10.2013 from 13.04.2013 and 13.10.2013 to 13.12.2013 (for both milestones).

The status of milestones to be achieved as per above shifting of milestones is as under:-

Table -2

Sr. No.	Milestone No.	Physical progress required as per agreement	Period from the date of start	Schedule date as per agreement	As per revised schedule
1.	1st	25%	6 Months	13.04.2013	13.12.2013 (For both Mile Stones)
2.	2nd	50%	12 Months	13.10.2013	
3.	3rd	75%	18 Months	13.04.2014	13.04.2014
4.	4th	100%	24 Months	13.10.2014	13.10.2014

As per the revised milestones shifted vide Head office letter No. 37/2010/Road-II/10038/HSRDC dated 09.10.2013, 85% work was to be completed by the agency till date, however, at present only 45% work has been completed by the agency.

Now, once again the agency has applied for shifting of 2nd, 3rd & 4th milestones alongwith intended date of completion upto 30.04.2015 vide application No. MBL/ROB2/14-15 dated 16.5.2014 on the following reasons:-

1. There were hindrances viz HT/LT electric lines, trees, boundary wall of MSIT and a farm house. Also there is a temporary structure of hot mix plant of NHAI with stay from Hon'ble High Court in the alignment of ROB. The delay occurred due to these hindrances is tabulated as under:-

Cont. P – 2 –

Table -3

Nature of Hindrance	Date of start of Hindrance	Date of removal of hindrance	Period of hindrance	Overlapping period if any	Net days of hindrance	Weightage of hindrance	Net effective days of hindrance
Cutting of trees.	14.10.2012	15.2.2013	124 days	0	124 days	60%	74 days
Shifting of electric poles on Rai side (Delhi Side).	14.10.2012	20.4.2013	188 days	128 days	60 days	30%	18 days
Shifting of electric poles on Rai side (Delhi Side).	14.10.2012	15.6.2013	244 days	188 days	56 days	30%	17 days
Shifting of electric poles on Rai side (Ambala Side).	14.10.2012	22.7.2013	281 days	244 days	37 days	30%	11 days
Dismantling of boundary wall of Farm house.	14.10.2012	01.4.2013	168 days	124 days	44 days	30%	13 days
Dismantling of boundary wall of MSIT.	14.10.2012	25.4.2013	193 days	124 days	69 days	25%	17 days
Temporary structure of Hot Mix Plant (Stay of Hon'ble High Court) pertaining to NHAI.	14.10.2012	Stand still	677 days	193 days	384 days	8 %	31 days
						Total Hindrance (in Days):-	181 days

2. The agency has been allotted approximately Rs. 200.00 Crores of projects by the PWD B&R Department at Sonepat. There is scarcity of road material in Haryana State due to blanket ban on the quarries by the Apex Court of India.

3. The pace of all works allotted to the agency hampered and could not achieve the milestones as exhibited in the contract agreement and as such LD more than 550.00 Lacs has been imposed by the Deptt. on various projects. Resultantly, the agency is not in a position to continue the pace of work further.

The above reasons have been accepted by the Executive Engineer, Provincial Division No. II, PWD B&R Br., Sonepat vide his memo No. 1124 dated 18.6.2014 and recommended once again the shifting of milestones alongwith intended date of completion as under:-

Table -4

Sr. No.	Milestone No.	Physical progress required as per agreement	Period from the date of start	Schedule date as per agreement	Previous extended date of milestones as approved by Head office	Status of Achievement	Targeted new date of milestones
1.	1st	25%	6 Months	13.04.2013	13.12.2013	Achieved	-
2.	2nd	50%	12 Months	13.10.2013	13.12.2013	Not Achieved	31.07.2014
3.	3rd	75%	18 Months	13.04.2014	13.04.2014	-	31.12.2014
4.	4th	100%	24 Months	13.10.2014	13.10.2014	-	30.4.2015

Cont. P – 3 –

A meeting was convened by your goodself on 28.06.2014 at site office and Sh. A.K. Lakhotia, M.D. of the agency was present. Sh. A.K. Lakhotia ensured that he will ensure the execution of the balance work as per targets given above and work worth Rs. 2.50 Crore per month will be executed.

It is further kindly submitted that the effect of hindrances mentioned in the tabular form given above from Sr. No. 1 to 5 has already been taken into account while shifting of the milestones earlier vide Head office letter No. 37/2010/Road-II/10038/HSRDC dated 09.10.2013.

Sh. L.D. Kaushik, Project Manager of the agency has stated during the hearing for time extension and extension of milestones for the work cited as subject which was fixed on 27.08.2013 & 28.08.2013, that initially there were various hiccups which have now been resolved.

The major reasons of the delay in the work are shortage of the labour, steel and cement. Also the agency has not properly managed the things to execute the work with full tempo of progress as per targets.

Presently, there is only one hindrance i.e. a temporary structure of Hot Mix plant of NHAI in the alignment of retaining wall of R.O.B. On account of this hindrance only 35mtr. retaining wall on Rai side/Ambala side of ROB can't be constructed. The matter stands already taken up with NHAI and the temporary structure will be dismantled soon. Also the pace of work got hindered due to non availability of steel of brands i.e TATA and RINL in the market from and from 1.5.2014 to 28.6.2014.

The effect of aforesaid hindrances is as under:

Type of hindrance	Delay due to hindrance (In Days)
Temporary structure of Hot Mix plant of NHAI in the alignment of Retaining Wall on NH side.	31 Days
Non availability of Steel of Brand TATA and RINL	31 Days
Total	62 Days

With the effect of 62 days the re-revised schedule of milestones comes out to be as under:-

Table -5

Milestone No.	Physical progress required as per agreement	Period from the date of start	Schedule date as per agreement	Previous extended date of milestones as approved by Head office	Status of Achievement	Effect of hindrance at present	Targeted new date of milestones
1st	25%	6 Months	13.04.2013	13.12.2013	Achieved	-	-
2nd	50%	12 Months	13.10.2013	13.12.2013	Not Achieved	62 days	13.02.2014
3rd	75%	18 Months	13.04.2014	13.04.2014	-	62 days	13.06.2014
4th	100%	24 Months	13.10.2014	13.10.2014	-	62 days	13.12.2014

The time extension for milestones as given in the above Table -5 may kindly be granted please.

Further it is kindly intimated that L.D. worth Rs. 3.65 Crore has been deducted from the bills of the agency. The payment of work done including L.D. amount (Rs. 3.65 Crore) may kindly be allowed to be released, so that the flow of funds is ensured to the agency to complete the work.

Cont. P – 4 –

The final decision of levy of L.D. and penalties as per agreement may be decided at the time of completion of the work.

It is for your kind information please.

DA/ As above.

2.7.14
Superintending Engineer,
Sonepat Circle, PWD B&R Br.,
Sonepat.
2/7/14

Endst. No. Dated

Copy forwarded to the Executive Engineer, Provincial Division No. II, PWD B&R Br., Sonepat for information w.r.t. his memo No. 1124 dated 18.6.2014 & No. 1169 dated 26.06.2014.

DA/ Nil.

Superintending Engineer,
Sonepat Circle, PWD B&R Br.,
Sonepat.

AGENDA ITEM No. 57.13

POST-FACTO APPROVAL OF ENGAGEMENT OF SH. GURDIAL SINGH, CONSULTANT LAND ACQUISITION ON CONTRACT BASIS FOR A PERIOD OF SIX MONTHS.

In the 55th meeting of Board of Directors held on 19.03.2014 the Board had desired the Engineer-in-Chief to post two new SDOs from PWD B&R and the Corporation should engage a retired officer for dealing the LA cases in HSRDC and salary for these persons shall be paid by HSRDC. Accordingly, for engagement of Consultant Land Acquisition, the Corporation advertised the post in three leading newspapers through Director Haryana Public Relations Department. A walk in interview was held on 21.07.2014 by a committee of three officers. Sh. Gurdial Singh, DRO (retired) from Haryana Revenue Department was found suitable for engagement as Consultant Land Acquisition on contract basis in the Corporation. Accordingly, Sh. Gurdial Singh DRO (retired) was engaged as Consultant Land Acquisition on contract basis for a period of six months @ applicable for retired Govt. officers/officials after taking approval of PSPW B&R cum Chairman HSRDC.

The Board is requested to accord ex post facto approval of engagement of Sh. Gurdial Singh as Consultant Land Acquisition on contract basis for a period of six months @ applicable for retired Govt. officers/officials.

AGENDA ITEM No. 57.14

REVOCATION OF TERMINATION OF AGREEMENT OF INTERNAL ROADS DCRTPP YAMUNANAGAR

The work of Construction of internal roads in the campus of DCRTPP at Yamuna Nagar was allotted to Sh. Jai Bhagwan Contractor vide this office letter no 7574-75/HSRDC dated 19.12.2007 with a time limit of 6 months, at a cost of Rs 3,00,60,546/- and the agency could not complete the work within the time period. The final suo moto time extension was granted upto 31.03.2014, but the agency again failed to complete the work in extended time limit. The Executive Engineer, Provincial Division, PWD (B&R) Yamunanagar vide its letter no 8225 dated 20.11.2013 had imposed liquidity damages amounting to Rs. 30,00,000/- i.e. 10% of initial contract price. A final notice was also served to the agency by Executive Engineer, Provincial Division, PWD (B&R) Yamunanagar vide letter no 18132 dated 26.03.2014 to complete the balance work upto 30.04.2014 otherwise action as per provision of contract agreement would be initiated. The Superintending Engineer, PWD (B&R) Chandigarh vide its letter no 4438 dated 22.04.2014 had reported that the agency had not started the work and has also recommended for termination of contract agreement. Accordingly, the contract agreement of the agency was terminated vide this office letter no 2608 dated 24.04.2014.

Sh. Jai Bhagwan Contractor vide its letter dated 06.05.2014 had stated that he would complete the work upto 30.06.2014 and action regarding termination of contract agreement may be revoked. The Superintending Engineer, PWD (B&R) Chandigarh vide its letter no 5601 dated 29.05.2014 informed that the agency had started the cleaning work on 09.05.2014 and PC work from 20.05.2014 and the agency had also given assurance to complete work by 30.06.2014.

The Superintending Engineer, PWD (B&R) Chandigarh has further informed that as per report of SDE in charge of the work the balance work has been completed by the agency on 31.05.2014. The Superintending Engineer, PWD (B&R) Chandigarh has also recommended that the LD imposed against the agency may be waived off and action regarding termination of contract be revoked as the agency has fulfilled his promise and complete the balance work.

The Legal Advisor furnished the advice in the matter as under -

1. That the work of construction of internal roads in the campus of DCRTPP at Yamunanagar was allotted to Sh. Jai Bhagwan Contractor on 17.12.2007 with a time limit of 6 months. But despite availing time extensions upto 31.03.2014 the work could not be completed resultantly the corporation was compelled to

terminate the contract agreement on 23.04.2014. After termination of the contract agreement, the contractor was allowed to continue the work and it was finally completed on 31.05.2014.

2. That Section 70 of the Indian Contract deal with the Obligation of person enjoying benefit of non-gratuitous act. It provides that where a person lawfully does anything for another person, or delivers anything to him, not intending to do so gratuitously and such other person enjoys the benefit thereof, the letter is bound to make compensation to the former in respect of or to restore, the thing so done or delivered.

3. That the Indian Contract Act, 1872 does not prescribe any form for entering into contracts. A contract may be oral or in writing. It may be expressed or be implied from the circumstances of the case and the conduct of the parties.

4. That by authorizing the contractor to continue the work even after termination of contract implies that the Corporation does not consider the order of termination of contract is valid as the Corporation itself violated the termination of contract order.

5. That the actions of the State and its instrumentality are bound to be fair and reasonable. The actions are liable to be tested on the touchstone of Article 14 of the Constitution of India. The State and its instrumentality cannot be allowed to function in an arbitrary manner even in the matter of entering into contracts. In a democratic society governed by the rule of law, it is the duty of the State and its instrumentality to do what is fair and just to the citizen and the State should not seek to defeat the legitimate claim of the citizen by adopting a legalistic attitude but should do what Fairness and justice demand.

6. That in the present case after getting the work completed, there is no moral or legitimate justification with the corporation for not revoking the order dated 23.04.2014 vide which the contract was terminated.

