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समाध्यक्ष कार्यालय
आयुक्त सं. 4579-A
दिनांक 21/11/12

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DDA MARKETS JOINT ACTION COMMITTEE

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Ref. No. DMJAC/

SH. S. K. Shrivastav
Hon. Vice Chairman
D. D. A.

OFFICE OF THE DIR (Plg.)
IPR/TC, D.D.A. N. DELHI-2
L-217
19/11/12

Dated 25-10-12

अति आयुक्त (योजना) एम.पी.आर.0
आयुक्त सं. 1868
दिनांक 16/11/12

15/11/12
Com (P/S)
A.C. (Plg) Mr. Pathan

Sub: Grievances and Demands from Shopkeepers of DDA Markets, and Suggestions regarding MPD-2021.

Sir,

We the shopkeepers of various DDA Markets in planned colonies in Delhi such as Vikipuri, Rohini, Pitampura, Shalimar Bagh, Prashant Vihar, Janakpuri, Ashok Vihar, Paschim Vihar etc. have been knocking the doors of various Govt. Authorities for the past over a decade for resolution of our grievances but without fruitful result till now. We now venture to submit our grievances once again hereunder expecting that justice will be given to us. Ultimately we will be allowed to do our business peacefully with honour and tranquility.

BACKGROUND

1. We had purchased our shops from DDA in various approved shopping centers pervading in DDA planned colonies on auction on this categorical assurance by the DDA that only those shops in shopping centers being auctioned would cater the needs of residents living in surrounding residential localities in vicinity as according to the provision of Master Plan, Development code and other statute under

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which DDA planned colonies had been developed do not permit any conversion in use of land or properties in violation of set-norms in the Master Plan.

2. Consequently we offered our bids with free will and purchased the shops of our linking, keeping in view the assurance and the provisions relevant to land use existing in the Master Plan from very inception and other statutory books viz. DMC Act and DDA Act. We purchased the shops in competition paying much exorbitant price than the cost fixed by the DDA as "Reserved Price" with this end in view that we would be fetching lucrative business, earn sufficient amount as per our expectations to make our families living easy and honorably in future time to come.
3. But in a very short time our expectation proved abortive and were dashed when we saw that the unauthorized shops started cropping up in the Residential houses in contravention of the Master Plan & other existing rules and that the DDA's officials who were directly responsible for controlling the menace by initiating fear action against the violators / defaulters simply remained the mook spectators and nothing else to which we remained stunned. They were rather encouraging those violators for their unlawful activities perhaps because of their personal gains, forgetting this that they had been committing crime by abetting the violators to proceed for unlawful activities on their spontaneous will ignoring all the norms, which in fact was / is a "cognizable offence" punishable with heavy fine or simple imprisonment or with both.

4. Consequently the mass illegal conversion being ignored by the DDA have been leaving deterrent impact upon the business of our members, their shops gradually turned redundant as they had not been earning even that part of amount which was required by them for the maintenance of their shops. Resultantly the heavy investment which they had made for acquiring the shops as well as preparing them with furniture and fixture for adornment with good amount spent for goods and on establishment etc. etc. were appearing them to be a dead investment and rather a liability.

5. We had consequently been taking up the matter with DDA's officials and other high up of the Govt. as well as other relevant institution by lodging our protest and requested them to get the provision of Master Plan and other statues implemented honestly so that the position relating to unlawful conversion might not reach the worst stage, causing more injurious impact to the shops of our members but our all requests were given deaf ear by the DDA's officials particularly an other relevant authorities in general. They rather constrained us for seeking remedy through court and accordingly we filed a PIL which produced result compelling the govt. for exploring the remedy to set the thing right. DDA and relevant agencies including govt. explored the remedy giving benefit to the law breakers and not to the law abiding persons.

6. At the time of amendments in the Master Plan 2001 and on the formulation of Master Plan 2021, we submitted our objections / suggestions in respect of DDA plan ^{and} colonies seeking justice to law abiding citizens / shopkeepers of DDA approved market but of no use. Ministry of Urban Development and DDA rather allowed without

deterrence commercialization of residential premises in DDA planned colonies in contravention of the land use plan of Master Plan which is the basic need of the planned colony/sub-city. The statutes/rules which in fact insinuate the conversion a cognizable offence, punishable with heavy fine or simple imprisonment or with both has been deliberately allowed to be flurt by unlawful persons ignoring all ethics forgetting the saving of innocent law-abiding persons was / is an obligation of the govt. which has been denied.

7. Recently also, while reviewing the Master Plan 2021 by the authority we again ^{Submitted} our objections /suggestions for honest consideration. We raised our voice in person in the public meetings called by DDA and our voice was converted into script vide page 9 of the Time of India dt. 2.5.2012 (copy enclosed for perusal). Another meeting was called on 05.07.2012 under the Chairmanship of Engineer-Member, DDA, Vikas Sadan wherein we were invited to participate. We again raised our voice against the unauthorized commercialization of residential premises in DDA planned colonies and also against the Mixed Use Regulations which was/is unconstitutional and partial. As we could gather / feel that at heart of heart the committee members under the Chairmanship of Engineer-Member were agreeable unambiguously against the commercialization of residential premises but somehow even pricking their conscious neither members of the committee nor the Chairman of the committee could dare speak truth from their mouth. Rather, Chairman retorted to say that the present situation i.e. unauthorized commercialization of residential premises could not be reversed to which we protest even today because this is unconstitutional and is subversive to the cause of law-abiding citizens. In that situation, shopkeepers of DDA market are no where. The

Chairman of the committee looking into our suggestions, however, advised us to submit fresh proposals for consideration of DDA. The committee also advised us to submit a plan from architect for redevelopment of DDA market which in fact is no where relevant to our cause.

- 8. It will not be out of place to mention here that during the meeting of DDA under the Chairmanship of Hon'ble Lt. Governor, Delhi held on 26.05.2011 while considering the agenda items of Policy on Farm Houses in Delhi (F3 (103)96/MP) Shri Subhash Chopra, Member stated that apart from farm houses there are unauthorized construction in various categories including plotted colonies of DDA Local Shopping Centres developed by DDA.... Dr. Harsh Vardhan, Member, inter-alia stated that the proposal for regularization of farms houses will only benefit affluent sections of society who own farm houses. He further stated that instead of considering a scheme for regularization of farm houses in isolation a comprehensive policy for regularization of all unauthorised construction should be brought before the Authority i.e. DDA. After detailed discussion it was decided that recommendation for grant of general amnesty for building construction in violation of norms as contained in Tajendra Khanna Committee Report should also be brought for consideration along with the proposed Farm Houses Policy so that benefits of any regularization scheme are extended to all sections of the society.

In the Hindustan Times dt 01.09.2012 Union Minister for Urban Development has categorily stated that the master Plan has to be dictated by the market forces i.e. use of flexible and efficient use of land, marked dictated creation of commercial areas, higher FAR for

hospitals, motels etc But here we regret to say that policy for regularization of Farm Houses and Hotels has been approved by DDA recently in isolation giving benefits to only affluent section of the society. Although the Hon'ble Union Minister is categorily of the view that Master Plan has to be dictated by the market forces yet we the discriminated section of the society and being the law abiding citizens of city have been fighting for genuine cause for over a decade but DDA and Urban Development Ministry are not coming forward to give helping hand to us. Here we dare to submit that relaxation to violators particularly to those who had violated the provision of Master Plan and other laws in DDA developed colonies all together would be and is unjustified straightway and a breach of trust with the shopkeepers in DDA market of the colonies because the Master Plan has special provision to where the commercialization of residential premises has not been as per Master Plan and change of land use in any way would be cognizable offence. However, as desired by the Chairman of Master Plan 2021 Review Committee we are submitting hereunder our proposals / demands for favourable consideration and we hope denial of the justice to the shopkeepers of DDA markets as of now will not be rectified and not be allowed to prevail.

DEMANDS / PROPOSALS

1. We protest and demand that "Mixed Use Regulations" which is unconstitutional and not in conformity with the law should be withdrawn otherwise the dream of beautification of Delhi city by the then Hon'ble Prime Minister of India, Shri Jawahar Lal Nehru and even present Government would get lost.

2. Having been highly and adversely affecting so far in the business of shopkeepers of DDA markets (CSCs/LSCs) and also day by day devaluation of our properties for the past over two decades due to unauthorized commercialization of residential premises, Metro corridors and industrial properties being allowed with the connivance of Government Departments, we demand that we should be compensated financially by paying ten times of the cost of shop paid to DDA by each shopkeeper.
3. In case the Urban Development Ministry / DDA are adamant not to withdraw, on political ground, the Mixed Use Regulations in DDA colonies they should compensate us further beside our demand at S.No. 2 above, by paying monthly interest @ 2.5% of the cost of shop paid to DDA by each shopkeeper on perpetuity.
4. As agreed during the meeting of Master Plan 2021 Review Committee held under the Chairmanship of Engineer-Member on 05.07.12 we should submit separately plan for redevelopment of markets for approval of DDA. In this regard we feel that it is quite impracticable to demolish and redevelop the market as a whole in one stroke as shops are owned severally not collectively. As such we submit that the compact plan for redevelopment of DDA market may be prepared by DDA and sanctioned as per law itself. The shopkeepers will thereafter redevelop their individual shops as per sanctioned plan.
5. Repeat not Repeat we have suffered / continue^{to} suffer a lot financially / physically / mentally (because of unauthorized commercialization of residential premises) we request that sanction charges and

regularization charges for us should be less than those applicable for the properties falling under the Mixed Used Regulations.

6. In the meeting of DDA held on 26.05.2011 at Raj Niwas (under the Chairmanship of Lt Governor) (Para XXI) it was decided that the recommendation for grant of general amnesty for building construction in violation of norms as contained in the Tajender Khanna Committee Report should be brought up for consideration..... so that benefits of any regularization scheme are extended to all sections of Society. Recently in the meeting held on 03.08.2012 it has been decided that General Amnesty Scheme be agreed to enable regularization of other buildings in the city subject to certain norms. Required regulations and procedures in this behalf are being worked out by the Department of Urban Development, GNTCD. Accordingly, we request that regularization of unauthorized construction / excess coverage, if any, in DDA market₅ (CSCs/LSCs) should be considered alongwith the proposed amnesty scheme in question as per provision of building bye-laws.
7. In order to protect the goods of shop-keepers and also customers from the vagaries of weather / nature, there is a dire need of the provision of projections in front of the market where the projections have not been provided. We shall be grateful if permission is granted to construct the same by the shopkeepers / Traders Welfare Association at their own cost.
8. In one of the DDA meetings, Sh. Naseeb Singh, Member (Item no. 72/2011 meeting dt. 28.07.11) pointed out that DDA Shopping Centers lacked basic services and amenities like toilets, proper sewerage, water

connection etc. In the Action Taken Report it is inter-alia stated that "Certain new sites have been identified for toilet blocks in prominent areas for which DDA initiated action for construction". In this connection, we would also like to point out that still there are no toilets, water connection, sewerage facilities etc. in certain DDA markets. Where there ~~are~~ such facilities are not existing in DDA markets such facilities may be provided by DDA.

After going through our genuine grievances and demands brought out about we hope our demand will be considered in true spirit and Right to Justice enshrined in our Constitution is not denied to the law abiding citizens of the society like us.

We regret to say that your department has never acknowledged our letters nor have given response thereof although we have been writing over a decade.

We shall be obliged if your goodself kindly give us an appointment so that we could place our facts in person to make it more clarity to the deciding officers.

Thanking you, Sir, again and hoping for an early appointment.

Yours truly,

Kamal Malhotra/
(Convener) /

S.S. Bhatia
S.S. Bhatia
(Executive Member)

TRADERS, VILLAGERS SUGGEST CHANGES IN MASTER PLAN AT DDA'S OPEN HOUSE IN ROHINI | 9

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THE TIMES OF INDIA, NEW DELHI
WEDNESDAY, MAY 2, 2012

Master Plan: Ideas pour in at open house

Traders, Villagers Speak About Land Use & Extension Roads, Say Event Not Interactive Enough

Neeta Pushkarna | TNN

New Delhi: From rebate in conversion charges and proper planning of urban extension roads to regularizing the extension of small plots, residents of Pitampura, