

MEMORANDUM FOR THE CONSIDERATION OF FC&PC MEETING

3(1)

NAME OF DEPARTMENT - (R&B) M.C. SHIMLA
HEAD OF DEPARTMENT - Executive Engineer

Subject:- Channelisation of Nallah from Kaushal Niwas to Roshan Lal Niwas (RD 0/100 to 0/220 mtr) in ward No.30 Kangnadhhar.

An estimate amounting to Rs.12,34,000/- only was prepared for construction of Nallah from Kaushal Niwas to Roshan Lal Niwas in ward No.30 Kangnadhhar. At present, Nallah is not in a good condition due to which the water is seeping to the retaining walls of adjoining houses and land thereby causing dampness in the same. The Nallah therefore requires immediate repair and maintenance. The Hon'ble Councillor as well as the public of the area have been requesting for repair of said Nallah.

The matter is thus placed before FC&PC for consideration and following approvals:-

1. Approval of above estimate amounting to Rs. 12,34,000/- only
2. To execute the said work through contractor by calling/ publishing the tenders in Giriraj, e-tendering & two local dailies.
3. To authorise the Executive Engineer (R&B), M.C. Shimla for awarding the said work to the lowest contractor after fulfilling all codal formalities and to take action under agreement clauses in case it requires.
4. To authorise the Executive Engineer (R&B) to make the payments to the contractor within sanctioned amount subject to the completion of all requisite codal formalities after ensuring the quality of work.
5. To incur the expenditure under MC Head.


Commissioner,


Head of Department

वित्त संविदा एवं योजना समिति के उक्त मद संख्या 2(1) पर विचार-विमर्श उपरान्त समिति द्वारा विभागीय पस्तावना पर स्वीकृति इस आधार पर प्रदान की गई कि उपरोक्त प्रक्रिया में सभी प्रकार की औपचारिकताएँ पूर्ण की जाए।

अतः मामला सदन सम्मुख अनुमोदनार्थ प्रस्तुत है।

नगर निगम शिमला की वित्त संविदा एवं योजना समिति के विचारार्थ ज्ञापन:

3(2)

विभाग का नाम:-

सम्पदा शाखा

विभागाध्यक्ष का नाम:-

अतिरिक्त आयुक्त

सब्जी मण्डी में अस्थाई स्टॉलों में अस्थाई बिजली के मीटरों को लगाने बारे लिए गये अग्रधन के समायोजन बारे।

उपरोक्त विषय के संदर्भ में अवगत करवाया जाता है कि नगर निगम शिमला द्वारा जिन पट्टाधारकों को सब्जी मण्डी में स्टॉलों का आंबटन किया गया है उन स्टॉलों को गिराकर स्मार्ट सिटी के अन्तर्गत पूनः निर्मित किया जाना है। आंबटित पट्टाधारियों को सब्जी मण्डी बाजार में निर्मित किये गये 32 अस्थाई स्टॉलों में स्थानांतरित किया गया है; स्थानांतरित किये गये पट्टाधारकों के स्टॉलों में अस्थाई बिजली के 32 मीटर लगाये गये हैं जिसके लिए रु0 6,24,800/- की राशि अग्रधन के रूप में ली गई है व भूगतान बिजली विभाग को पूर्ण रूप से कर दिया गया है। लगाये गये बिजली के अस्थाई मीटरों की रसीदें नसति के पताका 'क' पर सलग्न हैं। अग्रधन के रूप में ली गई राशि का समायोजन किया जाना है।

अतः उपरोक्तानुसार मामला नगर निगम शिमला की वित्त संविदा एवं योजना समिति के विचारार्थ अग्रधन के रूप में ली गई राशि रु0 6,24,800/- का समायोजन की अनुमति बारे ज्ञापन का प्रारूप अनुमोदनार्थ एवं आदेशार्थ प्रस्तुत है।


आयुक्त


अतिरिक्त आयुक्त

वित्त संविदा एवं योजना समिति के उक्त मद संख्या 2(2) पर विचार-विमर्श उपरान्त समिति द्वारा विभागीय प्रस्तावना को अनुमोदित किया गया।

अतः मामला सदन सम्मुख अनुमोदनार्थ प्रस्तुत है।

MEMORANDUM FOR THE CONSIDERATION OF FC&PC MEETING

3 (3)

NAME OF DEPARTMENT - (R&B) M.C. SHIMLA
HEAD OF DEPARTMENT - Executive Engineer

Subject:- Construction of Reading Room/Book Cafe over existing toilet near Vaidh Building New Totu Ward in No.7 Majiath

An estimate amounting to Rs.26,00,000/- only has been prepared for construction of Reading Room/Book Cafe over existing toilet near Vaidh Building New Totu in ward No.7 Majiath. There is a demand from public as well as Councillor since long time to construct Reading Room/Book Cafe. Keeping in view the same the proposal has been prepared by this department amounting to Rs.26,00,000/- only.

Therefore, the matter is placed before FC&PC Meeting for consideration and approvals:-

1. Approval of above estimate amounting to Rs.26,00,000/- only
2. To execute the said work through contractor by calling/ publishing the tenders in **Giriraj, e-tendering & two local dailies.**
3. To authorise the Executive Engineer (R&B), M.C. Shimla for awarding the said work to the lowest contractor after fulfilling all codal formalities and to take action under agreement clauses in case it requires.
4. To authorise the Executive Engineer (R&B) to make the payment to the contractor within sanctioned amount subject to the completion of all requisite codal formalities.
5. To ensure quality of work as per the prevailing norms.
6. To incur the expenditure under M.C. Head.


Commissioner,


Head of Department

वित्त संविदा एवं योजना समिति के उक्त मद संख्या 2(3) पर विचार-विमर्श उपरान्त समिति द्वारा विभागीय प्रस्तावना पर स्वीकृति इस आधार पर प्रदान की गई कि उपरोक्त प्रक्रिया में सभी प्रकार की औपचारिकताएँ पूर्ण की जाए।

अतः मामला सदन सम्मुख अनुमोदनार्थ प्रस्तुत है।

MEMORANDUM FOR THE CONSIDERATION OF FC&PC MEETING

3 (4)

NAME OF DEPARTMENT - (R&B) M.C. SHIMLA
HEAD OF DEPARTMENT - Executive Engineer

Subject:- Construction of Ambulance road from Dhalli Bye-pass to Indernagar Dhalli in ward No.20 Dhalli

Hon'ble M.C. House has resolved to construct ambulance road from Dhalli Bye-pass to Inder Nagar Dhalli vide its resolution No.4(13(24) dated 28.09 2020. Accordingly an estimate amounting to Rs.18,17,700/- only has been prepared for the work under MC Head.

It is pertinent to mention here that the work is of urgent nature and requires immediate attention. The said area is thickly populated due to which there is urgent need to facilitate the public of area. Hon'ble Councillor and the public of the area have been demanding time and again for construction of this ambulance road.

The matter is thus placed before FC&PC for consideration and following approvals:-

1. Approval of above estimate amounting to Rs.18,17,700/- only
2. To execute the said work through contractor by calling/ publishing the tenders in **Giriraj, e-tendering & two local dailies.**
3. To authorise the Executive Engineer (R&B), M.C. Shimla for awarding the said work to the lowest contractor after fulfilling all codal formalities and to take action under agreement clauses in case it requires.
4. To authorise the Executive Engineer (R&B) to make the payments to the contractor within sanctioned amount subject to the completion of all requisite codal formalities and the quality of work will be ensured.
5. To incur the expenditure under MC Head.


Commissioner,


Head of Department

वित्त संविदा एवं योजना समिति के उक्त मद संख्या 2(4) पर विचार-विमर्श उपरान्त समिति द्वारा विभागीय प्रस्तावना पर स्वीकृति इस आधार पर प्रदान की गई कि उपरोक्त प्रक्रिया में सभी प्रकार की औपचारिकताएँ पूर्ण की जाए।

अतः मामला सदन सम्मुख अनुमोदनार्थ प्रस्तुत है।

MEMORANDUM FOR THE CONSIDERATION OF FC&PC MEETING

3 (5)

NAME OF DEPARTMENT - (R&B) M.C. SHIMLA
HEAD OF DEPARTMENT - Executive Engineer

Subject:- Providing laying interlocking pavers from Khalini Upper Chowk to Khalini Lower Chowk in ward No.33

An estimate amounting to Rs.33,00,000/- only was prepared for providing laying interlocking pavers in Khalini Bazar from Upper Khalini Chowk to Lower Khalini Chowk. At present, all rain water is entering into the adjoining shops in Khalini Bazar due to existing level of road. The level of said road has been increased by providing tarring work again and again. Shopkeepers are complaining time and again to the concerned Councillor as well as M.C. Shimla for rectification of level of said road so that water may not enter in their shops. So this department has proposed to provide interlocking pavers by reducing the existing level of road so that public may not face inconvenience at site.

Hon'ble Councillor of the area has also desired to remove the tarring layers and provide the interlocking pavers so that this problem can be solved.

The matter is thus placed before FC&PC for consideration and following approvals:-

1. Approval of above estimate amounting to Rs.33,00,000/- only
2. To execute the said work through contractor by calling/ publishing the tenders in **Girraj, e-tendering & two local dailies.**
3. To authorise the Executive Engineer (R&B), M.C. Shimla for awarding the said work to the lowest contractor after fulfilling all codal formalities and to take action under agreement clauses in case it requires.
4. To authorise the Executive Engineer (R&B) to make the payments to the contractor within sanctioned amount subject to the completion of all requisite codal formalities and the quality of work will be ensured.
5. To incur the expenditure under MC Head.


Commissioner,


Head of Department

वित्त संविदा एवं योजना समिति के उक्त मद संख्या 2(5) पर चर्चा के दौरान श्रीमती सिमी नंदा, मा0 सदस्या ने कहा कि खुदाई करके जो टाइलें लगाई जानी है उसमें अधिक धन राशि खर्च हो रही है इसलिए वहां पर टाइलें न लगाई जाए और वहां पर टारिंग ही की जाए।

विचार-विमर्श उपरान्त समिति द्वारा विभागीय प्रस्तावना पर स्वीकृति प्रदान की गई।

अतः मामला सदन सम्मुख अनुमोदनार्थ प्रस्तुत है।

**MEMORANDUM FOR THE CONSIDERATION OF FINANCE,
CONTRACT AND PLANNING COMMITTEE**

Name of Deptt. : General Department

Name of HoD : Additional Commissioner

3(6)

Regarding Establishment of Make Shift Hospital.

The Sub Divisional Officer(Civil) Shimla (Urban), District Shimla Himachal Pradesh vide letter SML-SDM(U)/Covid-19/2020-1297 dated 19.11.2020 has intimated that on requisition of the Deputy Commissioner Shimla vide order No.SNL-DC-Shimla-Misc/2020-152180 dated 23.10.2020, the space/land comprising Khasra No.420 measuring 139-61 Sq.Mtr.. situated in Up-Mohal Lakkar Bazar, Shimla, District Shimla has been identified for setting up of Make Shift Hospital at east end of the Auckland Tunnel. As per the revenue records the land in question is in the ownership and possession of Municipal Corporation Shimla and classification of the land is "जाये सफेद" as per jamabandi for the year 2010-11. The Sub Divisional Officer (Civil) Shimla (Urban), District Shimla has requested that the land/space so identified may be made available for the construction of the said Make Shift Hospital for COVID-19 patients at the earliest.

