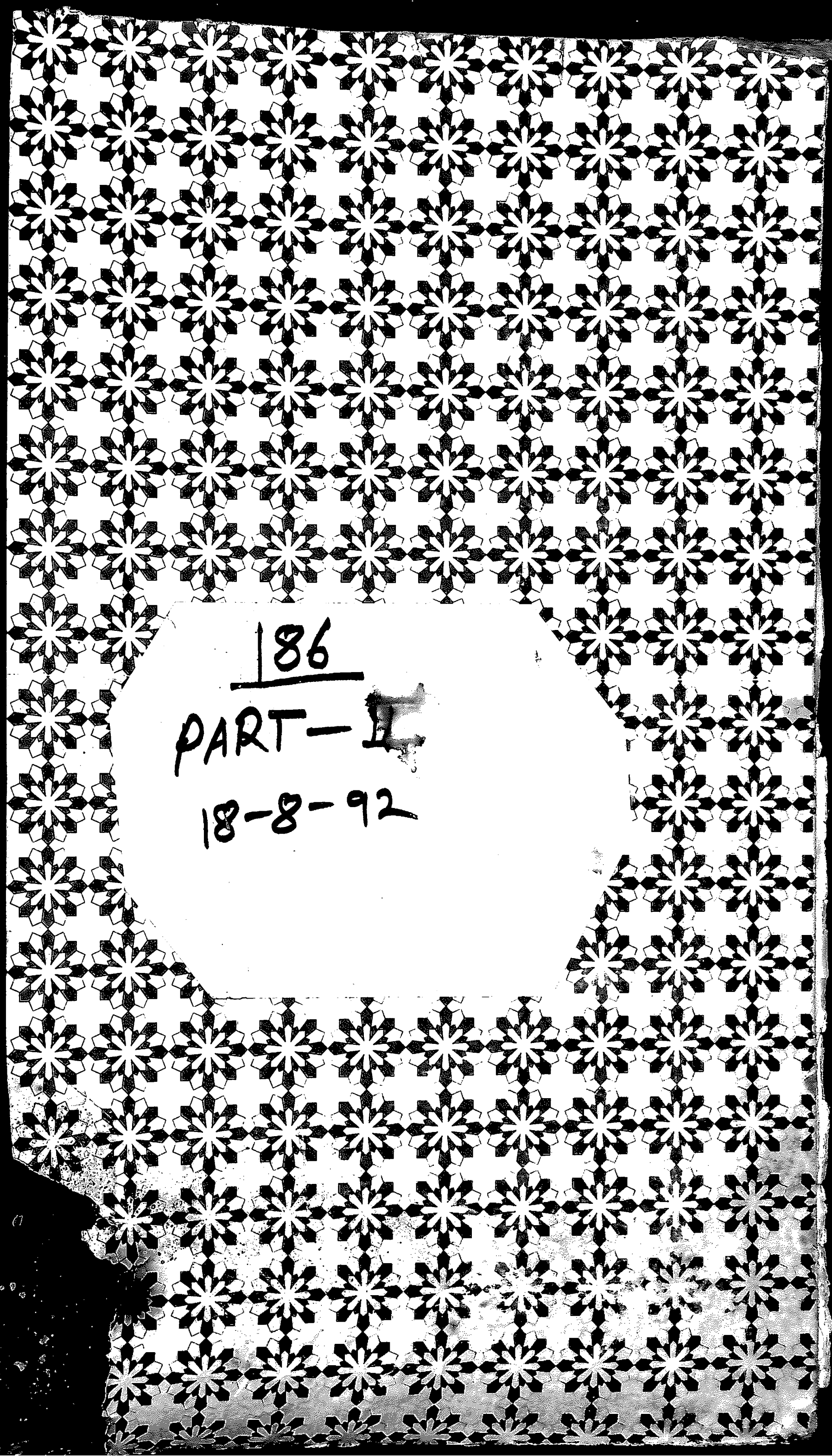
186
PART — II
18-8-92

iii) As regards the case No.3, since the unit has paid the demanded amount of premium, Ministry may be requested for condonation of period of default subject to payment of interest at the prescribed rate.

iv) In the case at Sl.No.4 since 37% of the premium still remains unpaid and the ex-bidder has also not been able to furnish any satisfactory reasons for delay in payment, the request for condonation of delay may be rejected.

7. The matter is placed before the Authority for its approval.

RESOLUTION

**The Authority considered the matter at length and resolved as under:-**

**i) In respect of case of S.No.1 i.e. Plot No.5-CC, Wazirpur Industrial Area, a Committee consisting of VC and FM, DDA, should negotiate with the concerned party and arrive at a reasonable amount to be paid as interest apart from the balance of premium. Thereafter, the matter may be referred to MOUD for a final decision.**

**ii) In respect of case at Sl. No.2 & 5 regarding Plot No.1, Block A-3, L.S.C. Janakpuri and Plot No. D-88/4, Okhla Industrial Area, Phase-I, respectively, it was agreed to recommend to the Central Govt. for ex-post facto approval/condonation of the period of default in depositing the balance 75% premium in terms of the orders of Hon'ble High Court and Supreme Court respectively.**

**iii) In respect of case at S.No.3, Plot No. B-25, Mangolpuri Industrial Area, it was decided that the Central Govt. may be requested for condonation of the period of default subject to payment of interest at the prescribed rates, as the unit has already paid the premium.**

**iv) In respect of case at S.No. 4, regarding Plot No.B-58, Kirti Nagar Warehousing Scheme, it was decided to request the Central Government to reject the request for condonation of delay and for forfeiting the amount as per terms and conditions of auction.**

-.-.-.-

**ITEM NO: 105/92(Pt.)**

**Sub: Relaxation of time limit of payment of balance premium in respect of certain commercial, industrial,residential plots and commercial built up properties.**
**( F.40(1)/83CL.)**

**Supplementary Note**

Dy. Secretary(DD) of Ministry of Urban Development vide his D.O. letter No: J-13038/11/86-DDVB/IA dt.7.8.92 (App. 'PP-I' Page126-B ) has intimated that the Precis of Item No: 105/92 does not reflect the views of the Ministry properly. Infact, letter dt. 4.3.92 from the Ministry of Urban Development mentioned in para 6(b) has already been circulated as Appendix 'JJ' alongwith Item No: 105/92. However, the views of the Ministry now contained in para-3 of letter (Appendix 'PP-I' Page126B ) may be read as part of the agenda note No: 105/92 already circulated & may be considered by the Authority alongwith the item.

(APPENDIX 'PP-1 to Item No. 105/92) -126-B

R. BANNERJI
DEPUTY SECRETARY(DD)
TELE: 3019280

IMMEDIATE

भारत सरकार
शहरी विकास मंत्रालय
GOVT. OF INDIA
MINISTRY OF URBAN DEVELOPMENT

D.O.No. J-13038/11/86-DDVB/IA
नई दिल्ली-110011 तारीख
Dated New Delhi-110011, the 7.8.92

Dear Shri Singh,

On going through the brief in respect of the case of Plot No.5, Community Centre, Wazirpur Industrial Area, it is observed that the views of the Ministry has not been properly reflected. In para 6(b) of the precise of item No.105/92 it has been made to appear that the Ministry is of the view that no interest be charged for the period primary school existed on the plot. This is not the correct reflection of the view point of the Ministry.

2. Further, in Ministry's letter dated 21.1.1992 DDA were requested to examine the case with all its legal implications and this does not find a mention in the precis to be placed before the Authority in its meeting scheduled for 13.8.92.

3. It is not understood as to why the Ministry's views are not correctly reflected eventhough I had written to you in this regard earlier vide my D.O. letter dated 21.5.1992. The Ministry is of the view that the auction purchaser should not be burdened with interest liability for the entire period till final decision is taken by the Govt. to relax Nazul land Rule No.27, 29 and 32. The reason for this view is that it is an admitted fact that the plot was not available for handingover on the date of auction and till January,1985 when MCD primary school vacated the premises. However, when the auction purchaser had moved the court, DDA had made a commitment that they would settle the case provided the purchaser withdraw the case unconditionally. Thus the auction purchaser was wrongly lead by the DDA to believe that DDA would settle their case soonafter withdrawal of court case, while the actual fact is that DDA did not have the authority to settle the case without obtaining prior directions from the Central Govt. The bidder had withdrew the suit unconditionally in 1984 and he had been waiting for a settlement and the delay is not attributed to the purchaser. In the light of the above facts and the legal opinion given by the legal department of DDA that Central Govt. may grant reasonable time to the auction purchaser to make payment of the balance amount failing which he be burdened to pay the same with interest, no interest is chargable for the period upto which the Central Govt. taken a decision to relax the Nazul Land Rule. The precis may be modified suitably.

I remain,

Yours sincerely

( R. BANNERJI )

Shri Ranvir Singh,
Secretary,
DDA, Vikas Sadan, INA,
NEW DELHI

APPENDIX 'FF' TO ITEM NO. 105/92

Copy of letter No.H-11017/91/87-DDVA dated 31.1.1989 received from Shri Rajinder Singh, Under Secretary to the Govt.of India, Ministry of Urban Development addressed to Director(CL), DDA.

-.-.-.-.-

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

-.-.-.-

I am directed to refer to your letter No.F.56(2)87/ Impl. dated 4.10.88 on the subject mentioned above to say that a Gazetted Notification has been issued amending the DDA (Disposal of Developed Nazul Land) Rules, 1981. According to the amendment, a proviso has been added to Rule 29 as under:-

> "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."

It is presumed that the past cases will now be disposed of accordingly as the stand of DDA has been that such cases are to be dealt with under DDA (Disposal of Developed Nazul Land) Rules, 1981 rather than DDA (Management & Disposal of Housing Estates) Regulation, 1968. I am to request you to confirm this.

Sd/-
(RAJINDER SING)
Under Secretary (DD)

APPENDIX 'FF' TO ITEM NO. 105/92

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Sd/-
(RAJINDER SING)
Under Secretary (DD)

APPENDIX 'GG' TO ITEM NO. 105/92

No. J-13037/41/82-DDIB/IA
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,
INA,
New Delhi.

Sub: Relaxation of time limit for payment of balance premium in respect of plots disposed of by the DDA under the DDA (Disposal of Developed Nazul Land) Rules, 1981.

Sir,

In continuation of this Ministry's letter of even number dated 6.2.1989 enclosing a copy of the Notification 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.

Encl: As above.

Copy for each file mentioned in the list.

APPENDIX 'GG' TO ITEM NO. 105/92

No. J-13037/41/82-DDIB/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,
INA,
New Delhi.

Sub: Relaxation of time limit for payment of balance premium in respect of plots disposed of by the DDA under the DDA (Disposal of Developed Nazul Land) Rules, 1981.

Sir,

In continuation of this Ministry's letter of even number dated 6.2.1989 enclosing a copy of the Notification 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.

Encl: As above.

Copy for each file mentioned in the list.

LIST OF CASES OF PLOTS AUCTIONED BY DDA AND REFERRED TO THE MINISTRY FOR RELAXATION OF NAZUL LAND RULES.

5.

| S.No. 1. | Plot No. 2. | Name of the Auction Purchaser 3. | Date of Auction 4. | Date of Final Payment 5. | Total delay 6. |
|---|---|---|---|---|---|
| 1. | B-25, Mangol Puri Industrial Area Phase-II. | M/s.Behere Brothers | 21.10.87 | 1.7.88 but was not accepted by DDA. | About 1½years |
| 2. | No.DP-95, Pitampura. | Shri Surinder Paul | 30.5.86 | Not deposited | About 3 years |
| 3. | E-43/7,Okhla Industrial Area Phase-II | M/s.Dimpy Fashions India | 22.10.84 | 16.6.86 | About 3 years |
| 4. | B-105, Okhla Industrial Area, Phase-II | M/s.Industrial Casting | 11.2.85 | 30.5.86 | More than 1 year |
| 5. | BA-73, Mangol Puri, Industrial Area, Phase-II. | Shri Gurcharan Singh | 19.10.87 | 6.1.88 | One month |
| 6. | D-3/34 , Rewari Line Industrial Area. | S/Sh.Sharwan Kumar Anand Nirmal Devi | 22.2.85 | 28.6.85 | About 2 months |
| 7. | F-3/3 Okhla Industrial Area Phase-II. | M/s.S.K.Gupta and Surinder Singh | 6.8.85 | 22.10.85 | About 10 days |
| 8. | C-22 in Naraina Residential Scheme | S/Sh.Inder Mohan Bharat Bhushan and Pradeep Kumar S/o Sh.Harbans Lal | 4.11.87 | 20.1.88 | 2½ months. |

..2/-

| 1. | 2. | 3. | 4. | 5. | 6. |
|---|---|---|---|---|---|
| 9. | A-6/29 in Paschim Vihar. | Shri Kishan Mittal | 17.9.85 | 14.4.86 | About 24 months |
| 10. | Plot No.B-67, Kirti Nagar, WHS. | Shri Cham Kaur Singh | 7.11.83 | 22.8.84 | 9 months |
| 11. | A-1/1, Okhla Industrial Area, Phase-I. | M/s.Sassum Fibres(P)Ltd. | 11.2.85 | 17.7.85 | About 5 months |
| 12. | D-273, Gokal Puri, Delhi. | Shri Hari Parshad | 25.10.85 | 24.2.85 | 6 days |
| 13. | No.3, Block No.20 in Chhoti Subzi Mandi Janakpuri. | Shri Vijay Kumar | 16.2.88 | 23.4.88 | 10 days |
| 14. | Plot No.4, Block No.27, Chhoti Subzi Mandi, Janakpuri, New Delhi. | Mrs. Meena Arora | 2.5.85 | Not paid | More than 3 years. |
| 15. | A-129, Kirti Nagar, WHS | M/s.Verma Trading Co. | 15.9.81 | 23.11.81 | One month |
| 16. | A-124, Mangol Puri, Industrial Area, Phase-II. | M/s. Vijay Associates. | 26.5.87 | 24.7.87 | 25 days |
| 17. | GA-6 & G-A, 11, Shivaji Enclave | Mrs.Kamal Bhasin | 18.11.85 | Not paid so far. | 3 years and 2½ months. |
| 18. | C-12/135 Yamuna Vihar | Sh.B.R.Sharma & Smt. Ishwar Sharma | 11.8.88 | 23.3.89 | About 4 months. |