Sh. Jai Bhagwan Contractor vide point no. 4 of representation dated 17.09.2014 (copy enclosed as Annexure-1) has undertaken that he will not claim anything extra and he will not invoke arbitration for this work, if termination of contract agreement is revoked and LD imposed is waiver off.

Keeping in view the above position, the Board is requested to consider and approve the proposal of waiving of liquidated damages amounting to Rs. 30.00 Lacs and also to revoke the termination of contract agreement of the agency in view of completion of work and undertaking given by the agency.

(Annexure-1)

Jai Bhagwan Contractor

P.W.D. B&R
Gandhi Nagar, Charkhi Dadri - 127306 (Haryana)
Mob. : 98122-45555, 98131-18482

f. no

Dated.....

To

Dated :- 17-09-14

The Executive Director,
Haryana State Roads & Bridges,
Development Corporation Ltd.
Bays No. 13-14, Sector-2,
Panchkula.

Sub.:- Construction of internal roads in the campus of Deen Bandhu Chhotu Ram Thermal Power Project (DCRTPP) at Yamuna Nagar.

Ref:- My Representation letter dated 04/06/2014 and letter dated 03/09/14

Respected sir,

With ample regards, we submit as under:-

(1) That I withdraw my letter dated 03/09/2014.

(2) That previously the above subjected work was terminated under clause 59.2 (A&G) of the contract agreement by the Executive Director, HSRDC, Panchkula vide his memo No. 69/BS/HSRDC/2483 dated 17.04.2014. This action happened to be devoid to the provisions of the contract agreement and at the same time, it was totally unjustified as it was a prejudiced action without taking into consideration that there stood to be absolutely no default on our part. We have replied to this letter vide our letter dated 28.04.2014 to Executive Director, HSRDC, Panchkula with a copy to the Executive Engineer, Jag. Provincial Division, PWD B&R Br. Yamuna Nagar, explaining the whole matter on the bonafides of facts and contractual provision, we had concludingly requested that the action taken for termination of contract may please be revoked and L.D. imposed against to me may kindly be waived off.

For JAI BHAGWAN CONTRACTOR
Jai Bhagwan
Proprietor

Jai Bhagwan Contractor

P.W.D. B&R
Gandhi Nagar, Charkhi Dadri - 127306 (Haryana)
Mob. : 98122-45555, 98131-18482

f. no Dated.....

(3) The work was completed by me on 27.05.2014 and completed the same on 31.05.2014 as per letter delivered by the S.D.E. Of the work to the Executive Engineer, as well as to the S.E. therein he has stated that the work has been completed by the contractor in all respect to the entire satisfaction of the Engineer-in-charge.

(4) I undertake that I will not claim anything extra and I will not invoke Arbitration for this work, if termination of contract agreement is revoked and L.D. imposed is waved off.

In the end, it is requested that early steps the action taken for termination of contract may please be revoked and L.D. imposed against to me may kindly be waived off without any fault on our part.

Thanking You,

Yours faithfully,

For JAI BHAGWAN CONTRACTOR

Jai Bhagwan

Proprietor

C.C. to Executive Engineer, Jag. Provl. Divn., PWD B&R Yamuna Nagar.

For JAI BHAGWAN CONTRACTOR

Jai Bhagwan

Proprietor

AGENDA ITEM No. 57.15

Amendment in Standard Approved Bidding Document for Toll Collection.

In Standard Approved Bidding Document for Toll Collection, in Clause-5 there is provision of rebate for deposit of monthly installment of toll by the entrepreneur in case of complete / total closure at the toll point for the traffic.

The **Contractual complications are being faced** on account of partial closure of traffic due to **(i)** installation of bailey bridge **(ii)** law and order problem **(iii)** disallowing the traffic movement for particular hours by the District Administration on daily basis **(iv)** partial closure of road due to floods, **(v)** restriction of head way by providing horizontal steel girders or otherwise etc. etc.

To resolve such issues of partial closure of traffic on the toll road, the necessary amendment is required in Clause 5 of the bidding document. The existing Clause-5 and the proposed amendment of the Standard Bidding Document for toll collection in annotated form is enclosed as **Annexure-1.**

The Board of Directors is requested to approve the above proposal of amendment in Clause-5 for partial closure of traffic in Standard Bidding Document for toll collection so that the amended bidding document could be got approved from the Government as per provisions of PWD Code.

PROPOSED SUGGESTIONS / AMENDMENTS IN THE STANDARD BID DOCUMENT

Clause -5 of standard bid document appearing at page 8-9	**Proposed suggestions / amendments**
In the existing standard bid document, grant of rebate on account of admitted closure has been covered as under:-	In case of total or **partial** closure of this toll facility to motor vehicle traffic due to any reason, Entrepreneur / Agent **would** be granted **rebate as under:-**
In case of total or complete closure of this toll facility to motor vehicle traffic due to any reason, Entrepreneur / Agent may be granted rebate @ 1/30 of installment amount for each day for the number of the days of admitted closure as certified by the Managing Director, HSRDC subject to the following conditions:	**<u>Complete Closure</u>** Rebate @ 1/30 of installment amount for each day for the number of the days of admitted closure as certified by the Managing Director, HSRDC subject to the following conditions:
As soon as the traffic is closed on the toll facility, the Managing Director, HSRDC will be informed telegraphically / email and in writing by the Entrepreneur / Agent and suitable entry made in the record maintained at site on register.	As soon as the traffic is closed on the toll facility, the Managing Director, HSRDC will be informed telegraphically / email and in writing by the Entrepreneur / Agent and suitable entry made in the record maintained at site on register.
i) Immediately on the re-opening of traffic Managing Director, HSRDC will be informed telegraphically / email and in writing by the Entrepreneur / Agent and suitable entry instantly being made in the register.	i) Immediately on the re-opening of traffic Managing Director, HSRDC will be informed telegraphically / email and in writing by the Entrepreneur / Agent and suitable entry instantly being made in the register.
ii) Claim for closure for less than 24 hours will not be entertained.	ii) Claim for closure for less than 24 hours will not be entertained.
iii) The Entrepreneur / Agent shall submit detail of such closure for which he intends to claim rebate, by the 10th day of following month to the Managing Director, HSRDC. If the Entrepreneur / Agent does not submit details of his intended claim by the 10th day of following month, it will be presumed that he has no claim for rebate for the preceding month.	iii) The Entrepreneur / Agent shall submit detail of such closure for which he intends to claim rebate, by the 10th day of following month to the Managing Director, HSRDC. If the Entrepreneur / Agent does not submit details of his intended claim by the 10th day of following month, it will be presumed that he has no claim for rebate for the preceding month.

iv) The rebate if any after full satisfaction the Managing Director, HSRDC will be allowed in the **final installment of** contract money to be paid to the HSRDC by the Entrepreneur / Agent. However, strike by particular category / categories of vehicles shall not be treated as a total / compete closure of toll facility.

iv) The rebate if any after full satisfaction the Managing Director, HSRDC will be allowed in the **final installment of** contract money to be paid to the HSRDC by the Entrepreneur / Agent. However, strike by particular category / categories of vehicles shall not be treated as a total / compete closure of toll facility.

Partial closure

Rebate for each day on the basis of actual traffic survey conducted and recommended by the concerned Superintending Engineer supported by a copy of notification issued by District Administration, copy of daily collection of the entrepreneur alongwith copies of receipts issued by the entrepreneur etc. or any document to the entire satisfaction of MD, HSRDC and decision of the MD, HSRDC would be the final. In case reduction established comes out to be more than 20% then the entrepreneur would be allowed rebate in monthly installment as approved by MD, HSRDC. The rebate on account of reduction less than 20% if any after full satisfaction the Managing Director, HSRDC will be allowed in the final installment of contract money to be paid to the HSRDC by the Entrepreneur / Agent. Subject to following conditions:-

As soon as the traffic is closed on the toll facility, the Managing Director, HSRDC will be informed telegraphically / email and in writing by the Entrepreneur / Agent and suitable entry made in the record maintained at site on register.

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i) Immediately on the re-opening of traffic Managing Director, HSRDC will be informed telegraphically / email and in writing by the Entrepreneur / Agent and suitable entry instantly being made in the register.

ii) Claim for closure for less than 24 hours will not be entertained.

iii) The Entrepreneur / Agent shall submit detail of such closure for which he intends to claim rebate, by the 10th day of following month to the Managing Director, HSRDC. If the Entrepreneur / Agent does not submit details of his intended claim by the 10th day of following month, it will be presumed that he has no claim for rebate for the preceding month.

AGENDA ITEM No. 57.16

Amendment in Toll Policy.

The Government vide memo no. 44/135/05-5B&R-5 B&R(W) dated 21.08.2012 approved the guidelines of the toll policy **(Annexure -1).**

Later on, it was observed that toll policy approved by the Government required some changes / modifications owing to ground realities and difficulties being faced by HSRDC in deciding tender cases during the intervening period. Accordingly, a committee comprising of Chief Engineer (Bridges), ED, HSRDC and DGM-Toll was constituted. The committee after holding 5 meetings made certain recommendations for modifying the toll policy. The suggested modification in toll policy was discussed in a meeting held under the chairmanship of the then Additional Chief Secretary to Government PWD B&R on 21.05.2013 and as per the decision taken in the meeting draft modifications in toll policy was submitted for approval and the Govt. vide memo No. 44/135/05-5B&R(W) dated 04.06.2014 **(Annexure -2)** issued the modified toll policy.

Now on the basis of difficulties being faced in receipt of tenders on the basis of reserve price as per the modified toll policy dated 04.06.2014, it is felt that this modified toll policy still needs some more improvements and accordingly Engineer-in-Chief cum MD, HSRDC during the meeting held on 14.08.2014 desired that toll policy be studied and improvement in toll policy be proposed to the Government. For this purpose a committee was constituted of the following officers for suggesting the improvements in the modified toll policy, if any:-

Chief Engineer (Bridges)
Executive Director, HSRDC
Sh. B.R. Kapoor, Deputy General Manager; and
Sh. Sanjit Kumar, Deputy General Manager

A meeting of the above committee was held on 15.09.2014 and the committee after due deliberations decided to propose following changes in the toll policy:-

(i) Skipping vehicles may be taken as 15% instead of 10% in case of New Tolls.

(ii) For new toll points as well as existing toll points, 10% deductions to be made for the amount of 1st year traffic census in table for **traffic and deductions** (Refer draft proposed toll policy in annotated form- **(Annexure -3).**

(iii) It was decided that in the case of New Tolls, there are chances that tender may not be get matured and it may become necessary to start departmental collection. So following para need to be added in the toll policy under the sub head New Tolls-

"In case tender is not finalized and departmental collection has been started on new Toll point then the reserve price would be fixed as under:

The average of fresh traffic census (with deductions) and departmental collection (with deductions)."

(iv) In case bid received on 1st call or on 2nd call or on both the calls is less than the reserve price or no bid received on 1st call and on 2nd call then the reserve price shall be re-fixed as departmental collection with deductions.

Note: There shall be departmental collection for a period of minimum one month for fixing the revised reserve price.

Where, the departmental collection is upto six months, the whole period is to be considered for fixing the revised reserve price.

Where the departmental collection is more than six months, the average of last six months is to be considered for calculation of revised reserve price.

(v) The tendering process, which includes fixing of reserve price etc., is being started as early as 9 months prior to expiry of existing agreement. In this process, certain tenders are matured well in time, when the period left of toll collection of the previous entrepreneur is sufficiently more than 15 days. As per existing condition in the Bidding Document, after issue of Letter of Acceptance, the new entrepreneur is required to submit Performance Security, stamp duty and sign the agreement within 15 days. This period can further be extended for seven days in exceptional circumstances with the permission of ED, HSRDC from Letter of Allotment. In such cases, the entrepreneur shows reluctance in depositing the documents within 15 days. Therefore, the relevant para is proposed to be amended as under to avoid any complication-

"The conditions which includes payment of performance security and others laid down in the LOA would be fulfilled by the bidder within 15 days from the date of issue of Letter of Acceptance ***or 15 days before the actual date of start of collection of toll, whichever is later*** *to execute and sign the agreement with HSDRC.*

Executive Director reserves the right to extend the period by one week on request of the bidder in exceptional circumstances for the reasons to be recorded in writing (not to be made part of the bid document)".

The Board of Directors is requested to approve the amendments in existing toll policy as mentioned in the above agenda item so that the Government may be requested to approve / issue the amendments in the existing toll policy.

Annexure- I

-15- -2-

From

The Additional Chief Secretary to Govt.
Haryana, Public Works, B&R Department.

To

The Executive Director,
Haryana State Road and Bridges
Development Corporation Ltd.
Bay No. 13-14, Sector-2, Panchkula.

Memo NO. 44/135/05-5B&R (W)
Dated, Chandigarh the 21/8/2012

Subject:- Approval of Toll Tender cases of HSRDC-Collection of Toll at Gurgaon-Farrukhanagar-Jhajjar road (TP-3)

Reference your Memo. No. 29545, dated 17.5.2012 on the subject cited above.

2. Government has approved the guidelines of Toll Policy as under :-

- The reserve price of toll point should be fixed once in a year only for the TAC for consideration during its meeting while deciding tender. The reserve price is not to be disclosed in the DNIT before calling tenders.
- The reserve price shall be fixed by the TAC after approval of the Chairman, HSRDC.

The reserve price shall be fixed on the basis of following information:

(a) For existing toll points

i) Traffic census for 7 days for toll-able vehicles and other vehicles separately through out sourcing agencies including NGOs. The HSRDC shall evolve a Proforma (based on IRC code or prevailing practice based on bid document) for this purpose and shall be supplied to outsourcing agencies. However in the intervening period between traffic census and receipt of bids if some slip route / competing road comes into being, the traffic census shall be redone on the report of SE / EE / DGM incharge of the toll as regards such competing roads.

ii) Amount of ongoing agreement of the toll.

iii) Data of departmental collection (if any)

(b) For new toll points

Traffic census for 7 days for tollable vehicles and other vehicles separately through out sourcing agencies including NGOs. The HSRDC shall evolve a proforma for this purpose and shall be supplied to outsourcing agencies. However in the intervening period between traffic census and receipt of bids if some slip

Continue page-2

route / competing road comes into being, the traffic census shall be redone on the report of SE / EE / DGM Incharge of the toll as regards such competing roads. Further a reduction of 10% shall be made on account of skipping vehicles after installation of toll plaza which cannot be assessed.

Note: *The NHAI pattern, if existing, would be adopted for engaging outsourcing agencies. Otherwise HSRDC would empanelled outsourcing agencies by inviting bids from the agencies including NGOs for empanelment having turn over of minimum Rs. 1.0 crore per year for the last two consecutive years duly verified by Chartered Accountant and their rates would be fixed. The work would be got carried out from any of the empanelled agencies. However care would be taken to distribute the work evenly.*

- The bidder with the highest price bid shall be declared as the successful bidder if it is more than the reserve price. Negotiation, if necessitated, would only be carried out with H-1. In no case, negotiation would be carried out with H-2, H-3 etc. The bid security of unsuccessful bidders shall be released with in 15 days of expiry of the validity of bids or after the highest bidder enters into Agreement with the HSRDC which ever is earlier as per present practice.
- If the highest price bid is lower than reserve price then the negotiation would be carried out only with H-1. In no case, negotiation would be carried out with H-2, H-3 etc. The bid security of unsuccessful bidders shall be released with in 15 days of expiry of the validity of bids or after the highest bidder enters into Agreement with the HSRDC which ever is earlier as per present practice. If the highest bidder does not enhance the bid price to a level or more than the reserve price, the tender shall be re-invited. If even on re-invitation, the highest bid received is lower than the reserve price even after negotiation with highest bidder, the reserve price shall be revised on the basis of fresh traffic census / rates received on two previous calls. The TAC shall send recommendations to the Govt. if difference of revised reserve price is more than 10% otherwise TAC would decide at its own level.

Note: *The negotiation by TAC with H-1 would be in either of following ways:*

1) *By face to face across the table,*
2) *Through video conferencing,*
3) *Through mobile,*
4) *Through skype.*

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In case of 2,3,4 above, the conversation would be brought on record in black and white by the TAC.

- **Under no circumstances:**

1) Consideration shall be given to the offers received after scheduled time of receipt of tenders.
2) The financial bid of non responsive agencies would be opened.
3) Shifting of location of toll point would be permitted before expiry of the current agreement.

- If the highest tenderer (H-I) backs out, his earnest money shall be forfeited and the second highest tenderer (H-2), third highest tenderer (H-3) and so on, in order of sequence, may be called upon to bring his offer to the same level as the originally first highest tenderer. In the event of their refusal to do so, tenders shall be recalled.
- The conditions which includes payment of performance security and others laid down in the LOA would be fulfilled by the bidder within 15 days instead of existing 21 days from the date of issue of Letter of Acceptance to execute and sign the agreement with HSDRC.

- The Haryana PWD code issued vide Govt. notification no. 9/16/05-3B&R (W) dated 19.10.2009 is applicable with effect from 1.11.2009. This code provides a frame work to address concerns like endemic delays in the delivery system resulting in increased costs and adversely affecting the accrual of intended benefits, paramount importance of completion of works in a given time frame. Additionally, there are also the requirements of improvement of quality of construction, implementation of the programmes in a transparent and cost effective manner, and use of the most appropriate materials, design and construction technologies, and management practices. As such the code is applicable on execution of works.

  Lease of toll is all together different from execution of works as such toll tenders should not come with in ambit of Haryana PWD Code.

- The invitation to bid would be for such Entrepreneurs/Individuals who possess adequate financial, managerial and technical capabilities for undertaking the task of toll fee collection as given below:

  The Bidder may be an individual or a Proprietary firm or Partnership Firm or a Private or a Public Limited Company or a joint venture or Consortium of such Companies duly incorporated, registered under the existing rules.

  Following are the pre-requisites for eligible bidders;

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For individual only

1. Property certificate for minimum value of Rs..... (25% of last bid amount) only obtained from Mandal Revenue Officer in the State of Haryana or equivalent Government office in other State.

Note: Property certificate should not be older than 1 year prior to last date for submission of EMD.

2. Income Tax clearance certificates/Income tax statements for the last year. *In case of non income tax payee such as agriculturalist an affidavit to that effect shall be furnished.*
3. Photo identity proof.
4. The bidder should not be involved in any police case regarding over charging or mis-management of toll operation and Affidavit from the bidder that there is no criminal case filed against him for over charging of toll rates.
5. Bidder debarred / black listed by any organization/institution/ Board/Corporation/ PSU of Central Govt. or any State Govt. would not be eligible for participation in the bidding process.

For Proprietary firm or Partnership Firm or a Private or a Public Limited Company or a joint venture or Consortium of such Companies duly incorporated, registered under the existing rules.

1. Evidence of Average Annual financial turn over for the last 3 years duly verified by Chartered Accountant of Rs..... (last bid amount) only should be furnished as tabulated below:-

Sr. No.	Year*	Turn over (Rs. In lacs)
1		
2		
3		

* To be defined by HSRDC in the DNIT.

2. Income Tax clearance certificates/income tax statements for the last year.
3. Photo identity proof.
4. The bidder should not be involved in any police case regarding over charging or mis-management of toll operation and Affidavit from the bidder that there is no criminal case filed against him for over charging of toll rates.
5. Partnership Deed/Joint Venture Agreement /Certificate of company.
6. Affidavit from each of the partners of Joint Venture/Consortium formed for undertaking the franchising of toll collection rights that they shall be mutually and severally liable of the defaults of the franchising company.

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7. Power of Attorney of the authorized signatory to sign the bids and also to enter into negotiations/communications with the Corporation.
8. Bidder debarred /black listed by any organization/Institution/ Board/Corporation/ PSU of Central Govt. or any State Govt. would not be eligible for participation in the bidding process.

- The amount of performance security to be deposited by the successful bidder to the HSRDC shall be increased to the level of amount equivalent to two months installment against existing 15% amount of annual contract (which comes out to be about 55 days amount).
- It has been observed from the past experience that resistance in paying toll by the road users increases when collection is departmental there by resulting into the lesser toll collection. The tenders for collection of toll should be invited in advance preferably six month prior to the expiry of agreements in case of existing tolls to avoid collection of toll through departmental staff. In case it is unavoidable and collection of toll has to be carried out departmentally then EE Incharge of concerned toll point would intimate the detailed description of such vehicles who do not pay tolls on daily basis to the District Police and District Administration about the vehicles who do not pay the toll. A weekly compiled report shall be submitted to HO of HSRDC in this respect.
- In case decision on the tender is under process but existing agreement is at the verge of expiry, then HSRDC shall accept the request if received in writing from the existing entrepreneur on the rate higher of the two i.e rate of existing agency and highest rate of the tender received for a maximum period of one month to avoid departmental collection of toll. In case of exigency, this period can be extended for another one month with prior approval of Chairman, HSRDC.

  Further in the eventuality when tender is yet to be opened and existing agreement is at the verge of expiry, then HSRDC shall accept the request if received in writing from the existing entrepreneur on his existing rate for a maximum period of one month to avoid departmental collection of toll. In case of exigency, this period can be extended for another one month (at the rate of highest of the existing rate and H-I of tender if opened by that time but yet to be decided) with prior approval of Chairman, HSRDC.
- Single tenders shall not be considered on first call. The tender shall be immediately re-invited by HSRDC without referring the matter to TAC in such eventuality. If re-tendering again results in a single tender, it shall be opened and processed for approval of competent authority. In case the bidder who had submitted the bid but could not be opened because of single bid on 1st call participated in 2nd call, the cost of bid document would be refunded to him after deducting charges of e-tendering portal services.
- In case successful bidder falls within the specified period of 15 days to furnish the required security deposit and deposit first installment in advance alongwith T.C.S. @ 2 %

Continue page-6

or as applicable from time to time and / or sign the agreement, the bid security shall be forfeited and the bidder would be debarred from further tendering in HSRDC / Haryana PWD B&R for a period of two years.

- Cost of bid document (to be paid only on-line) is Rs. 10,000/- (non-refundable) for each bid.
- Bid Security shall be in one of the forms mentioned below:
  a. Deposit-at-Call Receipt / Demand Draft from any scheduled Indian bank or a foreign Bank located in India and approved by the Reserve Bank of India.
  b. National Savings Certificates issued by Indian Post Office.
  c. Fixed Deposit Receipt, issued by any scheduled Indian Bank or a foreign bank approved by Reserve Bank of India.
- The structure of TAC would be as per already decided by the Govt. and there will be no change. The technical evaluation would be carried out by a committee in the HSRDC to be headed by Executive Director, HSRDC. The technical evaluation committee shall convey the result of evaluation to all the bidders through e-mail / telegraphically also intimating date of opening of financial bid which would be after 7 days. In case any representation is received with regard to technical evaluation report before opening of financial bid, the TAC would consider the same and there after financial bids would be opened accordingly.
- It was decided that toll roads should remain always pot hole free and their repair would be carried out on priority by PWD B&R. Such instructions shall be issued by E-In-C PWD B&R to all SEs.
- Publicity for toll tenders: Toll tender notice should be got published in three leading News Papers (2 English & 1 Hindi), a copy of tender notice should be sent to all toll contractors including the contractors who have ever participated in toll tenders of HSRDC and also to the toll contractors of adjoining states. Beside this a copy of tender notice should be sent to all civil contractors working in 100 kilometer radius of toll plaza and who have put tenders in circle / division in last 5 years. This will be in addition to what is prescribed in PWD Code.

Under Secretary B&R,
for Additional Chief Secretary to Govt.
Haryana, Public Works, B&R Deptt.
8/3/2012

Sd/- 8/3
21+8+2012

Annexure- 2

From

The Principal Secretary to Government,
Haryana Public Works (B&R) Department,

To

The Engineer-in-Chief,
Haryana PWD (B&R) Br.
Nirman Sadan, Sector 33,
Chandigarh.

May send soft copy to all CE's/SE's/EE's for information-pl. 9/6

Memo No.44/135/05-5 B&R(W)

Date, Chandigarh the 3-6-14

Sub.: Modification in toll policy.

Ref. Govt.'s Memo No. 44/135/05-5 B&R(W) dated 31.08.2012.

2. The toll policy / guidelines issued vide Govt.'s memo under reference are hereby modified, as under:-

- The process of Traffic Census shall be initiated nine months in advance from stipulated expiry date of the on-going agreement in place of prevalent practice of six months.

- The reserve price of toll point should be fixed once in 18 months only for the TAC for consideration during its meeting while deciding tender and the term of agreement should also be for 18 months in place of 12 months. The reserve price is not to be disclosed in the DNIT before calling tenders.

The Reserve Price shall be fixed and approved by the concerned TAC.

