

योजना
Planning

दिल्ली विकास प्राधिकरण

अनुभाग Master Plan

मिसिल संख्या F. (41)/91-MP

विषय

पत्र-व्यवहार

विषय

Draft Minutes of Tech. Committee Meeting held on 22.7.91

आवेदक सं० _____ दिनांक _____ किस को भेजी _____ हस्ताक्षर/पावरो सं० _____ दिनांक _____ किस को भेजी हस्ताक्षर _____

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आवेदक सं० F. 1305 - V.C.
दिनांक 13/8 - 14/8

Final
20-8
21/8

आवेदक सं० _____

आवेदक सं० F-814

आवेदक सं० 34-2-91

आवेदक सं० 22/8 Com/16/8
13/8

435-EP
16/8/91

Draft minutes of the Technical Committee meeting held on 22.7.91 at 9.30 am in the Conference Room of Vikas Manar, 5th floor, I.P.Estate, New Delhi.

The following were present:

In Chair.

Mr. C. Noronha, Vice Chairman

Mr. W.D. Dandage, E. M.

Mr. J.C. Gambhir, Commr. (Pig)

Mr. Rakesh Behari, C(L)

Mr. Santosh Auluck, CA

Mr. M.N. Khullar, Addl. C.A.

Mr. S.C. Gupta, Dir. (DC&P)

Mr. R.G. Gupta, Dir. (TYA)

Mr. P.C. Jain, Dir. (AP&B)

Mr. U.S. Jolly, Dir. (L.M)

Mr. C.B. Sharma, Dir. (Hort)

Mr. S.C. Sareen, Dir. (Lands)

Mr. R.C. Aggarwal, S.P.A. (R)

Mr. K.K. Bandopadhyay, JD(R)

Mr. P.N. Dongre, JD(TYA)

Mr. Chander Ballabh, JD(AP)

Mr. Prakash Narain, JD(T)

Mr. N.K. Aggarwal, JD(WC&SA)

Mr. A.K. Jain, JD(ZP)

Mr. A.K. Gupta, JD(B)

Mr. Vijay Rishud, JD(Narela)

Mr. Ashok Kumar, JD(Dwarka)

Mr. S. Srivastava, DD(ZP)

Mr. S.P. Bansal, DD(NCR&UE)

Mr. S.P. Pathak, DD(MP)

Mr. P.M. Parate, DD(AP)

Mr. Amit Dass, DD(AP)

Mr. A. Iqbal, DD(NL)

Mr. Anil Barai, DD(MP)

POLICE DEPARTMENT

Mr. Pradeep Srivastava, DC(Lic)

Mr. Jai Pal Singh, ACP(T)

L&DO

Mr. Lakshmi Chand

TOWN AND COUNTRY PLANNING ORGANISATION:

Mr. B.K. Arora, Associate T.C.P.

MCD:

Mr. A.P. Sethi, A.T.P.

Mr. O.P. Gupta, S.E.

D.W.S. & S.D.

Mr. O.K. Gupta, EE(P)

SPECIAL INVITEES

Mr. Bhola Ram, Land Mgr.

Mr. P.V. Bagade, Addl. Chief Arch

Mr. P.S. Mathur, CE

for item No.122

Item No.130/91

Sub : Report of Committee of officers for framing guidelines, terms and conditions governing temporary continuance of non-conforming uses/activities after enforcement of MPD-2001 (1.8.90)

F.16(34)73-MP Pt.

The report of the Committee of officers appointed by VC, DDA to go into the question of continuance of non-conforming uses/activities in various parts of Delhi was presented by the Commr.(Lands), DDA. The various recommendations were highlighted and explained in detail. The legal implications of the DDA (Zoning Regulations) 1983 framed under the proviso of Section 14 of the Act and notified in 1986 also explained.

2. The Technical Committee discussed the various recommendations at length with specific reference to nursing homes and guest houses. The following modifications were suggested :-

i) page 7, sub-para 15 (i) (b) and similar provisions elsewhere should read as below :

"if there is any hazardous use/activity within a distance of 15 mtr. from such a Guest Houses, it should be removed."

ii) Page 9 under heading 'future actions' in para 16, and also under para 17 reg. Nursing Homes, the following be added

"Such activities are not to be allowed in group housing schemes. In case of urban villages and unauthorised colonies, the guidelines, terms & conditions as applicable to other areas should be followed."

3. The Technical Committee further desired that Commr.(Lands) should work out a suitable scheme of delegation of powers to various officers in the DDA to grant such permissions.

4. Subject to these modifications and suggestions, the Technical Committee approved the terms and conditions recommended by the Committee for ^{ing} ~~permi~~tt the continuance of non-conforming uses/activities for a period of 3 years or upto such time, whichever is earlier, ~~that~~ the Provisional Plans (zonal development plans) or Urban Renewal Schemes, are finalised. D.C.P.(Licencing) stated that a large number of applications were pending with the Commr. of Police for grant of licences to guest houses. V.C. explained to him ^{that} the aforementioned decision of the Technical Committee was intended to remove the bottleneck whereby non-issue of NOCs by DDA, due to the lack of such ^{an approved policy} terms and conditions, was ~~in turn~~ holding up the licencing of guest houses by the Police Commissioner. V.C., DDA also assured him that in view of the urgency, DDA proposed to ~~start~~ start issuing the said NOCs as soon as the aforesaid decision of the Committee was cleared by the Authority.

122/91

Sub : Change of land use of the remaining 27.25 hect. out of total 60 hect. (actual 60.67 hect) land acquired by International Airport Authority of India in South of Mehrauli Mahipalpur Road, Rangpuri.
F.3(61)90-MP

It was pointed out that International Airport Authority has earlier acquired a large chunk of land for operational purposes for which a Master Plan had been formulated and approved. On the other hand, the site now under reference at Rangpuri had been acquired mainly for the relocation of village Nangal Devat and other ^{human} settlements falling within the area of International Airport Complex. Further, the prescribed land use thereof was 'residential'. As such the Committee felt that the proposal to use a part of the site for accommodating airport infrastructure and related activities, ^{might} neither be viable nor appropriate. Keeping these aspects in view, the Technical Committee desired that the International Airport Authority should make a detailed presentation of the said master plan so as to facilitate an examination of the proposed changes of the land use in the Rangpuri site in the light of its total requirements and also the comprehensive land use plan proposed by it for the airport project.

Item No.124/91

Sub : Construction of basement 1st floor in the Shopping Centre, New Lajpat Rai Market (P.G. Mkt.) Delhi.

F.3(2)91-MP

Deferred.

Item No.125/91

Sub : Request for grant of permission for additional trade of readymade garments in Lawrence Road Industrial Area.

F.6A(77)65-LSB(I)

Deferred.

Item No.131/91

Sub : Report of the committee on policy for locating new industrial activities in Delhi.

F.DD/PP/UE/89/F67

Deferred.

Item No.132/91

Sub : Construction of building for Delhi Association of Deaf & Dumb increase in FAR and ground coverage on compassionate grounds.

F.2(103)77-Instl.Pt.

The Technical Committee observed that there was no provision to relax the FAR/ground coverage in case of institutional plots in MPD-2001. However, as in the instant case the Association had been allotted only

700 sq.mtrs. of land in exchange for the 1000 sq.mtrs plot originally allotted to it, the matter may be referred to Commr.(Lands) and CLA for their opinion whether the earlier decision of the Technical Committee, based on the provisions of MPD-1962 relating to FAR and ground coverage, could be given effect to at this stage, as a special case.

Item No. 133/91

Sub: Develop-ment Plan of Dwarka (Papankala Project) change of land use.

f.PA/PP(DWK)DDA/88/105

The proposals were discussed with specific reference to the consequential changes of land use that would be called for in the light of a recent decision of the Technical Committee that only 2% of land be earmarked for industrial sector use. As the matter was now pending with the Authority for consideration, it was felt that the question as to how the surplus land once earmarked for the industrial sector in Dwarka Ph.I & II could be ^{re-}allocated amongst various competing land uses, would have to be held over until a final policy decision was taken by the Authority ^{with respect} in this ^{to land for industrial sector.} case. Similar changes would have to be effected with respect to the land use pattern drawn up for other urban extension areas like Rohini and Narela.