...3/-

| 1. | 2. | 3. | 4. | 5. | 6. |
|---|---|---|---|---|---|
| 9. | A-6/29 in Paschim Vihar. | Shri Kishan Mittal | 17.9.85 | 14.4.86 | About 2½ months |
| 10. | Plot No.B-67, Kirti Nagar,WHS. | Shri Cham Kaur Singh | 7.11.83 | 22.8.84 | 9 months |
| 11. | A-1/1, Okhla Industrial Area, Phase-I. | M/s.Sassum Fibres(P)Ltd. | 11.2.85 | 17.7.85 | About 5 months |
| 12. | D-273, Gokal Puri, Delhi. | Shri Hari Parshad | 25.10.85 | 24.2.85 | 6 days |
| 13. | No.3, Block No.20 in Chhoti Subzi Mandi Janakpuri. | Shri Vijay Kumar | 16.2.88 | 23.4.88 | 10 days |
| 14. | Plot No.4, Block No.27, Chhoti Subzi Mandi, Janakpuri, New Delhi. | Mrs. Meena Arora | 2.5.85 | Not paid | More than 3 years. |
| 15. | A-129, Kirti Nagar,WHS | M/s.Verma Trading Co. | 15.9.81 | 23.11.81 | One month |
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...3/-

| 1. 2. | 3. | 4. | 5. | 6. |
|---|---|---|---|---|
| B-239, Okhla Industrial Area, Ph.II | M/s.Nupur Alloys and Steels Private Ltd. | 5.8.85 | 11.10.85 | Final payment not made till now. |
| 20. Plot No.35, Pocket-5, Sector 8, Rohini. | Miss Anita Gupta. | 3.5.85 | January, 86 | 5 months & 15 days |
| 21. W-10, Okhla Industrial Area. | M/s.Dinky Toys Ltd. | 15.12.86 | Not deposited | More than two years. |
| 22. B-58, Kirti Nagar | M/s.Saddle Furnishers & Modern Decoraters. | 12.10.84 | Rs.91000/-still Outstanding | More than 4 years. |
| 23. Plot No.36, Pocket-I Sector VIII, Rohini | Mrs.Rita Kohli | 28.1.88 | Not deposited | More than 1 year. |
| 24. 5 Community Centre Wazir Pur Industrial Area. | Time Properties & Promoters. | 12.11.82 | -do - | More than 6 years. |

4

96

List of DDA's Files:

5

| Sl. No. | File No. | Pages Notes | Cor. | Subject. |
|---|---|---|---|---|
| 1. | F.16(251)85/LSB(Rohini) | 1-32 | 1-56 | Auction of plot No. 35 pocket 9 Sector VIII, Rohini to miss Anita Gupta. |
| 2. | F.24(34)85-LSB(R) | 1-11 | 1-66 | Plot No. A-6/29 in P. Vihar to Shri S.K. Mittal. |
| 3. | F.9(44)/81 LSB(I) | 1-41 | 1-97 | Plot No. A-129, Kirti Nagar W to M/s Verma Trading Co. |
| 4. | F.40(1)/83 Infl/cl +2 | 1-77 | 1-92 | Plot No. 5 in CC - Wazirpur Industrial Area |

4

| 1. 2. | 3. | 4. | 5. | 6. |
|---|---|---|---|---|
| B-239, Okhla Industrial Area, Ph.II | M/s.Nupur Alloys and Steels Private Ltd. | 5.8.85 | 11.10.85 | Final payment not made till now. |
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| 21. W-10, Okhla Industrial Area. | M/s.Dinky Toys Ltd. | 15.12.86 | Not deposited | More than two years. |
| 22. B-58, Kirti Nagar | M/s.Saddle Furnishers & Modern Decoraters. | 12.10.84 | Rs.91000/-still ~~Extension~~ Outstanding | More than 4 years. |
| 23. Plot No.36, Pocket-I Sector VIII, Rohini | Mrs.Rita Kohli | 28.1.88 | Not deposited | More than 1 year. |
| 24. 5 Community Centre Wazir Pur Industrial Area. | Time Properties & Promoters. | 12.11.82 | -do - | More than 6 years. |

96

List of DDA's Files.

(5)

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| 3. | F.9 (44)/81 LSB (I) | 1-41 | 1-97 | Plot No. A-129, Kirti Nagar W/HS to M/s Verma Trading Co. |
| 4. | F.40 (1)/83 Imp II/cc +2 | 1-77 | 1-92 | Plot No. 5 in CC - Wazirpur Industrial Area |

4

| 1. 2. | 3. | 4. | 5. | 6. |
|---|---|---|---|---|
| B-239, Okhla Industrial Area, Ph.II | M/s.Nupur Alloys and Steels Private Ltd. | 5.8.85 | 11.10.85 | Final payment not made till now. |
| 20. Plot No.35, Pocket-5, Sector 8, Rohini. | Miss Anita Gupta. | 3.5.85 | January, 86 | 5 months & 15 days |
| 21. W-10, Okhla Industrial Area. | M/s.Dinky Toys Ltd. | 15.12.86 | Not deposited | More than two years. |
| 22. B-58, Kirti Nagar | M/s.Saddle Furnishers & Modern Decoraters. | 12.10.84 | Rs.91000/-still ~~Extent~~ Outstanding | More than 4 years. |
| 23. Plot No.36, Pocket-I Sector VIII, Rohini | Mrs.Rita Kohli | 28.1.88 | Not deposited | More than 1 year. |
| 24. 5 Community Centre Wazir Pur Industrial Area. | Time Properties & Promoters. | 12.11.82 | -do - | More than 6 years. |

96

List of DDA's Files.

(5)

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| 3. | F.9 (44)/81 LSB (I) | 1-41 | 1-97 | Plot No. A-129, Kirti Nagar W/ns to M/s Krishna Trading Co. |
| 4. | F.40 (1)/83 LSB/CC +2 | 1-77 | 1-92 | Plot No. 5 in CC - Wazirpur Industrial Area |

**APPENDEX 'HH' TO ITEM NO. 105/92**

No. 28
A-27.2.92

SUB: Relaxation of time limit for payment of balance premium in respect of Plot No.5, C.C. Wazirpur Industrial Area. (F.No.40(1)C3-Indl./CI)

**********

## P R E C I S

M/s Time Properties & Promoters purchased Plot No.5 in Community Centre, Wazirpur Industrial Area in the auction held on 12.11.82 for Rs. 24,95,000/-. The position of the case briefly is as under:-

| | | | |
|---|---|---|---|
| 1) | Particulars of the plot | : | Plot No.5, Community Centre Wazirpur Industrial Area |
| 2) | Date of auction | : | 12.11.1982. |
| 3) | Bid amount | : | Rs.24,95,000/-. |
| 4) | Earnest money deposited at the fall of hammer | : | Rs.6,50,000/-. |
| 5) | Date of issue of the demand letter for the balance amount of Rs.18,45,050/- | : | 24.3.1883 |
| 6) | Time given for depositing the balance amount | : | 45 days, i.e. by 6th May, 1983. |
| 7) | Terms & conditions of the auction | : | According to clause vii(a) of the terms and conditions of auction, extension of time for payment of balance premium beyond the period prescribed may be allowed subject to charging the following rate of interest and time schedule:-<br>1. With interest @ 18% p.a. -30 days<br>2. With interest @ 27% p.a. -next 30 days<br>3. With interest @ 36% p.a. -next 30 days<br>. Extension beyond the above period shall not be allowed under any circumstances. |

2. In view of the above terms and conditions of auction, the auction purchaser requested for extension of time vide letter dated 7.5.1983 for a period of 3 months and they were allowed to make the payment of the balance premium within 90 days with interest at the rate of 18%, 27% and 36% for the Ist, IInd and IIIrd month respectively. It was further mentioned that no further extension will be allowed.

3. Instead of making the payment of the balance 75% premium, the auction purchaser made a reference vide their letter dated 15.7.83 indicating that a Municipal Primary School had existed on the plot and thus it became difficult for the Authority to hand over physical possession of the plot even after making full payment by them. The auction purchaser further mentioned that they were prepared to make the payment provided the possession of the plot was handed over to them. The auction purchaser also filed a Civil Suit in the Court of Law and obtained an injuction order restraining the D.D.A. not to proceed for cancellation of the allotment of the plot. The auction purchaser further represented that they are ready to withdraw the case if D.D.A. handed over vacant possession of the plot or an alternative site is allotted to them. The matter was examined and it was decided that we may pursue the matter for shifting of the School with M.C.D.

After making efforts, the Primary School was shifted in January, 1985 as per field staff report dated 18.1.1985. The auction purchaser was, therefore, informed by the Deputy Director(CE) vide letter dated 21.3.1985 that decision on their request will be taken by this office after the withdrawal of the Court case from the Court of Law unconditionally. The auction purchaser, however, sent a reply vide their letter dated NIL received in the office on 18.4.1985 mentioning therein that they will withdraw the case unconditionally but D.D.A. must follow the case quickly and possession of the plot be given to them without any further delay or payment of balance premium without interest. A clear reply was again sent to the party that their request will be considered only after the Court Case was withdrawn from the Court of Law unconditionally. The auction bidder sent a letter dated 26.6.1986 informing that as per D.D.A.s advice they have withdrawn the Court case from the Court of law on 21.2.1986 and requested DDA to accept the balance premium of the plot and arrange to hand over the possession of the plot in question. The case was examined and a reference was made to the Government of India, Ministry of Urban Development vide letter dated 23.9.1986 wherein it was requested that the matter may be examined by the Ministry and necessary directions for relaxation of Nazul Rules, 1981 may be intimated to D.D.A.

4. However, the Ministry desired that recommendations of the Lt. Governc sought and communicated to the Ministry. The case was accordingly submitted before L.G. and the L.G. vide his minutes dated 17.5.88 recommended the case to the Ministry of Urban Development for relaxation of Rule 27,29 and 32 under Rules 45(3)(ii) of the DDA (Disposal of Developed Nazul Land) Rules, 1981 for allowing the auction purchaser, i.e., M/s Time Properties & Promoters to deposit the balance 75% premium alongwith the interest charges.

5. The Ministry of Urban Development vide their letter No. J-13037/41/82-DDIB/IA dated 13.2.1989 returned the case mentioning therein that the cases wher the delay is more than 180 days, the case may be examined by the DDA 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 the Government with the approval/recommendations of the Authority. Finance deptt. has also been consulted.

6. Keeping in view the details of the case as mentioned above, the matter is placed before the Authority for consideration and orders for making recommendations to the Ministry regarding relaxation of time for payment of balance premium by charging interest at the rates fixed by the Government.

R E S O L U T I O N

The item was withdrawn. However, the Authority desired that all such cases which are pending with the Lands Department be brought before the Authority after detailed and due examination to reasons for delay in payment, persons responsible for permitting payments etc. beyond the due date and other relevant factors.

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APPENDIX 'II' TO ITEM NO. 105/92

Statement showing the cases where the delay in payment of balance 75% premium is more than 180 days and less than one year.

APPENDIX 'II' TO ITEM NO. 105/92

Statement showing the cases where the delay in payment of balance 75% premium is more than 180 days and less than one year.

| S.No. | Name of purchaser | Number of shed/plot/ stall | Location | Use | Dt. of auction | Total premium involved | Due dt. for payment of balance premium | Dt. of Actual payment | period of delay | Reason for delay in payment. |
|---|---|---|---|---|---|---|---|---|---|---|
| 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. | 9. | 10. | 11. |
| 1. | Sh. Mukesh Kamal | Stall No.18 | CSC, Trilok puri | Comml. | 11.5.88 | 1,32,000/- | 12.7.88 | 16.1.89 | 188 days | Extension was sought due to non-arrangement of funds. |
| 2. | M/s. Katna International | Shed No.48-A | Okhla Indl. Estate | Indl. | 3.11.81 | 2,01,000/- | 8.12.81 | 16.7.82 | 220 days | Extension was sought on the ground that karta is out of India. |
| 3. | M/s. Dimpy Faishons | Plot No.48/7 | Blk.-'E' Okhla Indl. area | Indl. | 22.10.84 | 7,40,000/- | 12.1.85 | 5.12.85 | 327 days | Due to loss on account of riots. |
| 4. | Sh. Chamkaur Singh | Plot No.B-67 | Kirti Ngr. warehousing | Indl. | 7.11.83 | 1,72,000/- | 11.1.84 | 24.8.84 | 225 days | Unavoidable circumstances. |
| | SLUM WING:- | | | | | | | | | |
| 5. | Sh. Mohd. Karim | Plot No.75 | Shahzada Bagh | Comml. cum Indl. | 29.12.88 | 1,13,000/- | 14.6.89 | 29.12.89 | 198 days | Extension was sought due to illness. |

APPENDIX 'JJ' TO ITEM NO. 105/92

No.J-13018/11/86-DDV I/IA
Government of India
Ministry of Urban Development
(Delhi Division)
.....

New Delhi, dated the 4th March, 1992.

To

The Secretary,
DDA, Vikas Sadan, INA,
New Delhi.

(Attention: Shri Ranbir Singh)

Subject: Plot No.5, Community Centre Wazirpur Industrial Area in the name of M/s. Time Properties & Promoters - relaxation of Nazul Land Rules.

Sir,

I am directed to state that the case of M/s. Time Properties & Promoters relating to auction of plot No.5, Community Centre Wazirpur Industrial Area has been examined in the Ministry on the basis of references received from DDA and the representations of the auction purchaser and it has been decided that the auction purchasers deserve relief through relaxation of Nazul Land Rules 27, 29 & 32 so that interest burden is not imposed on the purchasers for the period for which possession of the plot could not be handed over to them. However, as the matter has been referred to the authority, it is felt that the matter be first decided by the Authority. It has further been desired that itmay be ensured that this case is put up in the next meeting of the Authority without fail. This may please be ensured.

Yours faithfully,

(K. Suresh)
Desk Officer

Copy to Commissioner(Lands), DDA it is requested that necessary material may please be furnished so that the matter is placed before the Authority in its next meeting.

(K. Suresh)
Desk Officer

Item No. 106/92

Sub : Lutyen's Bungalow Zone as a Heritage Zone - Delineation and Development Controls.

A-18.8.92

(File No.P.20(5)/92-MP)

## PRECIS

The Govt. of India, Ministry of Urban Development vide letters No.K-13011/17/88-DD/IIA dated 8.2.88 and 27.7.88 issued guidelines defining the area covered under the Lutyen's Bungalow Zone and the quantum of construction in respect of the plots located within this zone *Appdx. 'KK' page 148-152.*

2. A Public Notice was issued by the DDA in Dec.1988 inviting objections/suggestions on the modifications to be made in MPD-62 with reagard to the said guidelines of the Ministry of Urban Development. In response to this Public Notice, a number of objections/suggestions were received, mainly covering the following aspects:

i) Boundary of Lutyen's Bungalow Zone: The following points were raised in the objections/suggestions on the boundary of Lutyen's Bungalow Zone:

a) There should be no ambiguity and boundary of lutyen's Bungalow Zone should be clearly defined. It was suggested that the said boundary should concide with the boundary of the zone identified in the Master Plan and in case a part of the zone is not to be cove-red within the boundary of the Lutyen's Bungalow Zone, the boundary should run along the major roads/circulation areas and/or alongside the major land use/areas.

b) Pockets such as Nehru Park, Yashwant Place, Ridge Area etc. need not be included in the Bungalow Zone as these are either green areas or areas where major development has already taken place.

c) Lutyen's Bungalow Zone should confine mainly to cover the bungalows located in the south of Rajpath, as the character of this area

is closer to the bungalow type as compared to the character of the area in the north of Rajpath.

ii) Intensity of Development:

The following are the important suggestions received with regard to the intensity of development:

a) Environmental groups who filed their objections/suggestions strongly supported the proposal with regard to the boundary of the Lutyen's Bungalow Zone and intensity of construction and uses. However, they suggested that the loopholes/ambiguities, if any, should be plugged.

b) The development controls to be applied to the properties located in the Bungalow Zone should be precise, clearly indicating the permissible ground coverage, FAR, number of DUs, height of the building, parking norms, set backs etc.

c) It was objected to have same development control regulations for plots/properties to be used for institutional and commercial uses located in the Bungalow Zone, as applicable to the area outside this zone and suggested that the development control norms should be in harmony with the development controls to be made applicable to the adjacent plots as per existing bungalows.

iii) Observations made by various Govt. departments with regard to the Govt. owned lands:

a) Ministry of Urban Development, while making the observations on the Public Notice, suggested that the restrictions by way of development control norms should not be made applicable to the properties/lands owned by the Govt. and located in the Bungalow Zones.

b) Director General of Works, CPWD suggested that viable norms for redevelopment should be identified in the case of the Govt. owned bungalows which were more than 60 years old and whose maintenance costs had gone up disproportionately calling for demolition and rebuilding within next 5 to 10 years.

c ) Chief Architect, CPWD pointed out that they were facing difficulties in making essential additions and alterations in bungalow plots to suit the requirements of the VIP occupants from time to time. He, therefore, desired that precise norms be laid down to take care of such additions and alterations.

d) The Land and Development Officer (L&DO) pointed out that there were number of government housing colonies, located within the identified Bungalow Zone and that in near future, there may be a need to redevelop some of the pockets/areas of these colonies to accommodate more government housing on density pattern specified in the Master Plan. As such, Central Govt. housing colonies, locatged within the Bungalow Zone, should be exempted from the development control regulations specifically proposed for the Bungalow Zone plots.

e) Objections/suggestions were also made for applicability of Urban Land(Ceiling & Regulation) Act to the Bungalow Zone plots.