The reserve price shall be fixed on the basis of following information:

(a) For existing toll points

(i) Traffic census for 7 days for toll-able vehicles and other vehicles separately through out sourcing agencies including NGOs. The HSRDC shall evolve a proforma (based on IRC code or prevailing practice

based on bid document) for this purpose and shall be supplied to outsourcing agencies. However in the intervening period between traffic census and receipt of bids if some slip route / competing road comes into being, the traffic census shall be redone on the report of SE / EE / DGM incharge of the toll as regards such competing roads.

(ii) Amount of ongoing agreement of the toll.

Fixation of Reserve Price:

I. Amount with respect to traffic census:-

Amount for first year -	as worked out from traffic for one year.	'A'
Amount for next six months -	(50% of 'A') + 5(five)% of (50% of 'A')	'B'
Total	'A'+'B'	

II. The deductions :-

The deduction from total amount to arrive at the net traffic amount shall be as under:-

Traffic Census	Deductions	
	Contractor Profit	Collection Charges
1. Current Traffic Census up to Rs. 2 Crore	10%	10%
2. Traffic Census more than Rs. 2 Crore and upto Rs.10 Crore	10%	7.50% (Subject to minimum of Rs.20 Lac)
3. Traffic Census more than Rs. 10 Crore	5% (Subject to minimum of Rs.1.00 Crore)	5% (Subject to minimum of Rs.75 Lac)

III. The reserve price shall be fixed as per following formula:

(50% of last bid amount + 50% of traffic census amount after deductions) – 5 (five) %

(b) For new toll points

Traffic census for 7 days for tollable vehicles and other vehicles separately through out sourcing agencies including NGOs. The HSRDC shall evolve a proforma for this purpose and shall be supplied to outsourcing agencies. However in the intervening period between traffic census and receipt of bids if some slip route / competing road comes into being, the traffic census shall be redone on the report of SE / EE / DGM incharge of the toll as regards such competing roads. Further a reduction of 10% shall be made on account of skipping vehicles after installation of toll plaza which cannot be assessed.

Note: The NHAI pattern, if existing, would be adopted for engaging outsourcing agencies. Otherwise HSRDC would empanelled outsourcing agencies by inviting bids from the agencies including NGOs for empanelment having turn over of minimum Rs. 1.0 crore per year for the last two consecutive years duly verified by Chartered Accountant and their rates would be fixed. The work would be got carried out from any of the empanelled agencies. However care would be taken to distribute the work evenly.

- The bidder with the highest price bid shall be declared as the successful bidder if it is more than the reserve price. Negotiation, if necessitated, would only be carried out with H-I. In no case, negotiation would be carried out with H-2, H-3 etc. The bid security of unsuccessful bidders shall be released with in 15 days of expiry of the validity of bids or after the highest bidder enters into Agreement with the HSRDC which ever is earlier as per present practice.

- If the highest price bid is lower than reserve price then the negotiation would be carried out only with H-I. In no case, negotiation would be carried out with H-2, H-3 etc. The bid

security of unsuccessful bidders shall be released with in 15 days of expiry of the validity of bids or after the highest bidder enters into Agreement with the HSRDC which ever is earlier as per present practice. If the highest bidder does not enhance the bid price to a level or more than the reserve price, the tender shall be re-invited. However, if on Second call, the bids so received even after negotiation is less than the reserve price as fixed above but higher than the departmental collection (without any deduction), the bid shall be approved irrespective of reserve price. This issue shall be reviewed by the Govt. after two years.

- In case the bid received on 2nd call or even after negotiations is less than the reserve price and also less than the departmental collection then the reserve price shall be fixed as under:-

  (i) if tender received on one call then the average of fresh traffic census after deductions and amount of tender so received shall be the reserve price.

  (ii) If the tender is received on both the calls then the reserve price shall be the average of:-

  (a) fresh traffic census after deductions and
  (b) average of highest bid on both the calls

  If no tender is received on first call or on 2nd call or even on both the calls these shall be considered as calls for the purpose of re-fixing the reserve price. The reserve price shall be fixed as the average of fresh traffic census after deductions and departmental collection without deductions.

  The TAC shall send recommendations to the Govt. if difference of revised reserve price is more than 10% otherwise TAC would decide at its own level.

Note: The negotiation by TAC with H-I would be in either of following ways:-

1. By face to face across the table,
2. Through video conferencing,
3. Through mobile,
4. Through skype.

In case of 2,3,4 above, the conversation would be brought on record in black and white by the TAC.

- **Under no circumstances:**

1) Consideration shall be given to the offers received after scheduled time of receipt of tenders.

2) The financial bid of non responsive agencies would be opened.

3) Under no circumstances the request of contractor / entrepreneur for shifting of location of toll point would be considered / entertained before expiry of the agreement. However in case the shifting of location of toll or closing of toll is required on account of following reasons, in such cases, toll will be closed at the present location and the entrepreneur will have to pay installment only upto that period only with no compensation to the entrepreneur:-

(i) In case the road is notified as National Highway.
(ii) Due to natural calamities.

- If the highest tenderer (H-I) backs out or does not submit performance security within stipulated period his earnest money shall be forfeited and the second highest tenderer (H-2), third highest tenderer (H-3) and so on, in order of sequence, may be called upon to bring his offer to the same level as the originally first

highest tenderer. In the event of their refusal to do so, tenders shall be recalled.

- The conditions which includes payment of performance security and others laid down in the LOA would be fulfilled by the bidder within 15 days from the date of issue of Letter of Acceptance to execute and sign the agreement with HSDRC. ED reserves the right to extend the period by one week on request of the bidder in exceptional circumstances for the reasons to be recorded in writing (not to be made part of the bid document)

- The Haryana PWD code issued vide Govt. notification no. 9/16/05-3B&R (W) dated 19.10.2009 is applicable with effect from 1.11.2009. This code provides a frame work to address concerns like endemic delays in the delivery system resulting in increased costs and adversely affecting the accrual of intended benefits, paramount importance of completion of works in a given time frame. Additionally, there are also the requirements of improvement of quality of construction, implementation of the programmes in a transparent and cost effective manner, and use of the most appropriate materials, design and construction technologies, and management practices. As such the code is applicable on execution of works.

  Lease of toll is all together different from execution of works as such toll tenders should not come with in ambit of Haryana PWD Code.

- The Invitation to bid would be for such Entrepreneurs/individuals who possess adequate financial, managerial and technical capabilities for undertaking the task of toll fee collection as given below:

  The Bidder may be an individual or a Proprietary firm or Partnership Firm or a Private or a Public Limited Company or a joint

venture or Consortium of such Companies duly incorporated, registered under the existing rules.

Following are the pre-requisites for eligible bidders;
For individual only

For existing toll

Property certificate for minimum value of Rs..... (25% of last allotted bid amount) only, obtained from Circle Revenue Officer (Tehsildar / Naib Tehsildar) in the State of Haryana or equivalent Government officer in other States of India and Union Territories .

For new toll

Property certificate for minimum value of Rs..... (25% of Reserve Price) only, obtained from Circle Revenue Officer (Tehsildar / Naib Tehsildar) in the State of Haryana or equivalent Government officer in other States of India and Union Territories .

Note: Property certificate should not be older than 2 year prior to last date for submission of EMD duly supported by an affidavit that he / she has not disposed off any of the property mentioned in the property certificate during this period.

2. Income Tax clearance certificates/income tax statements for the last year. In case of non income tax payee such as agriculturalist an affidavit to that effect shall be furnished.

3. Photo identity proof.

4. The bidder should not be involved in any police case regarding over charging or mis-management of toll operation and Affidavit from the bidder that there is no criminal case filed against him for over charging of toll rates.

5. Bidder debarred / black listed by any organization/institution/ Board/Corporation/ PSU of Central Govt. or any State Govt. would not be eligible for participation in the bidding process.

For Proprietary firm or Partnership Firm or a Private or a Public Limited Company or a joint venture or Consortium of such Companies duly incorporated, registered under the existing rules

For existing toll

Evidence of Average Annual financial turn over for the last 3 years or any one year out of last three financial years, duly verified by Chartered Accountant of Rs..... (last allotted bid amount) only should be furnished as tabulated below:-

Sr. No.	Year*	Turn over (Rs. In lacs)
1.		
2.		
3.		

* To be defined by HSRDC in the DNIT.

For New Toll

Evidence of Average Annual financial turn over for the last 3 years or any one year out of last three financial years, duly verified by Chartered Accountant of Rs..... (Reserve Price) only should be furnished as tabulated below:-

Sr. No.	Year*	Turn over (Rs. In lacs)
1.		
2.		
3.		

* To be defined by HSRDC in the DNIT

2. Income Tax clearance certificates/income tax statements for the last year.

3. Photo identity proof.

4. The bidder should not be involved in any police case regarding over charging or mis-management of toll operation and Affidavit from the bidder that there is no criminal case filed against him for over charging of toll rates.

5. Partnership Deed/Joint Venture Agreement /Certificate of company.

6. Affidavit from each of the partners of Joint Venture/Consortium formed for undertaking the franchising of toll collection rights that they shall be mutually and severally liable of the defaults of the franchising company.

7. Power of Attorney of the authorized signatory to sign the bids and also to enter into negotiations/communications with the Corporation.

8. Bidder debarred /black listed by any organization/institution/ Board/Corporation/ PSU of Central Govt. or any State Govt. would not be eligible for participation in the bidding process.

- The amount of performance security to be deposited by the successful bidder to the HSRDC shall be increased to the level of amount equivalent to two months installment against existing 15% amount of annual contract (which comes out to be about 55 days amount).

- It has been observed from the past experience that resistance in paying toll by the road users increases when collection is departmental there by resulting into the lesser toll collection. The

tenders for collection of toll should be invited in advance preferably six month prior to the expiry of agreements in case of existing tolls to avoid collection of toll through departmental staff. In case it is unavoidable and collection of toll has to be carried out departmentally then EE incharge of concerned toll point would intimate the detailed description of such vehicles who do not pay tolls on daily basis to the District Police and District Administration about the vehicles who do not pay the toll under intimation to Head Office of HSRDC on weekly basis.

- 1. In case decision on the tender is under process but existing agreement is at the verge of expiry, then HSRDC shall make an offer to the entrepreneur to operate the toll for further one month @ higher of the two i.e. Rate of existing agency and higher rate of the tender received to avoid departmental collection of toll. In case of exigency, this additional period can be extended upto four months (two months by MD and further two month with prior approval of Chairman, HSRDC) by making offer of one month at a time.

- 2. Further in the eventuality when tender is yet to be opened and existing agreement is at the verge of expiry, then an offer shall be made to the existing entrepreneur to operate the toll for additional one month at his existing rate to avoid departmental collection. In case of exigency, this additional period can be extended upto four months (two months by MD and further two month with prior approval of Chairman, HSRDC) by making offer of one month at a time. However, if the tenders are opened by that time then the offer shall be made at the rate higher of existing rate and H-1 in the tender so opened.

- Single tenders shall not be considered on first call. The tender shall be immediately re-invited by HSRDC without referring the matter to TAC in such eventuality. If re-tendering again results in a single tender, it shall be opened and processed for approval of competent authority. In case the bidder who had submitted the bid but could not be opened because of single bid on 1st call participated in 2nd call, the cost of bid

document would be refunded to him after deducting charges of e-tendering portal services.

- In case successful bidder fails within the specified period of 15 days to furnish the required security deposit and deposit first installment in advance alongwith T.C.S. @ 2 % or as applicable from time to time and / or sign the agreement, the bid security shall be forfeited and the bidder would be debarred from further tendering in HSRDC / Haryana PWD B&R for a period of two years.

  "The second highest tenderer (H-2), third highest tenderer (H-3) and so on, in order of sequence, may be called upon to bring his offer to the same level as the originally first highest tenderer. In the event of their refusal to do so, tenders shall be recalled."

- "In case process of Hash submission for financial bid and technical bid is completed and the re-encryption of online bid is not carried out or physical earnest money deposit is not submitted by any bidder, the bidder is liable for action of debarring from further tendering in HSRDC/ Haryana PWD B&R for a period of minimum 2 years. However, a 15 days notice will be served upon the bidder to explain his position and circumstances. The decision of Chairman, HSRDC shall be final and binding upon the bidder."

