

APPENDIX TO ITEM No. 71

Copy of the Resolution No.9 passed at an ordinary meeting of the Delhi Development Authority held on 15.1.1960-

Subject:- Issue of Demolition orders about unauthorised structure in development areas.

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In Resolution No.2 dated the 8th January 1959, the Authority had, under Section 30(1) of the Delhi Development Act, empowered the Secretary to :-

- (a) Issue show-cause notices to unauthorised builders in development areas,
- (b) raise objection to such notices; and
- (c) pass orders of demolition.

2. In order to relieve the Secretary of some of his present work so that he might be able to handle the work connected with the preparation and finalisation of the master plan, it is suggested that the above powers be exercised also by the Executive Officer and the Pro-party Manager.

Approval of the Authority to the proposed Authorisation is requested.

(No. BG-7(810-58)
RESOLUTION

Resolved that the authorisation be approved.

~~SECRET~~
Copy of Resolution No. 120 dt. 30.3.1963 of Delhi Development Authority.

No. 120 Subject:- Empowerment of Executive Officers of the Authority for action under Section 30(1) of the Delhi Development Act against unauthorised construction in Development Areas".

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Attention of the Authority is drawn to its Resolution No. 2 dated 8.1.1959 No. dated 15.1.60 Appendix

..... vide which the Secretary the Executive Officer and the property Manager were empowered to take action under Section 30(1) of the Delhi Development Act.

2. Now the Authority has more than one Executive Officer. It is therefore recommended that the Authority may empower all its Executive Officers to take all the steps which can be taken legally under this section. This change will evenly distribute the work among the officers available and also make the investment of the Executive Officers with necessary powers more comprehensive.

(No. BE-7(81)/586)

RESOLUTION.

Resolved that all the Executive Officers and Secretary or the Authority be empowered to take steps which can be taken legally under Section 30(1) of the Delhi Development Act-1957.

No. 28
10.4.81

~~SECRET~~
~~CONFIDENTIAL~~
Subject: - Empowerment of Dy. Directors & Jt. Directors of the Authority for action under Section 30(1) of the Delhi Development Act against unauthorised construction in "development areas". No. Misc(11)/81-D).

P R E C I S

Attention of the Authority is invited to its Resolution No. 2 dated 8.1.1959, No. 9 dated 15.1.1960 and No. 120 dated 30.3.1963 (Appendix at pages 59 to 61) vide which the Secretary and Executive Officers of the Delhi Development Authority were empowered by the Authority to take action under Section 30(1) of the Delhi Development Act, 1957.

2. Now the Authority has changed the designations of its officers from Executive Officers to Dy. Directors, and in place of Executive Officers many officers designated as Dy. Directors or the Jt. Directors have been appointed/posted as Branch Officers. It is, therefore, recommended that the Authority may empower all its Dy. Directors and Jt. Directors to take all the steps which can be taken legally under the provisions of Section 30(1) of D.D. Act. This change will evenly distribute the work among the officers available and will also make the investment of powers to the Dy. Directors and Jt. Directors more broadbased.

The matter is placed before the authority for its consideration.

Res lution

The proposal contained in the Agenda be approved,

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No.
19
A-19.1.87

Subject:- Empowerment of Joint Directors/Deputy Directors/Executive Officers, Executive Engineers of the Authority under Section 31 and 31-A of the Delhi Development Act to order sealing of the unauthorised construction and seizure of building material being used for unauthorised construction respectively.

P R E C I S

Under Section 31-A of the Delhi Development Act Directors/superintending Engineers of the Authority have been empowered to file FIR for arrest and prosecution of a person committing an offence in relation to a development area vide notification No.F.2(403)/83/Legal dated 26.2.1986 and notification No.F.2(403)/83-Legal/DDA, dated October 86(Appendix 'I' and 'J' at pages 55 to 57

2. The Secretary, Joint Directors, Deputy Directors and Executive Officers of the Authority have been empowered under Sub-Section (1) of Section 30 of the Delhi Development Act to order demolition of unauthorised construction vide Authority's Resolution No.2 dated 8.1.1959 and Resolution No. 9 dated 5.1.1960, Resolution No.120 dated 30.3.1963 and Resolution No.28, dated 10.4.1984 (Appendix - 'K' at page 58 to 61).