3. After receipt of the public objections/suggestions on the proposed modifications, the same were analysed in the office of the Authority as well as in the Ministry of Urban Development in consultation with the Town & Country Planning Organisation. Later the Govt. of India took into consideration all these points while examining the extensive modifications in Delhi Master Plan and accordingly, made the follow-

ing stipulations with regard to the Bungalow Zone while approving MPD-2001:

> "Lutyen's New Delhi comprises of larger size plots and have very pleasing environment. In fact the area is unique in its continuing existence on low density in the heart of the city. While formulating the redevelopment plan of this area, due care should be taken to ensure that its basic character is maintained".

4. MPD-2001, also provides the density pattern of the residential area in the land use plan and the development control norms applicable for planning and sanctioning the building projects based on the prescribed norms. In the case of Lutyen's Delhi, keeping the scope of the overall objective mentioned above in view, it was felt necessary to delineate in the first instance the boundary of the Bungalow Zone and also to prescribe the development control norms applicable to various properties/plots forming part of the delineated zone so as to retain the beautiful tree studded character of this heritage area.

5. After enforcement of MPD-2001 on 1.8.90, earnest efforts were made to define the limits of the bungalow zone and to prescribe the development control norms so as to release the building activity in the Lutyen's Bungalow Zone area. These exercises mainly relate to the following two main points:

- Delineation of Lutyen's Bungalow Zone as a heritage zone/area; and
- Intensity of development to be permitted keeping in view the existing beautiful tree studded character.

6. The boundary of Bungalow Zone was first proposed by the Ministry of Urban Development in Feb'88 on the basis of the study and the discussions in the Ministry of Urban Development at various meetings. In a meeting held on 19.2.91 under the chairmanship of the Secretary, MOUD, it was decided that the boundary line as given in Feburary 1988 guidelines be adopted for bungalow zone and all cases beyond this area be

adopted for bungalow zone and all cases beyond this area be cleared as per the relevant provisions of MPD-2001.

Accordingly, se veral cases were examined on this basis and development controls for some of the plots were communicated to NDMC. However, in subsequent meetings held by the Ministry, the matter was gone into a greater detail with a view to prserving the bungalow zone as a low density area and preserving its tree studded character. Thus, while in Feb.88 guidelines, areas/pockets such as Hailey Road, Supreme Court, Mandi House, Ridge area were kept outside the boundary of this zone, as per the decision taken by the Ministry on 22.7.91, these areas were to be included within the Bungalow Zone. On the other hand, certain other pockets such as Yashwant Place and the adjacent area upto the railway line, were proposed to be excluded. The boundary thus delineated is shown in the plan (laid on table).

7. The above recommendations of Ministry of Urban Development were brought for the consideration of the Technical Committee meeting held on 17.12.91 which deliberated on the issues and made following recommendations:

a) Lutyen's Delhi was developed between two natural features i.e. Ridge and River Yamuna, and hence, logically, the Bungalow Zone boundary should be extended beyond Mathura Road upto river Yamuna in conformity with the vision of the architect. On the same principle, area of Diplomatic Enclave and Yashwant Place should also be included (plan laid on table-brown line).

b) In view of above, it would be appropriate to name this area as 'new Delhi Garden City Zone'(NDGCZ).

c) Development norms of this area be worked out in consultation with the Ministry of Urban Development.

8. The matter was once again discussed in the Ministry of Urban Development where the recommendations of the Technical Committee mentioned above were also mentioned. After discussing the pros & cons of the decisions taken earlier and the recommendation made by the Technical Committee of the DDA, in the meeting, it was concluded that the basic purpose behind the delineation of Bungalow Zone being to conserve the unique character of Lutyen's Bungalow Area and the goal should be to retain the buildings as well as the tree studded avenues and compounds in their original form as far as possible. Accordingly, it was felt that Feb.1988 guidelines being very precise, required no further amplification or moderation. It was also felt that any change in the felt that any change in the original norms regarding height, FAR or coverage would change the character of this heritage area and defeat the very purpose of declaring this as a conservation zone. It was observed even at present some buildings had come up in this area which had affected the arboreal landscape, by rising above the tree heights. Based on the discussions, the following decisions were taken in the meeting held under the chairmanship of Secretary, Ministry of Urban Development on 7.1.92.

i) The old boundary line on the eastern side should be retained and not to be extended upto the river Yamuna.

ii) In addition to the full central ridge area, the Hailey Road pocket should be included also in the Bungalow Zone because about 65% of the area still retains its original bungalow character.

iii) The development norms suggested in Feb.'88 guidelines are in order and may be retained.

iv) The whole area could be declared a 'Heritage Zone' and, therefore, attempt must be made to conserve the character and form as it has been for the last 60 years.



v) The land use in this area residential and the existi respect to aberrant uses in the final proposals.

9. The matter was again d of the Technical Committee held light of the comments of the referred to above. The Technical on major issues and took the follow

i) For delineation of Bungalo above, the boundary as defi of Urban Development in 22.7.91, was recommended area to be declared as a order to conserve its ba the boundary is to run with the ridge, Hailey Road Marg, Ashok Road (leaving Tolstoy Marg, the Railway Lodi Road, Aurvindo Marg (excluding Yashwant Place Niti Marg, existing and Dhaula Kuan (plan

ii) Development Control Norms

Technical Committee agreed of the Ministry of Urba form the basis of Develop control norms and be adop respect of any addition/al tructionon a residential Thus (a) any additional truction should be permitted envelope and upto the ground coverage, FAR and existing trees are to be

v) The land use in this area should be declared residential and the existing situation with respect to aberrant uses should be taken note in the final proposals.

9. The matter was again discussed in the meeting of the Technical Committee held on 14.1.92 in the light of the contents of the minutes of the meeting referred to above. The Technical Committee deliberated on major issues and took the following decisions:

i) For delineation of Bungalow Zone as indicated above, the boundary as decided by the Ministry of Urban Development in its meeting held on 22.7.91, was recommended for adoption with the area to be declared as a 'heritage zone' in order to conserve its basic character. Thus, the boundary is to run from Dhaula Kuan along with the ridge, Link Road, Baba Kharak Singh Marg, Ashok Road (leaving out Zone D-1 Area), Tolstoy Marg, the railway line, Mathura Road, Lodi Road, Aurvindo Marg, the railway line again (excluding Yashwant Place and Diplomatic Enclave), Niti Marg, existing nallah, Sardar Patel Marg, and Dhaula Kuan (plan laid on table).

ii) Develpment Control Norms:

Technical Committee agreed that Feb.'88 guidelines of the Ministry of Urban Development should form the basis of determining the development control norms and be adopted in this zone in respect of any addition/alteration or new constructionon a residential Bungalow type plot. Thus (a) any addition/alteration or reconstruction should be permitted within the existing envelope and upto the limit of the existing ground coverage, FAR and height etc. (b) the existing trees are to be preserved maximum to

the extent possible (c) more than one DU, within the existing building bulk, may, however, be allowed without bifurcating/sub-dividing the plot in any manner (d) in case, the plot is vacant then a new building based on the earlier construction may be allowed (e) in case of a plot forming part of any use zone other than residential in MPD-2001/Zonal Plan, the same be changed to 'residential' use (bungalow plot) and be governed by the norms applicable to a bungalow type plot for addition/alteration (f) for plots other than residential use, the development norms of MPD-2001 could be applied subject to the clearance of DUAC and Central Vista Committee, as the case may be.

iii) An inventory of all the bungalow type plots, indicating existing ground coverage, FAR, height, no. of trees etc. be prepared by Chief Architect/ NDMC from the record of CPWD/L&DO/NDMC by making use of the original plan, drawn by Lutyen's during 1920 and subsequent addition/alterations permitted by the competent authority. Urban Design features and the colonial style of construction of bungalows, wherever applicable should also be recorded in the proposed inventory.

10. It was observed that outside the boundary above, there are a few bungalow plots still left out which are being used as residential bungalows and were earmarked in MPD-2001 either for residential or institutional use. Hence, the matter was once again brought before the Technical Committee held on 17.3.92 which decided the following:

i) The boundaries of the 'heritage zone' as delineated in the earlier meetings should remain unchanged.

ii) The specific norms to be prescribed for redevelopment of the residential (i.e. bungalow type) plots within the zone, should stipulate that there should be only one envelope within ech plot. However, this single envelope may provide for the inclusion of the seperate servant quarters, if any, as per earlier approved plans subject to proviso that no cutting of any existing tree is involved and the height of the existing building is maintained. In this way, the entire ground coverage and FAR of both the main house and the seperate servant quarters could be adjusted with the proposed single envelope, to the extent feasible.

iii) For other than residential bungalow type construction, it was agreed that the prescribed development norms vide MPD-2001 should be made applicable subject to clearance by DUAC and based on urban design studies which take into account the essentially low rise character of the heritage zone.

11. Provision of Community Facilities:

MOUD vide their letter No.K-20013/8/91-DDIV dt.17.2.92 while examining the case of 6, Tolstoy Marg, New Delhi (Hailey Road Area) have decided that DDA may adhere to the decision which emerged in DDA resolution no.94 dt.24.10.02. In this connection, it was also mentioned that the cost of acquisition of such properties would be very high and, therefore, not in consonance with the need Appdx. 'LL' Page 148-159. DDA resolution no.94 dt. 24.10.02 had recommended that all public facilities be located as far as possible on the Govt. land . It is observed that earlier MOUD had decided for Zone D-11 and 12 (now falling within the Bungalow Zone) that private developers would have to pay towards community facilities at the current rate of 390 sq.yds. per acre at a density of 20 DUs per acre but that

the facilities as and when developed would necessarily have to be located on a Govt. plot. In this connection, it is observed that MPD-2001 indicates a requirement of 9.55 sq.mt. per person towards public facilities out of the land for residential development which has to be provided for during preparation of the plan itself.

In the meeting held on 7.1.92 in the Ministry of Urban Development where higher intensity redevelopment on a bungalow plot envisaged, it was felt that since incremental development has not been envisaged in this area, it would not be appropriate to make the land owners to contribute towards development of common facilities.

12. The matter is placed before the Authority for its consideration and approval, (i) the recommendations of the Technical Committee contained in para 9 and 10 and ii) issues with regard to the provision of community facilities, mentioned in para 11 above.

R E S O L U T I O N

**The Authority resolved that the proposal contained in para 9 & 10 of agenda note be approved subject to deletion of word: "maximum to the extent possible", in the para 9(ii)(b). Further resolved that the proposals be processed under the Delhi Development Act, 1957.**

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[illegible] bungalow type),

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(APPENDIX 'K K TO ITEM NO. 106/92 )

JOINT SECRETARY(UD)

GOVT. OF INDIA
MINISTRY OF URBAN DEVELOPMENT
D.O.No.K-13011/17/86-DDIIA
8.2.88

नई दिल्ली 110011, तारीख 198
Dated New Delhi-110011, the 198

Dear Shri Dharum Dutt/Kumar/Chauhan/Hajithia.

As you are aware, this Ministry had imposed temporary ban on construction of multi-storeyed buildings in New Delhi, including areas under the DDA and the MCD falling in South Delhi, with effect from 17.10.85, till the Master Plan for Delhi-2001 is finalised. This ban was partially lifted in respect of Connaught Place area, subject to certain conditions, vide this Ministry's O.M.No.K-13011/19/85-DDIIA dated the 18th July,1986. Pending finalisation of the Master Plan for Delhi for 2001, it was decided that revised comprehensive guide-lines in regard to multi-storeyed buildings in Delhi should be prepared. A Committee under my chairmanship with representatives of other con- concerned agencies, was accordingly set up in this Ministry. This Committee made certain recommendations to the Government in its report submitted in October,1986. Thereafter, the DUAC was also consulted and their recommendations made in December,1987 were also placed before the Government.

2. After consideration of these recommendations, the Government have now decided that high rise constructions in Delhi may continue to be regulated subject to compliance with conditions of detailed urban design clearance, fire fighting requirement and requirements under other provisions like the Master Plan, zoning regulations, Building bye-laws etc., but further subject to the following modifications:-

(a) The space to be constructed should be guided only by per floor coverage and floor area ratio (FAR) norms. These would, in general, influence the height of buildings, leaving at the same time some independence to the builders with regard to height. There is, therefore, no need to impose any specific height restrictions. The maximum per floor coverage should be 25% of the net plot for all zones. This will include the area required for all services except passage to the building. The remaining 75% must include only the passage to the building and the green area around.

(b) Lutyen's Bungalow Zone: In order to maintain the present character of Lutyen's Delhi, which is still dominated by green areas and bungalows, there should be a separate set of norms for this Zone area. This area has been clearly demarcated. It will consist of the entire Lutyen's Delhi excluding (i) the area lying between Baba Kharag Singh Marg on the South, Punchkuian Road on the north and the ridge on the west, (ii) the area between Baba Kharag Singh Marg, Ashok Road, Ferozshah Road, Bara-Khamba Road and the Connaught Place, (iii) Mandi House and (iv) the Institutional area where the Supreme Court is situated. It will, however, include the areas presently

contd.....2.

out of Lutyen's D... which consist of (i) Nehru Park, (ii) Yashwant Plac... the area lying between Yashwant Place and the railw... e on the south, and (iv) the area lying between Ne... ark-Yashwant Place on the west and the boundary ... Lutyen's Delhi on the western edge of Safdarjung aerodr... and the Race Course. The demarcation has been h... ted in blue colour on the m... enclosed. There w... following norms for construc... in the Lutyen's Bun... Zone.

(i) The new construct... dwellings, on a plot must have the same plinth ar... the existing bungalow and must have a height not exceeding the height of the bungalow in place or, if the ... vacant, the height of the bungalow which is the lo... of those on the adjoining plots.