DELHI DEVELOPMENT AUTHORITY

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Draft minutes of the Technical Committee Meeting held on 22.7.91 at 9.30 A.M. in the Conference Room of Vikas Minar 5th floor, I.P.Estate, New Delhi.

The following were present:

1. Mr. C.Noronha, Vice-chairman (In the Chair)
2. Mr. W.D.Damdage, E.M.
3. Mr. J.C. Gambhir, Commr.(Plg.)
4. Mr. Rakesh Bihari, Commr.(Lands)
5. Mr. Santosh Auluck, Chief Architect
6. Mr. M.N. Khullar, Addl.C.A.
7. Mr. S.C. Gupta, Dir.(DC&P)
8. Mr. R.B. Gupta, Dir.(TYA)
9. Mr. P.C.Jain, Dir.(AP&B)
10. Mr. U.S. Jolly, Dir.(LM)
11. Mr. C.B. Sharma, Dir.(Hort.)
12. Mr. S.C. Sareen, Dir.(Lands)
13. Mr. R.C. Aggarwal, S.P.A.(R)
14. Mr. K.K. Bandopadhyay, Jt.Dir.(R)
15. Mr. P.N. Dongre, Jt.Dir.(TyA)
16. Mr. Chander Ballabh, Jt.Dir.(AP)
17. Mr. Prakash Narain, Jt.Dir.(T)
18. Mr. N.K. Aggarwal, Jt.Dir.(WC&SA)
19. Mr. A.K. Jain, Jt.Dir.(ZP)
20. Mr. A.K. Gupta, Jt.Dir.(B)
21. Mr. Vijay Risbud, Jt.Dir.(Narela)
22. Mr. Ashok Kumar, Jt.Dir.(Swarka)
23. Mr. S. Sirvastava, Dy.Dir.(ZP)
24. Mr. S.P. Bansal, Dy.Dir.(NCR&UE)
25. Mr. S.P. Pathak, Dy.Dir.(M)
26. Mr. P.M. Parate, Dy.Dir.(AP)
27. Mr. Amit Dass, Dy.Dir.(AP)
28. Mr. A. Iqbal, Dy.Dir.(NL)
29. Mr. Anil Barai, Dy.Dir.(MP)

POLICE DEPARTMENT

30. Mr. Pradeep Sirvastava, D.C.P.(Lic)
31. Mr. Jai Pal Singh, A.C.P.(T)

L&D

32. Mr. Lakshmi Chand

TOWN & COUNTRY PLANNING ORGANISATION

33. Mr. B.K. Arora, Associate, T.C.P.

M.C.D.

34. Mr. A.P. Sathi, A.T.P.
35. Mr. O.P. Gupta, S.E.

D.W.S. & S.D.

36. Mr. D.K. Gupta, EE(P)

SPECIAL INVITIES

37. Mr. Bhola Ram, Land Mgr.)
38. Mr. P.V. Bagade, Addl. Chief Arch. } For Item No.122
39. Mr. P.S. Mathur, Chief Engineer }

700 sq. mtrs. of land in exchange for the 1000 sq. mtrs. plot originally allotted to it, the matter may be referred to Commissioner(Lands) and CLA for their opinion whether the earlier decision of the Technical Committee, based on the provisions of MPD-1962 relating to FAR and ground coverage, could be given affect to at this stage, as a special case.

Item No.133/91

Sub : Development Plan of Dwarka (Papankala Project) change of land use.

F.PA/PP(DWK)DDA/88/105

The matter was discussed in the context of the consequential changes of land use that would be called for in phases I & II of Dwarka Project. The Technical Committee noted that only 2% of land earmarked for industrial sector use could be retained for service land and repair shops/activities. Alternatively the same could be made part of the commercial complexes through a corresponding increase in the size of the commercial sector. The rest of the industrial sector land would have to be changed to other appropriate land uses. Similar action would have to be taken in other urban extension areas like Rohini and Narela.

2. Secretary/Director of Industries, Delhi Admn. undertook to review the list of such repair and service activities which could be accommodated in Delhi, as part of the commercial or mixed land use sectors in the light of the relevant provisions of MPD-2001, and to forward his recommendations in this regard at the earliest.

Item No.330/91

Sub : Report of Committee of officers for framing guidelines, terms & conditions governing temporary continuance of non-conforming uses/activities after enforcement of MPD-2001 (1.8.90)

F.16(34)73-MP Pt.

and recommended to
The report formulated by the committee of officers appointed by the VC, DDA regarding continuance of non-conforming uses/activities in various use zones were explained by the Commr. (Lands), DDA. He also explained DDA (zoning regulations) 1983 framed under the proviso of Section 14 of the Act as notified in 1986. *He also explained the various recommendations were highlighted and explained in detail.*

2. The Technical Committee discussed the various recommendations at length and suggested the following modifications:

Guest houses & the following modifications were suggested
i) Page 7, sub-para 15 (i)(b) and similar provisions elsewhere should read as below:

"if there is any hazardous use/activity within a distance of 15 mtr. from such a Guest Houses, it should be removed".

and also under para 17 re Nursing Home
ii) Page 9 under heading 'future actions' in para 16, the following be added:

"Such activities are not to be allowed in Group Housing Schemes. In case of urban villages and unauthorized colonies, the guidelines, terms & conditions as applicable to other areas should be followed".

3. With the above recommendation, the Technical Committee recommended that on similar guidelines, terms & conditions as suggested for continuance of guest houses on a purely provisional annual license basis, nursing homes be also allowed to continue on temporary provisional annual license basis, however, subject to that number of beds should be determined based on the provisions of Delhi Nursing Home Registration Act and any other rules & regulations for such activities. And accordingly para 17 on page 9 & 10 be modified.

4. The Technical Committee further desired that Commr. (Lands) should work out a format for granting such permissions. He should also work out the proposal for delegation of powers to various officers in the DDA to process the individual cases. *to grant such permissions*

Subject to these modifications and suggestions
5. With the above observations, the Technical Committee ~~cleared that the Committee report/recommendations be placed before~~ recommended to the Authority for its consideration the temporary continuance of non-conforming uses/activities for a period of 3 years or upto such time, whichever is earlier ~~for the~~

✓ that the Provisional Plans (zonal development plans) or Urban Renewal Schemes are finalised. ~~The Committee felt desired that the matter should now be placed before the Authority~~
122/91

Sub : Change of land use of the remaining 27.25 hect. out of total 60 hect. (actual 60.67 hect.) land acquired by international Airport Authority of India in South of Mehrauli Mahipalpur road Rengpuri.

F3(61)90-MP

It was pointed out that International Airport Authority has earlier acquired a large chunk of land for which Master Plan was formulated and approved. ~~The land in South of Mehrauli Road (area under reference) was acquired mainly for re-settlements of village Nangal Devat and other settlements, falling within the area of International Airport Complex.~~ ^{operational purposes for} ^{On the other hand side, as scheduled to the} ^{now} ^{at Rengpuri had been}

But it was observed that this proposal is for part of this land for Airport Infrastructure uses and activities, the purpose for which the land was not acquired. ~~In fact this operational use/activity was to be accommodated within the Airport complex. Keeping in view these observations, the Technical Committee desired that the International Airport Authority should make a presentation of the total Master Plan and should re-examine the cases of change of land use in the light of the comprehensive scheme.~~ ^{related} ^{to use a part} ^{neither be viable nor appropriate} ^{aspect in view} ^{comprehensive land use plan}

Item No.124/91

Sub : Construction of basement 1st floor in the shopping centre, New Lajapat Rai Market (P.G.Mkt.) Delhi.

F3(2)91-MP

Deferred.

Item No.125/91

Sub : Request for grant of permission for additional trade of readymade garments in Lawrence Road, Industrial Area.

F.6A(77)65-LSB(I)

Deferred.

Item No.131/91

Sub : Report of the committee on policy for locating new Industrial activities in Delhi. F.DD/PP/UE/89/F67

Deferred.

D.P. (Lac)
was stated that a large no. of applications were pending with the COP for grant of licenses to food houses & VC explained to him the procedure the TC

(H)
Further the presented land use thereof was 'residential'

was stated that the butler's neck where some NISB by DDA, due to high density, is now being up the density of guest houses by the DDA. VC, DDA also assured him that in view of the urgency these

by DDA had proposed to start the said DDCs as soon as the aforesaid decision of the Committee was cleared by the Authority.

Sub : Construction of building for Delhi Association of Deaf & Dumb increase in FAR and ground coverage on compassionate grounds.

The Technical Committee observed that there ^{was} no provision to relaxe the FAR/ground coverage in case of institutional plots in MPD-2001. However, as in the ^{present} ~~present~~ case the association ^{had been} ~~was~~ allotted only 700 sqm. of land ^{in exchange for the} ~~instead of~~ 1000 sqm., ^{but originally allotted +} the matter be referred to Commr. (Lands) & CLA for their opinion whether the earlier decision of the Technical Committee based on MPD-62 ^{the} ~~provisions~~ ^{of MPD-62} provisions, the FAR and ground coverage ^{could} ~~may~~ be adopted in such cases. ^{no effect by this}

Sub : Development Plan of Dwarka (Papankala Project) change
of land use. PA/PP(DWK)DDA/88/105

The matter was explained with regard to changes of land use for phases I & II of Dwarka Project. The Technical Committee noted that only 20% of land for industrial land use be retained which would be used for service and repair shops/activities. The remaining land for industrial use be changed to other appropriate land uses. Similarly action

2. Further the technical committee noted various decisions and recommended the change of land uses as proposed above subject to making necessary adjustments in ~~Recreational use~~ Recreational use, service, repair shops/activities and other uses for the consideration and approval of DDA.

Secy/Dn of Industries, Delhi Admin. modernized to
review ~~and~~ ^{service} the list of ^{and} ~~service~~ ^{could be accommodated in Delhi,}
of ^{service activities} ~~the~~ ^{or mixed land use sections}
for the ^{in the} ~~light~~ ^{of} the relevant provisions of
MPPD-2001, and to forward ⁱⁿ ~~the~~ ^{his} ~~recommendations~~ ^{recommendations} ~~in this~~ ^{in this}
regard at the earliest.

be Attending
which ~~could~~^{can}
the same could be
be made
part of the
commercial
complexes
and through
a multiplicity
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of the commercial
sector

DELHI DEVELOPMENT AUTHORITY
(MASTER PLAN SECTION)

Agenda for the meeting of Technical Committee to be held on 22.7.91 at 9.30 A.M. in the Conference Room of Vikas-Minar at 5th Floor, Delhi Development Authority, I.P. Estate, New Delhi.

<u>S.No.</u>	<u>Item No.</u>	<u>Subject</u>	<u>Page</u>
1.	130/91	Report of the Committee of Officers for framing terms and conditions Governing Temporary continuance of Non-conforming uses. F.16(334)/73-MP pt . To be presented by Commr.(Lands)	1-13
2.	122/91	Change of land use of the remaining 27.25 hect. out of total 60hect.(actual 60.67 hect) land acquired by international-Airport Authority of India in South of Mehrauli Mahipalpur RoadRangpuri. F.3(61)/90-MP (Deferred) To be presented by JD(AP) -I	
3.	124/91	Construction of basement, 1st floor in the shopping Centre, New Lajpat Rai Market (P.G.Mkt.) Delhi. F.3(2)91-MP (Deferred) To be presented by J.D.(WC&SA)	
4.	125/91	Request for grant of permission for additional trade of readymade garments in Lawrance Road, Industrial area. F.6A(77)/65-LSB(I) (Deferred) To be presented by JD(AP)	
5.	131/91	Report of the committee on policy for locating new Industrial activities in Delhi. F.DD/PP/UE/89/F.67 To be presented by Dy.Dir. (NCR&UE)	14
6.	132/91	Construction of building for Delhi Associating of Deaf & Dumb increase in FAR and ground coverage on compassionate grounds. F.2(103)/77-Instt.pt. To be presented by JD(AP)	17-18

Add. Item :

7. 133/91. Development of Dwarka (Papankala Project) — change of land use.
PA/PP(DWK)DDA/88/105.

Item No. 130/91

Sub: REPORT OF THE COMMITTEE OF OFFICERS FOR FRAMING TERMS
AND CONDITIONS GOVERNING TEMPORARY CONTINUANCE OF NON-
CONFORMING USES.

F. 16(34)/73-PM pt.1

The object of the Delhi Development Authority constituted u/s 3 of the Delhi Development Act, 1957 is to promote and secure development of Delhi according to the Provisions of the Master plan/Zonal Development Plans. In order to promote Public health/safety and socio-cultural welfare of the community it is necessary to put reasonable limitations on the use of land and buildings. To achieve the aforesaid goal, DD Act, 1957 prohibits use of any land or building otherwise than in conformity with Master / Zonal Development Plan. Section 14, Delhi Development Act, 1957 provides:-

" Section 14. Use of land & buildings in contravention of plans:- After the coming into operation of any of the plans in Zone no person shall use or permit to be used any land or building in that zone otherwise than in conformity with such plans:

Provided that it shall be lawful to continue to use upon such terms and conditions as may be prescribed by regulations made in this behalf any land or building for the purpose and to the extent for and to which it is being used upon the date on which such plan comes into force."

2. The Penal provisions for misuses of Land and Buildings is provided in Section 29(2) of the Act which reads as follows:

"S.29(2) Any person who uses land or building in contravention of the provisions of section 14 or in contravention of any terms and conditions prescribed by regulations under the provisions to that section shall be punishable with fine which may extend to five thousand rupees (and in the case of continuing offence, with further fine which may extend to two hundred and fifty rupees for every day during which such offence continues after conviction for the first commission of the offence)".

Provisions of the Master Plan 1962.

3. The Master Plan 1962 stipulated development of the city in accordance with the land use plan for which city was divided into 24 use zones. Categories of uses in each zone were specified under "Permitted", "Permissible" and "Prohibited" uses. Permitted uses were allowed as normal uses in the specific use zone, whereas permissible uses were only permitted when permission under "Special appeal" is given by the competent Authority, otherwise it remained a prohibited use.

4. Chapter II of the Master Plan 1962 came into force w.e. 1.9.62 which meant:-

a) Uses of any land or building in a zone in contravention of the Master Plan after its coming into force, would not be permissible and would be liable for prosecution under the provisions of Section 29(2) of the Act.

(b) Uses which contravene the Master Plan of Delhi but which came into existence prior to coming into force of the Master Plan, would not be taken up for prosecution until after the regulations mentioned in the proviso to Section 14 have been framed.

(c) Uses of any land or building in various 'use-zones' which do not contravene the provisions of the Master Plan, but contravene the provisions of the Zonal Development Plan and had started after coming into force of the Zonal Development Plan are liable for prosecution. However, the uses which had started prior to coming into operation of the Zonal Development Plan and contravene the provisions thereof, will not be taken up for prosecution till after the regulations mentioned in the proviso to section 14 have been framed for such uses.

Framing of Regulations mentioned in proviso to Section 14.

5. Section 57(f) of the Act empowers the Authority, with the previous approval of the Central Govt., to make regulations providing for terms and conditions subject to which use of land and buildings in contravention of plans may be continued. The regulations prescribing the terms and conditions as referred to in the proviso to section 14 of the Delhi Development Act, 1957 to deal with the non-conforming uses which were in existence on the date when the Master plan came into force were not framed till 1983. The DDA (Zoning Regulations, 1983, were framed under the proviso to section 14 of the Delhi Development Act, 1957 by the Authority and were notified in 1986.