3. In order to make the measures for prevention of encroachment and unauthorised construction more stringent, it is proposed that Joint Directors, Deputy Directors, Executive Officers and Executive Engineers of the Authority may be empowered under Sub-Section (1) of Section 31 of the Delhi Development Act to make an order requiring unauthorised development to be discontinued from the date of the service of the order in relation to a development area and to further empower these officers under sub-Section (2) of Section 31 of the Delhi Development Act to require any police officers to remove the person by whom the unauthorised development has been commenced and all his assistants and work-men from the place of development or to seize any construction material, tool, machinery, scaffolding or other things used in such development within such time as may be specified in the requisition when such unauthorised development is not discontinued in pursuance of the order under sub-section (1) of Section 31.

4. It is further proposed to empower the above mentioned officers to make an order under sub-section(1)

contd....

of Section 31-A of Delhi Development Act to direct sealing of unauthorised development in the manner prescribed by rules before or after making an order for removal or dis-continuance of any development under Section 30 or section 31 of the Delhi Development Act and to further empower these officers under sub-section (2) of Section 31-A to order removal of seal for the purpose of removing or discontinuing such order where any development has been sealed.

The approval of the Authority to the proposed delegation of powers is requested.

RESOLUTION

The Authority observed that these powers should not be delegated to the officers of the rank of Deputy Directors/Executive Engineers etc., but should be exercised only at the level of Directors/S.Es.

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The Authority observed that these powers should not be delegated to the officers of the rank of Deputy Directors/Executive Engineers etc., but should be exercised only at the level of Directors/S.Es.

DELHI DEVELOPMENT AUTHORITY

Minutes of the Extra-Ordinary Meeting of the
Delhi Development Authority held on 13-12-1990 at
12:00 NOON at Raj Niwas, Delhi.

I N D E X

Sl.No.	Item No.	Subject	Page No.
1.	1	Confirmation of the meeting of DDA held on 23-10-1990	1.
2.	2	Relaxation of time limit on payment of balance premium in respect of Commercial, Industrial and Residential properties. (F.No. 2(68)89/HC/Legal)	

DELHI DEVELOPMENT AUTHORITY

Minutes of the Extra-Ordinary Meeting
of the Delhi Development Authority held on
13-12-1990 at 12:00 NOON at Raj Niwas. The
following were present :

CHAIRMAN

1. ACM (Retd.) Arjan Singh,
Lt. Governor, Delhi.

VICE CHAIRMAN

2. Shri Cecil Naraina

OFFICIAL MEMBERS

3. Shri Subhash Sharma,
Administrator, N.D.M.C.
4. Shri D.S. Meshram,
Chief Planner, T.C.P.O., New Delhi.

WHOLE TIME MEMBERS

5. Shri Madan Gopal Gupta,
Finance Member, DDA.
6. Shri W.D. Dandge,
Engineer Member, DDA.

SECRETARY

7. Shri Ranbir Singh

SPECIAL INVITEES

8. Shri Rakesh Behari,
Commissioner (Lands), DDA.
9. Shri J.C. Ghambhir,
Commissioner (Planning), DDA.
10. Shri V.K. Jain,
Chief Legal Advisor, DDA.

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11. Shri I.J. Talwar, Commissioner (Dawarka),
12. Shri Ashok Kapoor, Commissioner (Housing),
13. Shri Manjit Singh, DD, Commissioner (SI),
14. Shri Ravl Malik, DD, Commissioner (J.J.),
15. Wing Commr. V. Krishna, Chief Accounts Officer,
16. Shri G.S. Sodhi, Director (Land Costing),
17. Shri N. Balachandran, Director (Commercial),
18. Shri S.C. Gupta, Director (D.C.&P.),
19. Shri A.B. Shukla, DD, Director (Lands),
20. Shri Santosh Auluck, Chief Architect, DD,

Item No. Subject : Col. the minutes
of the D.D.A.
held on 19.10.1960.

CONFIRMED.

No.