(ii) In the commercial ... such as Khan Market, Yashwant Place etc. and in institutional areas within the Lutyen's Bungalow Zone, the ...ns will be the same as those for these respective are... outside the zone.

(iii) The existing regulations for the Central Vista will continue to be applicable.

(iv) The demarcation ... of the Lutyen's Bungalow Zone should not run alo... prominent roads because, if it does so, there will ... bungalows on the side of the road and high-rise bulldi... on the other side. It has, therefore, been decided ... the demarcation of the Lutyens Bungalow Zone sho... n along the first inner/outer road or lane from the pr...ent road through which the demarcation line is sho... the map. However, the demarcation can run thro... e prominent road where there is park, ridge or gre... ea on the other side of the road.

(c) As already stated, the ...um per floor coverage of 25% should include the area ...ed for all services except passage to the building. Thus th... xing facility must be included in the 25% and it must be ...erground in case of new buildings that come up in the Cen... usiness District (Con...ght Place) and Business Districts. ... emaining 75% must include only the passage to the building ... the green area around.

(d) The FAR for the six ar... sted below will be as indicated against each:

| S.No. | Zone | Maximum permissible FAR |
|---|---|---|
| 1. | CBD (Central Business Dis... or Connaught Place area. | 250 |
| 2. | District Centre | 250 |
| 3. | Sub-District Centre | 100 |
| 4. | Community Centre/Local C... | 100 |
| 5. | Group Housing (Residential ... | 250 |
| 6. | Institutional | 250 |

contd.....3.

There will not be a separate governmental category for FAR specification. The norms for Government construction will be governed by the norms specified for the zone where the Government building is to be constructed.

3. While the maximum per floor coverage norms cannot exceed 25%, a relaxation in FAR norms could be granted to allow taller constructions in all zones except in Lutyen's Bungalow Zone as re-defined, provided that the builder pays in appropriate mode the additional cost incurred on the infrastructure, such as water and fire fighting services by the urban bodies on account of additional FAR (height). The detailed guidelines to determine the (a) the additional cost and (b) the mode of payment will be issued by this Ministry.

4. You may kindly ensure that the above guidelines are now adhered to while approving plans for multi-storeyed constructions. In view of these revised guidelines, the temporary ban on multi-storeyed constructions imposed by this Ministry's O.M. No.K-13011/19/85-DDIIA dated 17th October,85 may be treated as withdrawn.

With regards,

Yours sincerely,

Sd/-

(R.L. PARDEEP)

SHRI DHARAM DUTT,
Administrator,
NDMC,
New Delhi.

SHRI O.P. KUMAR,
Vice-Chairman,
Delhi Development Authority,
NEW DELHI.

SHRI P.P. CHAUHAN,
Commissioner,
Municipal Corporation of Delhi,
Town Hall,
Delhi.

Shri J.J.S. MAJITHIA,
Secretary,
Delhi Urban Art Commission,
Lok Nayak Bhavan,
NEW DELHI.

Copy forwarded to:-

1. Shri Desh Raj Singh, JS(WL), Ministry of Urban Development.
2. Shri Harish Chandra, Director General of Works, CPWD, New Delhi.

contd.....

3. Shri E.F.N. Ribeiro, Chief Planner, TCPO, New Delhi.
4. Shri R.C. Manchanda, Chief Architect, Design Group, I.O. Bhavan, New Delhi.
5. Shri Ganga Dass, Secretary(L&B), Vikas Bhavan, New Delhi.
6. Shri R.P.S. Pawar, Land & Development Officer, Nirman Bhavan, New Delhi.
7. Shri S.C. Gupta, Director (DC&B), Delhi Development Authority, New Delhi.
8. Lands Division, Ministry of Urban Development.

(HARJIT SINGH)
Director(DD)

MOST IMMEDIATE/BY SPECIAL MESSENGER

152

R.L. PARDEEP
JOINT SECRETARY(UD)

भारत सरकार
शहरी विकास मंत्रालय
GOVT. OF INDIA
MINISTRY OF URBAN DEVELOPMENT

D.O.No.K-13011/17/86-DDIIA

27.7.88

Dear Shri Kumar,

Please refer to my d.o. letter of even number dated the 8th February,1988 regarding revised guidelines for high rise construction in Delhi.

2. You had made certain observations on these guidelines which were further discussed at two meetings convened by the Secretary, Ministry of Urban Development. On the basis of these discussions and some further suggestions received in this Ministry in regard to these guidelines from professional Architects and certain organisations, the question whether the revised guidelines issued on 8.2.88 would require any clarification/modification was further examined. It has now been decided to issue the following clarifications/modifications to the revised guidelines communicated in my d.o. letter of 8th February, 1988 referred to above.

(i) These guidelines are applicable only to high rise construction i.e. to buildings with height above 45 ft. or having more than 4 storeys. Low rise buildings will continue to be governed by the earlier guidelines regarding FAR, floor coverage etc. provided at least 50% of the area of the plot is left green. The parking and passage to the building will have to be accommodated in the other 50%.

(ii) The underground basement for parking may be permitted to extend beyond the building line upto the envelope line, subject to the condition that the top roof level of the basement beyond the actual building line should be flush with the ground and that it should be properly landscaped to make it green.

(iii) For Group Housing with FAR of 250, permissible density should be increased from 60 dwelling units per acre to 100 dwelling units per acre (i.e. from 150 units per hect. to 250 units per hectare).

(iv) Height restriction in sensitive areas having their special character and historical heritage will continue through the application of the provisions of the DUAC act.

3. Kindly ensure compliance.

With regards,

Yours sincerely,

(R.L. PARDEEP)

SHRI OM KUMAR,
Vice-Chairman,
Delhi Development Authority,
Vikas Sadan,

JEXURE

(APPENDIX 'L L' TO ITEM NO. 106/92 )

No. Subject:- Redevelopment proposals for Zone D-3 ~~(Curzone Road) D-3Part (Hailey Road)~~, D-4 (Sansad Marg) D-5 (D.I.Z.Area) (F.1(34)/82-ZP)

94
24.10.82.

Annexure IV

P R E C I S

Attention is i wited to the Authority's Resolution No. 58 vide which the Authority resolved that the redevelopment proposals for zone D-3 and similar proposals for other zones, prepared by the New Delhi Redevelopment Advisory Committee, be published for inviting objections/suggestions from the public.

2. Accordingly the following notices were issued:-

i) D-3(Curzon Road) was published on 4.10.80 Altogether 14 objections/suggestion were received to the Draft Redevelopment proposals of Zone D-3(Curzon Road Area).

ii) D-3 Part(Hailey Road) was published on 1.12.73. Altogether 11 objections/suggestions were received, This scheme was approved by the Central Government vide letter No. K-12014(6) 73-UDI dated 19.12.75 subject to certain modifications. The scheme was not authenticated by the Central Govt.

As this scheme forms part of the redevelopment proposals of Zone D-3(Curzon Road), the objections/suggestions earlier received were also considered with the other redevelopment proposals.

iii) D-4(Sansad Marg). The Scheme was published on 8th November, 1980 for inviting public objections/suggestions. 3 objections/ suggestions were received.

iv) D-5(D.I.Z.Area). Draft re-development proposals of zone D-5 (D.I.Z.Area) was

Contd..../-

published for inviting public objections/ suggestions on 11th December,1976. 7 objections/suggestions were received.

3. All the objections/suggestions under the different redevelopment scheme mentioned in para 2 above were considered by the Screening Board of the Authority in its meeting held on 2nd and 3rd Feb.,1982 under Rule 8(i) of Delhi Development (Master Plan and Zonal Development Plan) Act,/ Regulations 1957. The combined consideration of objections/suggestions was done because the area under different redevelopment scheme mentioned above are contiguous and objections/suggestions were of similar nature.

4. Report of the Screening Board compiled in pursuance of Rule 10 of said rule is at appendix ( "A" Pages 4 to 45).

5. The matter is placed before the Authority for consideration and approval.

FOR
[illegible] RESOLUTION

Resolved that the proposal contained in the agenda item be approved.

APPENDIX 'A' TO ITEM NO. 94

DELHI DEVELOPMENT AUTHORITY

REPORT OF THE SCREENING BOARD ON THE DRAFT REDEVELOPMENT PROPOSALS FOR ZONES D-3 (CURZON ROAD).D-3 (PART) (HAILLEYROAD), D-4(SANSAD MARG) AND D-5(D.I.Z. AREA)

The draft redevelopment proposals for Zones D-3(Curzon Road).D-3(part)(Hailey Road), D-4(Sansad Marg), and D-5(D.I.Z. AREA) were published for inviting objections/suggestions from the public. Accordingly the following notices were issued:-

2. (i) D-3(Curzon Road) was published on 4.10.80 altogether 14 objections/suggestions were received to the Draft Redevelopment proposals of Zone- D-3 (Curzon Road Area)

(ii) D-3(Part)(Hailey Road) was published on 1.12.73. Altogether 11 objections/suggestions were received. This Scheme was approved by the Central Government vide letter No.K-12014 (6)73-UDI dated 19.12.75. subject to certain modifications. The scheme was not authenticated by the Central Govt.

As this scheme forms part of the redevelopment proposals of zone D-3 (Curzon Road), the objections earlier received were also considered with the other redevelopment proposals.

(iii) D-4 (Sansad Marg). The Scheme was published on 8th Nov.,1977 for inviting public objections/suggestions. 3 objections/suggestions were received.

(iv) D-5(D.I.Z.Area) Draft redevelopment proposals of zone D-5(D.I.Z.Area) was published for inviting public objections/suggestions on 11.12.76, 7 objections/suggestions received.

3. All the objections/suggestions under the different redevelopment scheme mentioned in para 2 above were heard by the Screening Board of the Authority in its meeting held on 17th August, 1981 under rule 8(i) of Delhi Development (Master Plan and Zonal Developemnt Plan), Act/Regulations 1957. The combined consideration of objections/suggestions was done because the areas under different redevelopment scheme mentioned above are contigious and objections/suggestions were of similar nature.

4. The report of the Screening Board compiled in pursuance of Rule 10 of said rule is at appendix at 5 to 45) giving details the recommendations rfamed be the Screening Board on each objections/suggestion.

RECOMMENDATION:

i,ii & iv) The Screening Board reviewed at length various suggestions including permissible F.A.R on the individual plots as indicated by the erstwhile NDMC with a view to develop an appropriate urban form, specifically in Tolstoy Marg, Hailey Road, Curzon Road and Ferozshah Road area. The Screening Board was of the view that the F.A.R should be calculated in accordance with the stipulations given in the Zoning Regulations of the Master Plan (page 58 & 59 - Group Housing). Specifically it would mean that the resultant F.A.R should be calculated on the left-over plot area after leaving the area for road widening and any other facilities specifically prescribed. Actual provision of such prescribed facilities including road widening may necessitate in some cases, marginal adjustments which should not however, exceed 10%. That being so, it would mean that the plots abutting on Master Plan and Zonal Plan roads will have a uniform basis of development i.e. with a maximum, F.A.R of 150. However, the F.A.R would be discerned on the residual plot" and not on the original plot. It may be reiterated that this shall not mean any change of land use from the one prescribed in the Master Plan/Zonal Development Plan.

The Government has suggested that irrespective of the plot sizes in zone D-3 (specifically in Hailey Road Scheme) all residential plots should [illegible] uniform F.A.R of 150. This suggestion however, has not been found acceptable except for the marginal cases, which originally cover plot of one acre or more the these marginal benefit be given provided the land is taken up for community facilities including road widening and that is not to exceed more than 10% of the original plot area.

Page 19. 9 reg

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iii) In [illegible] suggestions made for increasing the maximum plinth area upto 300 sq/mts. The Screening Board observed that maximum plinth area should be in accordance with the stipulations of urban land (ceiling & regulation) Act, p rovided that not more than 10% of the proposed flats on "r t il ble Land" should be more than 180 sq.mts. in plinth area as envisaged by the NDMAC.

Th. Screening Board further designed that wherever, E.W.S. and LIG flats are to be provided the ceiling could further be reduced upto 40 sq.mts. provided it fits in the over-all urban form and residential design within the stipulated densities.

Objection/suggestion No.3 from D.R. N h r & others on 9 Kasturba Gandhi Marg, New Delhi.

i) They have objected to the Health Centre site shown in plot No. 9 falling in Section VI of this redevelopment scheme. They have also contended that HC if shown on private land than it will be against the policy in the redevelopment report which states-"in the R [illegible] are proposed for this sector as in case of other privately held plots, care has been taken that no acquisition of private land is involved, except for provision of mandatory green".

ii) They have objected to the composite development over lower income flats and privately owned bigger flats in one block as the cost of construction of the portion of lower income will almost be the same as in [illegible] privately owned bigger type of plots thus dividing the social aspect of the proposal. They have also pointed out that in same [illegible] blocks of flats.

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for lower income group in emphasised them it will create enormous problems in planing different blocks (one for low income group and other for high income groups) in the restricted group coverage of 25% with building envelope of 35% to 40%. It is not desirable to have incompatible incomes living closely together.

iii) They have pointed out that in this redevelopment scheme, the rear road concept has been omitted which is contrary in D-4 Zone (Kasturba Gandhi Marg ). Elimination of this rear road concept will cause heavy traffic on Kasturba Gandhi Marg and result in confusion as traffic will be comming partly from Main Road and partly from the rear side of the Main Road.

iv) Objection raised in para (iv) is regarding culde-sac in Section VI.

RECOMMENDATION:

i) The Screening Board was of the view that in accordance with the earlier policy, such community facilities as may be required in accordance with the density and standard specifications, should be, as far as possible, provided on the government public lands where public lands are readily available; land & Development Office may be obliged to see that no allotment is made to any one till the community facilities as stipulated are fully met.

we may write to L&DO.

ii) The Screening Board was of the view that there

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may not be any problem in placing two different blocks one for Low Income Group flats and the other for privately and bigger flats with in the ground coverage of 25% as prescribed. Regarding incompatible income groups, coming together, the Screening Board recommended that this could be taken care of while designing the Group Housing Blocks.

iii) The Screening Board observed that as the area is meant for residential (Group housing) use, the rear roads/lanes have been eliminated which would help in avoiding undesirable vehicular movement in residential areas.

iv) The Screening Board observed that cul-de-sac access roads are shown in detailed plans (Dwgs. No. 4 and 9)

Objection/Suggestion No.4 from Sh. R.N. Aggarwal & others, 5 Curzon Road, New Delhi.

[illegible] /suggestion raised in objection/ Suggestion No.4 are similar in nature of that of objection/suggestion No. 2 and 3.

ii) Screening Board's hearing Sh. Behl on behalf of Sh. R.N. Aggarwal pointed out that the size of the dwelling unit should be at par with the provision given in the Urban Land (Ceiling Act), Further it is necessary to restrict the size, only it should be restricted to a limited percentage.

RECOMMENDATIONS:

The recommendations on objection/suggestion No.4 are ~~covered under objection/suggestion 2 and 3 as the issues~~ involves were similar in nature.

Item No.
107/92

A-18.8.92

Subject: Pricing of land to be allotted to Cooperative Group Housing Societies formed under the Awas Sakar Yojna.