6. The above mentioned regulations inter-alia provide that the existing non-conforming use may continue further beyond the prescribed limits on such terms and conditions as the Authority may prescribe. The prescribed period for various activities as provided in the Regulations is given below:

Industrial non-conforming uses:

1.	Noxious Industries	3 years
2.	Industries not noxious but cause nuisance	4 "
3.	Non-nuisance industries	6 "
4.	Residential use in Industrial area	10 "
5.	Residential use in Commercial area	10 "
6.	Residential use in public recreational area	10 "
7.	Commercial use in Industrial area	10 "
8.	Commercial use in Residential area	10 "
9.	Commercial use in public and semi-public areas including recreational areas	10 "

It would thus be seen that the above mentioned regulations gave a period of 3 to 10 years for different types of activities which were required to cease within that period.

In other words, action for their removal could not be taken by the DDA until the expiry of that period. The period would start from the date of the notification of the regulations i.e. January, 1986. It is only in respect of the first two categories of uses (Industrial) that the period has expired. In all other cases, the activities continue for the prescribed period. In the case of Industrial units, no action for their removal after the expiry of the prescribed period was because these cases are not to be treated in isolation and are linked up with other similarly situated units which come up after 1962 i.e. the enforcement of the Master Plan. Therefore, the whole issue was examined in detail in the formulation of Delhi's perspective Plan for 2001 and appropriate proposals incorporated in MPD-2001. For other non-conforming activities/uses, functioning in residential land central congested areas, MPD-2001 provides for a policy of mixed land use.

Policy for Temporary Permission under Special Appeal.

7. The policy on according temporary permission followed by DDA over the years was approved by the Authority in the year 1971. The basic conditions for according temporary permission were as follows:-

- (i) Production of an undertaking by the office/enterprise that it will vacate the premises within 2 years from the date of sanction and would secure accommodation in a conforming area.
- (ii) It would pay composition fee which was the difference between the rent obtainable if the premises are used for residential purposes and rent obtainable if it is let out for non-conforming purpose. The composition fee was fixed as 20% of the total rent vide Resolution No. 110 dated 22.8.73.
- (iii) Chairman, DDA was authorised to grant temporary permission by way of Special Appeal for a period of two years vide Authority's Resolution No. 104 dt. 22.11.74.

8. The Authority vide its Resolution No. 115 dated 29.4.77 constituted a Committee under Finance Member, DDA to go into all aspects of granting permission under "Special Appeal". The report of the Committee was considered and its recommendations were adopted. The issue was further considered by the Authority who resolved that in pursuance of Authority's Resolution No. 174 dt. 30.6.77 as amplified and modified from time to time, temporary permission under "Special Appeal" may be granted by the Vice-Chairman, DDA for varying period subject to the following;

- (i) Temporary permission may be granted for a period of two years on the condition that there would be a composition fee @ 40% of the rent w.e.f. the date of commencement of the non conforming uses and

fulfilment of other usual terms and conditions as laid down in Authority Resolution No.174 dated 30.6.77 as amplified/modified from time to time.

(ii) A composition fee @ 60% of the rent be charged for the next year after the expiry of the permission period as referred to in para (ii) above.

(iii) A composition fee @ 80% of the rent be charged for the next succeeding year after the expiry of the permission period as referred to in para (ii).

(iv) A composition fee @100% of the rent be charged for the next succeeding year after the expiry of the permission period as referred in para (iii) above.

Master Plan 2001: Provision of Mixed Land Use.

9. Master Plan 2001 came into force from 1.8.90. The Plan has provision for mixed land use keeping in view the socio-economic needs of the society and its environmental impact. The broad outline of mixed land use are given below:-

- (i) In the Central old builtup areas, which actually have a tradition of mixed land use i.e. residential and non-residential activity on the same residential premises should be dealt differently than other areas.
- (ii) Non-residential activity on residential premises should be permitted selectively, carefully taking into consideration its community need, provision for traffic and parking which would be generated and also the environmental impact.
- (iii) In case of new developments, planned mixed residential and non-residential activity should be introduced right at the time of the preparation of the division plans/layout plans. Mixed use regulations are dealt in the section on development code under Clause 10.

The Plan envisages identification of street/areas for mixed land use which drawing up divisional(zonal) plans subject to the following conditions:-

- i) The commercial activity allowed shall be only on the ground floor to the extent of 25% or 50sq.mtr. whichever is less.
- ii) The establishment shall be run only by the residents of the dwelling unit.
- iii) The following activities shall not be allowed.
 - (a) Retail Shops.
 - Building materials(timber, timber products, marble, iron and steel and san.
 - Fire wood, coal,
 - meat shops.
 - (b) Repair shops
 - Automobile repairs and workshops.

- Cycle rickshaw repairs.
- Tyre resorting and retreading.
- battery charging.
- c) Service-Shops
 - Floor Mills (more than 3 KW power load)
 - Fabrication and welding
- d) Nursing Home
 - Guest House, Boarding Houses, and Lodging Houses.
- f) Storage, godown and warehousing.
- g) Manufacturing units (excluding house hold industries).
- h) Junk shops.

The front set backs for these plots shall be surrendered without compensation and unconditionally to the local body for use as part of the right of way, parking etc.

Non-Conforming uses permitted under "Special Appeal" Provisions of Master Plan- 1962.

10. In the following cases, the permission for temporary uses were granted on the terms and conditions contained in the Authority's resolution mentioned against each:-

- i) Small Beauty Salon in a residential area--(Resolution No. 126 dated 6.9.73).
- ii) C.B.H.S. Dispensaries and Post Office in a residential area (Authority resolution No.83 dt.8.8.75).
- iii) Permission to use a part of residential premises by bonafide professionals such as Doctors, Lawyers, Architects, journalists etc.--(Authority Resolution No.7 dt.20.4.76).
- iv) Use of residential premises by Food & Supply Deptt. Delhi Admn. for office purposes and Fair price Shops (Authority Resolution No.140 dt.29.12.76).
- v) Bank branches operating in non-conforming areas--(Authority Resolution No.174 dt.30.6.77)
- vi) Police Stations/Police Posts in residential premises--(Authority Resolution No.146 dt.19.8.78).
- vii) Non-Conforming uses in urbanised village/unauthorised colonies--(Authority Resolution No.128 dt. 15.7.78.
- viii) Letting out a portion of Institutional premises--(Authority Resolution No.70 dt.22.4.83).
- ix) Non-confirming uses by Foreign Missions--(Authority's Resolution No.10 dt.7.1.91)
- x) Regulations for clinics and nursing homes--(Authority's Resolution No.196 dt.27.12.80).

11. There is no corresponding provision of "Special Appeal" in MPD-2001. The absence of such provision, not only poses the issue of continued validity of exemptions granted to the category

of misuesm as mentioned above, which were approved by the Authority from time to time in the past, but also whether permission for temporary continuance of misuses that came after 1962 can be granted in view of the provisions of section 14 of DD Act. Section 34 of DD Act however provides for composition offences and reads as under:

"Sec. 34. Composition of offences- Any offence made punishable by or under this Act may, either before or after the institution of proceedings, be compounded-

- (ii) In any other case by the Authority or, as the case may be, the local authority concerned or any person authorised by the Authority or such local authority by general or special order in this behalf.

Therefore, it may be possible for us to compound, u/s 34 of DD Act, such misues as have started on or after 1.9.62.

Terms & conditions Governing Temporary continuous of Misuse

12. The setting up of Guest Houses and Nursing Homes in non-conforming areas falls in a distinct category as no objection is required from DDA by Commissioner of Police for licencing of Guest Houses, and by Directorate of Health Services Delhi Admn. for Nursing Homes. Similarly, the general exemption cases granted under the provision of "Special Appeal" would fall in another category as there is no provision of 'Special Appeal' in MPD-2001. Accordingly the terms and conditions governing temporary continuance of misuses until preparation of Zonal(Divisional Plan) are discussed in the following three categories:-

- a) Guest Houses and Nursing Homes.
- b) Category of misuse cases which were earlier allowed under "Special Appeal" provisions of Master Plan 1962 under various Authority Resolutions.
- c) Other misuse cases.

