### DELHI DEVELOPMENT AUTHORITY

(MASTER PLAN SECTION)

No.F.1(5)/96-MP

Dated : 10.1.96

Minutes of the Special Technical Committee meeting held on 8.1.96 in the Conference Hall, 1st floor, Vikas Sadan, INA, New Delhi.

The following were present:

#### DELHI DEVELOPMENT AUTHORITY

- 1. Sh.Anil Kumar, Vice Chairman (In Chair)
- 2. Sh.R.L.Hans, Engineer Member.
- 3. Sh. K. Sharma, Principal Commissioner
- 4. Sh.K.J.Alphons, Commissioner(LM)
- 5. Sh.Arun Mhaisalkar, Commissioner(Planning)
- 6. Sh.P.C.Jain, Addl.Commr.(AP)
- 7. Sh.K.K.Bandyopadhyay, Addl.Commr.(TYA)
- 8. Sh.Chandra Ballabh, Addl.Commr.(DC&B) Member Secretary
- 9. Sh.M.N.Khullar, Chief Architect (HUPW)
- 10. Sh.R.K.Jhingan, Director(Landscape)

#### T.C.P.O.

11. Sh.K.T.Gurumukhi, Addl.T.C.P.

#### L & D ()

12. Sh.L.D.Ganotra, E.O.

#### DELHI POLICE

13. Sh.G.C.Dwivedi, ACP(T)

#### M.C.D.

14. Sh. Shamsher Singh, Addl. Town Planner

#### D.E.S.U.

15. Sh.Nirmaljit Singh, XEN(Plg.)III

#### SPECIAL INVITEES

- 16. Sh.A.K.Jain, Director(ZP)
- 17. Sh.N.K.Aggarwal, Director(SA)
- 18. Sh.S.P.Bansal, Director(NCR&UE)

#### Copy to:-

- 1. OSD to VC for the information of the latter.
- 2. Engineer Member, DDA.
- 3. Principal Commissioner
- 4. Commissioner(Plg.)
- 5. Commissioner(LD)
- 6. Chief Architect, DDA.
- 7. Addl.Commr.(DC&B)
- 8. Addl.Commr.(TYA)
- 9. Addl.Commr.(AP)
- 10. Chief Planner, TCPO
- 11. Chief Architect, NDMC.
- 12. Town Planner, MCD.
- 13. Secretary, DUAC.
- 14. land & Development Officer
- 15. Sr. Architect (H&TP) CPWD
- 16. Deputy Commissioner of Police (T)
- 17. Chief Engineer (Plg.)DESU
- 18. Director(Landscape)DDA
- 19. Commissioner (LM)DDA
- 20 Secy. to L.G.
- 21. Director (PPR)

(P.V.MAHASHABDEY) JOINT DIRECTOR (MP)

#### ITEM NO.95/95/TC

Sub: Regarding utilisation of land of existing hazardous and noxious units/large scale industry on their closure/shifting.
F.20(16)93-MP.

- 1. In pursuant to the court order dated 13.12.1995 in AI No.22 WP(C) 4677/85 following 7 industrial units/organisations submitted their objections/suggestions:
  - (i) Birla Textiles.
  - (ii) Swatantra Bharat Mills
  - (iii) DCM Silk Mills
  - (iv) Hindustan Insecticides Limited
  - (v) Shriram Foods & Fertilizers Industry
  - (vi) PHD Chamber of Commerce & Industry
  - (vii) Najafgarh Road Factories Association
- 2. These organisations/units were heard by a Sub-Group under the Chairmanship of Addl. Commissioner(AP), DDA; on 2.1.1996 and 3.1.1996. Additional statements were also made by these units/organisations on 5.1.1996, to DDA.
- 3. Based on the observations/suggestions made by the industrial units/organisations, Special-Technical Committee in its meeting held on 8.1.1996 modified/clarified its earlier decision on 21.11.1995 as under:
  - (a) The policy would be applicable only to the hazardous/ noxious (as classified in Annexure H(a)) and heavy and large industry (as classified in Annexure-H(b)) in the MPD-2001.
  - (b) The percentage break-up of the area is to remain unchanged between the open area, housing-facility i.e. facilities required for housing, commercial/ residential. The term 'Housing Facility' in the decision of the Technical Committee refers to 'Community Facility' required for the population and as detailed out on page 150 of the Gazette (MPD-2001).
  - (c) The shifting industry shall also be permitted to redevelop the land for light and service industry, as per the provisions of MPD-2001.

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- (d) The ownership of the pockets under 'open space' and 'community facility' would also remain with the shifting industry, who will develop/maintain these pockets.
- (e) The shifting industry would be given the benefit of FAR on the entire plot of land thus vacated, for utilisation as per the specified land uses in MPD-2001; the permissible FAR would be 60 as in case of extensive industrial use zone. No construction of any nature shall be permitted on the area identified as open spaces to be left as mandatory green area. A minimum of 10% of the total floor space shall have to be used for community facility.
- (f) For necessary modifications in the text of MPD-2001, these pockets would be designated as SPECIAL AREAS with the controls as specified in the scheme.
- 4. With these recommendations of the Technical Committee, the amendments in MPD-2001 would be processed under the provisions of Delhi Development Act, 1957 and the same would be put up duly for decision to the Authority; in the light of the this decision, the matter would be submitted to the Ministry of Urban Affairs & Employment, for further necessary action.