(F.2(21)/91/GH/OR-50)

## PRECIS

In August 1988, the Lt. Governor had approved a scheme for formation of Cooperative Group Housing Societies from amongst the registrants of New Pattern Registration Scheme 1979. This voluntary scheme was floated in order to speedily liquidate backlog of New Pattern Scheme registrants considering the pace of construction of the flats by the DDA. Under the Scheme the registrants with priority beyond 10,000 in the waiting list and willing to form cooperative group housing societies were to be allotted suitable plots of land so that they could take up the construction by themselves. Based on the information to be received from them, they were to be helped to form cooperative group housing societies. An advertisement was issued in November 1988 inviting applications from registrants who wished to exercise this option. About 6000 applications were received. Out of these 2135 were from MIG registrants and 4270 from LIG registrants. At the first instance 11 groups were indentified for formation of cooperatives and their details were forwarded to the Registrar (Coop. Societies) for registration of the societies. So far 9 such societies have been registered by the Registrar(CS).

2) Vide letter No.J-13029/11/89/DDHA dated 2.7.90, Govt. of India approved the allotment of land to Coop. Group Housing Societies so registered, on priority over the Societies registered in 1983 in relaxation of the provision of rule 6(vi) of the Delhi Development Authority (Disposal of Developed Nazul Land) Rules, 1981 which provide for allotment on first-come-first-servedbasis. Govt. also directed that Awas Sakar Yojana Societies should be allotted land out of the land portion earmarked for

DDA's group housing scheme taken up for providing flats to the registrants and not from 40% quota fixed for cooperative group housing societies.

3) In arriving at the rate for allotment of land to ASY-Societies, it was felt that the land rate to be charged from the societies under Awas Sakar Yojana should be one applicable to other cooperative societies since it would not be proper to make a distinction between two sets of societies. The pre-determined rate for allotment of land to cooperative group housing societies had been finalised after a great deal of deliberation and it was apprehended that there may be representations again if a different rate was followed for ASY-Societies. Again this background, while inviting the options from the ASY-societies for allotment of land in Dwarka Phase-I and Narela, the cost of the land was indicated at Rs.975/- and Rs.950/- per sq.mtr. in Dwarka and Narela respectively, valid till 31.03.1991. These were the rates applicable at that time to cooperative societies in general. Steps to allot the land to ASY - societies were thus initiated towards the end of 1990. Offer letters were issued to these 9 societies out which 6 societies came forward for allotment of land. The process however could not be taken to its logical conclusion. There was a challenge to the mode of recovery of the premium of land from certain other cooperative group housing societies in the High Court and the mode adopted by DDA was struck down by the High Court. Government has amended thereafter the Nazul Rules relating to recovery of premium for the land allotted to the cooperative societies. Allotment of land to ASY societies thereafter could not be made since the rate of which land was proposed to be allotted lapsed on 31.03.1991. The current pre-determined rate for allotting land to cooperative group housing societies

in general is not yet fixed. The proposal of fixing pre-determined rate stands referred to the Ministry of Urban Development for approval.

4) It has, however, later been felt that the rate at which land is to be allotted to ASY societies needs to be relooked into since there was an initial commitment given to these registrants that land would be allotted to the ASY societies at the rates that are applicable to other DDA housing schemes at the time of allotment of land. This was justifiable on the ground that these societies were carved out of the same registrants for whom DDA is constructing the LIG and MIG flats. This land if not allotted to ASY societies when eventually used for DDA group housing schemes would be priced at rate applicable to LIG & MIG flats in accordance with the land pricing policy followed for working out disposal price of these flats.

5) At present, in finalising the disposal prices of LIG & MIG flats cost of land is incorporated @ Rs.860/- and Rs.570/- per sq.mtr. respectively. The Authority has approved the validity of these rates upto 19.11.1992. It is understood that ASY societies do not comprise exclusively either of LIG or MIG category registrants. For the sake of uniformity the land rates applicable for MIG flats be made applicable for allotting land to ASY societies. Even though the Nazul Rules do not envisage two different rates for allotment of land to cooperative group housing societies, the above proposal for allotting land at a lower rate to the ASY societies merits approval considering that:

i) A commitment has already been given;

ii) The members of these societies come from lower & middle income groups.

6) The Authority is, however, informed that 6 of the 9 ASY Societies who had responded to the offer for allotment of land @ Rs.975/- per sq.mtr. in Dwarka would thus stand to benefit if the MIG rate applicable for flats happens to be lower than this rate at the time land is allotted to the ASY-societies.

7) The matter is, therefore, submitted before the Authority for approval of the following:

a) The land may be allotted to the Awas Sakar Yojana societies at a rate different than the one applicable to other cooperative societies.

b) The land would be allotted to the ASY-societies at a rate being charged at that point of time for working out the disposal cost of MIG flats allotted by the DDA to the registrants of New Pattern Scheme 1979.

RESOLUTION

**The Authority resolved that:-**

**i) Land will be allotted to Awas Sakar Yojna Societies at the Current rate applicable to Cooperative Group Housing Societies in general.**

**ii) The Present Awas Sakar Yojna will be closed and no claims for allotment of land under the scheme from the societies other than the 9 societies already reported to have been registered under the scheme will be entertained.**

While confirming the minutes of the meeting of Delhi Development Authority held on 18.8.92, the following should be added at the end of (ii) Item No. 107/92:-

"(iii) The registrants under NPRS-1979, who are members of the societies other than the said nine societies, will be considered for allotment of flats under NPRS-1979 on an individual basis according to their priority numbers provided they resign their membership and their resignation is accepted. Chairman, DDA suggested that feasibility of allotting flats to registrants under NPRS-1979 on a cooperative basis as was attempted in the case of Awas Sakar Yojna be also examined".

**Item No. 108/92**

**A-18.8.92**

**Subject:** *Modification in the procedure of allocation/allotments of flats to the registrants under the SFS Schemes.*

*(F.No.Supdtt./SFS/R/92/2/Policy)*

## PRECIS

The first Self Financing Scheme was announced by the DDA in the year 1977. Thereafter, 7 more Self Financing Schemes have been announced. Presently, the backlog exists in SFS-V and SFS-VI announced in the years 1982 and 1985 respectively. The Self Financing Scheme envisages construction of flats with financial participation from the registrants. As on 31.3.1992, the following number of registrants in SFS-V and SFS-VI have not been given any allocations/allotment of flats :

| | |
|---|---|
| Self Financing Scheme - V : | 5948 |
| Self Financing Scheme - VI : | 9323 |

2. Under the SFS, applications are invited from time to time from the registrants after release of brochure. The applicants indicate the choice of locality in order of their preference from amongst the localities offered in a particular release. The successful applicants presently have the facility of surrendering their allocations on payment of cancellation charges. The proposal to stop this facility for the reasons contained in this agenda note is now being made.

3. Presently, the 5th & 6th Self Financing Schemes registrants apply against the various releases of flats announced by the DDA, the facility of choice to apply for a flat in a particular locality is provided for in the allocation brochures released from time to time.

4. Clauses - 12 & 14 of the registration brochures of Vth & VIth Self Financing Schemes respectively provide for surrender/cancellation. For reference Clause-14 of VIth SFS Brochure is reproduced below :

> Clause-14 - SFS VIth -Surrender/Cancellation :
>
> In case the allocation made to an applicant on the basis of the draw of lots is sought to be surrendered/cancelled by him/her, he/she shall have to pay penalty equal to 10% of the registration deposit, if the application for surrender/cancellation has been made within one month of the date of issue of demand-cum-allocation letter. In the event of cancellation of allocation/allotment in the above said manner, the applicant will have to pay the prescribed penalty within a fortnight of the demand letter sent to him failing which the amount of

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penalty will be deducted from the registration deposit and the balance will become refundable to the applicant. In this situation his/her registration shall stand cancelled.

If the allotment of flat is cancelled (either on the allottee's own request or due to the non-fulfilment of the terms and conditions of allotment by the allottee) after the expiry of 1,2,3, or 4 months from the date of issue of demand-cum-allocation letter, interest calculated @ 12% per annum for the first month and @ 18% per annum for the subsequent months on the amount demanded in the demand letter shall be charged in addition to the amount of penalty specified above.

If the allottee does not pay the subsequent instalments before the due dates, the allotment of the flat in the Scheme will be cancelled and the amount deposited till date will be refunded after deducting 10% of the amount of the Registration Deposit and Interest @ 12% per annum for the first month and @ 18% per annum for the subsequent months on the amount that remains outstanding from the day they become due.

The Allottee will, however, be allowed to continue to remain as registered if he/she opts to keep Rs.15,000/- or Rs.10,000/- (as the case may be) with the DDA for such purpose out of the amount so found to be refundable. This would apply only if the registration is cancelled after the payment of first subsequent instalments."

The allocation brochures released from time to time had the corresponding provisions of giving the option to the successful allocattees to surrender or cancel their allocations on payment of prescribed charges.

5. The net result of these provisions is that after a registrant has been declared successful for allocation of a flat in a particular locality, he can still surrender his allocation/allotment. In case the allocation is surrendered within one month from the date of issue of demand-cum-allocation letter, allocattee is required to pay by way of cancelation charges an amount of only 10% of the registration deposit. This amount in respect of Category-II flats works out to Rs.1000/- and in respect of Category-III flats to Rs.1500/- only. In case the allocation/allotment is cancelled after expiry of one, two, three and four months from the date of issue of demand-cum-allocation letter, interest @ 12% per annum for the first month and @18% per annum for the subsequent months on the amount demanded in the demand letter can be paid and the allocation/allotment got cancelled. Once the registrant deposits these cancellation charges, the existing policy/procedure makes

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him/her again eligible for applying in the next release as and when announced by the DDA.

6. It is this facility that is proposed to be stopped now considering that i) housing is in great demand in the capital, ii) those who are not registered with DDA have almost nil opportunity of owning house, iii) in providing flats to the registrants, DDA would have discharged its obligation if a registrant has been provided a flat once by way of an allocation against his application, iv) the facility of cancellation/surrender has the implication of DDA financing the housing programme partially since the houses must be constructed once begun, v) there is tremendous amount of administrative work involved in effecting cancellation and maintenance of records and vi) the backlog of the registrants is not getting liquidated since the non-serious registrants keep on applying time and again and allocations/allotments remain unavailed.

7. It is relevant to note that the new SFS houses are mainly coming up in the urban extension areas of Dwarka, Narela and Rohini etc. The DDA's future land acquisition programmes will also be primarily in these areas. Since, areas outside South Delhi are not so popular as on date many of the registrants have not been applying at all against our releases. This is affecting the sale of flats. Going by the experience of December, 1991 draw, it may be mentioned that out of 4109 allocations released in Dwarka, only 3718 could be allotted. Out of these, 743 have subsequently surrendered. In respect of remaining 2975 successful registrants, payments had reportedly been received only from 1460 allocattees as on 31.5.1992. So also in the case of Narela 500 allocations had been released; but 410 could be allotted. Payment was received only in about 54 cases. The last date for automatic cancellation already being over in all these cases indicates that registrants are banking upon the possibility of flats coming up in centrally located areas which is otherwise not going to be possible.

8. Further, many of the allocattees sometimes neither pay the demanded amount against the allocation made nor make an application for cancellation in the prescribed period. Thereafter, as and when new allocation brochures is released, they come forward to pay the cancellation charges at the last moment and seek to become eligible for

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allotment again. There has been no clear provision for recovery of the cancellation charges with interest; even if such a stipulation was to be made, it would not make any significant effect to the cash flow considering that cancellation charges are very low and hardly act as deterrent. In respect of the houses taken up for construction in a pocket, DDA is called upon to finance the construction of surrendered/cancelled allocation till such time these are again given to the registrants in the waiting list at the time of next release. The work involved in a release comprises of preparation of the brochure, its sale through the designated branches of the banks, receipt of applications through the banks, preparation of eligibility list, display of the same, inviting of objections, conducting of computerised draws and finally issuance of demand-cum-allocation letters. This task has to be repeated again and again for those who keep on cancelling their allotments. If the facility of cancellation/surrender is put an end to, the registrants expectedly would make up their minds seriously before applying for a flat in a particular locality. Once they have been successful, they would pay for their allocation till the flats are completed and eventually take possession of the flats.

9. It is, therefore, proposed that the registration be cancelled in cases where successful allocattees either surrender the flat or default in making the payments as per the prescribed payment schedule. Thus a registrant will not be eligible to apply again. The cancellation could continue to be recovered at the rates prescribed. The amount deposited by way of registration deposit and interest earned on it would be refunded in each case after deducting the cancellation charges. In few cases where cancellation charges would exceed the registration deposit same could be recovered as per the provisions of the recovery provided for under the DDA Act.

10. The other aspect of the proposal is to force the locality choice on the applicants. To elaborate, if in release, the houses are being offered in 7 different localities, a registrant will have to give his choice in respect of all the seven localities in order of his

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preference. An applicant giving only one or more choices but less than 7 will not be declared eligible for the draw. If all the applicants give only one choice and apply only for one locality, all of them cannot be accommodated. Hence, the change is proposed. If the above proposals are approved, the necessary amendments in the allotment brochure [illegible] be made accordingly.

11. [illegible] modifications in the procedure of allotment/[illegible] would be covered under the provisions of clause 16 of Registration Brochure [illegible] Financing Scheme which clearly lays down that the terms and conditions are to be followed generally and that the DDA reserves its right to alter them in its discretion if it is considered necessary. On the basis of the above provisions, it appears that [illegible] reasonable and in public interest would be [illegible]. Since, the ultimate objective to provide a flat to a registrant is being met [illegible], it [illegible] from its basic commitment and the proposed changes in the procedure could not be considered as a breach of contract.

11.1 The matter has been examined by Chief Legal Adviser. His opinion is attached as Appx. [illegible]. Briefly speaking, C.L.A. is not in favour of altering the basic features of the S.F.S. Registration Scheme. He feels that the amendment envisaged in para (2) may be challenged and may have to be defended under the [illegible] of DDA to amend the Scheme.

12. Hence, the following proposals are placed before the Authority for consideration and approval :

(i) A SFS registrant who has been successful for getting a flat on the basis of a draw will not be given the facility of surrendering/cancelling his allotment/allotment with the purpose of becoming eligible for applying again;

(ii) wherever successful applicant surrenders his allocation, his registration would be cancelled after recovery of prescribed charges;

(iii) As and when, a release of flats in different localities is announced, it will be incumbent upon the applicants to indicate his/her order of preference for all the localities where the flats are being

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released/offered. The names of the registrants not abiding by this provision would not be included among the list of eligible registrants for the draw.