GUEST HOUSES

13. In the year 1977, regulations known as Hostels Boarding Houses, Guest Houses, Hotels, Lodging Houses and Motels (Building Standards) Regulations, 1977 were notified with the approval of Govt. of India Ministry of Urban Development on 15.1.77. These Regulations specified various norms/standards applicable to guest houses/boarding houses and lodging houses to be permitted in Delhi as a case of "Special Appeal" in Residential Use Zone i.e. residential houses/buildings. On the basis of these regulations so far no permission has been granted for continuance of a guest houses. However, a number of guest houses have been functioning with permission from Delhi Police under the Saral Act

14. In October 1989, a meeting was taken by L.G., Delhi with representatives of concerned agencies on the question of grant of licences of guest houses. In this meeting it was agreed that it would be appropriate to grant licence to guest houses in residential areas subject to the following conditions:

- a) That no restaurant to be allowed and food to be served only to persons staying in such a guest house.
- b) No marriages, parties, receptions, would be allowed.
- c) No bar licence to be permitted.
- d) No neon signs on the buildings to be permitted.
- e) There should be provision for fire safety measures which would be mandatory and in all cases, clearance from C.F.O. would be necessary. Also clearance from Health Deptt. Municipal Corporation of Delhi would be required.
- f) Building plans of the premises used as Guest Houses have to be filed with the DOB(Licensing) alongwith the application.

Proposed Regulations & Procedure:

15. The MPD-2001 has been defined guest houses as 'Premises for housing of staff of Govt., Semi-Govt., public undertaking and pvt. Ltd. Company for short duration. It may be observed here that for the purpose of permission, other guest houses have also been indicated separately. In view of the various issues discussed above as well as the provisions of Master Plan for Delhi-2001 the following guidelines are recommended to be adopted for grant of provisional licence on purely temporary annual basis.

i) Walled City-In the Walled city commercial activities to the extent existing is recommended to be retained(except warehousing and godowns) and, therefore, existing guest houses(prior to 1.8-9 may be allowed to continue till such time, the Urban Renewal Schemes for sub-zones are formulated on payment of conversion charges including damages to be determined by concerned departments/agencies. These guest houses may be permitted for provisional licence subject to the following conditions;

That these are located on a motorable road having r/w of not less than 9 m.

There is no hazardous use/activity within a minimum distance from such guest houses/nursing homes.

Approved bldg. plans to be submitted to the licencing authority and no addition/alteration.

If the premises is lease hold, lessor's permission is to be obtained and the lessor and shall be entitled for conversion fee. If the premises is free hold premises, the conversion fee would go to the owner.

The guidelines as decided in LG's meeting would also from one of the conditions.

DL BACH:- The Master Plan for Delhi-2001 provides that plots fronting 18m. and 12m. wide road are permitted comm-

commercial activity on ground floor as 'mixed land use'. Therefore in Karol Bagh area Guest Houses may be allowed to function on plots on 'Annual Temporary basis' till the preparation of Urban Renewal Plans/Zonal Plan. This permission would be further subject to: a) Authenticated building plans are to be submitted to the Licencing Deptt. to avoid any addition/alteration; b) if the premises is lease hold, lessor's permission is to be obtained and the lessor shall be entitled for composition fee and in case of free hold premises the composition fee would go to the DDA., c) The guidelines as decided in L.G.'s meeting would also form one of the condition; d) undertaking to stop misuse after 3 years or w.e.f. from the date coming into force of Zonal Development Plan whichever is earlier.

iii) OTHER URBAN TENEWAL AREA (LIKE PAHARGANJ AREA AS INDICATED IN SPECIAL AREA PLAN) -

In these areas, in general the commercial activities to the extent existing (1.8.90) can be retained at the time of preparation of Urban Renewal Plans. Therefore till the time of preparation of these plans, Guest Houses may be allowed to continue on temporary annual basis subject to payment of conversion charges including damages. This permission would further be subject to: a) that they are located on a motorable road having r/w not less than 9 m; b) there is no hazardous use/activity within a distance of 15 mt. from such guest houses; c) Authenticated building plans to be submitted to the licencing Deptt. to avoid any addition/alteration. d) if the premises is lease hold, lessor's permission is to be obtained and the lessor shall be entitled for composition fee and in case of free hold premises, the composition fee would go to the DDA. e) The guidelines as decided in LG's meeting would also form as one of the conditions. f) Undertaking as above.

iv) OTHER RESIDENTIAL AREAS:

A- Residential colonies developed by DIT like Shakti Nagar and developed by Min. of Rehabilitation like Rajinder Nagar, etc. The existing guest houses and nursing homes (prior to 1.8.90) may be allowed to continue till such time that Dev. Plans are prepared on purely temporary basis following norms:

a) That the guest houses are functioning on a plot of not less than 210 sq.m. (250 sq.yds), b) the minimum width of the plot in front is not less than 12.5 m. c) the open space within the plot would be utilised for provision of parking and; d) conditions applicable in the existing guest houses as mentioned in other categories above.

B- RESIDENTIAL AREAS/COLONIES DEVELOPED BY CO.OP. SOCIETIES,
DELHI DEVELOPMENT AUTHORITY AND OTHER.

The existing guest houses and nursing homes (prior to 1.8.90) may be allowed to continue on purely temporary basis till such time the zonal development plans are prepared with the following norms:

- a) That the minimum size of the plot is not less than 334.25 sq.mtr. (about 400 sq.yds); b) the minimum width of the road in front should not be less than 18 mtr.; c) parking is provided within the plot and; d) all other conditions as applicable in other categories given above.

Further Actions

16. The regulations proposed above for adoption are exclusively for continuance of existing guest houses and prior to 1.8.90 in the residential areas on purely/temporary annual basis on payment of composition fee, till the preparation of Divisional (Zonal) Plans/Urban Renewal Plan. The cases of guest houses covered in the Zonal Plans/urban renewal plans would be considered for permanent change of use on payment of conversion fee, as provided in MPD-2001. Guest House not covered in the finalised zonal plans will have to shift to conforming areas and temporary continuance permission revoked as soon as zonal plans come into force. In any other circumstances the provisions of Master Plan for Delhi-2001 would have to be modified. It would also be observed that all new case of guest houses should go to conforming areas and the infiltration of non-residential activities in residential areas is kept in check as well as to the minimum level.

NURSING HOMES

17. The use of residential premises for Clinics and Nursing Homes was discussed in the Authority meeting held on 28.12.78 where the draft regulations-"Delhi Development Authority (Clinics and Nursing Homes) Regulations 1980 were considered and approved by the Authority which provided that a premises located in residential area may be used for Nursing Homes after obtaining necessary permission of the Authority which shall grant permission only after having satisfied itself with the proposed Nursing Home as adequate parking space subject to:-

- a) Nursing Home upto 10 beds may be permitted on plots of 300 sq.yds and above provided such plots are located on a road with a right of way of 60' and above which may, however, be relaxed in case of already built-up areas (list given in the Master Plan) and also in less developed areas like Shahdara (East of river Yamuna.)

b) Nursing Homes upto 20 beds may be permitted on plots of 500 sq.yds and above provided such plots are located on/road with a right of way of 80 ft. and above. However, the provision of road width may be relaxed in case of already builtup residential areas(list given in the Master Plan).

iii) In case of the Nursing Homes applications have been made to the Authority under the provision of special appeal of the Master Plan which may permit one or two or more Nursing Homes in a neighbourhood if increased need is felt.

iv) For Nursing Homes in the residential areas or in special locations indicated in the Zonal Development Plan, the following building regulations shall apply:-

- a) The plot coverage is not to exceed 33-1/3%.
- b) The FAR is not to be more than 100.
- c) No construction is to be more than 3 storeys high.
- d) Basements will be provided within building lines and are to be used only for storage, parking and the like.
- e) Setbacks will be as applicable to the area where the Nursing homes is to be constructed provided such setback are all round the building.
- f) Parking will be at the rate of 1.14 equivalent car space for every 1000 sq.ft. built up area.
- v) In all cases, health regulations and rules of the Delhi Nursing Home Registration Act will have to be satisfied.

The Nursing Homes located in non-conforming area as per MPD-2001 prior to 1.8.90 may be allowed to continued on temporary annunal basis till ~~up~~ the preparation of Divisional(Zonal Plan)/ Urban Renewal Scheme on the same terms and conditions as mentioned for Guest Houses in (paras 15 & 16).:-

- i) Walled City
- ii) Karol Bagh
- iii) Other Urban Renewal area.
- iv) Other residential areas.