- Disqualification :
  Even through the Applicant meet the above criteria, they are subject to the disqualified if they have:

  made misleading or false representation in the form, statement submitted; and / or

  Records of poor performance such as abandoning the work, rescinding/ termination of toll contract for which the reasons are attributable to the non-performance of the contractor; consistent history of litigation awarded against the applicant or financial failure due to bankruptcy. The rescinding of toll contract of a joint venture on

account of reason other than non performance, such as Most Experienced partner of joint venture pulling out, court direction leading to breaking up a joint venture before the start of work, which are not attributable to the poor performance of the contractor will, however, not affect the qualification of the individual partners.

Deputy Secretary B&R,
for Principal Secretary to Government,
Haryana Public Works (B&R) Department

PROPOSED CHANGES IN EXISTING TOLL POLICY DATED 04.06.2014.

Existing Toll Policy issued vide Govt.'s Memo No. 44/135/05-5 B&R(W) dated 04.06.2014	**Proposed suggestions / amendments (only proposed changes have been highlighted)**
2. The toll policy / guidelines issued vide Govt.'s memo under reference are hereby modified, as under:- ➢ The process of Traffic Census shall be initiated nine months in advance from stipulated expiry date of the on-going agreement in place of prevalent practice of six months. ➢ The reserve price of toll point should be fixed once in 18 months only for the TAC for consideration during its meeting while deciding tender and the term of agreement should also be for 18 months in place of 12 months. The reserve price is not to be disclosed in the DNIT before calling tenders. The Reserve Price shall be fixed and approved by the concerned TAC.	2. The toll policy / guidelines issued vide Govt.'s memo under reference are hereby modified, as under:- (a) The process of Traffic Census shall be initiated nine months in advance from stipulated expiry date of the on-going agreement in place of prevalent practice of six months. **(No Change)** (b) The reserve price of toll point should be fixed once in 18 months only for the TAC for consideration during its meeting while deciding tender and the term of agreement should also be for 18 months in place of 12 months. The reserve price is not to be disclosed in the DNIT before calling tenders. **(No Change)** **(c)** The Reserve Price shall be fixed and approved by the concerned TAC. **(d)Traffic census and deductions** **I. Amount with respect to traffic census:-**

Amount for first year -	as worked out from traffic for one year.	'A'
Amount for next six months -	(50% of 'A') + 5(five)% of (50% of 'A')	'B'
Total	'A'+'B'	

II. The deductions :-

The deduction from total amount to arrive at the net traffic amount shall be as under:-

Traffic Census	Deductions	
	Contractor Profit	Collection Charges
1. Current Traffic Census up to Rs. 2 Crore	10%	10%

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2. Traffic Census more than Rs. 2 Crore and upto Rs.10 Crore	10%	7.50% (Subject to minimum of Rs.20 Lac)
3. Traffic Census more than Rs. 10 Crore	5% (Subject to minimum of Rs.1.00 Crore)	5% (Subject to minimum of Rs.75 Lac)

The **reserve price** shall be fixed on the basis of following information:

(b) For new toll points

Traffic census for 7 days for tollable vehicles and other vehicles separately through-out sourcing agencies including NGOs. The HSRDC shall evolve a proforma for this purpose and shall be supplied to outsourcing agencies. However in the intervening period between traffic census and receipt of bids if some slip route / competing road comes into being, the traffic census shall be redone on the report of SE / EE / DGM incharge of the toll as regards such competing roads. Further a reduction of 10% shall be made on account of skipping vehicles after installation of toll plaza which cannot be assessed.

Note: The NHAI pattern, if existing, would be adopted for engaging outsourcing agencies. Otherwise HSRDC would empanelled outsourcing agencies by inviting bids from the agencies including NGOs for empanelment having turnover of minimum Rs. 1.0 crore per year for the last two consecutive years duly verified by Chartered Accountant and their rates would be fixed. The work

3. The **reserve price** shall be fixed on the basis of following information:

(a) For new toll points

Fixation of Reserve Price:

Traffic census for 7 days for tollable vehicles and other vehicles separately through-out sourcing agencies including NGOs. The HSRDC shall evolve a proforma for this purpose and shall be supplied to outsourcing agencies. However in the intervening period between traffic census and receipt of bids if some slip route / competing road comes into being, the traffic census shall be redone on the report of SE / EE / DGM incharge of the toll as regards such competing roads. Further a reduction of ***15% instead of 10%*** shall be made on account of skipping vehicles after installation of toll plaza which cannot be assessed.

Note: The NHAI pattern, if existing, would be adopted for engaging outsourcing agencies. Otherwise HSRDC would empanelled outsourcing agencies by inviting bids from the agencies including NGOs for empanelment having turnover of minimum Rs. 1.0 crore per year for the last two consecutive years duly verified by Chartered Accountant and their rates would be fixed. The work would be got carried out from any of the

Existing Toll Policy issued vide Govt.'s Memo No. 44/135/05-5 B&R(W) dated 04.06.2014	Proposed suggestions / amendments (only proposed changes have been highlighted)
(iii) In case the bid received on 2nd call or even after negotiations is less than the reserve price and also less than the departmental collection then the reserve price shall be re-fixed as under:-	(iii) If on 2nd call the bids so received even after negotiation is less than the reserve price as fixed above but higher than the departmental collection (**with deductions**), the bid shall be approved irrespective of reserve price.
(iv) If tender received on one call then the average of fresh traffic census after deductions and amount of tender so received shall be the reserve price.	**(iv)** In case the bid received on 2nd call or even after negotiations is less than the reserve price and also less than the departmental collection then the reserve price shall be re-fixed (**Revised reserve price)**as under:-
(v) If the tender is received on both the calls then the reserve price shall be the average of:- • fresh traffic census after deductions and • average of highest bid on both the calls	**(iv)** If tender received on one call then the average of fresh traffic census after deductions and amount of tender so received shall be the reserve price. **(v)** If the tender is received on both the calls then the reserve price shall be the average of:- • fresh traffic census after deductions and • average of highest bid on both the calls
(vi) If no tender is received on first call or on 2nd call or even on both the calls these shall be considered as calls for the purpose of re-fixing the reserve price. The reserve price shall be fixed as the average of fresh traffic census after deductions and departmental collection without deductions.	**(vi)** If no tender is received on first call or on 2nd call or even on both the calls these shall be considered as calls for the purpose of re-fixing the reserve price. The reserve price shall be fixed as **departmental collection *with* deductions ((There shall be departmental collection for a period of minimum one month for fixing the revised reserve price. Where, the departmental collection is upto six months, the whole period is to be considered for fixing the revised reserve price. Where the departmental collection is more than six months, the average of last six months is to be considered for calculation of revised reserve price.)**

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would be got carried out from any of the empanelled agencies. However care would be taken to distribute the work evenly.	empanelled agencies. However care would be taken to distribute the work evenly.
	"In case tender is not finalized and departmental collection has been started on new Toll point then the reserve price would be fixed as under:
	The average of fresh traffic census (with deductions) and departmental collection (with deductions)."
(i) If the highest price bid is lower than reserve price then the negotiation would be carried out only with H-I. In no case, negotiation would be carried out with H-2, H-3 etc. The bid security of unsuccessful bidders shall be released within 15 days of expiry of the validity of bids or after the highest bidder enters into Agreement with the HSRDC whichever is earlier as per present practice. In case tender received on 1st call is less than reserve price and highest bidder does not enhance the bid to the reserve price level or more than the reserve price, the tender shall be re-invited.	(i) The bidder with the highest price bid shall be declared as the successful bidder if it is more than the reserve price. Negotiation, if necessitated, would only be carried out with H-I. In no case, negotiation would be carried out with H-2, H-3 etc. The bid security of unsuccessful bidders shall be released within 15 days of expiry of the validity of bids or after the highest bidder enters into Agreement with the HSRDC whichever is earlier as per present practice. **(ii)** If the highest price bid is lower than reserve price then the negotiation would be carried out only with H-I. In no case, negotiation would be carried out with H-2, H-3 etc. The bid security of unsuccessful bidders shall be released within 15 days of expiry of the validity of bids or after the highest bidder enters into Agreement with the HSRDC whichever is earlier as per present practice.
(ii) If on 2nd call the bids so received even after negotiation is less than the reserve price as fixed above but higher than the departmental collection (without deductions), the bid shall be approved irrespective of reserve price.	In case tender received on 1st call is less than reserve price and highest bidder does not enhance the bid to the reserve price level or more than the reserve price, the tender shall be re-invited.

Existing Toll Policy issued vide Govt.'s Memo No. 44/135/05-5 B&R(W) dated 04.06.2014

(a) For existing toll points

(i) Traffic census for 7 days for toll-able vehicles and other vehicles separately throughout sourcing agencies including NGOs. The HSRDC shall evolve a proforma (based on IRC code or prevailing practice based on bid document) for this purpose and shall be supplied to outsourcing agencies. However in the intervening period between traffic census and receipt of bids if some slip route / competing road comes into being, the traffic census shall be redone on the report of SE / EE / DGM incharge of the toll as regards such competing roads.

(ii) Amount of ongoing agreement of the toll.

Fixation of Reserve Price:

I. Amount with respect to traffic census:-

Amount for first year -	as worked out from traffic for one year.	'A'
Amount for next six months –	(50% of 'A') + 5(five)% of (50% of 'A')	'B'
Total	'A'+'B'	

II. The deductions :-

The deduction from total amount to arrive at the net traffic amount shall be as under:-

Traffic Census	Deductions	
	Contractor Profit	Collection Charges
• Current Traffic Census up to Rs. 2 Crore	10%	10%

Proposed suggestions / amendments (only proposed changes have been highlighted)

3 (b) For existing toll points

Fixation of Reserve Price:

(i) Traffic census for 7 days for toll-able vehicles and other vehicles separately throughout sourcing agencies including NGOs. The HSRDC shall evolve a proforma (based on IRC code or prevailing practice based on bid document) for this purpose and shall be supplied to outsourcing agencies. However in the intervening period between traffic census and receipt of bids if some slip route / competing road comes into being, the traffic census shall be redone on the report of SE / EE / DGM incharge of the toll as regards such competing roads.

(ii) Amount of ongoing agreement of the toll.

(iii) **The reserve price shall be fixed as per following formula:**

(50% of last bid amount + 50% of traffic census amount after deductions)

(iv) The bidder with the highest price bid shall be declared as the successful bidder if it is more than the reserve price. Negotiation, if necessitated, would only be carried out with H-I. In no case, negotiation would be carried out with H-2, H-3 etc. The bid security of unsuccessful bidders shall ~~be~~ released within 15 days of expiry of ~~the~~ validity of bids or after the highest bidder enters into Agreement with the HSRDC whichever is earlier as per present practice.

(v) If the highest price bid is lower than reserve price then the negotiation would be carried out only with H-I. In no case, negotiation would be carried out with H-2, H-3 etc. The bid security of unsuccessful bidders shall be released within 15 days of expiry of the validity of bids or after the highest bidder enters into Agreement with the HSRDC whichever is earlier as per present practice.

Existing Toll Policy issued vide Govt.'s Memo No. 44/135/05-5 B&R(W) dated 04.06.2014		Proposed suggestions / amendments (only proposed changes have been highlighted)
• Traffic Census more than Rs. 2 Crore and upto Rs.10 Crore	10%	7.50% (Subject to minimum of Rs.20 Lac)
• Traffic Census more than Rs. 10 Crore	5% (Subject to minimum of Rs.1.00 Crore)	5% (Subject to minimum of Rs.75 Lac)

III. The reserve price shall be fixed as per following formula:

(50% of last bid amount + 50% of traffic census amount after deductions) – 5 (five) %

In case tender received on 1st call is less than reserve price and highest bidder does not enhance the bid to the reserve price level or more than the reserve price, the tender shall be re-invited.

(vi) If on 2nd call the bids so received even after negotiation is less than the reserve price as fixed above but higher than the **departmental collection (with deduction)**, the bid shall be approved irrespective of reserve price.

(vii) In case the bid received on 2nd call or even after negotiations is less than the reserve price and also less than the departmental collection then the reserve price shall be re-fixed (Revised reserve price)as under:-

(viii) If tender received on one call then the average of fresh traffic census after deductions and amount of tender so received shall be the reserve price.