RESOLUTION

Having considered the agenda note, the suplementary agenda note enclosing MOUD's letter and the advise tendered by the Chief Legal Adviser, the Authority resolved that:-

i) The present procedure of allocation/allotment of flats to the registrants under the Self Finance Scheme (SFS) will continue subject to the followin

a) A Fifth Self Financing Scheme registrant and a Sixt Self Financing Scheme registrant, who does not avai of next two opportunities by applying for allocati shall be deemed to have opted out of the registrat and action shall be taken to refund the registratio deposit along with prescribed interest.

b) the registrant will be called upon to opt for all t locations while availing of the last of the aforesa opportunities.

c) the option to the successful allocatee to surrende or cancel his allocation on the payment of prescrib charges will be limited to one more opportunity to Fifth Self Financing Scheme and Sixth Self Financi Scheme registrants.

d) No change of location or floor will be permitted under any circumstances.

ii) DDA shall address registered individual letters to all the registrants left out after one opportunity, givin the background behind the new procedure and explaining to them that it is in their own interest to apply at the earliest.

iii) Chairman suggested that a list of the balance regis trants who could not be provided under the Awas Sakar Yoj should be prepared, and as more land becomes available, another scheme considered for their requirements.

While confirming the minutes of the meeting of Delhi Development Authority held on 18.08.92, the following modification/decision were taken against Item No.108/9

From the resolution pertaining to Item No. 108/92, the portion bearing serial No.(d) (iii) shall be deleted.

Appte.'MM' to item No.108/92

Opinion of the C.L.A

The proposal to cancel the registration in case of allocattee surrendering the allocation is contrary to the specific terms of registration. All the S.F.Schemes give an option to the allocattee to surrender the allocation on payment of specified penalty. If the allocation is surrendered after more than one month, interest at specified rates is payable, in addition to the penalty. The terms of registration provide that the registration itself will remain alive, in case the requisite registration deposit is maintained.

It can not be accepted that the persons who come for cancellation of allocation only at the time of subsequent release have not to pay the penalty and/or interest. They will have to pay the penalty and in case more than one month has since expired, they will also have to pay interest at specified rate, on the amount of deposit letter. There is no requisite out or necessity of not waiting till next release. The allocation can be cancelled after the time stipulated in allocation letter for payment, has expired, unless, in the meanwhile the allocattee has applied for cancellation. The problem in this regard seems to be only administrative.

It is correct that DDA has reserved right to alter any term. But, it has to 'generally' confirm these terms, as stipulated in the brochure. Alternatively, if disadvantageous to the registrant, has to be fully justified. Moreover, in exercise of this right, in my view, DDA should not alter the basic terms of registration. Whether or not this proposal constitutes a basic term, will ultimately have to be decided by the Courts, in case of challenge on this ground.

Hence, a conscious decision will have to be taken, keeping in mind the possibility of some registrant(s) challenging the revised term relying

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upon the provisions of the Scheme and the consistent past practice of DDA. If the proposal is approved, and subsequently challenged in Court, we will have to defend it, relying upon the right of DDA to alter the terms and will have to convince the Courts that there was full justification for the modification and that it did not constitute alteration of the essential features of the Scheme.

sd/- 1.8.92
(V.K.Jain)
CLA

ITEM NO.
109/92

A-18.8.92

SUB : Change of land use of an area measuring 28.75 Ha. (71 acre) from 'Public and Semi-Public Facilities' (Convention Centre) to Commercial, Residential and Recreational use in Pinjrapole area, New Delhi.

F.3(33)89-MP

PRECIS

The Secretary to the Govt. of India, Ministry of Urban Development vide order no.K-20013/27/91-DDIB dt. 16.3.92 (App. 'NN' P. 174-75) has conveyed the approval of the Central Govt. under Section 11A of Delhi Development Act,1957 to issue a Public Notice for inviting objections/suggestions from the public by exercising the powers conferred on the Central Govt. under Section 41 of Delhi Development Act,1957. Delhi Development Authority has been directed to restore the land uses of the area under reference as prior to 1.8.90 as per Master Plan/Zonal Plan of 1962.

2. A Public Notice was issued on 23.5.92 for inviting public objections/suggestions (App. 'OO' P. 176) In response to the Public Notice, the following objections/ suggestions have been received:

(i) a) Jt.Director(ZP)DDA has made an observation that the right of way of Marshal J.B. Tito Marg is mentioned as 45 metre (200 ft.). This needs to be reconciled as 45 metre does not correspond to 200 ft.

b) In MPD-2001, there is no land use as 'zonal green', therefore, Master Plan land use needs to be indicated.

(ii) Town Planner, MCD informed that there is no objection for the proposed modification from 'Public and Semi-Public Use' to part 'Residential', Part Commercial (Community Centre) and part District/Zonal Park.

3. The above observations have been examined and comments are given below:

a) The road right of way of Marshall J.B. Tito Marg is 45 metre in MPD-2001 as mentioned in the Public Notice and the same needs to be followed.

b) The land use instead of zonal park may be termed as 'recreational use'.

4. The matter was considered by the Technical Committee in its meeting held on 31.7.92. The Technical Committee recommended to the Authority for approving the change of land use and to refer to the Ministry of Urban Development to issue a notification under Section 11A of Delhi Development Act,1957 for change of land use of an area measuring 28.75 Ha. (71 acre) from 'Public and Semi-Public Facilities' (Convention Centre) to 'Commercial Use' (Community Centre) - 6.88 Ha.; Residential use (Govt. Housing) - 14.17 Ha. and Recreational Use (7.7Ha).

5. The matter is placed before the Authority for the consideration and approval on the Recommendations of the Technical Committee.

## RESOLUTION

*The Authority resolved to recommend to the Central Govt. the proposal for change of land use of an area measuring 28.75 hect.(71 acres) from 'Public and Semi-public Facilities'(Convention Centre) to 'Commercial use' (Community Centre) 6.88 hact.; Residential use (Govt. Housing) — 14.17 hact.and Recreational Use (7.7 hact).*

**The Authority confirmed the resolution adopted by it on 10.8.92 by circulation.**

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Appendix 'NN' to Item No. 109/92 )

Government of India
Ministry of Urban Development
(Delhi Division)
*****

No. K-20013/27/91-DDIB New Delhi, dated 16.3.1992

**ORDER**

In the Delhi Master Plan, 1962, in Pinjrapole area (Andrews Ganj), the land use of a plot of Nazul land measuring about 35 acres was earmarked for housing, 18 acres zonal green and 17 acres for Community Centre.

2. To meet the urgent need for accommodation for participants of Afro-Asian Games, the work of land utilisation as per 1962 Master Plan was partially entrusted by Government to CPWD and partially to HUDCO. CPWD were asked to construct Type-IV quarters on 10 acres of land and HUDCO were asked by the Government to develop and dispose of Community Centre on 17 acres of land and out of the surplus proceeds, construct general pool quarters in 25 acres of land. The utilisation of this land is in conformity with the provisions of the Delhi Master Plan, 1962.

3. When the lay-out plans for Community Centre and residential portion to be constructed by HUDCO were submitted to MCD, it was observed by the local body that in the revised Master Plan, the land use has been changed and is not in conformity with the land use as assigned to the area in Master Plan Delhi, 1962.

4. The entire issue has been examined and it is observed that when the Master Plan Delhi 2001 was notified by the Government on 1.8.1990, there has been a bonafide error in omitting to specify the utilisation of the above area in respect of Pinjrapole as per Delhi Master Plan, 1962, which resulted in inadvertent change of land use of the area in question.

5. It has, therefore, been decided in public interest to correct the bonafide mistake and restore the original land use as was assigned to the plot in Pinjrapole (Andrews Ganj) to that as mentioned in Delhi Master Plan, 1962 i.e. 35 acres for housing, 19 acres zonal green and 17 acres for Community Centre.

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6. Therefore, in exercise of the powers conferred on the Central Government under Section 41 of the Delhi Development Act, 1957, Central Government hereby directs the DDA to restore the land use of this area as existed for this land in the Master Plan Delhi 1962 and process the change of land use by restoring to the following:-

resorting?

i) Action u/s 11-A(2) for modification to the Master Plan Delhi 2001, restoring with effect from 10.8.1990 the land use of the said area to that which existed in respect of this land in the Delhi Master Plan, 1962;

ii) Publish a Notice in such form and manner as prescribed by Delhi Development (Master Plan & Zonal Development Plan) Rules, 1959 inviting objections and suggestions from any person with respect to proposed modification and

iii) Follow such other procedure as is necessary to bring about the restoration of identified land use.

( R.K. Bhargava )
Secretary to the Govt. of India

To

The Vice Chairman,
(Shri C. Noronha),
Delhi Development Authority,
Vikas Sadan, I.N.A.,
New Delhi-110 023.

(Appendix 'OO' to Item No. 109/92 )

To be published in the Gazette of India Part II section 3 sub-section (ii) dt. 23.5.92 .

No. F3(33)89-MP

Dated 23.5.92 .

PUBLIC NOTICE

The following modificationwhich the Central Government proposes to make to the Master Plan/Zonal Development Plan for Delhi, is hereby published for public information. Any person having any objection or suggestion with respect to the proposed modification may send the objection/suggestion in writing to the Secretary, Delhi Development Authority, Vikas Sadan, INA 'B' Block, New Delhi within a period of thirty days from the date of issue of this notice. The person making the objection or suggestion should also give his name and address.

MODIFICATION:

"The land use of an area measuring 28.75 ha. (71 acres), falling in zone F-3 (Pinjrapole Area), bounded by Govt. pool housing (Andrews Ganj), Sadiq Nagar and Aryuvigyan Nagar), in the North and South, Marshal J.B. tito Marg 45 mtrs. wide (200 ft. r/w) in the East and Khel Gaon road 30 mtrs. wide (100' r/w) in the West and earmarked in MPD-2001 for public and semi-public use' (proposed convention centre)', is proposed to be restored to land uses earmarked in the composite Zonal Development Plans of zones D-17, 18, 19, 20 and F-2&3, notified vide notification no. K-13012/7/71-UDI dt. 28.12.73 i.e. for "residential" (housing) - 14.17 ha., commercial (community centre) - 6.88 ha. and district parks/zonal green - 7.70 ha."

2. The plan indicating the prposed modification will be available for inspection at the office of the Deputy Director, Master Plan Section, Vikas Minar, 6th floor, IP Estate, New Delhi on all working days within the period referred to above.

( RANBIR SINGH )
SECRETARY
DELHI DEVELOPMENT AUTHORITY.

VIKAS SADAN
'B' BLOCK, INA
NEW DELHI.

DATED THE 23.5.92 .

## DELHI DEVELOPMENT AUTHORITY

ITEM NO
110/92

A-18.8.92

Sub: Constitutioin of Advisory Council of the Delhi Development Authority

F. 1(1)/92/M.C./DDA.

### PRECIS

Under section 5(1) of the Delhi Development Act-1957, whereunder the Authority is empowered to constitute an Advisory Council for the purpose of advising the Authority on the preparation of the Master Plan and on such other matters relating to the planning or development or arising out of or in connection with the administration of the Act, as may be referred to by the Authority.

2. Desk Officer, Govt. of India, Ministry of Urban Development vide his letter No: K-11011/37/92-DDIA dated 10.8.92 (Appendix 'PP' P-178-179) has informed that under section 5(2) (h) of the Delhi Development Act,1957, the Rajya Sabha has elected Sh. R.K.Dhawan, member of Rajya Sabha to serve as member of the Advisory Council of the Delhi Development Authority in place of Sh. Harvindra Singh Hanspal retired from the membership of the Rajya Sabha on 4.7.1992.

The matter is placed before the Authority for information.

### RESOLUTION

The Authority noted the information.

-.-.-

Appendix 'DD' to Item No. 110/92

-178-

No.K-11011/37/92-DDA
Government of India
Ministry of Urban Development
(Delhi Division)
.....

New Delhi, dated the 10th Aug., 1992.

To

The Secretary,
DDA, Vikas Sadan, INA,
New Delhi.

Subject: Election of a Member of Rajya Sabha to the Advisory Council of the DDA.

Sir,

I am directed to enclose a copy of Rajya Sabha Secty's letter No.RS.4(10)/85-Com.II dated the 24th July, 1992 on the above subject, wherein Shri R.K. Dhawan, Member Rajya Sabha has been duly elected to a Member of the Advisory Council vice Shri Harvendra Singh Hansnal retired from the Membership of Rajya Sabha on 4th July, 1992. It is requested that necessary action in this regard may be taken and the Ministry intimated in due course.

2. The position regarding calling of a meeting of the Advisory Council may also please be intimated.

Yours faithfully,

(V. Suresh)
Desk Officer

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दि० 12-08-92

Appendix 'PP' to Item No. 110/92

-178-

No.K-11011/37/92-DDA
Government of India
Ministry of Urban Development
(Delhi Division)
.....

New Delhi, dated the 10th Aug., 1992.

To

The Secretary,
DDA, Vikas Sadan, INA,
New Delhi.

Subject: Election of a Member of Rajya Sabha to the Advisory Council of the DDA.

Sir,

I am directed to enclose a copy of Rajya Sabha Secty's letter No.RS.4(10)/85-Com.II dated the 24th July, 1992 on the above subject, wherein Shri R.K. Dhawan, Member Rajya Sabha has been duly elected to a Member of the Advisory Council vice Shri Harvendra Singh Hansdal retired from the Membership of Rajya Sabha on 4th July, 1992. It is requested that necessary action in this regard may be taken and the Ministry intimated in due course.

2. The position regarding calling of a meeting of the Advisory Council may also please be intimated.

Yours faithfully,

(K. Suresh)
Desk Officer

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Copy
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JD/AS 12/8

-179-

PARLIAMENT OF INDIA
RAJYA SABHA SECRETARIAT

Telegram : "PARISHAD"
Telephone :

PARLIAMENT HOUSE ANNEXE
NEW DELHI-110001

Dated the 24th July, 1992

No.RS.4(10)/85-Com.II

OFFICE MEMORANDUM

Subject : Election of a member of Rajya Sabha to the Advisory Council of the Delhi Development Authority.

...

The undersigned is directed to refer to the Ministry of Urban Development letter No.K-11011/27/92-DDIA dated the 29th June, 1992 on the above mentioned subject and to state that, in pursuance of a motion adopted by the Rajya Sabha on the 17th July, 1992, Shri R.K. Dhawan, Member, Rajya Sabha, has been duly elected to be a member of the Advisory Council of the Delhi Development Authority on the 24th July, 1992.

2. The Permanent and Delhi Addresses of Shri R.K. Dhawan are given below :-

| Permanent Address | Delhi Address |
|---|---|
| H.No.7-3, Budvel Village,<br>Rajendranagar Mandal,<br>Rangareddy District (A.P.) | 141, Golf Links,<br>New Delhi-110003. |

3317/DDR
28-7-92

(G.K. SAXSENA)
UNDER SECRETARY.

To

The Ministry of Urban Development,
(Parliament Section),
Government of India,
New Delhi.

Parliament Cell
....

Forwarded for information and necessary action.

Rajinder S
SO(PL)

Delhi Division

ITEM NO: 111/92

A-18.8.92

**Sub : Change of land use of an area measuring 26 hect. from 'agricultural and water body (rural use zone)' to 'extensive manufacturing(fly-ash brick plant)' near Badarpur Thermal Power Station, New Delhi.**

**File No.F.3(56)89-MP**

## P R E C I S

General Manager(B), Badarpur Thermal Power Station moved a proposal for change of land use for approximately 40 hect. for setting up of an industry for manufacturing of ash base products in the vicinity of Badarpur Thermal Power Station on the existing fly-ash pond area. Initially, when the request was examined by the Ministry of Urban Development, the area was suggested for change of land use to the extent of 8 hect. (20 acres). Later on, a meeting was held on 19.6.92 under the chairmanship of Secretary(Power), Ministry of Energy, where it was agreed that atleast 10 fly ash brick manufacturing units should be set up and for that purpose land use to the extent of 40 hects. of land be changed to manufacturing purposes.