Category of misuse cases which were earlier allowed under "Special Appeal" provisions of Master Plan 1962 under various Authority Resolution.

As the policy for according temporary permission followed by DDA under the provisions of "Special Appeal" in the Master Plan 1962 envisaged grant of temporary permission for a period of 2 years, these may be continued on the same terms and conditions as contained in the respective Authority Resolutions which inter-alia, ;rovided for obtaining undertaking to move to conforming areas within 2 years. This may be slightly modified for stopping misuse within 2 years or from the date of coming into force of Zonal Development Plan, whichever is earlier. The misuse covered by Authority Resolution under the provisions of "Special Appeal" that had come prior to 1.8.90 may be considered for continuance on temporary annual basis on payment of composition fee till

the preparation of Zonal Plan/Urban Renewal Plans. The cases which are covered under the Zonal Plans would be considered for permanent change of use on payment of conversion fee as provided in MPD-2001. Misuse not covered in the finalised Zonal Plans will have to shift to the conforming areas on coming into force of Zonal Development Plan/Urban Renewal Plan, if these had already not shifted within the period of temporary permission granted earlier under the Authority Resolution. The temporary continuance permission would be revoked as soon as Zonal Development Plans come into force.

OTHER MISUSES:

Misuses that existed prior to 1.8.90 may be considered for temporary continuance on purely temporary annual basis till the preparation of Divisional Zonal Plan/Urban Renewal Plans on the following conditions:-

1. The commercial activity to be allowed shall be only on the floor to the extent of 25% or 50 sq.mtr.s only, whichever is less.
2. The establishment shall be run only by the resident of the dwelling units.
3. The following activities shall not be allowed:-
 - (a) Retail Shops
 - Building materials (timber, timber products, marble) iron and steel and sand).
 - Fire wood, coal.
 - meat shops.
 - (b) Repair shops
 - Automobile repairs and workshops
 - Cycle rickshaw repairs.
 - Battery charging.
 - (c) Service Shops
 - Floor mills (more than 3 KW power Load).
 - fabrication and welding.
 - d) Nursing Homes.
 - e) Guest Houses, Boarding Houses and Lodging Houses.
 - f) Storage, godown and warehousing.
 - g) Manufacturing units (excluding house hold industries)
 - h) Junk Shops.

The front set-backs for these plots shall be surrendered without compensation and unconditionally to the local body for use of the right of way, parking etc.

4. The hazardous, noxious and water polluting industrial units would not be permitted.
5. No new heavy and large industrial units shall be permitted.
6. No new extensive industrial units shall be permitted except in existing identified extensive industrial areas.
7. House-hold industrial units with maximum 5 workers and 5 K.W. power may be allowed to continue in residential area on temporary basis subject to the other conditions mentioned herein.

8. Payment of prescribed composition fee.
9. Giving an undertaking to stop the misuse within a period of 3 years or till coming into force of Zonal Development Plan/Urban Renewal Plan, whichever is earlier.
10. Misuse cases that are covered under the Zonal Plan/Urban Renewal Plans would be considered for ~~perm~~ permanent change of use on payment of conversion fee as provided in the MPD-2001. The cases not covered in the finalised Zonal Plans/Urban Renewal Plans will have to shift to conforming areas and temporary continuance permission revoked as soon as Zonal Plans come into force. In view of the highly restricted provisions of mixed use limited to a maximum area of 50 sq.mtr. on the ground floor for commercial activities in the residential areas the provisions of MPD-2001 may have to be reviewed at the time of implementation of these terms and conditions.

COMPOSITION AND CONVERSION FEE

As per the existing practice, the composition fee is being charged @40% of the rent with effect from the date of commencement of non-conforming use for the first two years and, thereafter the rate of composition fee is being increased by 20% per annum till the composition fee is charged at 100% per annum. For this purpose, rent of the property is required to be assessed for which there are no set guidelines. It is, however, seen that the Authority vide resolution No.174 dt.30.6.77 laid down a formula for ~~calculating~~ calculating the misuse charges. This formula used for calculating the amount of misuse charges recoverable for grant of temporary continuance of non-conforming use is also being followed by L&DO, Ministry of Urban Development, New Delhi. The Land & Development Office has prescribed misuse charged to be worked out @ 13.9% per annum.

$$\frac{MA}{PA} \times A \times (V-V') \times 13.9\%$$

Where:-

MA = misused area

PA = Permissible covered area.

A = area of the Plot.

V = Present market value of the land for the purpose for which the property is being misused.

V' = Market value on the date of last transaction for the purpose for which the land was leased.

The multiplier i.e. 13.9% is based mainly on the existing interest rate of Reserve Bank of India which is subject to the change from time to time as and when Reserve Bank of India increases or decreased their lending rate. From this formula it can be seen that the misused area in the whole of the building is being valued at the market rate of the activities for which the premises is being misused. We, therefore, recommend the

above formula for working out the misuse charges due to allowing temporary continuance of non-conforming activities on the residential and on year to year basis. The following information will be required for working out the composition fee:

- i) Area of the plot/total covered area of the built up premises.
- ii) purpose for which the plot/premises was initially let out.
- iii) The premium of the plot/premises received at the time of allotment.
- iv) Purpose for which it is being misused.
- v) Area under misuse.
- vi) Whether the lease-hold property is occupied by the original allottee. In case of change of hand during the intervening period, the full details of same including the amount of unearned increase charged/paid should be given.
- vii) Any other details relevant for the purpose of recovery of misuse charges.

CONVERSION CHARGES

Govt. of India, Min. of Works & Housing letter No. 23013) 62-L dt. 9/4/64 and Authority Resolution No. 284 dt. 21.6.86 prescribed formula for additional premium and additional ground rent for permanent change of use of land from residential to commercial based on the difference between the current commercial ~~xx~~ rate and residential rate prevailing at the time of last transaction relating to the plot. The same formula can be utilised for working out conversion charges for the regularising the misuse cases in the Walled city area for the misuse cases which shall be covered in the finalised Zonal Development Plans/Urban Renewal Plans to be drawn for different areas with a period of ~~x~~ 3 years.

The case is now placed before the Technical Committee for its consideration.

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Item No. 131/91

Sub:- Report of the Committee on policy for locating industrial activities in Delhi.

F.NO:- DD/PP/UE/89/F.67

1. BACKGROUND:

Based on the decision of the Delhi Admn. conveyed to DDA during Dec., 89 to stop development of new industrial estates in Delhi, Planning wing of DDA brought out implications of the same for consideration of the Authority in its meeting held on 27.3.91. After detailed in discussions within the framework of Master Plan for Delhi-2001 and Regional Plan-2001 for NCR the Authority resolved that while the new industrial estates need not be developed in Delhi in principal as a means of employment generation and encouragement of small scale industries, it was felt that a committee comprising of Comm.(Inds.) as convenor and Commr., MCD or his nominee and Administrator, NDMC or his nominee, Sh. Meshram, Chief Planner, TCPO or his representative and Sh. J.C. Gambhir, Commissioner(Plg.), DDA may go into whole question of identifying those service/light industries which most necessarily come up in Delhi along the urban extension and also into the question as to whether the land upto 2% was required for them.

2. REPORT OF THE COMMITTEE :

Committee vide its two meetings have finalised its report.

The salient points raised by the committee are as follows:

- i) In order to meet the day to day needs of the community more commercial space would be necessary. Therefore, the space reserved for commercial use by about 2%. The increase in area would be utilised for all such activities which are non manufacturing and are required to serve community needs.
- ii) The list of such activities as considered appropriate by the committee is as follows:
 - a) (i) Repair of vehicles (except trucks, buses, trolleys and tractors, such as cars, three wheelers and two wheelers including scanning facilities for identification of fault.
 - ii) Petrol Pump
- iii) Type Retreading
- iv) Battery charging

Notes: It will be advisable to set apart specific space

Note: It will be advisable to set apart specific space in the commercial area for the above activities as some of them are likely to create nuisance for other users. Permission for Petrol Pump should be granted subject to fulfilment of the guidelines of TCPO in this respect. Consent of Pollution Control Board of Delhi Admn. should be obtained for activities such as Petrol Pumps and tyre retreading. The area earmarked for repair/servicing of vehicles at a time to avoid spill-over of the activities from the designated space. The number of spaces specially reserved for this activity may be proposed to be served.