(ix) If the tender is received on both the calls then the reserve price shall be the average of:-

- fresh traffic census after deductions and
- average of highest bid on both the calls

(ix) If no tender is received on first call or on 2nd call or even on both the calls these shall be considered as calls for the purpose of re-fixing the reserve price. The reserve price shall be fixed as **departmental collection *with* deductions (There shall be departmental collection for a period of minimum one month for fixing the revised reserve price. Where, the departmental collection is upto six months, the whole period is to be considered for fixing the revised reserve price. Where the departmental collection is more than six months, the average of last six months is to be considered for calculation of revised reserve price.)**

Existing Toll Policy issued vide Govt.'s Memo No. 44/135/05-5 B&R(W) dated 04.06.2014	Proposed suggestions / amendments (only proposed changes have been highlighted)
➢ The bidder with the highest price bid shall be declared as the successful bidder if it is more than the reserve price. Negotiation, if necessitated, would only be carried out with H-I. In no case, negotiation would be carried out with H-2, H-3 etc. The bid security of unsuccessful bidders shall be released with in 15 days of expiry of the validity of bids or after the highest bidder enters into Agreement with the HSRDC which ever is earlier as per present practice. • If the highest price bid is lower than reserve price then the negotiation would be carried out only with H-I. In no case, negotiation would be carried out with H-2, H-3 etc. The bid security of unsuccessful bidders shall be released with in 15 days of expiry of the validity of bids or after the highest bidder enters into Agreement with the HSRDC which ever is earlier as per present practice. If the highest bidder does not enhance the bid price to a level or more than the reserve price, the tender shall be re-invited. However, if on Second call, the bids so received even after negotiation is less than the reserve price as fixed above but higher than the departmental collection (without any deduction), the bid shall be approved irrespective of reserve price. This issue shall be reviewed by the Govt. after two years. • In case the bid received on 2nd call or even after negotiations is less than the reserve price and also less than the departmental collection then the reserve price shall be fixed as under:- (i) if tender received on one call then the average of fresh traffic census after deductions and amount of tender so received shall be the reserve price. (ii) If the tender is received on both the calls then the reserve	

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price shall be the average of:- (a) fresh traffic census after deductions and (b) average of highest bid on both the calls If no tender is received on first call or on 2nd call or even on both the calls these shall be considered as calls for the purpose of re-fixing the reserve price. The reserve price shall be fixed as the average of fresh traffic census after deductions and departmental collection without deductions.	
The TAC shall send recommendations to the Govt. if difference of revised reserve price is more than 10% otherwise TAC would decide at its own level.	5. The TAC shall send recommendations to the Govt. **if the revised reserve price is more than 10% less from the original approved reserve price** otherwise TAC would decide at its own level. 025
	6.
Note: The negotiation by TAC with H-I would be in either of following ways:- 1. By face to face across the table, 2. Through video conferencing, 3. Through mobile, 4. Through skype.	Note: The negotiation by TAC with H-I would be in either of following ways:- 1. By face to face across the table, 2. Through video conferencing, 3. Through mobile, 4. Through skype.
In case of 2,3,4 above, the conversation would be brought on record in black and white by the TAC.	In case of 2,3,4 above, the conversation would be brought on record in black and white by the TAC.
➢ **Under no circumstances:**	**7. Under no circumstances:**
1) Consideration shall be given to the offers received after scheduled time of receipt of tenders.	(i) Consideration shall be given to the offers received after scheduled time of receipt of tenders.
2) The financial bid of non responsive agencies would be opened.	(ii) The financial bid of non responsive agencies would be opened.
3) Under no circumstances the request of contractor / entrepreneur for shifting of location of toll point would be considered / entertained before expiry of the agreement. However in case the shifting of location of toll or closing of toll is required on account	(iii) Under no circumstances the request of contractor / entrepreneur for shifting of location of toll point would be considered / entertained before expiry of the agreement. However in case the shifting of location of toll or closing of toll is required on account of following

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of following reasons, in such cases, toll will be closed at the present location and the entrepreneur will have to pay installment only upto that period only with no compensation to the entrepreneur:- (i) In case the road is notified as National Highway. (ii) Due to natural calamities.	reasons, in such cases, toll will be closed at the present location and the entrepreneur will have to pay installment only upto that period only with no compensation to the entrepreneur:- • In case the road is notified as National Highway. • Due to natural calamities.
➢ If the highest tenderer (H-I) backs out or does not submit performance security within stipulated period his earnest money shall be forfeited and the second highest tenderer (H-2), third highest tenderer (H-3) and so on, in order of sequence, may be called upon to bring his offer to the same level as the originally first highest tenderer. In the event of their refusal to do so, tenders shall be recalled.	8. If the highest tenderer (H-I) backs out or does not submit performance security within stipulated period his earnest money shall be forfeited and the second highest tenderer (H-2), third highest tenderer (H-3) and so on, in order of sequence, may be called upon to bring his offer to the same level as the originally first highest tenderer. In the event of their refusal to do so, tenders shall be recalled.
➢ The conditions which includes payment of performance security and others laid down in the LOA would be fulfilled by the bidder within 15 days from the date of issue of Letter of Acceptance to execute and sign the agreement with HSDRC. ED reserves the right to extend the period by one week on request of the bidder in exceptional circumstances for the reasons to be recorded in writing (not to be made part of the bid document)	9. The conditions which includes payment of performance security and others laid down in the LOA would be fulfilled by the bidder within 15 days from the date of issue of Letter of Acceptance **or 15 days before the actual date of start of collection of toll whichever is later** to execute and sign the agreement with HSDRC. ED reserves the right to extend the period by one week on request of the bidder in exceptional circumstances for the reasons to be recorded in writing (not to be made part of the bid document)
The Haryana PWD code issued vide Govt. notification no. 9/16/05-3B&R (W) dated 19.10.2009 is applicable with effect from 1.11.2009. This code provides a frame work to address concerns like endemic delays in the delivery system resulting in increased costs and adversely affecting the accrual of intended benefits, paramount importance of completion of works in a given time frame. Additionally, there are also the requirements of	10. The Haryana PWD code issued vide Govt. notification no. 9/16/05-3B&R (W) dated 19.10.2009 is applicable with effect from 1.11.2009. This code provides a frame work to address concerns like endemic delays in the delivery system resulting in increased costs and adversely affecting the accrual of intended benefits, paramount importance of completion of works in a given time frame. Additionally, there are also the requirements of improvement of quality of construction, implementation of the programmes

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improvement of quality of construction, implementation of the programmes in a transparent and cost effective manner, and use of the most appropriate materials, design and construction technologies, and management practices. As such the code is applicable on execution of works.	in a transparent and cost effective manner, and use of the most appropriate materials, design and construction technologies, and management practices. As such the code is applicable on execution of works.
Lease of toll is all together different from execution of works as such toll tenders should not come with in ambit of Haryana PWD Code.	Lease of toll is all together different from execution of works as such toll tenders should not come within ambit of Haryana PWD Code.
The invitation to bid would be for such Entrepreneurs/individuals who possess adequate financial, managerial and technical capabilities for undertaking the task of toll fee collection as given below:	11. The invitation to bid would be for such Entrepreneurs/individuals who possess adequate financial, managerial and technical capabilities for undertaking the task of toll fee collection as given below:
The Bidder may be an individual or a Proprietary firm or Partnership Firm or a Private or a Public Limited Company or a joint venture or Consortium of such Companies duly incorporated, registered under the existing rules.	The Bidder may be an individual or a Proprietary firm or Partnership Firm or a Private or a Public Limited Company or a joint venture or Consortium of such Companies duly incorporated, registered under the existing rules.
Following are the pre-requisites for eligible bidders;	**12. Following are the pre-requisites for eligible bidders;**
For individual only	**For individual only**
For existing toll	**(i) (a) Turnover for existing toll**
Property certificate for minimum value of Rs..... (25% of last allotted bid amount) only, obtained from Circle Revenue Officer (Tehsildar / Naib Tehsildar) in the State of Haryana or equivalent Government officer in other States of India and Union Territories .	Property certificate for minimum value of Rs..... (25% of last allotted bid amount) only, obtained from Circle Revenue Officer (Tehsildar / Naib Tehsildar) in the State of Haryana or equivalent Government officer in other States of India and Union Territories .
For new toll	**b) Turnover For new toll**
Property certificate for minimum value of Rs..... (25% of Reserve Price) only, obtained from Circle Revenue Officer (Tehsildar / Naib Tehsildar) in the State of Haryana or equivalent Government officer in other States of India and Union Territories .	Property certificate for minimum value of Rs..... (25% of Reserve Price) only, obtained from Circle Revenue Officer (Tehsildar / Naib Tehsildar) in the State of Haryana or equivalent Government officer in other States of India and Union Territories .
Note: Property certificate should not be older than 2 year prior to	Note: Property certificate should not be older than 2 year prior to last

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last date for submission of EMD duly supported by an affidavit that he / she has not disposed off any of the property mentioned in the property certificate during this period.	date for submission of EMD duly supported by an affidavit that he / she has not disposed off any of the property mentioned in the property certificate during this period.
2. Income Tax clearance certificates/income tax statements for the last year. In case of non income tax payee such as agriculturalist an affidavit to that effect shall be furnished.	(ii) Income Tax clearance certificates/income tax statements for the last year. In case of non income tax payee such as agriculturalist an affidavit to that effect shall be furnished.
3. Photo identity proof.	(iii) Photo identity proof.
4. The bidder should not be involved in any police case regarding over charging or mis-management of toll operation and Affidavit from the bidder that there is no criminal case filed against him for over charging of toll rates.	(iv) The bidder should not be involved in any police case regarding over charging or mis-management of toll operation and Affidavit from the bidder that there is no criminal case filed against him for over charging of toll rates.
5. Bidder debarred / black listed by any organization/institution/Board/ Corporation/ PSU of Central Govt. or any State Govt. would not be eligible for participation in the bidding process.	(v) Bidder debarred / black listed by any organization/institution/ Board/Corporation/ PSU of Central Govt. or any State Govt. would not be eligible for participation in the bidding process.
For Proprietary firm or Partnership Firm or a Private or a Public Limited Company or a joint venture or Consortium of such Companies duly incorporated, registered under the existing rules	13. **For Proprietary firm or Partnership Firm or a Private or a Public Limited Company or a joint venture or Consortium of such Companies duly incorporated, registered under the existing rules**
For existing toll	(i) (a) **Turnover for existing toll**
Evidence of Average Annual financial turn over for the last 3 years or any one year out of last three financial years, duly verified by Chartered Accountant of Rs..... (last allotted bid amount) only should be furnished as tabulated below:-	Evidence of Average Annual financial turn over for the last 3 years or any one year out of last three financial years, duly verified by Chartered Accountant of Rs..... (last allotted bid amount) only should be furnished as tabulated below:-

Sr. No.	Year*	Turn over (Rs. In lacs)
1.		
2.		
3.		

* To be defined by HSRDC in the DNIT.

Sr. No.	Year*	Turn over (Rs. In lacs)
1.		
2.		
3.		

* To be defined by HSRDC in the DNIT.

For New Toll

(b) **Turnover for New Toll**

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Evidence of Average Annual financial turn over for the last 3 years or any one year out of last three financial years, duly verified by Chartered Accountant of Rs..... (Reserve Price) only should be furnished as tabulated below:-	Evidence of Average Annual financial turn over for the last 3 years or any one year out of last three financial years, duly verified by Chartered Accountant of Rs..... (Reserve Price) only should be furnished as tabulated below:-
Sr. No. | Year* | Turn over (Rs. In lacs) 1. | | | 2. | | | 3. | | |	Sr. No. | Year* | Turn over (Rs. In lacs) 1. | | | 2. | | | 3. | | |
* To be defined by HSRDC in the DNIT.	* To be defined by HSRDC in the DNIT.
2. Income Tax clearance certificates/ income tax statements for the last year.	(ii) Income Tax clearance certificates/income tax statements for the last year.
3. Photo identity proof.	(iii) Photo identity proof.
4. The bidder should not be involved in any police case regarding over charging or mis-management of toll operation and Affidavit from the bidder that there is no criminal case filed against him for over charging of toll rates.	(iv) The bidder should not be involved in any police case regarding over charging or mis-management of toll operation and Affidavit from the bidder that there is no criminal case filed against him for overcharging of toll rates.
5. Partnership Deed/Joint Venture Agreement /Certificate of company.	(v) Partnership Deed/Joint Venture Agreement /Certificate of company.
6. Affidavit from each of the partners of Joint Venture/Consortium formed for undertaking the franchising of toll collection rights that they shall be mutually and severally liable of the defaults of the franchising company.	(vi) Affidavit from each of the partners of Joint Venture/Consortium formed for undertaking the franchising of toll collection rights that they shall be mutually and severally liable of the defaults of the franchising company.
7. Power of Attorney of the authorized signatory to sign the bids and also to enter into negotiations/communications with the Corporation.	(vii) Power of Attorney of the authorized signatory to sign the bids and also to enter into negotiations/communications with the Corporation.
8. Bidder debarred /black listed by any organization/institution/ Board/Corporation/ PSU of Central Govt. or any State Govt. would not be eligible for participation in the bidding process.	(viii) Bidder debarred /black listed by any organization/institution/ Board/Corporation/ PSU of Central Govt. or any State Govt. would not be eligible for participation in the bidding process.