2. The matter was examined in detail and it was observed that in case of such units proposed to be set up at Raj Ghat Power Station, change of land use has been processed for 4 hects. of land for establishing two units and, therefore, for 10 units the land requirement is about 20 hects. and keeping in view the land required for circulation etc., it was estimated that land use may be processed for an area measuring 26 hect.

3. The proposal was discussed in the meeting of the Technical Committee held on 10.8.92 with the following decisions:

i) to process the change of land use of about 26 hect. of land only to be used for fly ash based brick manufacturing plants.

ii) the location should be approachable from the proposed bund road.

iii) each brick manufacturing unit be allotted the quantum of land as in case of units proposed at Rajghat Power Station on the similar terms and conditions.

iv) Based on the above points while processing the change of land, General Manager (B), Badarpur Thermal Power Station, should formulate a project report indicating likely vehicular traffic generated by these brick manufacturing units and the appropriate appraoch from main road towards Noida and Delhi.

4. The matter is placed before the Authority for its consideration and approval for change of land use of land measuring 26 hects. from 'Agricultural and Water Body (rural use zone)' to 'extensive manufacturing' (fly-ash brick plants only) near Badarpur Thermal Power Station, New Delhi.

**RESOLUTION**

The Authority resolved that the proposal for change of land use of land measuring 26 hact. from 'agricultural and water body (rural use zone) to 'extensive manufacturing (flyash brick plants only), near Badarpur Thermal Power Station, be approved and processed and the provision of Delhi Development Act, 1957.

•-•-•-•-•

ITEM NO. 112/92 SUB: Price of S.F.S. Flats. (F.21(1108)/HAC.

A-18.8.92

## PRECIS

As per the existing practice 90% of the estimated cost of SFS flats which includes cost of construction and land premium is recovered in 4 instalments each at an interval of 6 months at the time of allocation of the flat. For the 5th & final instalment at the time of allotment, a fresh demand letter is issued separately based on the final disposal cost worked out on the basis of expenditure incurred and likely to be incurred as intimated by the Engineering Wing and land premium at the rates as applicable at the time of allocation after adjusting the amount of four instalments paid as per allocation letter.

2. The major difference between the SFS and other flats i.e. MIG, LIG and Janta are as under:

| S.F.S. | Others (MIG,LIG & Janta) |
|---|---|
| (1) Under SFS there are two stages (i) Allocation & (ii) Allotment.<br>At the stage of allocation, the locality, Pocket/Floor is decided and the allocattee is required to pay 90% of the estimated cost.<br>At the stage of allotment draw for specific number of flat is held. After this, demand letter for 5th & final instalment is issued. | (1) Under these categories there is no stage of "allocation." Specific allotment of flats is made when the construction of flats is complete. The final disposal cost is recovered after specific allotment on cash down basis or hire-purchase basis as given below:<br>EWS 100% hire purchase<br>LIG 75% hire purchase, 25% cash down.<br>MIG 60% hire purchase, 40% cash down. |
| (2) Since the construction of flats under SFS is supposed to be made with the funds of allocattes, no element of interest is included while working out the disposal cost. | (2) Since the investment for construction is made by DDA from its own resources, interest as applicable is charged and included in the disposal cost of these flats as the cost is worked out on 'No profit no loss' basis'. |

Contd....

(3) Under SFS, if the construction gets delayed beyond 2-1/2 years from the date of allocation, as per terms & conditions interest on the deposits of the allocattee is paid.

(4) In case of allotment of ready built flats or left out flats under SFS the disposal cost includes the following elements;

(a) Original cost of construction;

(b) Land premium at the rates as applicable at the time of allotment; and

(c) Interest from the due date of instalments upto the proposed date of issue of demand letters.

(3) There is no such stage or com[illegible] ment under these categories as [illegible] disposal of flats is made only [illegible] the construction is complete.

(4) Under these categories, for the [illegible] out flats the current cost of cons[illegible] tion and the current land prem[illegible] is charged.

3. The land premium was revised as indicated below vide Authority Resolution No.53 dated 17.5.1991 (Appendix 'QQ' Page [illegible]

| | |
|---|---|
| SFS | Rs.975/- per sq.mtr.on gross area basis. |
| MIG | Rs.870/- per sq.mtr on gross area basis. |
| LIG | Rs.660/- per sq.mtr.on gross area basis. |
| Janta/EWS | Rs.500/- per sq.mtr. on gross area basis. |

4. The above rates were brought into force from 6.12.1990. Copy [illegible] the said resolution is enclosed (Appendix 'QQ' page 186-189). As per the decis[illegible] of VC, DDA dated 3.12.1990 (copy enclosed as Appendix 'RR' page 190), it was decided that the current land rates indicated above shall be taken into accou[illegible] for costing of left out flats for all categories of flats. It was also stated th[illegible] it is not only reasonable but will also avoid differences in the prices of flats being allotted/allocated now.

5. The proposal of working out the price of left out flats was placed before the Authority and approved vide Authority's Resolution No.53 dated 17.5.1991. Paras 8 & 9 of the said Agenda note dealing with the working ou[illegible] the price of left out flats are reproduced below:

Contd..

"8. Until 6.12.1990, while working out the revised cost in respect of left out flats under MIG, LIG and Janta Schemes current cost of construction was being taken into account without any change in the original land premium. As per the approval of VC dated 3.12.1990 (Annexure B) the revised land premium is being incorporated in the cost of left out flats under LIG, MIG and Janta categories after 6.12.1990.

Under SFS category, the cost of left out flats is up-dated by adding interest on capital @ 10% p.a. on the original cost.

9. As per the decision of VC dated 3.12.1990 referred to above, while the earlier procedure for determining the cost under SFS remains unchanged, the revised land premium charges as approved by LG on 19.11.1990 are also being incorporated in the cost of all flats allotted thereafter."

6. As stated in the foregoing paras while working out the final disposal cost, the land rates as applicable at the time of allocation are being taken into account to work out the land premium recoverable from the original allocattees as 90% of the estimated cost which includes cost of construction + land premium, stands recovered from SFS allocattees in 4 instalments at an interval of 6 months each.

7. A question has arisen whether we should charge the land rates as applicable at the time of allotment while working out the final disposal cost through the 5th and final instalment or whether the land rates continue to be taken as were applicable at the time of allocation from the original allocattees. On the issue relating to regular registrants of SFS, getting allocation and subsequent allotment, legal opinion was sought for. The relevant portion is reproduced below:

"In my opinion even if the allocation letter may form the basis of the contract between the DDA and the registrants the same does not by any stretch of imagination leave to the conclusion that the prevailing cost of land at the time of actual allotment cannot be taken into consideration and the cost of land prevailing at the time of allocation alone has to be taken into consideration. It may be true that the registrants under SFS may have already paid a substantial portion of estimated costs at the time of actual allotment and the revision of land rates may have taken only a few days before actual allotment. This may require a policy decision by the DDA but it cannot be said that DDA is legally not entitled to take into consideration the land rates prevailing at the time of allotment into consideration while determining the last instalment payable by the registrants.

Contd...

*in my opinion, therefore, the decision of the Authority taken in May,1991 to take into consideration the prevailing land rates in respect of allotment applies equally to the registrants of the Self Financing Scheme and the letter requiring the last instalment should stipulate the balance amount payable by the registrants after determining the cost of the flat by taking into consideration the prevalent land rates".*

*8. Vice-Chairman,DDA while examining the legal advice has observed as follows:*

> *" DDA should charge the price of land of SFS flats on the same formula as of MIG/LIG/EWS. The fifth and final instalment should be calculated on the basis of price of land at the time of "allotment".*

*9. The matter is placed before the Authority for consideration and approval of the proposal contained in Para (8) of the note.*

## *RESOLUTION*

**The Authority resolved that DDA should continue to charge the land premium from the SFS registrants at the rate prevailing at the time of allocation.**

-.-.-.-.-

Item No. 57 Subject : Pre-determined rates for Rohini & other Resettlement Scheme (Revised Land Rates). F.22(6)71/H.A.C./Pt.I.

17.5.91

PRECIS

In accordance with Resolution No.447 dated 24.10.80, the land premium @Rs.62/- per sq.mtr. was being charged for the gross area of the pocket, uniformly for all categories of flats, while working out the disposal cost of flats.

2. In 1980-81, when DDA launched its housing schemes in Trans Yamuna Area and far-flung areas like Rohini and Bidelle, it was noticed that cost of development of land in these areas was considerably higher than the development of land in other areas i.e. South Delhi, West Delhi and North Delhi, which were already developed or semi-developed. With a view to rationaling the cost of flats, Housing Committee vide its Resolution referred to above approved that in addition to land premium @Rs.62/- per sq.mt. the following equalisation charges may also be charged from the allottees in the developed/semi-developed areas.

| LOCALITY | EQUALISATION CHARGES |
|---|---|
| South Delhi | Rs.100/-per sq.mtr. of the Plinth Area. |
| North & West Delhi | Rs.50/-per Sq.mtrs.of the Plinth area. |

3. In respect of EWS flats, equalisation charges were levied at 50% of the above rates. No such charges were levied in r/o flats in East Delhi, Rohini and Bodelli.

4. The rates of land and equalisation charges were being levied uniformly in r/o all flats including SFS flats upto 23.1.85. The land rates chargeable in respect of SFS allottees were reviewed in 1985. The Authority, vide its Resolution No. 9 dated 23.1.1985, resolved that the land rates as applicable to co-operative group housing societies at that time may be charged in respect of SFS allottees. Based on the prevailing rates of land chargeable from co-operative group housing societies, the following rates were approved by the Authority as land premium for SFS flats allocated after 23.1.85:-

| | |
|---|---|
| South & Central Delhi | Rs.160/-per.Sq. Mtrs. of the gross area. |
| West & North Delhi | Rs.135/-per Sq.Mtrs. of the gross area. |
| East Delhi, Rohini and Bodella. | Rs.110/- per sq.mtrs. of the gross area. |

These rates are inclusive of equalisation charges.

5. The land rates in r/o co-operative group housing societies were revised under the approval of LG vide Circular No. EE 16(94)86/ dt.29.6.90 as under:-

| | | |
|---|---|---|
| 1. | Kapankalan & South Delhi. | Rs.975/-Per Sq.Mt. |
| 2. | North & West Delhi | Rs.950/-per Sq.Mt. |
| 3. | East Delhi | Rs.925/- Per Sq.Mt. |

Based on the prevailing rates of land chargeable from co-operative group housing societies, the tentative premium charges for SFS flats released in July, 90 were worked out taking into account the above land rates prescribed for co-operative group housing societies.

6. The existing costs of acquisition and development being very high, it was decided to adopt the following concessional rates for the land component in respect of allottees belonging to EWS/LIG/MIG categories for the purpose of costing of flats:-

| | | |
|---|---|---|
| 1. | EWS | Rs.500/- per Sq.Mt. |
| 2. | LIG | Rs.650/- Per Sq.Mt. |
| 3. | MIG | Rs.870/- Per Sq.Mt. |
| 4. | SFS | Rs.975/- Per Sq.Mt. |

These revised rates, which have been approved by the LG were brought into force from 6.12.90.

7. Besides the above rates, equilisation charges @Rs.100/- per sq.mt. of plinth area for South and Central Delhi and Rs.50/- per sq.mt. of plinth area for North and West Delhi have also been approved.

8. Until 6.12.90, while working out the revised cost in r/o left out flats under MIG, LIG, and Janta schemes current cost of construction was being taken into account without any change in the original land premium. As per the approval of VC dated 3.12.90 (Extract placed at (Appendix "L", Page 7), the revised land premium is being incorporated in the cost of left out flats under LIG, MIG and Janta categories after 6.12.90

Under SFS category, the cost of left out flats is up-dated by adding interest on capital @10% P.A. on the original cost.

9. As per the decision of VC dated 3.12.90 referred to above, while the earlier procedure for determining the

cost under SFS remains unchanged, the revised land premium charges as approved by the LG on 19.11.1990 are also being incorporated in the cost of all flats allotted thereafter Authority may kindly see & approve.

R E S O L U T I O N

Resolved that the proposal be approved. It was further felt that the rates of land for E.W.S. and L.I.G. were too high and needed to be reduced and therefore it was decided that a comprehensive paper on providing relief to EWS and LIG categories should be prepared and placed before the Authority at its next meeting.

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Appendix ' RR ' to Item No: 112/92



APPENDIX ' A ' TO ITEM NO. 53

The Delhi Development Authority has already approved in one of its meetings that the current cost of construction should be taken into account while doing the costing of the left out flats which had been constructed some time back but could not be allotted for one or the other reason. VC is aware that at the time of issuing the brochure for the new release of 3000 SFS houses (July, 90) the cost of land was adopted @Rs.975/- per sq.metre. With this background it is proposed to take this land rate into account for costing of left out flats. It is reasonable as well as will avoid differences in the prices of flats being allotted/allocated now.

For Office LIG Only

2. Similar procedure may be adopted for MIG, LIG etc. as the land rates for the purpose of costing of new flats have also been approved recently by the L.G.

VC may kindly see.

Sd/-
(M.G.GUPTA)
Finance Member
28.11.90

Sd/- Seen.
VC

ITEM NO. 113/92

A-18-8-92

Sub : Proposed amendment in MPD-2001 and in the Unified Building Bye-laws 1983 (Union Territory of Delhi).

F.3(25)90-MP

MPD-2001 came into force from 1.8.1990. The plan contains the Development Code, specifying the norms for building bulk such as coverage, FAR, height and also norms for parking, dwelling units etc.

2. The Unified Building Bye-laws are in operation since 23rd June 1983 in the Union Territory of Delhi as adopted by the Local Bodies viz. DDA, MCD, NDMC & Cantonment Board after these were certified by the Authority that these bye-laws are in conformity with the zoning regulations of Delhi Master Plan, formulated under Delhi Development Act, 1957.

3. The MCD issued a Public Notice in April 1990 proposing amendment in the bye-laws applicable in the jurisdiction of MCD. The amendments were with regard to compounding of excess coverage to an extent of 20% subject to a maximum limit of 450 sq.ft. on each floor and also the infringement of "set-back" to an extent of 2 ft. These amendments were suggested in Appendix 'Q' of the bye-laws. The said amendments were finally notified by Delhi Admn. on 13.12.90.

4. The aforesaid amendments in Appendix 'Q' of the building bye-laws being in contravention of the provision of Development Code of MPD-2001, the whole matter was examined and the Addl. Secy., Govt. of India, Ministry of Urban Development vide his D.O. letter no.K-12016/5/79/DDIIA/IB dt. 24.3.92 (Appendix SS: P.No 196-198) conveyed the decision with regard to amendments to be made in MPD-2001 and the unified bldg. bye-laws for compounding of excess coverage and the infringment of the set-backs by levying penalties at the rates mentioned therein. Meanwhile, Delhi Admn. with the approval of Lt.Governor, Delhi has withdrawn the earlier notification dt. 13.12.90 pertaining to amendment to Appendix 'Q' of the Bye-laws consequent to the above reference of the Govt. of India, Min. of Urban Development.

5. The decision taken by the Govt. of India, Ministry of Urban Development referred to above were in five parts namely -

(i) Compounding fee for excess coverage upto 20% (maximum 450 sq.ft. on each floor) as has taken place upto 13.12.90, must be equal to the notified rates of the land prevailing in that area on the date of compounding. The Govt. desired that MCD may prepare a fresh proposal on these lines and submit to Delhi Admn. for amendment in the Building bye-laws.

(ii) The construction done prior to 13.12.90, where excess coverage is beyond 20% or 450 sq.ft. on each floor, excess coverage cannot be compounded and is liable to be demolished. Till such time excess construction remains in the property and is not demolished either by the owner or by the local body, could be charged as an annual penalty to be calculated at double the notified land rates prevalent for that area. Also, where the builder/owner does not come forward for compounding even the compoundable excess coverage, within a specified period, he shall also be charged same fine as applicable to such construction.

(iii) The compounding charges and penalty in respect of commercial properties would be three times the compounding charge of the penalty for residential property specified for (i) and (ii) above.

(iv) For construction coming up after amendment of Master Plan and building bye-laws, upto 5% of excess permissible coverage could be compoundable (maximum of 13.5 sq.mtr. as informed vide reference No.F.8/2/90-LSG/Vol.I/3850 dated 24.4.92 by Jt.Dir.(LSG), Delhi Admn. Appendix-I. The calculation of compounding fee would be as follows:

a) Upto 1% of excess coverage, would be deemed to be bona fide mistake of construction and a one time compounding charge equivalent to the land rates prevailing at the time of appli-

-ation of compounding for that area would be charged.

b) For excess coverage of more than 1% but less than 5% (upto and including 5% as per recommendation of Technical committee, meeting held on 27.4.92) a recurring annual levy equivalent to the land rates prevalent for that area at the time of application for compounding, would be charged.

c) For anything above 5%, the property would be liable to be demolished to that extent and till it is demolished, a recurring fine on an annual basis since its existance, at double the land rates prevalent for that area at the time of detection, would be charged.

(v) Regarding set-backs infringments for construction carried out upto 13.12.90, the same shall be compounded at the rates prescribed by MCD as below:

| | Residential Bldgs. | Non-residential bldgs. |
|---|---|---|
| upto 6" | Rs.25 per Sq.ft. | Three times of residential bldg.rate |
| Above 6" to 12" | Rs.50 per Sq.Ft. | |
| Above 12" to 24" | Rs.200 per Sq.ft. | |

And the limit of compounding of set-backs after 13.12.90 is restricted to 1 ft. on the rates specified above.

6. (a) Keeping in view the above proposals, it is suggested that an additional clause after clause 3(6) as clause 3(7) be added in MPD-2001 in the chapter on 'Development Code' (page 145 of Gazette of India Part II, dated 1.8.90, as below:

Clause : Authority/Local Body(s) shall be empowered, after levying penalty, to compound deviations from limits of coverage/FAR to the extent

of 5% of the permissible coverage/FAR subject to a maximum of 13.5sqm. in building premises at the time of considering the completion/occupancy certificate. This would not apply to buildings where 100% ground coverage and fixed height is allowed as per architectural controls forming part of comprehensive schemes like District Centres, Community Centres etc. ~~cluster group housing etc.~~

(b) For set-backs, MPD-2001, under the heading 'Development Code' and sub-heading " 8(4) Control For Building/Buildings within use Premises", sub-para 5(v) page 159, provides that "the Authority could relax set-backs in special circumstances". Therefore, no additional provision is required for compounding the infringment of set-back. Govt.'s decision for compounding infringment of set-backs, therefore, may form part of the Unified Building Bye-laws.

c) Provision of compounding charges and penalties and the rates as specified in the Govt.'s communication, may form part of the building bye-laws.

7. These issues were discussed in the meeting of the Technical Committee held on 27.4.92 and the Technical Committee approved the above proposals subject to maximum limit of 13.5 sqm. in all buildings other than those where coverage and height are governed as per architectural controls, forming part of comprehensive schemes like District Centres, Community Centres, ~~Cluster Group Housing~~ etc. It was also agreed that the clause relating to compounding of excess coverage of more than 1% should be re-worded so as to specify that such deviations upto and including 5% qualify for the proposed recurring annual levy. The Technical Committee further recommended that subject to the amendments in MPD-2001, the building bye-laws be elaborated so as to provide said compounding fee being charged for infringments of set-backs as cited in the letter of the Min. of Urban Development.

8. Secretary (LSG), Delhi Admn. vide D.O. No.F.8/2/92/LSG/6773 dated 14.8.92 prepared a draft proposal incorporating the proposals of the Ministry of Urban Development (Appendix 'T.T.' P.No.199..) and forwarded the same for approval of the Authority.

9. The contents of the draft have been examined keeping in view the decision of the Technical Committee mentioned above and the revised draft has been prepared (appendix 'UU' P.No.200-201)

10. The amendments are in two parts; first part relates to such amendments which will first require suitable provision in the Master Plan, as specified in para 6(a) whereas the second part pertains to infringment of set backs, and can be made in the building bye-laws without amending the Master Plan. Therefore, the notification as an amendment in appendix 'Q' with regard to first part could be taken up after the said provision is made in the Master Plan.

11. The matter is placed before the Authority for its approval for

i. the recommendation of the Technical Committee as contained in para 6 and

ii. the proposal to amend Appendix 'Q' given in appendix 'UU'....).

**RESOLUTION**

The Authority resolved that the proposal conta para 7&9 of agenda item be approved and processed furth Delhi Development Act. 1957.

APP. 'SS' TO ITEM No. 113/92 — 196 — Appendix I

R.V. PILLAI

अतिरिक्त सचिव
ADDITIONAL SECRETARY

CONFIDENTIAL

भारत सरकार
शहरी विकास मंत्रालय
GOVT. OF INDIA
MINISTRY OF URBAN DEVELOPMENT

D.O. No.K-12016/5/79/DD11A/92

नई दिल्ली-110011, दिनांक
Dated New Delhi-110011, the 24th March, 1992

Kindly refer to Local Self Government Department, Delhi Administration's letter No.F-8/2/90/LSG/114/92 dated 8.1.92 regading admendment in the Building Bye Laws, 1983.

2. This has been further discussed at a meeting held in the office of the Chief Secretary, Delhi Administration and the following decisions taken:

(i) That the rates of compounding as proposed by MCD were too low and keeping in mind the recommendations of the High Powered Committee, they should be made deterrent. Thus it is porposed that for compounding such excess coverage which is upto 20% excess for such construction as has taken place upto 13.12.90, compounding fee must be equal to the notified rates of land prevailing in that area on the date of compounding. MCD may prepare fresh proposals on these lines and submit to Delhi Administration for amendment in the Building Bye Laws. DDA may propose suitable amendment in the Master Plan and Building Bye Laws to incorporate the above and forward this to the Government.

(ii) For such construction done prior to 13.12.90 wherein excess coverage is beyond 20% of permissible coverage subject to a maximum of 450 sq.ft., the excess coverage beyond 20% would not be compoundable and liable to be demolished. Till such time that the owner of the property demolishes the excess construction or is demolished by local body, the excess coverage beyond compoundable limit would be charged a penalty calculated @ double the rate of notified land rates prevalent for that area on an annual basis. This provision will be in the form of a penalty clause and not form part of the notification of amendment of Appendix Q. Where the builder does not come forward for compounding even compoundable excess coverage, within a specified period, he should be charged the same fine as above.

(iii) The compounding charges and penalty in respect of commercial properties would be 3 times the compounding charge and penalty for residential property, since this was the highest ratio maintained in the schedule of

....2/-

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market rates of land notified for different areas of Delhi/New Delhi i.e., the charges and penalty will be three times that for (i) and (ii) above.

(iv) For construction coming up after amendment of Master Plan and Building Bye-Laws on the above lines, it was decided that upto 5% of excess coverage of permissible coverage would be compoundable and the method of calculation of compounding fees would be as follows:-

A. Upto 1% of excess of coverage, it would be deemed to be bonafide mistake of construction and a one time compounding charge equivalent to the land rates prevailing at the time of application of compounding for that area would be charged.

B. For excess coverage of more than 1% but less than 5%, a recurring annual levy equivalent to the land rate prevalent for that area at the time of application for compounding would be charged.

C. For anything above 5%, the property would be liable to be demolished to that extent and till such time, it is demolished, a recurring fine on an annual basis @ double land rates prevalent for that area at the time of detection would be charged.

(v) Regarding set back proposals of MCD for construction coming up after the amendment of Master Plan and Building Bye-Laws on the above lines, the rates prescribed as below by MCD may be applied:

| | Residential | Non-Residential |
|---|---|---|
| Upto 6" | Rs.25 per sq.ft. | |
| Above 6" to 12" | Rs.50 per sq.ft. | Three times residential |
| Above 12" to 24" | Rs.200 per sq.ft. | |

As for set backs compoundable for construction coming up after the amendment of Master Plan and Building Bye Laws on the above lines, the recommendations of DDA allowing infringement upto 1 ft. should be accepted. The rates for construction done after 13.12.90 in respect of compounding infringement of set backs would be as above.

3. It is now requested that Delhi Administration may take further necessary action to make suitable amendments in the relevant provisions of the Unified Building Bye Laws, 1983 for both MCD and NDMC to incorporate the above mentioned decisions. Similarly, DDA may initiate action to make suitable amendments in the Master Plan and the Delhi Development Act and the relevant rules governing building activity to incorporate the above mentioned decisions. It is requested that all actions in this regard be completed

....3/-

by 31.03.1992. You may please note that this is a major recommendation of the Committee appointed by the High Court on which action is to be taken urgently.

With regards

Yours sincerely,

(R.V. PILLAI)

Shri Cecil Noronha,
Vice-Chairman,
Delhi Development Authority,
Vikas Sadan,
NEW DELHI.

App. 'TT' To ITEM No 113/1992

Appendix II

D.O. No. F.8/2/92/LSG/4773

दिल्ली प्रशासन, दिल्ली
DELHI ADMINISTRATION
LSG & U.I. Dept.
Vikas Bhawan, New Delhi

Meenakshi Datta Ghosh
Commissioner and Secretary
(L.S.G. & U.I.)

Dated the 14/8/92

Dear Shri Jakhanwal,

The Appendix 'Q' notified on 13-12-1990 has been rescinded. Delhi Administration is now to notify a fresh Appendix in the light of the letter received from Ministry of Urban Development dated 24-3-1992 (copy enclosed).

It may be recalled that Secretary, MUD in his meeting on 13-8-1992 stated that the recommendations of the Ministry as contained in the letter above are to be notified in the new Appendix 'Q'. Accordingly we have prepared a draft proposal incorporating the proposals of the Ministry of Urban Development. (Enclosed)

Kindly forward the requisite approvals from your organization.

With regards,

Yours sincerely,

(MEENAKSHI DATTA GHOSH)

Diary No. 7359-OM
Date 14/8/92

Sh. S.P. Jakhanwal,
Vice Chairman,
~~DDA,~~
Vikas Sadan,
INA,
New Delhi.

Remarks

PROPOSAL TO AMEND APPENDIX "D" APPENDED TO THE UNIFIED BUILDING BYE-LAWS, 1983.

AMENDMENT.

1. Under heading (A) Non-compoundable Items, after the words "any deviations" add the following:-

"(except those set out in para (AA) hereunder)

(AA) Excess covered area/floor area to the extent of 5% of the permissible coverage/FAR, subject to a maximum of 13.5 sq. mtrs. and infringment of set-back upto a maximum of 1 ft. shall be compoundable on payment of fees at the following rates:-

EXCESS COVERED AREA/FLOOR AREA.

a) Upto 1% of excess coverage, may be compounded on payment of a one time compounding charge, equipalent to the land rate prevailing at the time of application of compounding in that area.

b) For excess coverage of more than 1% and upto 5% compounding charges equivalent to the land rate prevailing at the time of application of compounding for that area would be charged every year..

c) For anything above 5% the property would be liable to be demolished to that extent and till such time it is demolished, a recurring fine on an annual basis at double the land rates prevalent to that area at the time of detection, would be charged.

d) In case of commercial premises, the rates to be charged shall be three times of the rates mentioned in (a) & (b) and the same rates as at (c).

SET BACKS ETC.

| | RESIDENTIAL | NON-RESIDENTIAL |
|---|---|---|
| Upto 15 cm.(6") | Rs. 25 per Sq.ft. | Three times of residential building rates. |
| Above 15 to 30 cms. (6" to 12"). | Rs.50/per Sq.ft. | -do- |
| Above 30 to 60 cms. (12" to 24"). | Rs.200 per Sq.ft. | -do- |

Note: This will not ~~only~~ apply to buildings where 100% ground coverage and fixed height is allowed as per architectural controls forming part a comprehensive scheme like Distt. Centres, Community Centres and other Commercial Centres, Cluster Court Housing etc. and other institutional and industrial buildings.

APP. UU TO ITEM NO. 113/92

PROPOSAL TO AMEND APPENDIX 'Q' APPENDED TO THE UNIFIED BUILDING BYE?LAWS, 1983

1. Under heading (A) Non-compoundable Items, after the words "any deviations" add the following:-

"(except those set out in para (AA) hereunder)"

(AA) Excess covered area/floor area to the extent of 5% of the permissible coverage/FAR, subject to a maximum of 13.5 sq.mtrs. and infringment of set-back upto a maximum of 1 ft. (30.48 cms.) shall be compoundable on payment of fees at the following rates:-

EXCESS COVERED AREA/FLOOR AREA

a) Upto 1% of excess coverage, may be compounded on payment of a one time compounding charge, equivalent to the land rates prevailing at the time of application of compounding in that area.

b) For excess coverage of more than 1% and upto 5% i.e. maximum 13.5 sq.mtr. compounding charges equivalent to the land rate prevailing at the time of application of compounding for that area would be charged every year.

c) For anything above 5% the property would be liable to be demolished to that extent and till such time it is demolished, a recurring fine on an annual basis at double the land rates prevalent to that area at the time of detection, would be charged.

d) In case of commercial and non-residential premises, the rates to be charged shall be three times of the rates mentioned in (a) & (b) and the same rates as at (c).

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**SET BACKS**

| | | |
|---|---|---|
| Upto 15 cm. (6") | Rs.269/- per sq.mtr. (Rs.25 per sq.ft.) | Three times of residential building rates. Rs.807/- per sq.mtr. (Rs.75/- per sq.ft.) |
| Above 15 to 30 cms. (6" to 12") | Rs.538/- per sq.mtr. (Rs.50/- per sq.ft.) | Three times of residential building rates. Rs.1611/- per sq.mtr. (Rs.150/- per sq.ft.) |

Note :

The above amendments shall not apply to the buildings where 100% ground coverage and fixed height is allowed as per architectural controls forming part of a comprehensive scheme like District Centres, Community Centres and other Commercial Centres.

8.09.92
Chairman,
Delhi Development Authority

8/9/92
Secretary
Delhi Development Authority