2

A-13-12-1990

Sub:- Relaxation of time limit on payment of balance premium in respect of Certain Commercial, industrial, residential, properties
F.2(68)89/HC/Legal

P R E C I S

The plot No. 90(214) measuring 253.00 sq. mtrs. was purchased by Shri Ram Kumar in the auction held on 4-2-1985 for a sum of Rs. 3,76,000.00. The bid was confirmed and the demand letter for 75% premium was issued on 2-5-1985 giving 60 days time to deposit the balance premium of Rs. 2,82,011/-. Thus the due date of payment was 1-7-1985.

Shri Ram Kumar vide his letter dated 24-7-1985 intimated that about the following payments made by him viz.

<u>Sl.No.</u>	<u>Amount</u>	<u>Date</u>	<u>Challan No.</u>
1.	70,000.00	5-7-1985	33628
2.	32,000.00	17-7-1985	33632
3.	61,500.00	20-7-1985	33629
4.	25,000.00	20-7-1985	33639

Since the payments were not received in time, the bid was cancelled and the orders of cancellation were conveyed to Shri Ram Kumar on 18-3-1986. On 21-3-1986 Shri Ram Kumar has again informed to the office about the following payments :

1.	20,000.00	30-7-1985	33631
2.	56,000.00	23-9-1985	48303
3.	12,000.00	31-10-1985	48304
4.	5,511.00	15-1-1986	48305

As bid was cancelled, a cheque of Rs. 2,82,011.00 on 24.7.87 was sent to Shri Ram Kumar which has not accepted by him. It is worth mentioning here that the powers to grant extension upto a period of 180 days have been delegated upon V.C., DDA by the Ministry of Urban

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Development vide letter No. H-11/17/91/87/DDV. dated 31.1.1989
for extension of time in payment at (Appendix _____ 'A' _____
Page _____ 5 _____) . Ministry of Urban

Development vide letter No. J-13/37/41/82/DDIV/IA dated
13.2.1989 at (Appendix _____ 'B' _____) page No. _____ 6 _____

_____) has further ordered that all the cases in which
payment is received beyond 180 days may first be referred to
Authority and submitted to the Govt. of India along with the
recommendation of the Authority.

In accordance with the provisions of Rule 29 of
the DDA Mazul Rules, 1981, the auction bidder whose bid has
been accepted is required to pay earnest money of 25% of the
bid amount. Thereupon he is required to pay the balance 75%
within such times as may be specified in the terms & condi-
tions of allotment. Generally the time period for deposit
of balance 75% varies in categories of plots, as briefly
described below:

- | | | |
|----|----------------------------|------------|
| 1. | Commercial Plots | 90 days |
| 2. | Built up commercial estate | 30 days |
| 3. | Industrial Plots | 30 days |
| 4. | Residential | 30/60 days |

A proviso to Rule 29 was notified by the Govt.
of India in January, 1989 as follows:

"Provided that the Vice-Chairman, may extend the
last day of Payment, where he is satisfied that
sufficient reasons exist for doing so, upto a
maximum of 180 days subject to payment of interest
on the balance amount at the rate of 18% per
annum where the delay is 30 days or less and 25%
per annum for a period exceeding 30 days."

Over the past 10 years, the DDA has been required
to deal with the cases where the parties are unable to
deposit the balance premium even within the extended
period of six months as envisaged in the proviso to
Rule 29 and have preferred applications for extension beyond

beyond 180 days, after lapse of the period stipulated in the demand letters. In such cases the only option available to the DDA is to approach Govt. of India, Ministry of Urban Development to relax the provisions of the Nazul Rules to facilitate the deposit of the balance premium on such terms & conditions as the Ministry may decide to do so.

It has also been an experience of the DDA to be involve in a large number of court cases involving substantial finances. At the out-set it may be mentioned that where plots are auctioned, these are on the basis of terms and conditions drawn up for specific auction. Since in such cases the essence of the contract is established through the making of the bid by an individual and its acceptance by the DDA, the Vice Chairman being the competent authority, as a matter of policy extension of time beyond the period stipulated in the terms & conditions should not be allowed unless there are very compelling reasons to do so. However, in exceptional deserving cases where a view is taken that the auction purchaser was genuinely prevented from making timely deposit, it is proposed that default of non-payment of balance premium upto one year from the due date may be condoned by the Lt. Governor on payment of interest @36%. The Govt. of India may be moved to make necessary amendments to this effect in the Nazul Rules. This will be adopted as a policy for all types of plots put to auction by DDA.

The matter is placed before the L.D.A. for consideration and approval of the above proposal.

R E S O L U T I O N

Resolved that recommendation be made to the Government of India to amend Nazul Rules in order to

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enable the Chairman, DDA to extend the time for making the payment of the balance premium beyond 180 days and upto a period of 1 year, on payment of interest @ 36% per annum for the period delayed beyond 180 days. The rate of interest for the period upto 180 days would remain the same as at present.

2. It was also resolved that as a matter of policy, delay in payment beyond one year should not be condoned in any case.

3. It was further resolved that Govt. of India be moved to condone the delay in the case of Plot No. SU-214, Pitam Pura, New Delhi, which is the subject matter of Agenda Item on payment of interest at the rates proposed above.

No. H-1017/51/87-DDVA
GOVT OF INDIA

MINISTRY OF URBAN DEVELOPMENT

New Delhi, the 31st Jan., 1989.

To

Shri ...K. Guha,
Director (CL),
Delhi Development Authority,
Vilas Sadan, New Delhi.

Sub: Cases about delayed payment of 75% of the shop.

Sir,

I am directed to refer to your letter no. F56(2)87-Impl. dated 10-88 on the subject mentioned above and to say that a Gazette Notification has been issued amending the DD (Disposal of Developed Nazul Land) Rules, 1981. According to the amendment, a provision has been added to Rule 29 as under:-

Provided that the Vice Chairman, may extend the last date of payment, where he is satisfied that sufficient reasons exist for doing so, upto a maximum of 180 days subject to payment of interest on the balance amount at the rate of 18% per annum where the delay is 30 days or less and 25% per annum for a period exceeding 30 days.

It is presumed that the past cases will now be disposed of accordingly as the stamp of DD has been that such cases are to be dealt with under DD (Disposal of developed Nazul Land) Rules 1981 rather than LD (Management & Disposal of Housing Estates) Regulations, 1962. I am to request you to confirm this.

Yours Faithfully

Sd/-

(R. JINDER SINGH)
UNDER SECRETARY (DD)

DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE DIRECTOR (CL)

Dt. the 2nd Feb., 1989.

NO. F.1(36)/89/Impl.

Copy of the above order is hereby forwarded for information and necessary action to:-

1. O.S.D. to V.C. for kind information.
2. Finance Member, DD.
3. Chief Accounts Officer (10 copies for a/c.s.)
4. Financial Advisor (Housing) (10 copies for AOs)
5. Deputy Director (CL)
6. Deputy Director (CE)
7. Deputy Director (Rohini-LSB)
8. Deputy Director (OSB)
9. Deputy Director (LSB-Res.)
10. Deputy Director (Industrial)
11. Deputy Director (Lands)
12. Addl. Commissioner (Lands)

Sd/-

(A.K. GUHA)
Director (C.I.)

APPENDIX B TO ITEM NO. 2

No.J-13037/41/82-DEIB/LA
Government of India
Ministry of Urban Development
Delhi Division.

.....
New Delhi, dated the 13.2.1989

TO
The Vice-Chairman,
Delhi Development Authority,
Vikas Sadan,
IN-4, New Delhi.

Sub: Relaxation of time limit for payment of balance
premium in respect of plot properties disposed
of by the DDA under the DDA (Disposal of Deve-
loped Nazul Land) Rules, 1981.
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SIR,
In continuation of this Ministry's letter of
even number dated 6.2.1989 enclosing a copy of the Noti-
fication dated 27.1.89 on the above subject I am directed
to forward herewith a list of 24 cases, involving delay
in the payment of 75% of the bid amount. In some cases
delay is more than 180 days. It has been decided that
such cases may be examined on individual merits and in
case they are found to deserve relaxation in the period
of delay they may be placed before the Authority and sent
to Government with the approval/recommendation of the
Authority.

2. DDA's four files as mentioned in List No.2 are
returned herewith.

Yours faithfully,

Sd/-

(M.R. SINGH)
Desk Officer.

Encloses above.

Copy for each file mentioned in the list.

Delhi Development Authority

Chairman,
Delhi Development Authority