In this regard, it is submitted that properties belonging to the Municipal Corporation can be disposed of as per the provisions contained in Section 157(a) of the Himachal Pradesh Municipal Corporation Act, 1994, which reads as under:-

"The Commissioner with the prior approval of the Standing Committee constituted under sub-section (4) of section 40 of the Act may dispose of, by sale, lease or otherwise, any movable or immovable properties belonging to the Corporation, by public auction, except such movable and immovable properties which is to be given on lease or otherwise to the Government Departments, Boards or Corporations for public utility".

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In view of the urgency and requirement of space/land requisitioned by the DC Shimla, requisite No Objection from Municipal Corporation Shimla in allocation of space/land at east end of the Auckland Tunnel measuring 139-61 Sq.Mtr. comprised in Khasra No.420 situated in Up-Mohal Lakkur Bazar Shimla has been issued on 16.12.2020 in favour of the Sub Divisional Officer (Civil) Shimla (Urban), District Shimla Himachal Pradesh for establishment of the Temporary Make Shift Hospital for COVID-19 patients.

Hence, the matter is placed before the Finance, Contract and Planning Committee for consideration of according ex-post facto approval in the matter.


Commissioner


Additional Commissioner

वित्त संविदा एवं योजना समिति के उक्त मद संख्या 2(6) पर विचार-विमर्श उपरान्त समिति द्वारा विभागीय प्रस्तावना पर स्वीकृति इस आधार पर प्रदान की गई कि जिस उद्देश्य से यह शैड़ बनाए जा रहे हैं उस उद्देश्य के उपरान्त यह शैड़ जिस तरह से बने हैं उसी तरह/स्थिति में नगर निगम शिमला को सौंपे जाएं।

अतः मामला सदन सम्मुख अनुमोदनार्थ प्रस्तुत है।

नगर निगम शिमला की वित्त, संविदा एवं योजना समिति की बैठक
के विचारार्थ ज्ञापन ।

3(7)

विभाग का नाम : सामान्य विभाग

दिनागाध्यक्ष : अतिरिक्त आयुक्त

खण्ड प्रारम्भिक शिक्षा अधिकारी शिमला, जिला शिमला, हि०प्र० से पत्र संख्या शिक्षा-प्रा०-शिमला-3/2/2017-178 दिनांक 07.07.2020 प्राप्त हुआ है जिसमें नगर निगम शिमला से उप-मोहाल चलौन्टी शिमला में खसरा नम्बर 535 में स्थित कुल रक्बा 3302-35 में से खसरा नम्बर 535/1 रक्बा 726-14 वर्ग मीटर भूमि में प्राथमिक पाठशाला संजौली के नव भवन निर्माण के लिए चिन्हित भूमि अनापत्ति करवाने हेतु अनापत्ति प्रमाण पत्र जारी करने का आग्रह किया है ।

राजस्व अभिलेख के अनुसार उक्त भूमि की मालिक हिमाचल प्रदेश सरकार व कब्जा स्वयं ताबे हकूक बर्तन बर्तनदारान दर्ज है । सम्बन्धित भू-भाग नगर निगम शिमला की परिधि में आता है । नगर निगम शिमला न तो भूमि की मालिक है ना कब्जदारी है । इस सम्बन्ध में खसरा नम्बर 535/1 रक्बा 726-14 वर्ग मीटर भूमि बारे अनापत्ति प्रमाण पत्र जारी करने हेतु निगम पटवारी, वास्तुकयोजनाकार, अधिशासी अभियन्ता(मार्ग एवं भवन विभाग), निगम स्वास्थ्य अधिकारी, सहायक सचिव(कर), अधीक्षक सम्पदा, नगर निगम शिमला व अतिरिक्त महाप्रबन्धक, जल मण्डल व सीवरेज मण्डल, एस.जे.पी.एन.एल, यू. एस. कल्ब, शिमला से रिपोर्ट प्राप्त की गई । सभी विभागों द्वारा सूचित किया गया है कि इन विभागों को अनापत्ति प्रमाण पत्र जारी करने में कोई आपत्ति नहीं है ।

अतः उप-मोहाल चलौन्टी शिमला में प्राथमिक पाठशाला संजौली के नव भवन निर्माण हेतु खसरा नं 535/1 रक्बा 726-14 वर्ग मीटर चिन्हित भूमि बारे खण्ड प्रारम्भिक शिक्षा अधिकारी, शिमला, जिला शिमला, हि०प्र० के पक्ष में नगर निगम शिमला की ओर से वांछित अनापत्ति प्रमाण पत्र जारी करने के विचारार्थ मामला वित्त, संविदा एवं योजना समिति के समक्ष प्रस्तुत है ।


आयुक्त



अतिरिक्त आयुक्त

वित्त संविदा एवं योजना समिति के उक्त मद संख्या 2(13) पर विचार-विमर्श उपरान्त समिति द्वारा निर्णय लिया गया कि अनापत्ति प्रमाण पत्र इस शर्त पर दिया जाए की वहां पर लोगों की मूलभूत सुविधाएँ रूकनी नहीं चाहिए ।

अतः मामला सदन सम्मुख अनुमोदनार्थ प्रस्तुत है ।

MEMORANDUM FOR THE CONSIDERATION OF FC&PC MEETING

3(8)

NAME OF DEPARTMENT – (P&B) M.C. SHIMLA
HEAD OF DEPARTMENT - Executive Engineer

Subject:- Regarding approval of estimates of street lights under "Shimla Smart City Mission"

On the subject cited above, it is submitted that the estimates of new street light works have been received by M.C. Shimla from HPSEBL for various wards as per the demand of Hon'ble Councillors of respective wards. The execution of these works is very necessary to meet out the basic demand of general public residing in the periphery of M.C. Shimla. Now it has been decided to include these proposals under "Shimla Smart City Mission" so that the estimated costs for these works are deposited with HPSEBL for further execution. The LED lights with smart features like dimmer etc. in consultation with HPSEB may be explored on these new poles which will be installed by M.C. Shimla through EESL. The detail of these works is as follows:-

Sr. No.	Name of work	W. No.	Amount (Rs.)
1	Providing 1 No new street light point with pole near Parmar House at Mahavir Ghatti in ward No.9	9	30410
2	Providing 15 Nos new street light points with poles in ward No.10 from Zoo to Poultry Farm in Electrical Section Kamlahi	10	348470
3	Providing 31 Nos new LED street light points on existing or proposed 29 Nos new STP 9 Mtr long in ward No.12 in Kennedy House Section	12	736745
4	Providing additional accessories for 33 Nos (22 Nos in Subji Mandi & 11 Nos in Bazar) new proposed street light points/fixtures on the wall, existing pole and new proposed poles in various places of ward No.13 in electrical section Subji Mandi and Bazar	13	326700
5	Providing 20 Nos new street light points on existing poles/walls in ward No.12 & 13 in different locations in Lal Pani area in Bazar section	12&13	86855
6	Providing 28 Nos new street light points with poles and 34 Nos street light points on existing poles/walls at Shanti Vihar ward in electrical section cemetery in ward No.22	22	902700
7	Providing 5 Nos new street light points with poles and 1 No street light fixture on existing pole in ward No.24 Sanati in electrical section Housing Board Colony	24	150860

8	Providing 4 Nos new street light points on existing poles in sector 5 phase 3 New Shimla in electrical section New Shimla	30	20200
		Total	2602940

The matter is thus placed before FC&PC for consideration and approvals:-

1. Approval of above estimates amounting to Rs. 26,02,940/- only
2. To deposit the estimated costs with HPSEBL for further execution of works and install LED lights on new poles through EESL.
3. To incur the expenditure under "Shimla Smart City Mission".


Commissioner,


Head of Department

वित्त संचिदा एवं योजना समिति के उक्त मद संख्या 2(8) पर विचार-विमर्श उपरान्त समिति द्वारा विभागीय प्रस्तावना पर स्वीकृति प्रदान की गई।

अतः मामला सदन सम्मुख अनुमोदनार्थ प्रस्तुत है।

**MEMORANDUM FOR CONSIDERATION OF FINANCE,
CONTRACT AND PLANNING COMMITTEE OF MC SHIMLA**

Name of Department : Estate Branch

Name of HoD : Additional Commissioner

3 (9)

It is submitted that the Municipal Corporation Shimla is owner in possession of the land measuring 9 Bigha and 2 Bishwa known as Annadale Ground Shimla situated at Up-Mohal Kaithu First, Teh & Distt. Shimla. The aforesaid land was leased out in favour of Defence Estate Officer, Annadale Shimla-3 way back in the year 1955 for a period of 20 years at the annual lease money of Rs. 918/-. The lease so executed during the year 1955 with the Defence Estate Officer stood lapsed during the year 1975, but the Army Authorities retained the aforesaid land till date. A nominal increase in the annual lease amount payable to the Municipal Corporation Shimla was agreed and the same is being released by the Army Authorities.

The Himachal Pradesh Lease Rule, 2013 were notified by the Revenue Department, Govt. of HP vide notification dated 2nd January, 2014. The Rule 8 of these Rules specifically provides that the lease amount for fresh or renewal of existing lease shall be charged from the lessee @ 10% of the circle rate. Pursuant to the Lease Rules, 2013 notified by the Government, the matter was taken up with the Defence Estate Officer for enhancement of lease amount as per Rule 8 of these Rules vide this office letter dated 30.06.2020 (copy enclosed) but the Army Authorities did not agreed to the enhancement so proposed by the Municipal Corporation Shimla. It has been informed by the Defence Estate Officer vide letter dated 25.08.2020 (copy enclosed) that as per the Government of India Ministry of Defence Policy dated 16.09.1987, the rent would be worked out

Contd...P/2..

at not more than 5% of the market value and the GST/interest is not applicable being inter Government transfer. The policy further provides that the fresh rates would be applicable prospectively from the date of renewal of lease deed. The matter was also got examined from the Law Deptt. of MC Shimla who has observed as under:-

"The letter dated 16.09.2020 submitted by the Station HQ Shimla (Indian Army) pertain to leased property i.e. Annadale ground vide which they have intimated that new circle rates are in excess and the rent would be worked out at not more them 5% of that value by the Board.

In view of these observations we need to respond them by justifying the lease amount so assessed and conveyed to Station HQ qua the property in question with full justification that the owner of the property has the right to fix the value of his property on the basis of the circle rate fixed by the Govt. for determining such properties. Therefore, the rates are to be fixed by the MC and not by Station HQ. However, being a defence organization necessary settlement on agreed terms can also be worked out qua the issue of settlement of lease amount."

Accordingly, the matter was placed before the Municipal Corporation Shimla through FC &PC and the Municipal Corporation vide Resolution No. 3(3) dated 29.10.2020 resolved as under:-

"विचार-विमर्श उपरान्त सदन द्वारा उक्त समिति की सिफारिश को इस शर्त पर अनुमोदिन किया कि नियमानुसार लीज राशि ली जाए और यदि लीज राशि का भूगतान नहीं किया जाता है तो उनसे भूमि वापिस ली जाए।"

In this regard it is further submitted that para ii(b) of the policy issued by the Government of India, Ministry of Defence dated 16.09.1987 (copy enclosed) specially provides that the lease money will be worked out not more than 5% of the market value whereas the State rules provides for determination of the lease

amount @ 10% of the prevailing circle rates. The rates so notified by the State Govt. for determination of lease money is almost double of the rates which has been prescribed by Government of India, Ministry of Defence.

As there is glaring inconsistency in the rates so prescribed by the Govt. of India in para 2(b) of the policy dated 16.09.1987 and the rates prescribed under Lease Rules, 2013 by the State Government, the matter could not be processed further as per the decision taken by the General House of MC Shimla in its meeting held on 29.10.2020.

In view of the specific observation of the Additional Commissioner(Legal) that the lessee being a Defence Organization necessary settlement on agreed terms can be worked out to settle the lease amount. At present the Defence Authorities are paying very meager amount on account of lease money. The land in question is of prime location, even if the proposal of the Defence Authorities to determine the lease amount @ 5% of the circle rate is agreed to there will be substantial increase in the lease amount for the said land. It is worthwhile to submit here that in the event of non-settlement of the issue it might be difficult to take over the possession back from the Defence Authorities rather it may create legal complications and causing financial loss to the Municipal exchequer.

Accordingly, the proposal is placed before the FC&PC of MC Shimla whether may renew the lease deed with the Army Authorities by determining the lease amount @ 5% instead of 10% as provided in the Lease Rules, 2013 as notified by the State Government subject to clarification from the Government.


Commissioner


Additional Commissioner

वित्त संविदा एवं योजना समिति के उक्त मद संख्या 2(9) पर विचार-विमर्श उपरान्त समिति द्वारा निर्णय लिया गया कि Defense Estate Officer, Station-Headquarters, Shimla HP द्वारा यह मामला Ministry of Defence से उनके पत्र संख्या PC-4.10/4/Reqn/policy/DE/5404/D Lands Govt. of India New Delhi, Dated 16 Sep. 1987 के clause-iv "In cases where the owners decline to enter in to a fresh agreement for a period of 5 years even with enhanced rent and it is administratively not possible to dehire the lands on expiry of the lease period and it is proposed to retain the property under the local rent control law, prior approval of the

Ministry of Defence should be obtained but payment of rent at old rates should not be withheld till the Govt. sanction is issued" अनुसार शीघ्र उठाएँ और 31 मार्च 2021 तक इस सम्बन्ध में स्थिति स्पष्ट करें और जो पत्राचार Ministry of Defence से किया जाए उसकी प्रति आयुक्त नगर निगम शिमला को भी उपलब्ध करवाई जाए 31 मार्च 2021 तक पुरानी दर अनुसार ही लीज राशि ली जाए और यदि लीज राशि का भूगतान नहीं किया जाता है तो उनसे भूमि वापस ली जाए और यह भी निर्णय लिया गया कि सम्बन्धित पार्षद, अधिसाषी अभियन्ता, मार्ग एवं भवन विभाग व निगम पटवारी इस भूमि का मौका निरीक्षण भी करें।
अतः मामला सदन सामुख अनुमोदनार्थ प्रस्तुत है।

MUNICIPAL CORPORATION SHIMLA

No.MCS/SE/2020— 397

Dated:

588Ves
Dated: 3-6-

From:-

Joint Commissioner,
Municipal Corporation,
Shimla.

To

Defense Estate Officer,
C/O Station Staff officer (Works)for
Station Headquarters, Shimla H.P.901116.

Subject:-

Payment of Rent for hired land measuring 09
Bighas,02 Biswas of M.C. land at Annandale Group
Shimla.

This is with reference your Office letter No.3077/2/Q3
03-2020, 20-04-2020 and 28-05-2020, on the subject cited above.
regard it is informed that vide this. office letter No. MCS/SE/2019-108
19-10-2019 and MCS/SE/2020-111 dated 4-02-2020 the details of the
has already been provided to your office .The detail of the bill no. LN
dated 9-03-2020 is as under:-

Year.	Arrear of Lease Amount	GST	Total Amount	Remarks
2014-15	996 Balance.	179	1175	
2015-16	2550	459	3009	
2016-17	2550	459	3009	
2017-18	2550	459	3009	
1-04-2018 to 31-12-2018	2296	413	2709	Bifurcation of Rs 30
01-01-2019 to 31-03-2019	16,69,926	300587	19,70,513	Proportional calcul three months i.e Ja ,February and Marc @Rs.66,79,706/-P.A
INTEREST AMOUNT UP TO 31-03-2019			13720	
Amount Payable =			19,97,144	

It is also informed that as per M.C. Resolution No 3(1) dated 02-2013 the rate of lease amount was approved to be increased from 10% to 20% after every three years (copy enclosed). Accordingly amount of lease Rent increased Rs. 2125/- per annum was increased to Rs 2550/- per annum. It has further intimated that as per M.C. Resolution No. 1(1) dated 24-12-2018 has adopted the HP Lease Rules 2013 w.e.f. 01-01-2019 and the lease amount has been calculated on the basis of revenue circle rate for the year 2018-2019 (copy enclosed). The Lease amount for a particular year is 10 % of the of the total cost of the land which is calculated on the bases of Circle Rates fixed for that area by District Collector.

The total area of the land is allotted in the present case is 6843.26 sq. mtr. And the circle rate is Rs. 9761/- per sq. mts. per annum. Total value of the land on the basis of Circle Rate comes out to be Rs. 66,79,7060/- .Accordingly lease amount @ of 10% Rs. 66,79,7060/- comes out to be Rs. 66,79,706/ plus GST @ of 18% Rs. 12,02,347/- making a total of total of Rs. 78,82,053/- per annum. You are requested to deposit the above mentioned amount Rs. 19,97,144 (Rs. 16,80,868 and GST amount Rs.3,02,556 and interest amount Rs.13,720) for the year 2018-2019 as per the amended bill enclosed herewith here with. Any delay in the payment of the lease rent will invite penal interest @1% per month.

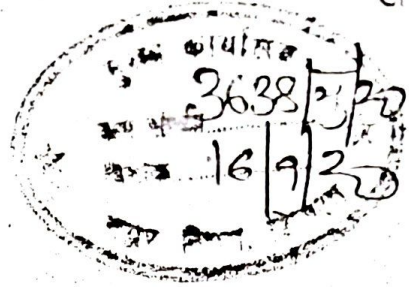

o/c Joint Commissioner,
Municipal Corporation

Shimla

Copy enclosed:-

- 1 copy of Resu. No. 3(1).
- 2 copy of Resu No. 1(1).
3. Copy of the Bill.

3077/3/Q3



16 Sep 2020

The Commissioner
Municipal Corporation
Shimla (HP)

**PAYMENT OF RENT FOR HIRED LAND MEASURING 09 BIGHAS, 02 BISWAS
OF MC LAND AT ANNANDALE GROUND, SHIMLA**

1. Refer following :-

AC	-)	
JC		
ML	SJPNL)	
AG	(WDD)	
CF)	
VP	O	
EE	R&B)	
PD		
AP		
AO		
GM	VP	
Commissioner		

- (a) This HQ letter No 3077/3/Q3 dt 19 Mar 2020.
- (b) This HQ letter No 3077/3/Q3 dt 20 Apr 2020.
- (c) This HQ letter No 3077/3/Q3 dt 28 May 2020.
- (d) Your office letter No MCS/SE.2020-397 dt 03 Jun 2020.
- (e) This HQ letter No 3077/3/Q3 dt 14 Jul 2020.
- (f) Your office letter No MCS/SE.2020-483 dt 15 Jul 2020.
- (f) Govt of India, Ministry of Def letter No PC-4.10/4/Reqn/Policy/DE/5 D(Land) dt 16 Sep 1987.
- (g) DEO, Ambala letter No HP/4-AMC/HRG/DEO/ dt 25 Aug 2020 (copy att

6/9/2020

2. It is intimated that Stn HQ Shimla vide letter at para 1 (a), (b) & (c) had approach your office for details of MC land lease rates and total amount. The same was submitted to Defence Estate Office, Ambala for payment. However, Defence Estate Office vide letter mentioned at para 1 (g) (copy enclosed) has intimated that new circle rates are in effect.

3. Defence Estate Office, Ambala has intimated that rent would be worked out at more than 5% of the market value and rent will be fixed by the Board. In this regard a copy of Govt of India, Ministry of Defence letter is enclosed for your reference and fixing of circle rates based on the Government of India letter. You are requested to take up this matter with appropriate authority for fixing of circle rates as per above mentioned letter.

4. An early action is requested so that the dues can be cleared in time.

Sy E
TON
17/9

Lease Insp.
ad
18/9

Arvind
(Arvind Kaushish)
Col
SSO (Land)
for Stn Cdr

Enclosures : As above.

Copy to:-

District Collector
Shimla

for your information and necessary action please.

ele : 0171-2402924

No. HP/4-A/MC/HRG/DEO/
Defence Estates Office,
Ambala Circle, Ambala Cantt.
Dated: 25th August, 2020.

Station Headquarters,
Shimla-171003

**SUB: FWD OF BOARD OF PROCEEDINGS FOR REVISION OF LEASE
RENT OF HIRED LAND MEASURING 09 BIGHAS 02 BISWAS
BELONGING TO MUNICIPAL CORPORATION AT ANNADALE
GROUND, SHIMLA.**


Reference your letter No. 3077/3/Q3 dated 18th August 2020.

Board proceedings for revision of rent of hired land measuring 09 bighas 02 biswas at Annadale Ground, Shimla received vide your letter quoted under reference have been examined. On examination of subject board proceedings the following observations are noticed:

- i. Circle rates of land w.e.f. 01.04.2014 to 31.03.2018 not found enclosed.
- ii. As per Govt. of India, Min of Defence Policy dated 16th September 1987 "The classification of land, its market value etc. will be obtained by the Defence Estates Officer from local Revenue authorities and rent would be worked out at not more than 5% of the market value and rent will be fixed by the Board" (copy attached). Please clarify how the rent has been assessed for sub land (i.e. rent percentage of total land value etc).
- iii. GST/interest is not applicable being inter-Government transfer.
- iv. Authenticated latest revenue map of hiring land at Annadale Ground marked with distinct colour not found enclosed.

In view of above, the board proceedings are returned herewith for doing the needful and after rectification of observations please re-submit the same at earliest.

Enclosures as above


Defence Estates Officer,
Ambala Circle, Ambala Cantt.

COPY TO :

F Q PH & HP (I) sub Area
P n-900241
C O 56 APO

for info w.r.t above.

No.PC-4.10/4/Reqn/Policy/DE/5404/D Lands)
Govt. of India
Ministry of Defence,
New Delhi, Dated 16 Sep 1987,

To

The Chief of the Army Staff
The Chief of the Air Staff
The Chief of the Naval Staff
The Director General, DE

Sub :- Revision of rental for hired lands other than J&K State in India.

Sir,

I am directed to convey the sanction of the President to the revision of rentals of lands held on hire (except in J&K State) subject to the following conditions:

(i) The rentals for the hired lands shall be revised and brought at par with those payable for the lands of similar categories requisitioned under the provision of the Central RAIP Act 1952 or State RAIP Act, if any by the State Govt.

(ii) The cases not covered in (i) above, rent of the lands shall be re-assessed by the Station Board constituted at each station comprising of the Station Commander, DEO, or their representative of the Collector will be invited to attend the Station Board meetings. The function of the Board will be:-

(a) To fix the rent of land. The rent thus fixed by the Board will be final.

(b) The classification of land, its market value etc. will be obtained by the Defence Estates Officers from Local Revenue authorities and rent would be worked out at not more than 5% of the market value and rent will be fixed by Board.

(c) The Board will record its reasons and the basis on which the rent is fixed in each case giving details of land like location, classification, land revenue, produce, prevalent rent in locality etc.

(d) If the rent of the land as assessed by the Station Board is accepted by the owner, administrative sanction for hiring of the land will be issued by the Station Commander or the competent authority as the case may be.

(iii) If the re-assessed rent is acceptable to the land-owner, a fresh lease agreement will be drawn up on the old lease agreement form.

(iv) In cases where the owners decline to enter in to a fresh agreement for a period of 5 years even with enhanced rent and it is administratively not possible to dehire the lands on expiry of the lease period and it is proposed to retain the property under the local rent control law, prior approval of the Ministry of Defence should be obtained but payment of rent at old rates should not be withheld till the Govt. sanction is issued.

(v) In cases where the owner is willing to extend the period of hiring of lands for a shorter term and retention of the lands for such shorter term is administratively acceptable, a fresh

Agreement should be executed with the approval of the Sub Area Commander or his equivalent. If the prescribed term of a shorter term which will be for the extended period of hiring will not exceed the rate reserved in the expired lease deed.

vi) The period of hiring in Clause 2 of the lease agreement has been left blank. This has to be decided by the competent authority/authorities keeping in view the requirements and the conditions prevailing at a particular Station as well the willingness of the owner. However, normally this period of hiring should not be less than 5 years.

vii) The revised rentals will be effective from the date of issue of Govt. orders :-

(a) In cases of fresh hiring;

(b) In old cases where agreements have already expired but the land continues to be with the Govt. and

(c) From the date of expiry of the agreement in cases where the same is still in force.

These rentals would be revised thereafter after every five years.

viii) The requests for revision of rentals which may be pending with Defence Estates Officer/Assistant Defence Estates Officer or the Station HQrs may be dealt with in accordance with the provisions mentioned at (i), (ii) and (vii) above.

2. This issues with the concurrence of the Ministry of Defence (Finance) vide their U.O. No. 2570/W-I/87 of 1987.

Your faithfully,

(HANWANT KISHORE)
DESK OFFICER

Copy to :-

CGDA

DADS

DDADS, All Commands, All CDA's

JCDA, Patna, Asstt Dir of Audit, Defence

Services and Asstt Audit Officer

D (Q&C), D (Air-II), D (N-IV), D (W-I), D (W-II)

QMG's Br/Q3L (Policy), E-in-C's Br

Air HQrs, Naval HQrs, DG DES Central/Southern/Eastern/Western Command.

DFA (W), DFA (Q), DFA (AF), DFA (N).

D (Hindi-III)- for Hindi version.

Copy signed in ink to :-

CDA

Central/Western/Southern/Eastern Command.

MEMORANDUM FOR THE CONSIDERATION OF FC&PC MEETING

3 (10)

NAME OF DEPARTMENT - (R&B) M.C. SHIMLA
HEAD OF DEPARTMENT - Executive Engineer

Subject:- Widening of existing road from Relta Niwas to Pathak Niwas at Dev Nagar Vikas Nagar in ward No.29 under "Shimla Smart City Mission"

An estimate amounting to Rs.45,00,000/- only was prepared for widening of aforesaid existing road under "Shimla Smart City Mission". Accordingly online tender was called and opened on dated 24.08.2020. The work had to be awarded to the lowest contractor for execution, but the widening work of this road does not cover under "Shimla Smart City Mission". Hence work cannot be awarded against Smart City Funds. So it has been proposed that said estimate in 1st phase amounting to Rs.20,81,700/- may be processed under "MC Head" keeping in view the urgency of work.

It is pertinent to mention here that the work is of urgent nature and requires immediate attention. The said area is thickly populated due to which there is urgent need to facilitate the public of area. Hon'ble Mayor and the public of the area have been demanding time and again for widening of this ambulance road.

The matter is thus placed before FC&PC for consideration and following approvals:-

1. Approval of above estimate amounting to Rs.20,81,700/- only
2. To execute the said work through contractor by calling/ publishing the tenders in Giriraj, e-tendering & two local dailies.
3. To authorise the Executive Engineer (R&B), M.C. Shimla for awarding the said work to the lowest contractor after fulfilling all codal formalities and to take action under agreement clauses in case it requires.
4. To authorise the Executive Engineer (R&B) to make the payments to the contractor within sanctioned amount subject to the completion of all requisite codal formalities and the quality of work will be ensured.
5. To incur the expenditure under MC Head.


Commissioner,


Head of Department

वित्त संविदा एवं योजना समिति के उक्त मद संख्या 2(10) पर विचार-विमर्श उपरान्त समिति द्वारा विभागीय प्रस्तावना पर स्वीकृति प्रदान की गई और यह भी निर्णय लिया गया कि "Shimla Smart City Mission" के Phase-III में Widening of road के कार्य करने बारे पत्राचार किया जाए और यदि Widening of road के कार्यो को Shimla Smart City Mission से स्वीकृति प्राप्त हो जाती है तो नगर निगम शीर्ष से Widening of road के सभी कार्यो पर खर्च की गई राशि निगम कोष में जमा करवाई जाए।

अतः मामला सदन सम्मुख अनुमोदनाय प्रस्तुत है।

MEMORANDUM FOR THE CONSIDERATION OF FC&PC MEETING

3 (11)

NAME OF DEPARTMENT - (R&B) M.C. SHIMLA
HEAD OF DEPARTMENT - Executive Engineer

Subject:- Widening of existing road from Longwood Chowk to Harvington Chowk via Sainik Rest House in ward No.1

An estimate amounting to Rs.35,00,000/- only was prepared for widening of aforesaid existing road under "Shimla Smart City Mission". Accordingly online tender was called and opened on dated 17.06.2020. The work had to be awarded to the lowest contractor for execution, but the widening work of this road does not cover under "Shimla Smart City Mission". Hence work cannot be awarded against Smart City Funds. So it has been proposed that said estimate in 1st phase amounting to Rs.15,00,000/- may be processed under "MC Head" keeping in view the urgency of work.

It is pertinent to mention here that the work is of urgent nature and requires immediate attention. The said area is thickly populated due to which there is urgent need to facilitate the public of area. Hon'ble Mayor and the public of the area have been demanding time and again for widening of this ambulance road.

The matter is thus placed before FC&PC for consideration and following approvals:-

1. Approval of above estimate amounting to Rs.15,00,000/- only
2. To execute the said work through contractor by calling/ publishing the tenders in Giriraj, e-tendering & two local dailies.
3. To authorise the Executive Engineer (R&B), M.C. Shimla for awarding the said work to the lowest contractor after fulfilling all codal formalities and to take action under agreement clauses in case it requires.
4. To authorise the Executive Engineer (R&B) to make the payments to the contractor within sanctioned amount subject to the completion of all requisite codal formalities and the quality of work will be ensured.
5. To incur the expenditure under MC Head.


Commissioner,


Head of Department

वित्त संविदा एवं योजना समिति के उक्त मद संख्या 2(11) पर विचार-विमर्श उपरान्त समिति द्वारा विभागीय प्रस्तावना पर स्वीकृति इस आधार पर प्रदान की गई कि उपरोक्त प्रक्रिया में सभी प्रकार की औपचारिकताएँ पूर्ण की जाए।

अतः मामला सदन सम्मुख अनुमोदनार्थ प्रस्तुत है।

MEMORANDUM FOR THE CONSIDERATION OF FC&PC MEETING

3(12)

NAME OF DEPARTMENT - (R&B) M.C. SHIMLA
HEAD OF DEPARTMENT - Executive Engineer

Subject:- Widening of existing road from Capital Hotel to Annandale in ward No.4


An estimate amounting to Rs.30,00,000/- only was prepared for widening of aforesaid existing road under "Shimla Smart City Mission". Accordingly online tender was called and opened on dated 28.07.2020. The work had to be awarded to the lowest contractor for execution, but the widening work of this road does not cover under "Shimla Smart City Mission". Hence work cannot be awarded against Smart City Funds. So it has been proposed that said estimate in 1st phase amounting to Rs.20,00,000/- may be processed under "MC Head" keeping in view the urgency of work.

It is pertinent to mention here that the work is of urgent nature and requires immediate attention. The said area is thickly populated due to which there is urgent need to facilitate the public of area. Hon'ble Mayor and the public of the area have been demanding time and again for widening of this ambulance road.

The matter is thus placed before FC&PC for consideration and following approvals:-

1. Approval of above estimate amounting to Rs.20,00,000/- only
2. To execute the said work through contractor by calling/ publishing the tenders in **Giriraj, e-tendering & two local dailies.**
3. To authorise the Executive Engineer (R&B), M.C. Shimla for awarding the said work to the lowest contractor after fulfilling all codal formalities and to take action under agreement clauses in case it requires.
4. To authorise the Executive Engineer (R&B) to make the payments to the contractor within sanctioned amount subject to the completion of all requisite codal formalities and the quality of work will be ensured.
5. To incur the expenditure under MC Head.


Commissioner,


Head of Department

नित्त संविदा एवं योजना समिति के उक्त मद संख्या 2(12) पर विचार-विमर्श उपरान्त समिति द्वारा विभागीय प्रस्तावना पर स्वीकृति इस आधार पर प्रदान की गई कि उपरोक्त प्रक्रिया में सभी प्रकार की औपचारिकताएँ पूर्ण की जाए।

अतः मामला सदन सम्मुख अनुमोदनार्थ प्रस्तुत है।

MEMORANDUM FOR THE CONSIDERATION OF FC-FC MELTING

3 (13)

Name of Department- Health Department
Head of Department- Dr. Chetan Chouhan

Regarding payment of Electricity Bills of public toilet within MC Limit

The payment of electricity bills of public toilets were paid by the Contractor/Firms. But the Contractor has left their service and after January, 2020 the electricity bills payment are being paid the Health Deptt. M.C. Shimla. There are an unspent amount of Rs.3.75 Lakh under the dumper container head. The electricity bills till 31.03.2021 are required to be paid from this head. Therefore the Memorandum is placed before the Finance Contract and Planning Committee for its approval please.



**Commissioner
MC Shimla.**



**Corporation Health Officer
MC Shimla.**

वक्त संविदा एवं योजना समिति के उक्त मद संख्या 2(14) पर विचार-निर्णय उपरान्त समिति द्वारा विभागीय प्रस्तावना पर स्वीकृति प्रदान की गई।

अतः मामला सदन सम्मुख अनुमोदनार्थ प्रस्तुत है।