- v) Repair of bicycles and tricycles.
- b) Repair of house-hold electronic equipment such as T.V., Radio VCR, VCP, Tape Recorder.
- c) Repair of house-hold electrical appliances such as electric iron, room cooler, desert cooler, air conditioner, refrigerator, toaster, fan, geyser, heater (including motor rewinding of such appliances.
- d) Repair of other house-hold goods/kitchen appliances such as trunks, suitcases and other leather/raxin made-ups, wooden furniture, watches, clocks, cookers, gas burners, musical instruments.
- e) Service establishments such as laundry, dry-cleaning tailoring, embroidery, hair cutting saloon, beaut. parlour, medical diagnostic centre, testing laboratory photo studio, picture framing, painting, of sign boards, rubber stamp making, cobblers fruit and sugarcane juices, photocopying, book-binding and printing (excluding offset printing).
- f) Servicing industry such as atta Chakki, grinding of pulses and spices, small welding jobs (with one welding machine only) cotton filling in pillows, quilts and mattresses, small bakeries, making of papad, vari, vermicelli and macaroni, oil ghandi and carpentry.
- g) Handicrafts, as per list of handicraft Board.

3. OBSERVATIONS:

The recommendations have been studied in the PPW of the DDA. To suitably adopt recommendations of the Committee with respect of the Master plan for Delhi-2001, the following is recommended:-

No more development of areas in Delhi (it would mean that all new - forming light and extensive industrial units as per Master Plan for Delhi Perspective-2001 would have to close down/shift on their own to areas outside Delhi.

- ii) 2% additional area for the commercial use to be divided as under:
- | | |
|---------------------------------|-------|
| (a) District Centre level | 1% |
| (b) Community Centre level | 0.67% |
| (c) Local Shopping Centre level | 0.33% |
- iii) These areas would be distinctly separate from the Commercial areas and would be developed with the following controls:
- | | |
|---|------|
| (a) Ground floor Coverage (Overall 33%) | |
| (b) F.A.R. | 100% |
- The area would be developed as mixed use and 33% of the floor space would be used for residential activities.
- iv) The permitted industrial activities would be as per provision of the Master Plan for Delhi Perspective-2001.
- v) In the land use plan land earmarked for Industrial use but not developed so far shall be utilised 50% per public and semi-public activities and recreational area at Master Plan level and remaining 50% for residential. Case to case change of land use shall be processed.

Item No.132/91

Sub: Construction of building for Delhi Association of Deaf and Dumb increase in FAR and ground coverage on compassionate grounds.

F.2(103)/77-Instl./Pt.

A letter has been received from Delhi Association Deaf & Dumb dated 16.5.91 requesting DDA to review their request for increased FAR due to the size of smaller plot allotted to them in South of I.I.T. insitutional area.

A plot of land measuring about 771 sq.mtrs. was allotted to the Association at Masjidmoth. The possession was handed over and lease deed was executed and registered on 6.5.81. The Association could not start the construction due to high pressure from the local residents who also started legal proceedings against the change of land use. So an alternative plot bearing No.C-12 has been allotted to the Association at South of I.I.T. This plot is smaller in size i.e. 730 sq.yds. against the earlier plot area of 771.08 sq.mtrs. The association is, therefore, approaching for increase in FAR so that they may house their activities in this smaller plot.

2. Generally the FAR for institutional is 100 and no increase in the FAR is generally permissible but in this case since no alternate plot of 1000 sq.yds. is available, the Association has requested for an increase in FAR to 140 instead of 100. Keeping in view the requirements of Association the FAR of 140 instead of 100 may be allowed subject to the following:

- i) Necessary proportionate cost of the land may be charged.
- ii) The building design should be within the height restriction of 80' and maximum ground coverage 33-1/3% of the plot area.
- iii) The basement if used for habitable or useable area other than servicing would also be counted in the FAR.

4. Their request earlier was considered in the Technical Committee Meeting held on 28.6.90 under item No.3. The Technical Committee agreed in the increase of FAR from 100 to 140 subject to following conditions:

- i) Necessary proportionate cost of the land may be charged.
- ii) The building design should be within the height restriction of 80' and maximum ground coverage 33-1/3% of the plot area.
- iii) The basement if used for habitable or useable area other than servicing would also be counted in the FAR.

5. The Association have not been able to submit their plan till the enforcement of M.D-2001, 1.8.90. According to the provisions of this plan maximum 25% ground coverage and 100 FAR is permissible, on the institutional plot and accordingly the Association was informed vide letter dated 25.3.91 that maximum permissible FAR would be 100 only. The Association has submitted that the possession of the land was handed over to them on 8.1.1988 and because of non-determination of various issues involved the project could not take up. The allotment of alternative plot in South of I.I.T. was in lieu of 1000 sq. yds. plot offered to them earlier. Thus compensating the floor area to be achieved for the association building, a case of compassionate grounds.

The matter is placed before the Technical Committee for reconsideration of the decisions taken in the Technical Committee Meeting held on 28.6.90 for increase FAR of 140 which are mainly on compassionate grounds.

Item No. 133/91

Subject: Development plan of Dwarka (Papankala Project) - change of land use.

PA/PPR(DWK)-DDA/88/105

The draft Development plan of Dwarka (Papankala) project was approved by the D.D.A vide its Resolution No.15 dt. 14.4.88 (appendix-I) laid on table. The authority resolved that the development may take place in the area already acquired and for that area, change of land use be porpcessed. The Authority also resolved that Phase-II of the Project will be declared as the Development Area for the purpose of overall integrated planning, as the area for Phase-I was already declared as Development area No. 171 vide Notification dated 28.11.86. Subsequently Phase-II of Dwarka Project was also declared as Development Area No. 172 vide Notification dated 20.7.88 (Appendix-II) laid on table.

2. The matter was referred to the Govt. of India, Ministry of Urban Development vide Dy. Director (MP)'s letter dt. 28.4.88 (Appendix -III) laid on table for their concurrence fo-r the change of land use of the land falling in Phase-I of Dwarka. After the Government's Approval, Public Notice was issued (Appendix-IV) laid on table on 9.7.88 for inviting objection/suggestions on the proposed land use of the area measuring.....

- i. 40 Ha. to be changed from commercial to residential (23 Ha.) recreational (14.30 Ha.) and circulation (2.7 Ha.)
- ii. 3612 Ha. to be changed from agricultural /rural to residential (2120 Ha.) commercial (129 Ha.) ,Governmental (40Ha.) .
recreational (467.7 Ha.) ,Public/Semi -Public facilities (240Ha.) and circulation (616.3 Ha.) .
Total 3652 Ha.

3. In response to the said public Notice, in all, 27 objections/suggestions were received (Appendix-V) laid on table. These objections were subsequently considered by the Authority vide its Resolution No. 139 dated 12.12.88 (Appendix VI) laid on table and the modified Development plan which was recommended by the Technical committee, was further approved by the Authority for processing the change of land use. The authority also resolved that in certain areas where the land is immediately required for services, linkages, accesses, flyovers & other residential needs, the same may be acquired by the mutual negotiation by offering alternative accomodation in lieu of the acquired land required for the development of the project . In this connection it is pertinent to mention that the Delhi Urban Arts Commission while filling their objections on the proposed land uses, desired that the comprehensive Master plan of the area be submitted to the DUAC for its consideration and approval. (Appendix-VII) laid on table.

4. Thereafter, to explain this project to the Chairma, DUAC, a meeting was held on 22.12.89 in the Conference Hall, Vikas Minar, DDA. The meeting was attended by the Secretary, Ministry of Urban Development, Chief Secy. Delhi Admn., Commissioner, MCD, Administrator, NDMC and officers of the Authority. The Chairman and the Members of the Commission felt that the DUAC could contribute to the goals of the development of beautiful environment. The functions and other needs of such a large project demands careful studies and inputs at specialised level of professionals, It was decided that the project be submitted to the DAUC for their ~~sat~~ studies and vlews.