(CHANDRA BALLABH)
ADDL.COMMR.(DC&B)
MEMBER SECRETARY

9/01/96

ITSN NO 95/95/TE

Regarding utilisation of land of existing hazardous Sub: and noxious units/large scale industry on their closure/shifting. F20(16)93-MP

- In pursuant to the court order dated 13.12.1995 in IA No.22 4677/85 following 7 industrial units /organisations WP(C) submitted their objections/suggestions:
  - 1. Birla Textiles.
  - 2. Swatantra Bharat Mills.
  - 3. DCM Slik Mills.

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(d)

- 4. Hindustan Insecticides Limited.
- 5. Shriram Foods & Fertilisers Industry.
- 6. PHD Chamber of Commerce & Industry.
- 7. Najafgarh Road Factories Association.
- These organisations/units were heard by a Sub-Group under Chairmanship of Addl. Commr. (AP), DDA; on 2.1.1996 and Additional statements were also made by these 3.1.1996. units/organisations on 5.1.1996, to DDA.
- Based on the observations/suggestions made by the industrial units/organisations, Special-Technical Committee in its meeting held on 8.1.1996 modified/clarified its earlier decision of 21.11.1995 as under:
  - percentage breakup of the area is to remain unchanged between the open area, housing - facility (b) (a) facilities required i.e. commercial/residential.
    - The shifting industry shall also be permitted to redevelop the land for light and service industry, as per the provisions of MPD 2001.
    - The policy would be applicable only to the hazardous/noxious (as classified in Annexure H (a)) and heavy and large industry (as classified in Annexure H(b)) in the MPD 2001.
    - The term ' Housing Facility ' in the decision of the Technical Committee refers to 'Community Facility' required for the population and as detailed out on page 150 of the Gazette (MPD 2001).

- The ownership of the pockets under open space and community facility would also remain with the shifting industry, who will develop/maintain these \*bockets
- The shifting industry would be given the benefit of FAR on the entire plot of land thus vacated, for utilisation as per the specified land uses in MPD 2001 This is generally with the understanding that the permissible FAR would be 60 as in case of extensive findustrial use zone. No construction of any nature shall be permitted on the area identified as open spaces to be left as green area. A minimum of 10% of the total floor space shall have to be used for community facility.
- For necessary modifications in the text of MPD 2001, these pockets would be designated as SPECIAL AREAS with the controls as specified in the scheme.
- With these recommendations of the Technical Committee, the 4. amendments in MPD 2001 would be processed under the provisions of for decipin Authority DD Act 1957 and the same would be put up duly to the

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newflood the matter would be subnitted if the Ministy of

Ush Affair & Ently in Polar of the day for further necessary action.

09.01.96

Pr. Commissioner may kindly see note dated 28/12/1995 on pre-page. As desired, following actions have been taken:

The Sub Committee consisting of the undersigned, Director (ZP)/(SA), Director (NCR&UE) held discussions with the representatives of the industrial units/organisations as per the programme given in my note dated 27/12/1995 on 2.1.1996 and 3.1.1996. On the basis of the submissions made by the industrial units/organisations before the hearing, submissions made by the officers of the different Government departments in the Hon'be Supreme Court od India in its hearing on 30/11/1995, deliberations held with the representatives of the industrial units/organisations and additional submissions made by the industrial units/organisations upto 5 PM of 5.1.1996., have been consolidated in a report. The report so prepared by the Sub Committee is placed in the file on page Flag 'A'.

Based on the above, the jist of issues have also been framed as a part of the mapper  $T/\epsilon$  against.

In pursuance of the above an agenda item for the consideration of the Tech. Committee has also been prepared and placed at Flag 'B'.

It may kindly be seen and decided by the Pr. Commissioner/Vice Chairman, if the representatives are to be given an opportunity to be present during the Tech. Committee

America her meeting.

(P.C. Jain) 5 1 96

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(3) This melter was discount in sparial T.C. mechy on 871/95. Drift Minutes plend opposite my pt. he approved.

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Note to ER Advocator
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that hefore the date of hearing already communicated i.e. 2nd and 3rd January, 1996, a Committee within the parameters of the Supreme Court of India order be formulated and an emergent meeting could also be fixed with L.G/C.S for appraisal and instructions.

The file is submitted to Pr. Commissioner in pursuance of telephonic conversation held with OSD to VC wherein he informed that Pr. Commissioner is monitoring the issue.