Existing Toll Policy issued vide Govt.'s Memo No. 44/135/05-5 B&R(W) dated 04.06.2014	Proposed suggestions / amendments (only proposed changes have been highlighted)
• The amount of performance security to be deposited by the successful bidder to the HSRDC shall be increased to the level of amount equivalent to two months installment against existing 15% amount of annual contract (which comes out to be about 55 days amount).	14. The amount of performance security to be deposited by the successful bidder to the HSRDC shall be increased to the level of amount equivalent to two months installment against existing 15% amount of annual contract (which comes out to be about 55 days amount).
• It has been observed from the past experience that resistance in paying toll by the road users increases when collection is departmental there by resulting into the lesser toll collection. The tenders for collection of toll should be invited in advance preferably six month prior to the expiry of agreements in case of existing tolls to avoid collection of toll through departmental staff. In case it is unavoidable and collection of toll has to be carried out departmentally then EE incharge of concerned toll point would intimate the detailed description of such vehicles who do not pay tolls on daily basis to the District Police and District Administration about the vehicles who do not pay the toll under intimation to Head Office of HSRDC on weekly basis.	15. It has been observed from the past experience that resistance in paying toll by the road users increases when collection is departmental there by resulting into the lesser toll collection. The tenders for collection of toll should be invited in advance preferably six month prior to the expiry of agreements in case of existing tolls to avoid collection of toll through departmental staff. In case it is unavoidable and collection of toll has to be carried out departmentally then EE incharge of concerned toll point would intimate the detailed description of such vehicles who do not pay tolls on daily basis to the District Police and District Administration about the vehicles who do not pay the toll under intimation to Head Office of HSRDC on weekly basis.
• 1. In case decision on the tender is under process but existing agreement is at the verge of expiry, then HSRDC shall make an offer to the entrepreneur to operate the toll for further one month @ higher of the two i.e. Rate of existing agency and higher rate of the tender received to avoid departmental collection of toll. In case of exigency, this additional period can be extended upto four months (two months by MD and further two month with prior approval of Chairman, HSRDC) by making offer of one month at a time.	16. In case decision on the tender is under process but existing agreement is at the verge of expiry, then HSRDC shall make an offer to the entrepreneur to operate the toll for further one month @ higher of the two i.e. Rate of existing agency and higher rate of the tender received to avoid departmental collection of toll. In case of exigency, this additional period can be extended upto four months (two months by MD and further two month with prior approval of Chairman, HSRDC) by making offer of one month at a time.
• 2. Further in the eventuality when tender is yet to be opened and existing agreement is at the verge of expiry, then an offer shall be	17. Further in the eventuality when tender is yet to be opened and existing agreement is at the verge of expiry, then an offer shall be made to

Existing Toll Policy issued vide Govt.'s Memo No. 44/135/05-5 B&R(W) dated 04.06.2014	Proposed suggestions / amendments (only proposed changes have been highlighted)
made to the existing entrepreneur to operate the toll for additional one month at his existing rate to avoid departmental collection. In case of exigency, this additional period can be extended upto four months (two months by MD and further two month with prior approval of Chairman, HSRDC) by making offer of one month at a time. However, if the tenders are opened by that time then the offer shall be made at the rate higher of existing rate and H-1 in the tender so opened.	the existing entrepreneur to operate the toll for additional one month at his existing rate to avoid departmental collection. In case of exigency, this additional period can be extended upto four months (two months by MD and further two month with prior approval of Chairman, HSRDC) by making offer of one month at a time. However, if the tenders are opened by that time then the offer shall be made at the rate higher of existing rate and H-1 in the tender so opened.
• Single tenders shall not be considered on first call. The tender shall be immediately re-invited by HSRDC without referring the matter to TAC in such eventuality. If re-tendering again results in a single tender, it shall be opened and processed for approval of competent authority. In case the bidder who had submitted the bid but could not be opened because of single bid on 1st call participated in 2nd call, the cost of bid document would be refunded to him after deducting charges of e-tendering portal services.	18. Single tenders shall not be considered on first call. The tender shall be immediately re-invited by HSRDC without referring the matter to TAC in such eventuality. If re-tendering again results in a single tender, it shall be opened and processed for approval of competent authority. In case the bidder who had submitted the bid but could not be opened because of single bid on 1st call participated in 2nd call, the cost of bid document would be refunded to him after deducting charges of e-tendering portal services.
• In case successful bidder fails within the specified period of 15 days to furnish the required security deposit and deposit first installment in advance alongwith T.C.S. @ 2 % or as applicable from time to time and / or sign the agreement, the bid security shall be forfeited and the bidder would be debarred from further tendering in HSRDC / Haryana PWD B&R for a period of two years.	19. In case successful bidder fails within the specified period to furnish the required security deposit and deposit first installment in advance alongwith T.C.S. @ 2 % or as applicable from time to time and / or sign the agreement, the bid security shall be forfeited and the bidder would be debarred from further tendering in HSRDC / Haryana PWD B&R for a period of two years.
"The second highest tenderer (H-2), third highest tenderer (H-3) and so on, in order of sequence, may be called upon to bring his offer to the same level as the originally first highest tenderer. In the event of their refusal to do so, tenders shall be recalled."	"The second highest tenderer (H-2), third highest tenderer (H-3) and so on, in order of sequence, may be called upon to bring his offer to the same level as the originally first highest tenderer. In the event of their refusal to do so, tenders shall be recalled."
• "In case process of Hash submission for financial bid and technical bid is completed and the re-encryption of online bid is not carried	• "In case process of Hash submission for financial bid and technical bid is completed and the re-encryption of online bid is not carried out or

Existing Toll Policy issued vide Govt.'s Memo No. 44/135/05-5 B&R(W) dated 04.06.2014	Proposed suggestions / amendments (only proposed changes have been highlighted)
out or physical earnest money deposit is not submitted by any bidder, the bidder is liable for action of debarring from further tendering in HSRDC/ Haryana PWD B&R for a period of minimum 2 years. However, a 15 days notice will be served upon the bidder to explain his position and circumstances. The decision of Chairman, HSRDC shall be final and binding upon the bidder." • Disqualification : Even through the Applicant meet the above criteria, they are subject to the disqualified if they have: made misleading or false representation in the form, statement submitted; and / or Records of poor performance such as abandoning the work, rescinding/ termination of toll contract for which the reasons are attributable to the non-performance of the contractor; consistent history of litigation awarded against the applicant or financial failure due to bankruptcy. The rescinding of toll contract of a joint venture on account of reason other than non performance, such as Most Experienced partner of joint venture pulling out, court direction leading to breaking up a joint venture before the start of work, which are not attributable to the poor performance of the contractor will, however, not affect the qualification of the individual partners.	physical earnest money deposit is not submitted by any bidder, the bidder is liable for action of debarring from further tendering in HSRDC/ Haryana PWD B&R for a period of minimum 2 years. However, a 15 days notice will be served upon the bidder to explain his position and circumstances. The decision of Chairman, HSRDC shall be final and binding upon the bidder." 20. Disqualification : • Even through the Applicant meet the above criteria, they are subject to the disqualified if they have: • made misleading or false representation in the form, statement submitted; and / or • Records of poor performance such as abandoning the work, rescinding/ termination of toll contract for which the reasons are attributable to the non-performance of the contractor; consistent history of litigation awarded against the applicant or financial failure due to bankruptcy. The rescinding of toll contract of a joint venture on account of reason other than non performance, such as Most Experienced partner of joint venture pulling out, court direction leading to breaking up a joint venture before the start of work, which are not attributable ~~to~~ the poor performance of the contractor will, however, not affect the qualification of the individual partners.

AGENDA ITEM No. 57.17 (1 & 2)

1. TP-40 [RAI NAHRA BAHADURGARH ROAD AT KM 2.600 AND KM 34.200] - REDUCTION IN MONTHLY INSTALLMENT DUE TO DRASTIC REDUCTION IN TRAFFIC ON ACCOUNT OF CLOSURE OF LEVEL CROSSING NO. 20 B AND CONSTRUCTING OF LOW HEIGHT UNDER PASS

2. TP-24[KAITHAL-PATIALA ROAD (NEAR PB. BORDER)] - CLOSURE OF BRIDGE AT GHAGGAR ON KAITHAL-PATIALA ROAD- REDUCTION IN TRAFFIC ON ACCOUNT OF PROVIDING OF BAILEY BRIDGE.

1. Toll point No. TP-40 [Rai Nahra Bahadurgarh Road at Km 2.600 and Km 34.200]

Tenders for collection of toll at Toll Point No. 40 were floated by HSRDC on 10.10.2013 but no bid was received. On 2nd call also no bid was received. On 3rd call, only single bid of Sh. Vinod Choudhary was received and Letter of Authorization was issued vide HSRDC No. 1535 dated 28.02.2014 vide which the entrepreneur was authorized to collect toll w.e.f 01.03.2014 (00.00 Hrs) to 31.08.2015 (24.00 Hrs) i.e. for 18 months by paying advance monthly installment of Rs. 22,73,056/- + TCS.

The Delhi Ambala railway line crosses this road at level crossing No. 21 B. During the call of tender, the ROB was under construction on this level crossing No. 21 B. The Railways has diverted the traffic of the road through an adjacent level crossing No. 20 B. The toll point TP-40 falls approximately 600 Mtr short from level crossing No. 21 B on Rai Nahra Bahadurgarh road. As such, even after diversion of traffic through level crossing No. 20 B before the start of the toll collection by the current entrepreneur the traffic at the toll point was not affected.

The entrepreneur has made representation dated 16.05.2014 stating that Railways has constructed a Road Under Bridge (RUB) of restricted height of 3.3 Mtrs just adjacent to level crossing No. 20 B since 16.05.2014 and closed level crossing No. 20 B. As such the heavy commercial vehicles of more than 3.3 Mtrs are not running on this road because of limited height of RUB. Accordingly, the toll collection of the entrepreneur had been highly affected and the toll collection work on the said toll point TP-40 was almost nil (zero).

The entrepreneur has further stated that because of this very reason they were not able to collect the toll and were not able to pay the salaries and other expenses of their staff deputed at the toll point. Therefore, they were not able to pay due monthly installment to the Corporation. They have requested that they should be exempted from the balance

installments to be deposited and necessary action shall be taken for redressal of their grievance.

The agency was issued show cause notice for not depositing the monthly installment as per terms of agreement and a hearing was also given on 09.09.2014 by Managing Director HSRDC. The agency also submitted a written undertaking dated 09.09.2014 stating that due to very less collection on account of reduction in traffic, they were not able to deposit monthly installments and submitted that either monthly installment be reduced or agreement be rescinded.

A committee of three Superintending Engineers vide order dated 33/HSRDC dated 09.09.2014 was constituted for giving recommendations in case of TP-40 as well as toll point No. -24 in which the entrepreneur has raised similar issues and the committee submitted the report as under:-

1. The committee inspected both the Toll Plaza.
2. The committee observed that in both the Toll Plaza traffic has reduced due to closing of level crossing and providing a limited sub way (3.00 Mtr) on TP-40 [Rai Nahra Bahadurgarh Road At Km 2.600 and Km 34.200] & providing of a belly bridge on Ghaggar River on TP-24 (Kaithal Patiala road (Near Pb. Border).
3. Both the agencies have represented to give a relief on account of reduction of traffic due to above reason.
4. **The committee observed that in both the agreements there is no provision about giving any relief on account of the reduction of traffic. As per agreement Clause No. 19-C (Diversion)" the contractor under takes that, it shall not make any claim for any decrease in traffic on the ground of diversion of the traffic, even if such diversion did not exist at the time of submission of the bid by the contractor.**

   The committee observed that:-

   (a) **"In case of TP-24,** the Ghaggar Bridge was damaged and a Bailey Bridge (12' -4" wide) was installed on the existing Bridge which had led to diversion of some traffic on other existing alternative routes. Such type of unforeseen situation could not be anticipated by the contractor at the time of bidding.

(b) Similarly, **in case of TP-40**, the existing level crossing was closed and a **Limited Height Subway** (3 Mtr height) has been constructed which has led to diversion of heavy traffic on other existing alternative routes. Such type of unforeseen situation could not be anticipated by the contractor at the time of bidding.

The committee deliberated on the issue and observed that there was a considerable reduction in the traffic and agreement did not contain any Clause to provide any such relief **regarding reduction of traffic.** However, as per agreement Clause 10 "The Managing Director, HSRDC shall be entitled to terminate this agreement at any time".

Accordingly, the Committee recommended that it would be justified that the agreement is terminated without forfeiting the security deposit by giving a notice as per Clause 10-a and fresh tenders are called.

Superintending Engineer Sonepat was requested to give his comments / recommendations on the representation of entrepreneur dated 16.05.2014, 19.06.2014, 27.06.2014, 11.07.2014, 18.07.2014, 31.07.2014 & 20.08.2014 and SE Sonepat was also requested that his recommendations based on the basis of receipt books used by the agency which may be compared with the previous receipt books prior to closing of traffic.

Superintending Engineer Sonepat vide his memo No. 1520 dated 10.07.2014 and No. 1620 dated 23.07.2014 had informed that the agency has submitted the daily toll collection details of TP-40 [Rai Nahra Bahadurgarh Road at Km 2.600 and Km 34.200] i.e. before closing of Level Crossing No. 20 B and after closing of Level Crossing No. 20 B as under:-

Before closing of L/C No. 20B i.e. from 01.05.2014 to 15.05.2014	**After closing L/C No. 20B i.e. from 16.05.14 to 31.05.14.**
Rs. 89,746/- average per day	Rs.43,389/- average per day

Superintending Engineer Sonepat also informed that the traffic survey of 7 days from 29.05.2014 to 04.06.2014 was conducted on both the toll points of TP-40 i.e. RD 2.600 and RD 34.200. The detail of average daily toll collection at the time of fixation of reserve price viz-a-viz now conducted is as under:-

Average daily collection as per Traffic survey conducted from 24.12.2013 to 31.12.2013	**Average daily collection as per Traffic survey conducted from 29.05.2014 to 04.06.2014**
Rs. 1,28,123/-	Rs. 49,854/-

Superintending Engineer Sonepat stated that thus the data given by the agency is correct and reasonable.

Superintending Engineer Sonepat also informed that though there is no provision in the contract agreement regarding reducing the monthly installment yet, it is also a fact that volume of traffic has reduced drastically due to closure of level crossing No. 20B. It is an unforeseen reason, therefore, it is recommended that:-

- The monthly installment of Rs.11,10,510/- + TCS may be received from the entrepreneur on the basis of latest traffic census, instead of Rs.22,73,056/- + TCS (Original agreement amount).

Keeping in view the recommendations of Superintending Engineer Sonepat and observance of committee of three Superintending Engineers (of which SE Sonepat was also a member) regarding considerable reduction in traffic, following is proposed for consideration and approval of Board:-

(i) May terminate the agreement of agency without forfeiting the security.

(ii) May start departmental toll collection and invite fresh tenders.

(iii) May accept recommendations of Superintending Engineer Sonepat regarding reduction in monthly installment for the period from 16.05.2014 upto the termination of agreement on the basis of difference of monthly installment of the entrepreneur and the reduced monthly installment worked out on the basis of 7 days traffic survey got conducted by the Superintending Engineer, Sonepat from 29.05.2014 to 04.06.2014.

AGENDA ITEM No. 57.17 (2)

2. TP-24 [Kaithal-Patiala Road (Near Pb. Border)]

The work of toll collection for toll point No. 24 was allotted to M/s. Bharat enterprises amounting to Rs.2,91,11,111/- and letter of authroisation was issued on 06.12.2013 for a period of one year i.e. from 08.12.2013 to 07.12.2014 at a monthly installment of Rs.24,74,445/-

The agency vide various representations submitted that:-

- The road of Kaithal Patiala near Punjab border has been closed by EE Kaithal for the repair of bridge at Ghaggar near Punjab border on 01.07.2014 at 12.00 AM and the wall has been constructed on both sides by B&R on 02.07.2014.
- Road is closed completely and they have also closed toll point.
- Department has provided 10' wide alternative bridge for light and empty vehicles.
- The department has banned the entry of vehicles of 10 Tyres carrying 10 Ton to 15 Ton and container diesel tanker of 20 Ton.
- Heavy vehicles avoids to pass through bailey bridge and all such toll vehicles are passing through Dhandota via Khushal majra where no toll tax.
- That toll collection has been reduced by 60% and the problem be solved which is acceptable to them.

Comments / recommendations of SE Kaithal was called by sending a copy each of all the representations and SE Kaithal has intimated / recommended as under :-

- The road was closed due to repair of bridge on 03.07.2014 at 2.00 PM.
- The bridge has re-opened on 28.07.2014 by providing bailey bridge over the existing Ghaggar bridge and existing bridge has also been repaired. After repair all types of traffic are passing over this bridge.
- That the rebate for closure period i.e. 03.07.2014 to 28.07.2014 as per agreement clause-5.

It is brought out that agency was issued show cause notice vide No. 7142 dated 21.08.2014 for not depositing the monthly installment as per terms of agreement and a hearing was also given on 10.09.2014 by Managing Director HSRDC.

Since HSRDC had received number of representations from entrepreneurs of TP-40 and TP-24 for addressing the problems faced by the entrepreneur as such MD, HSRDC constituted a committee comprising of Superintending Engineers, Kaithal, Sonepat and Karnal vide office order no. 33 dated 09.09.2014 with the request to submit the report by 15.09.2014. The committee submitted its report which is as under:-

1. The committee inspected both the Toll Plaza.
2. The committee observed that in both the Toll Plaza traffic has reduced due to closing of level crossing and providing a limited sub way (3.00 Mtr) on TP-40 [Rai Nahra Bahadurgarh Road At Km 2.600 and Km 34.200] & providing of a belly bridge on Ghaggar River on TP-24 (Kaithal Patiala road (Near Pb. Border).,
3. Both the agencies have represented to give a relief on account of reduction of traffic due to above reason.
4. **The committee observed that in both the agreements there is no provision about giving any relief on account of the reduction of traffic. As per agreement Clause NO. 19-C (Diversion)" the contractor under takes that, it shall not make any claim for any decrease in traffic on the ground of diversion of the traffic, even if such diversion did not exist at the time of submission of the bid by the contractor.**

   The committee observed that:-

   (a) "In case of TP-24, the Ghaggar Bridge was damaged and a Bailey Bridge (12' -4" wide) was installed on the existing Bridge which has led to diversion of some traffic on other existing alternative routes. Such type of unforeseen situation could not be anticipated by the contractor at the time of bidding.

   (b) Similarly, in case of TP-40, the existing level crossing was closed and a limited height subway (3 Mtr height) has been constructed which has led to diversion of heavy traffic on other existing alternative routes. Such type of unforeseen situation could not be anticipated by the contractor at the time of bidding.

The committee deliberated on the issue and observed that there is a considerable reduction in the traffic and agreement does not

contain any Clause to provide any such relief **regarding reduction of traffic.** However, as per agreement Clause 10 "The Managing Director, HSRDC shall be entitled to terminate this agreement at any time.

Therefore it will be justified that the agreement is terminated without forfeiting the security deposit by giving a notice as per Clause 10-a and fresh tenders are called. The committee recommends accordingly."

Keeping in view the recommendations of the committee of three Superintending Engineers and observance of committee regarding considerable reduction in traffic in both the toll points, following is submitted for consideration and approval of Board of Directors for TP-24 [Kaithal-Patiala Road (Near Pb. Border)]:-

(i) **May terminate the agreement of agency without forfeiting the security.**

(ii) **May start departmental toll collection and invite fresh tenders.**

(iii) **May consider reduction in monthly installment for the affected period upto the termination of agreement on the basis of difference of monthly installment of the entrepreneur and the reduced monthly installment worked out on the basis of 7 days traffic survey which is under process after getting recommendations of Superintending Engineer Kaithal.**

In view of above, the Board of Directors is requested to approve the above proposals of TP-40 [Rai Nahra Bahadurgarh Road At Km 2.600 and Km 34.200] and TP-24 [Kaithal-Patiala Road (Near Pb. Border)] brought out in the agenda due to reduction in traffic.

AGENDA ITEM NO. 57.18

TO CONSIDER AND APPROVE THE NOTICE OF THE 15TH ANNUAL GENERAL MEETING AND FIX THE DATE, PLACE AND TIME FOR HOLDING THE ANNUAL GENERAL MEETING

As per the provisions of Section 166 read with Section 210 of the Companies Act, 1956 each Company is required to hold its Annual General Meeting (AGM) in each calendar year for adoption of annual accounts of the Company. This meeting is required to be held within 6 months from the close of the financial year and the gap between the two such meetings should not be more than 15 months.

The financial year of the Company closes on 31st March and the last AGM was held on 30.09.2013. Thus, the next Annual General Meeting is required to be held on or before 30.09.2014.

As per Section 171 of the Companies Act, 1956, 21 days clear notice is required to be given to the shareholders for convening the Annual General Meeting. Further, the AGM can be convened at a shorter notice if all the shareholders of the Corporation give their consent to hold the AGM at a shorter notice.

The Board is requested to fix the date, time & place of the Annual General Meeting and the draft notice of the Annual General Meeting is placed below for the approval of the Board.

"**RESOLVED THAT** the 15th Annual General Meeting of the members of the Company be held on _____, the _____ at _____ AM/PM at the registered office of the Corporation at Bays No. 13-14, Sector-2, Panchkula, Haryana.

FURTHER RESOLVED THAT the notice of calling the Annual General Meeting as placed before the meeting be and is hereby approved and Sh. H.R.Raheja, Executive Director of the Corporation be and is hereby authorised to sign and send the same to the members of the Corporation as also to all others entitled to receive the notice."

NOTICE

Notice is hereby given that the 15th Annual General Meeting of the Shareholders of the Haryana State Roads & Bridges Development Corporation Ltd. will be held at the Registered Office of the Corporation at Bays No. 13-14, Sector-2, Panchkula, Haryana on _____ at _____ A.M./P.M. to transact the following business:-

1. To receive, consider and adopt the audited balance sheet as at 31st March, 2014 and Profit and Loss Account for the period from 01.04. 2013 to 31.03.2014.

   RESOLVED THAT the consideration and adoption of Annual Accounts for the period 2013-14 and Auditors' Report thereon stands adjourned till the finalization of accounts and comments of Comptroller and Auditor General of India are available and the same be considered and adopted in the adjourned Annual General Meeting to be held at a later date as may be decided by the Board.

2. To fix the remuneration of statutory Auditors to be appointed by Comptroller and Auditor General of India for the Audit of accounts for the financial year 2014-15

   "RESOLVED THAT the consent of the members be and is hereby accorded to approve the appointment of the Statutory Auditors of the Corporation to be appointed by the Comptroller and Auditors General of India for the financial year 2014-15 at a remuneration to be decided by the Board."

By order of the Board
For Haryana State Roads & Bridges Development Corporation Ltd.

(H.R.Raheja)
Executive Director

Place: Chandigarh
Dated:

Note:

1. A member entitled to attend and vote at the meeting is entitled to appoint a Proxy to attend and vote instead of himself. A proxy need not be a member. Proxies in the form annexed hereto must be lodged at the Registered office of the Company not later than 48 hours before the commencement of the meeting.

2. Explanatory Statement pursuant to section 173(2) of the Companies Act, 1956 is annexed.

FORM OF PROXY

Haryana State Roads & Bridges Development Corporation Ltd.

Registered Office, Bays No. 13-14, Sector-2, Panchkula, Haryana

I, _____ S/o Sh. _____ being a member of Haryana State Roads & Bridges Development Corporation Limited hereby appoint or failing him _____ as my proxy to attend and vote for me on my behalf at the adjourned 15th Annual General Meeting of the Corporation to be held on _____and any adjourned thereof.

Signed this day of 2014.

Signature

(Stamp of Rs. 10)