5. The Development Plan of the Dwarka Sub-City at conceptual stage was submitted to the DAUC. The same was discussed by the Commission in its meeting held on 17.1.89 wherein number of observations were made and the project was referred to a Group, convened by one of its members, with following terms/references:

contd...2/

- i.
 - a. To examine the concept with regard to relationship of the existing development pattern of the city.
 - b. Traffic/circulation system.
 - c. Urban design and landscape aspect with emphasis on open space system and streets picture;
 - d. infrastructure system consisting of electricity, water supply and sewage disposal communication etc;
 - e. Community facilities.
 - f. norms of development and their likely impact on open space system and the environment as well as infrastructure.
 - ii. Recommendations for additional inputs, if any, required;
 - iii. Recommendations for additional information and material, if any, required for meaningful consideration of the proposal.
6. Subsequently, number of meetings were held by the Group which were also attended by the Commissioner (Plg.) and other officers of the DDA. Finally, the Group suggested that the DDA should..

Find the best professional experts/talent available in the city and should appoint consultants in the field of town planning, environmental planning, architecture and urban design, landscape architecture, traffic and transportation planning, system and services planning etc. The Group further suggested the formation of an Advisory Board for the Project to have a periodic review of the schemes prepared by the consultants in order to help/expedite the finalisation and formal consideration by the Commission (Appendix) -VIII laid on table.

7. In pursuance to the decision of DAUC, a Working Group and an Advisory Group were constituted by the DDA (Appendix-IX) laid on table. After a number of meetings/discussion, the Working Group presented the state-I plan of the project to the Technical Committee in its meeting on 27.11.89 (Appendix-XIV) laid on the tables. The technical Committee desired that the mass transportation be further elaborated, land use analysis of the earlier scheme be referred to and where-ever possible adjustments may be made. The scheme was accepted in general. Subsequently, the Stage-I Plan of Dwarka Project was submitted to the DAUC vide letter dt. 26.12.89 and the same was considered by the Commission in its meeting held on 16.1.90. The approval of the Scheme was conveyed to the DDA by the DAUC vide its letter dt. 15.2.90.
8. Considering the views/observations of the Technical Committee and DAUC, the Stage-II Plan of the Project was finalised by the Working Group in consultation with the Advisory Group. The Stage-II plan was discussed in the meeting had on 28.6.90, its approval was conveyed on 4.9.90 (Appendix-IX) laid on the table.
9. Land use proposal of Stage-II plan approved by the Technical Committee and the DAUC, is suggested as under:

A. PHASE-I

-3-

S.No.	Land Use	Phase-I(a) Area(Ha.)	Phase-I(b) Area (Ha.)	Existing built-up Area (Ha.) A plus B
1.	Residential	911.56	1228.0	2139.56
2.	Commercial	79.56	50.00	129.56
3.	Govt. Use	33.07	-	33.07
4.	Public /Semi Public facilities.	181.57	73.00	254.57
5.	Public Utility	44.00	-	44.00
6.	Recreational	157.82	217.00	374.82
7.	Industrial	181.28	-	181.28
8.	Transportation	375.14	120.00	495.14
Total		1964.00	1688.00	3652.00

B. PHASE-II

S.No.	Land use	Area(Ha.)	(C) Total Area (Phase-I&II) (Ha)	Percentage
1.	Residential	765.13	2904.69	51.44
2.	Commercial	128.07	257.63	4.56
3.	Govt. Use	3.16	36.23	0.64
4.	Public/Semi Public facilities.	102.61	357.18	6.32
5.	Public Utility	73.50	117.50	2.08
6.	Recreational	686.06	1060.88	18.78
7.	Industrial	-	181.28	3.21
8.	Transportation	237.47	732.61	12.97
Total		1996.00	5648.00	100.00

10. A. The Authority in its meeting held on 27.3.91 on Policy Implication to stop developing any new industrial estate in Delhi, resolved that the provision of two percent space for service/light Industries which was essential for the Urban extensions proposed in MPD-2001 (Appendix-XII) laid on the table. It was felt that a Committee comprising of commissioner (Industry) as Convenor and:-

1. Commissioner, M.C.D. or his nominee
2. Administrator, NDMC or his nominee
3. Shri Mesh Ram, C.P.TCPO or his representative
4. Shri J.C.Gambhir, Commissioner (Plg.), D.D.A.

May go into the whole question of identifying these service/light industries which must necessarily come up in Delhi alongwith the Urban extensions and also into the question, as to whether land upto 2% was required for them.

Considering the above, the industrial land use of Dwarka Sub-city have been reduced to 113. Ha. (2% of the total project area.)

B. The detailed Sector Planning of Phase-I have also been completed and approved by the Screening Committee. While going through the detailing of the Sector Plans, minor modifications to the Stage-II plan with respect to Master plan uses were also observed.

C. The Technical Committee in its meeting held on 15.4.91 approved the location of sewerage treatment plant at one place instead of two as item No. 76/91 (Appendix-XIII) laid on the table. Due to this reason 22.30 Ha. of the area have been changed from green to utility in Phase-II of Dwarka Project.

contd... 4

- D. As per the MPD -2001 recommendation, as freight complex having an area of 125 Ha. was supposed to be located in Dwarka, Out of which only 62.32 Ha. of area was earmarked for warehousing. Balance area of 62.68 Ha. have been proposed in the green of Phase II which has been balanced by reducing the industrial area in Phase-I.

Considering the above, following will be the Master Plan land use changes in the structure plan Stage.II of Dwarka, approved by the DUAC :-

A. PHASE I

	Proposed Land use changes (in Ha.)			
	From	To		
		Govt. use	Recreational	Transportation.
1. Industrial (68.28)		8.00	60.28	---
2. Commercial (8.47)		8.47	-	---
3. Residential (2.33)		2.33	-	---
4. Public/Semi-Public facilities (8.68)		4.98	1.22	2.48
5. Public utility (5.66)		5.66	-	---
Total	(93.42)	29.44	61.50	2.48

B. PHASE-II

	Proposed Land use changes (in Ha.)			
	From	To		
		Govt. use	Recreational	Transportation
1. Recreational (84.98)		22.30	---	62.68

11. The Master Plan land use break up of Phase-I and Phase-II of Dwarka as per the proposed change in Para -10, emerges as below:-

Sl.No.	Land Use	Phase-I(a) Area (Ha.)	Phase-I(b) Area (Ha.)	(Esisting built-up) a plus b area(Ha.)
1.	Residential	909.23	1228.00	2137.23
2.	Commercial	71.09	50.00	121.09
3.	Govt. Offices	62.51	-	62.51
4.	Public /Semi Public Faci.	172.89	73.00	245.89
5.	Public Utility	38.34	-	38.34
6.	Recreational	219.32	217.00	436.32
7.	Industrial	113.00	-	113.00
8.	Transportation	377.62	120.00	497.62
	Total	1964.00	1688.00	3652.00

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Table -B

PHASE-II

Sl.No.	Land Use	Area (Ha.)	(c) Total Area Phase-II & I (Ha.)	Percentage
1.	Residential	765.13	2902.36	51.40
2.	Commercial	128.07	249.16	4.41
3.	Govt. Uses	3.16	65.67	1.16
4.	Public/semi Public Faci.	102.61	348.50	6.17
5.	Public Utility	95.80	134.14	2.37
6.	Recreational	601.08	1037.40	18.36
7.	Industrial	-	113.00	2.00
8.	Transportation	300.15	797.77	14.13
Total		1996.00	5648.00	100.00

The matter is placed before the Technical Committee for its consideration and approval for:-

1. Change of land use as proposed in para 10.
2. The proposed land uses as mentioned in table 'A' of para-11 for referring to Govt.of India for final notification of phase-I for change of land uses.
3. The proposed land of Phase-II of Dwarka Project as given in Table 'B' of para -11 for Government's concurrence for inviting public objections and suggestions as a part of Urban extension area of MPD -2001.