(P.C. Jath) Addl. Commr. (AP) 27/12/95

Fr. Commissioner

This matter was discussed with V.C. today in the presence of Shri P.C. Jain. Following actions are to be taken:-

- 1) The Committee suggested by Shri P.C. Jain at page-23/N will hold discussion with the representatives of the Industry as per the programme.
- The recommendations of the Committee will be put up for consideration before the Technical Committee Meeting which is to be convened well before 10th January, 1996 by Commissioner (Planning).
- 3) The representatives of the Industry may be given an opportunity to meet the Technical Committee, if required.

(SHASHI KANT SHARMA) PRINCIPAL COMMISSIONER

PRINCIPAL COMMISSIONER 28-12-1995

Commissioner (Planning) on sew

Sh. P.C. Jain, Addl. Commr. (AP)

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DRAFT MINUTES OF THE SPL. TECHNICAL CUMMITTEE MEETING HELD on 9.1.1996.

Sub: Pelicy regarding utilisation of land in case of existing hazardous/nexious/heavy/large scale industries on their clessic/shifting.

f 20(16)93-MP \*\*\*\*

The recommendation of the Tech. Committee meeting held on 21.12.95 were placed before the Supreme Court. Subsequently, in pursuance of the order of the Court dated 12.12.95, 7 units/
erganisations representatives these industries were heard on Addi Commun (AP) being The Convener.
2.1.96 and 3.1.96 by a sub committee A These units were also asked to make the additional submissions, if any by 5.1.96.

The issues emerged out of the proceedings of the hearing were delibrated in detail by Tech. Committee and following recommendations were made:-

- i) The recommendation of the Tech. Committee of 21.11.95 related to the proposal of utilisation of land was reiterated in principal.
- ii) These redevelopment schemes to be designated as "Special Areas" with norms as under:
  - a) The benefit of FAR on the entire plot as a Compansation be permitted to the max. FAR for extensive industries.
  - b) The recreational use in Col. 3 of the table be treated as mandatery with zero FAR.
  - c) With a view to make up the PAR for community facilities in Col. 4 of the table, a minimum of 10% of total FAR shall be permitted.
- should be read as "Community facilities" to be provided as listed at (a), (b), and (f) of 150 (RHS) of MPD 2001 Gazette notification of 1.8.90.
- iv) Option for use of land and service industries be also allowed and Col. 5 of the table be redd as under:

  "Percentage of land carmaned and to be developed

for residentialer commercial er service industries use be developed

by owner.

- v) Feetnete (iii) of the table be medified as under:

  "Incase such Vacahed" areas are located in the
  industrial zenes in the Master Plan, these would
  be used for light and service industries and a part
  of the building upto 10% se constructed could also
  be utilized as a front office of the shifted Industry.
- vi) The policy will apply only to industries falling in Group H(a) and H (b) as per MPD 2001.
- vii) The ewnership of land in Cel. 3. and 4 will continue to remain with the ewner.

In order to implement the above recommendations, these will be placed before the Authority for consideration and further processing under DD Act as an amendment in MPD 2001-

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# Draft Comments on Subornissions Sumarrised for T/C.

- I (a) As per the scheme presented before the Supre me Court of India whichwas considered by the Tech. Committee, this column states that 27%,34% and 37%, the land will be used for housing facilities while in the written submissions made to the Court, the Member Secretary, NCR Plg. Board has proposed this land to be used for social housing. This is a new dimension added after the deliberations and decision of the Tech. Committee. The social housing if provided would be against the spirit of the decision taken by the Tech. Committee and will add extra burden of the population.
  - (b) The scheme is silent on this issue.
- (c) In the scheme the land has already been grouped in two parts, (i) for recreational and housing facilities i.e. col. no.3 and 4 and the balance col. no.5 to be developed by the owner.
- (d) The spirit of the scheme is with the spaces generated in col.no.5 will be put to resale by the owner and the spaces generated in col.no. 3 and 4 will be given to the local bodies for the use of the community at large.
- (e) The land use prescribed in Master Plan are at city level and cannot be taken the basis for determining at the zonal planor layoutplanlevel.
- 2. As per the scheme submitted to the Supreme Court of India it is statutory requirement of the law and view of the community at large has to be considered while approving/implementing the scheme not only the views of the industrial units/organisations who have taken this scheme only to their benefits.
- 3. By adding col.no. 3 and 4 of the scheme i.e. recreational and facility part spaces of the order of 60 to 70% are mostly available for open and 40 to 30% are for residential or commercial use.
- 4. The suggestion would no doubt in the clearance of proposed scheme by the land owners but due to the various agencies involved for itsappro val under the different acts, it may not be feasible. It can be made feasible by constituting a High Power Committee.
- 5. In the scheme the sub division of the plots is proposed for the lands which are more than .2 HAC.
- 6. The facilities at the Master Planlevel are in addition to the those required facilities at zonal plan level.

- 7. Any industry whether privateowned or Government owned falling in the perview of the shifting has to shift and it is for the Ministry 'concercned to workout the modalities for its shifting.
- 8. There should not be any objection for change of process / trade.
- 9. If the scheme is accepted then the facilities at the zonal level required will be worked out.
- 10. The hazardous units shouldclose down immediately without waiting for any final schemme and the others governed under the category can be monitored within the stipulated time frame. The finalisation of the reuse of the land so vacated should not be considered as an excuse for the shifting of the industries.

# DELHI DEVELOPMENT AUTHORITY (DEV. CONTROL & BUILDING)

File No.F. 1(3)/96/MP

Dated 6.1.96

#### MEETING NOTICE

A Special Technical Committee regarding policy regarding utilisation of land in case of existing hazardous/noxious/heavy/large scale industries on their closure/shifting (Sl.No.1/ItomNo./95/95/TC) will be held on 8.1.1996 at 5.00 P.M under the Chairmanship of Vice Chairman, DDA in the Conference Hall, 1st Floor Vikas Sadan, I.N.A New Belhi.

You are requested to kindly make it convenient to attend the same.

(CHANDRA BALLABH)
ADDL. COMMR. (DC&B)
MEMBER SECRETARY

SUBJECT:- Policy regarding utilisation of land in case of existing hazardous/noxious / heavy/large scale industries on their closure/shifting.

(File No, F, 20 (16) 93-MP)

#### BACKGROUND

The above mentioned subject was discussed in the Technical Committee meeting held on 21.11.95 wherein following was decided ( Inc. uis-L)

"The item was discussed in details, the proposal was approved by the Technical Committee for processing the amendment in the MPD-2001, with conditions that (a) the policy would be applicable essentially to hazardous and noxious as well as heavy and large industries and other non-conforming industries proposed by Govt. (b) all the clearances etc. with regard to land ceiling Municipal services and approval of building activity etc. from the local bodies would be the responsibility of the industry. (c) the development would have to be within the overall framework of the Master Plan."

- 2. The decision taken by the Technical Committee was placed before the Honourable Supreme Court by Commissioner (LM) DDA on 30.11.95 in I.A.No.22 In W.P. (C)No. 4677/1985. M.C. Mehta Vs. Union of India & Ors.
- 3. The honourable Supreme Court of India vide its orders dt. 13.12.95 on the issue of utilisation of land in the event of relocation of hazardous/noxious/heavy/large scale industries from Delhi ordered as follows:-
- Mr. K.J. Alphone has placed on record the proposed scheme regarding utilisation of land which would be available in the vent of re-location of the hazardous/noxious/large scale industries from Delhi. The scheme has been discussed with learned counsel appearing for various industries. We are of the view that it would be useful for the representatives of the industries to have discussion with the committee which is to finally examine the proposed scheme. Mr. P.C. Jain, Addl. Commissioner DDA who is present in the Court has explained to use various aspects of the scheme. He is agreeable to the proposal that 5/10 representatives of the industries may place the suggestions/objections of the industries to the proposed scheme before the Committee. The representatives of the industries may filetheir writhen suggestions before Mr. Jain within one week from today. Thereafter, Mr. Jain will inform them about the date when the Committee is likely to meet. It would be desirable that the Committee meats before the end of this year. In any case, the meeting must take place before 10th January, 1996 because all these matters have been listed for final

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hearing on that date. In any case, Mr. Jain will inform the representatives about the date of the meeting before 25th December, 1995."

- 4. In pursuance order of the Honourable Supreme Court 7 Units/Organisations listed below have submitted their objections/suggestions in the office of AC(AP), DDA by the evening of 20.12.95.
- 1. Birla Textiles
- 2. Swatantra Bharat Mills
- 3. D.C.M. Silk Mills
- 4. Hindustan Insecticides Limited
- 5. Srikam Food & Fertilisers Industries
- 6. Najafgarh Road Factories Association
- 7. FHD Chamber of Commerce & Industry
- 5. All the above Units/Organisations were requested in the stipulated time to be present for hearing on 2nd and 3rd January, 1996 from 10.30 onwards.
- 6. The Sub-committee consisting of A.C.(AP),DDA,Director (NCR),DDA,Director (ZP),DDA and Director (Special Area),DDA heard the representatives of the Units/Organisations and also requested them to make additional submissions if any by 5.1.95.
- 7. The proceedings of the housing taken by the Sub Committee or jaid on the labor.

#### if an Env-ITOM 3/ISSUES

Based on the submission made by the officers to honourable Supreme Court on 30.11.95, written submission made by the industrial units/organisations prior to hearing, during the hearing and after the hearing following issues emerge for the consideration of the Technical Committee.

- 1. Suggestions on the DDA scheme submitted Commr. (LM), DDA are as under:-
- (a) Utilisation of land in column # 4 in table for social housing vis-a-vis housing facilits
- (b) Cwnership of the land in column 3 & 4 of the table to be with public/private be clarified.
- (c) The land should be grouped only in 2 parts one for deficiency in facility and recreational use etc. and the others for developments by the owner for renumerative use as per Master Flan norms without any amendment.

- (d) The units be permitted to develop and reals the entire land in their bessession to meet the cost of shifting. If part of the land of the owners is to be vacated for recreation/fecilities the same be compensated either by way of cash compensation or by providing benefit of the FAR on the entire plot.

  Addl. FAR over and above the provisions of Master Flan may also be considered.
- (e) The scheme is not inconconance with the percentage distribution of land prescribed in the Master Plan.
- 2. The modifications in the Haster Plan would be time consuming and would defeat the objectives of relocation as well as that of planned development.
- 3. Half of the land vacated by industries be used for recreational use that if for open space and the balance for low intensity development.
- . In order to implement the scheme a single window clearance concept be introduced.
- 5. The sub division of the smaller plots as stipulated may not be in the interest of the planned development as well as community.
- 6. The question of deficiency in Community facilities does not arise as all the required facilities have been stipulated inthe Master Plan.
- 7. The policy for landutilisation should be different for the government owned units then that if privately owned industries.
- 8. Units that are non-conforming due to the hazardous characteratics by allowed to change the process/trade and thereby satisfy the pollution control norms.
  - 9. The deficiency in facilities cannot be uniformally followed for all the areas and they should be specified in advance.
- 10. Time extension for shifting the units to alternate site be considered.
- (iii) In view of the above, the suggestions of the Sub Consisted are laid on the table for consideration.

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# Minutes of the Technical Committee Meeting held on 21.11.95.

Sub: Policy regarding utilisation of land in case of existng hazardous/noxious/heavy/large scale industries on their Closure/shifting.

F.20 LT) 93/MP

The above mentioned subject was discussed in the Technical Committee in its/heldon 10.5.95 . The Tech. Committee decided as given below:

"The item was presented by Commr(£M); Commr.(Plg) and Director(ZP). After detailed discussion Tech. Committee decided that in view of ongoing deliberations of Urban Land Ceiling Act Regulations, the item be brought to the Tech. Committee after consultation with concerned authorities by the sub committee which has gone into these matters."

2. Subsequently Development Commr.Delhi GNCTD vide his letter dt. 28.8.95 to VC, DDA referring the Supreme Court case requested that DDA should move firmly for the removal of noxious and hazardous industries from the Metropolitan area. Further, he mentioned that the Govt. of NCT of Delhi is of the view that while removing these industries, it should be ensured that the land so vacated is properly utilised for community purposes.

LG wide his minutes dt. 29.8.95 on the above letter recorded as given below:

"Depends on the character of the land, whether freehold or leasehold, large or small industries to be shifted have to be treated equally provided no other factors of compensatory nature cause a change of circumstances."

In the meeting of the planning Committee of the NCR Planning Board held on 31.5.95. The suggestions made by the NCR Planning Board in respect of incentives and medalities for facilitating the shifting of industries from Delhi to NCR were discussed and following pattern of utilization of land vacated by the industries has been recommended:

PROPOSED UTILISATION OF LAND AFTER DEMOLITION OF EXISTING STRUCTURES IN CASE OF NON-CONFORMING, HAZARDOUS/NOXIOUS INDUSTRIES.

SI. No.	EXTENT	carman creat: Playgr any of uses a	ntage to be rked or Re- ion Ground or ther open as specified a Authority	percentage of land to be used for providing housing facilities by the owner at norms to be deter- mined by DDA/GNCT Delhi.	be earmarked and to be developed for residential or
1.	2.	2	3	4.	5
1.	Upto 2000 sq,mtr. (including the first 2000 sq.mts. of the lar- ger plot)				100% to be developed by the owner in accordance with the zoning regulations of the Master Plan
2.	0.2 to 5	ha	33	27	40
3.	5 ha. to 10 ha. 33		34 .	33	
4.	Over 10 ha. 33			37	30

- i) In case such vacated areas are located in a residential zone, while the total area can be reused for residential landuse as prescribed in the Master Plan of Delhi, a part of the building upto 10% so constructed in Conformity with the Master Plan could also be utilised as a Front Office of the shifted industry.
- ii) In case, such vacated lands are located in designated commercial areas of the Master Plan of Delhi' they would be used as per the land use prescribed in the Master Plan.
- iii) In case, such vacated areas are colocated in the industrial zones in Master Plan, they was may be allowed to be used for a front office and management residence subject to a maximum coiling of 25% FAR of the plot.

The above concessions for reuse of vacated land will not be made available to rank encroachers in whose case the land will revert to original owner of the land.

In order to implement the above proposals necessary amendment would be required to the following provisions of the Master Plan -2001.

a) Part-II -Sec.3(ii) on pages 123 and 124 of the Gazettee dt. 1.8.90 part C of the clauses sunder Extanders and Noxious industries and Heavy and Large industries.

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- Development Code sub-clause B(2)(Pages 152 and 153) to allow other uses, i.e. commercial offices (serial no. 025) residential flats (serial no. 003) to the extent of 25% FAR, in the Industrial zones Ml and M2 in case of vacated industrial sites upto 2000 sq.m. Similar amendment may also be necessary in the case of use zone RD(residential) to allow 10% use of the residential building constructed on vacated plots, for front offices.
- 4. The case is put up to Technical Committee for consideration of the proposal of NCR Planning Board and consequential amendment in MDD-2001 1978 [] A of D.D.Act.

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#### " DECISION'

The item was discussed in detail; the proposal was approved by the Technical committee for processing the amendment in the MPD-2001, with conditions that

- a. the policy would be applicable essentially to hazardous and noxious as well as heavy and large industries and other non-conforming industries proposed by Govt.,
- b. all the clearances etc. with regard to land ceiling, Municipal services and approval of building activity etc. from the local bodies would be the responsibility of the industry.
- c. the development would have to be within the overall framework of the Master Plan.

1. OSD to VC 7. Engineer Member, DDA Principal Commissioner 3. 4. Commissioner (Plg.) 5. Commissioner (LD) 6. Chief Architect, DDA Addl. Commr. (DC&B) 8. Addl.Commr.(TYA)DDA 9. Addl. Commr. (AP)DDA 10. Chief Planner, TCPO 11. Chief Architect NDMC 12. Town Planner, MCD 13. Secretary, DUAC 14. Land & Development Officer 15. Sr. Architect (H&TP)CPWD 16. Deputy Commissioner of Police (T) 17. Chief Engineer (Plg.)DESU 18. Director (Land Scape)DDA

Commissioner (LM)DDA

Director(PPR)

19.

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# DELHI DEVELOPMENT AUTHORITY (DEV. CONTROL & BUILDING)

File No.F. 1(3)/96/MP

Dated 6.1.96

#### MEETING NOTICE

A Special Technical Committee regarding policy regarding utilisation of land in case of existing hazardous/noxious/heavy/large scale industries on their closure/shifting (S1.No.1/IL.NI../J5/95/TC) will be held on 8.1.1996 at 5.00 P.M under the Chairmanship of Vice Chairman, DDA in the Conference Hall, 1st Floor Vikas Sadan, I.N.A New Dolhi.

You are requested to kindly make it convenient to attend the same.

(CHANDRA BALLABH)
ADDL. COMMR. (DC&B)
MEMBER SECRETARY

CAT 06/01/96

# DELHI DEVELOPMENT AUTHORITY (DEV. CONTROL & BUILDING)

File No.F.1(3)/96/MP

Dated 6.1.96

#### MEETING NOTICE

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You are requested to kindly make it convenient to attend the same.

(CHANDRA BALLABH)
ADDL. COMMR. (DC&B)
MEMBER SECRETARY

SUBJECT:- Policy regarding utilisation of land in case of existing hazardous/noxious / heavy/large scale industries on their closure/shifting.

(File No. F. 20 (16) 93-MP)

#### BACKGROUND

The above mentioned subject was discussed in the Technical Committee meeting held on 21.11.95 wherein following was decided (necture-L)

"The item was discussed in details, the proposal was approved by the Technical Committee for processing the amendment in the MPD-2001, with conditions that (a) the policy would be applicable essentially to hazardous and noxious as well as heavy and large industries and other non-conforming industries proposed by Govt., (b) all the clearances etc. with regard to land ceiling Municipal services and approval of building activity etc. from the local bodies would be the responsibility of the industry, (c) the development would have to be within the overall framework of the Master Plan."

2. The decision taken by the Technical Committee was placed before the Honourable Supreme Court by Commissioner (LM) DDA on 30.11.95 in I.A.No.22 In W.P. (C)No. 4677/1985. M.C. Mehta Vs. Union of India & Ors.

3. The honourable Supreme Court of India vide its orders dt. 13.12.95 on the issue of utilisation of land in the event of relocation of hazardous/noxious/heavy/large scale industries from Delhi ordered as follows:-

Mr. K.J. Alphone has placed on record the proposed scheme regarding utilisation of land which would be available in the vent of re-location of the hazardous/noxious/large scale industries from Delhi. The scheme has been discussed with learned counsel appearing for various industries. We are of the view that it would be useful for the representatives of the industries to have discussion with the committee which is to finally examine the proposed scheme. Mr. P.C. Jain, Addl. Commissioner DDA who is present in the Court has explained to use various aspects of the scheme. He is agreeable to the proposal that 5/10 representatives of the industries may place the suggestions/objections of the industries to the proposed scheme before the Committee. The representatives of the industries may filetheir written suggestions before Mr. Jain within one week from today. Thereafter, Mr. Jain will inform them about the date when the Committee is likely to meet. It would be desirable that the Committee meets before the end of this year. In any case, the meeting must take place before 10th January, 1996 because all these matters have been listed for final

hearing on that date. In any case, Mr. Jain will inform the representatives about the date of the meeting before 25th December, 1995."

- 4. In pursuance order of the Honourable Supreme Court 7 Units/Organisations listed below have submitted their objections/suggestions in the office of AC(AP), DDA by the evening of 20.12.95.
- 1. Birla Textiles
- 2. Swatantra Bharat Mills
- 3. D.C.M. Silk Mills
- 4. Hindustan Insecticides Limited
- 5. Srikam Food & Fertilisers Industries
- 6. Najafgarh Road Factories Association
- 7. PHD Chamber of Commerce & Industry
- 5. All the above Units/Organisations were requested in the stipulated time to be present for hearing on 2nd and 3rd January, 1996 from 10.30 onwards.
- 6. The Sub-committee consisting of A.C.(AP),DDA,Director (NCR),DDA,Director (ZP),DDA and Director (Special Area), DDA heard the representatives of the Units/Organisations and also requested them to make additional submissions if any by 5.1.95.
- 7. The proceedings of the beating baken by the Sub Committee

#### is an Edw (Throw) Issues

Based on the submission made by the officers to honourable Supreme Court on 30,11,95, written submission made by the industrial units/organisations prior to hearing, during the hearing and after the hearing following issues emerge for the consideration of the Technical Committee.

- Suggestions on the DDA scheme submitted Commr. (LM), DDA are as under:-
- (a) Utilisation of land in column & 4 in table for social housing vis-a-vis housing facilitie
- (b) Congreship of the land in column 3 f 4 of the table to be with public/private be clarified.
- (c) The land should be grouned only in 2 parts one for deficiency in facility and recreational use etc. and the others for developments by the owner for renumerative use as per Master Plan norms without any pmendment.

- (d) The units be permitted to develop and remale the entire land in their lossession to mee the cost of shifting. If part of the land of the owners is to be vacated for recreation/facilities the same be compensated either by way of cash compensation or by providing benefit of the FAR on the entire plot.

  Addl. FAR over and above the provisions of Master Plan may also be considered.
- (e) The scheme is not inconsonance with the percentage distribution of land prescribed in the Master Plan.
- The modifications in the Master Plan would be time consuming and would defeat the objectives of relocation as well as that of planned development.
- 3. Half of the land vacated by industries be used for recreational use that if for open space and the balance for low intensity development.
- 4. In order to implement the scheme a single window clearance concept be introduced.
- 5. The sub division of the smaller plots as stipulated may not be in the interest of the planned development as well as community.
- 6. The question of deficiency in Community facilities does not arise as all the required facilities have been stipulated inthe Master Plan.
- 7. The policy for landutilisation should be different for the government owned units then that of privately owned industries.
- 8. Units that are non-conforming due to the hazardous characterstics be allowed to change the process/trade and thereby satisfy the pollution control norms.
  - The deficiency in facilities cannot be uniformally followed for all the areas and they should be specified in advance.
- 10. Time extension for shifting the units to alternate site be considered.
- (III) In view of the above, the suggestions of the Sub Committee are laid on the table for consideration.

#### Minutes of the Technical Committee Meeting held on 21.11.95. Sl.Ne.5/Item No.95/95/IC

Sub: Policy regarding utilisation of land in case of existng hazardous/noxious/heavy/large scale industries on their Closure/shifting.

F.20 17 93/MP

The above mentioned subject was discussed in the Technical Committee in its helden 10.5.95. The Tech. Committee decided as given below:

"The item was presented by Commr({M}); Commr.(Plg) and Director(ZP). After detailed discussion Toch Committee decided that in view of ongoing deliberations of Urban Land Ceiling Act Regulations, the item be brought to the Tech. Committee after consultation with concerned authorities by the sub committee which has gone into these matters."

2. Subsequently Development Commr.Delhi GNCTD vide his letter dt. 28.8.95 to VC, DDA referring the Supreme Court case requested that DDA should move firmly for the removal of noxious and hazardous industries from the Metropolitan area. Further, he mentioned that the Govt. of NCT of Delhi is of the view that while removing these industries, it should be ensured that the land so vacated is properly utilised for community purposes.

LG -yide his minutes dt. 29.8.95 on the above letter recorded as given below:

"Depends on the character of the land, whether freehold or leasehold, large or small industries to be shifted have to be treated equally provided no other factors of compensatory nature cause a change of circumstances."

in the meeting of the planning Committee of the NCR Planning Board held on 31.5.95. The suggestions made by the NCR Planning Board in respect of incentives and modalities for facilitating the shifting of industries from Dolhi to NCR were discussed and following pattern of utilization of land vacated by the industries has been recommended;

PROPOSED UTILISATION OF LAND AFTER DEMOLITION OF EXISTING STRUCTURES IN CASE OF NON-CONFORMING, HAZARDOUS/NOXIOUS INDUSTRIES.

tration to the earliest

SL.NO.	EXTENT	carman creat. Playgr any of uses a	ntage to be rked or Re- ion Ground round or ther open as specified a Authority	percentage of land to be used for providing housing facilities by the owner at norms to be deter- mined by DDA/GNCT Delhi.	residential or
1.	2.	-	3	4.	5
1.	Upto 2000 sq,mtr. (including the first 2000 sq.mt of the larger plot)	J ts.			100% to be developed by the owner in accordance with the zoning regulations of the Master Plan
2.	0.2 to 5 l	ia.	33	27	40
3.	5 ha. to :	10 ha.	33	34 .	33
4.	Over 10 ha	a.	33	37	30

- i) In case such vacated areas are located in a residential zone, while the total area can be reused for residential landuse as prescribed in the Master Plan of Delhi, a part of the building upto 10% so constructed in Conformity with the Master Plan could also be utilised as a Front Office of the shifted industry.
- ii) In case, such vacated lands are located in designated commercial areas of the Master Plan of Delhi' they would be used as per the land use prescribed in the Master Plan.
- iii) In case, such vacated fareas are relocated in the industrial zones in Master Plan, they may be allowed to be used for a front office and management residence subject to a maximum ceiling of 25% FAR of the plot.

The above concessions for rouse of vacated land will not be made available to rank encroachers in whose case the land will revert to original owner of the land.

In order to implement the above proposals necessary amendment would be required to the following provisions of the Master Plan -2001.

a) Part-II -Sec.3(ii) on pages 123 and 124 of the Gazetter dt. 1.8.90 part C of the clauses ounder Earnwhus and Noxious industries and Heavy and Large industries.

- Development Code sub-clause B(2)(Pages 152 and 153) to allow other uses, i.e. commercial offices (serial no. 025) residential flats (serial no. 003) to the extent of 25% FAR, in the Industrial zones M1 and M2 in case of vacated industrial sites upto 2000 sq.m. Similar amendment may also be necessary in the case of use zone RD(residential) to allow 10% use of the residential bwilding constructed on vacated plots, for front offices.
- 4. The case is put up to Technical Committee for consideration of the proposal of NCR Planning Board and consequential amorphagma, in MDD-2001 17/21/A of D.D.Act.

#### DECISION'

The item was discussed in detail; the proposal was approved by the Technical committee for processing the amendment in the MPD-2001, with conditions that

- a. the policy would be applicable essentially to hazardous and noxious as well as heavy and large industries and other non-conforming industries proposed by Govt.,
- b. all the clearances etc. with regard to land ceiling, Municipal services and approval of building activity etc. from the local bodies would be the responsibility of the industry.
- c. the development would have to be within the overall framework of the Master Plan.

- 1. OSD to VC
- 2. Engineer Member, DDA
- 3. Principal Commissioner
- 4. Commissioner (Plg.)
- 5. Commissioner (LD)
- 6. Chief Architect, DDA
- 7. Addl. Commr. (DC&B)
- 8. Addl.Commr.(TYA)DDA
- 9. Addl. Commr.(AP)DDA
- 10. Chief Planner, TCPO
- 11. Chief Architect NDMC
- 12. Town Planner, MCD
- 13. Secretary, DUAC
- 14. Land & Development Officer
- 15. Sr. Architect (H&TP)CPWD
- 16. Deputy Commissioner of Police (T)
- 17. Chief Engineer (Plg.)DESU
- 18. Director (Land Scape)DDA
- 19. Commissioner (LM)DDA
- 20. Director(PPR)

Dreft Muni Telnial Court mut held on BILAB
Sulget: (1) The de recommedation of technical Countries meet phild on. 21.11.95, which were tolered before the Hon'ble Suprum Const. Subaquelts in persuam of the order of the Suframe Court 13-12-95 7 mils/ organishes diphosts there industries were heard by a Sub-Countrie, AC(AP) being the conversor. These unto were also arded to make addit submissi of any by 5.1.96. The issue emerged at the proceed of Its learning were deliberated in the Technical countries related to forfard whole of lad of recated had was getterated a formable. 2. There redevelopment schenes be designated as Part Special Area MIL & notions as wells. (a) The simple of FAR on It entire Hot as a compression be purited to The map allwed for Extensive Industria (b) The recreation in a colour 3 of the table be treated as mandators green vit zero FAP.

(a hall a view to make up FAR And of 107 2 FAR Old be pendled as EAR front a entra plate In colon (4) the throng Facility should be need as "County Facilité lost at. (a), (b), (d) at pac 150 (RHS) of \* Now year iskind Cazel Fe Molepali of 1.0.90 (MPD-2001) of this recorded 4. althe color 5 Modelle assented med as tuder Il Percentage to be committed and to be developed for Rendell or Commeil or hight & Servin Indual was to be developed & noner! The fostale (iii) of the lable atilinga con ten also medified as under: (ii) In some, such vacated ones one located with adustral zons a Mr Marsh Pla., they would be used. For light a sever Edushi Ett date & bal of the. building ifte 10% so enistrated could do be whend as a tent offin of the shifted Induling .

6. This forly will offer as to andustrial falling Comp H (a) to H (b) as for MPD-2001. 7. The overship of colon (31 & (4) land will contine to remain the wif to owner. B. The humanotyes und whatel the drope of the schole. The will be placed terrementaling Authority for considerate and fulter processing udes the Delli Developet Het as an amademt w 11 MPAD-2001.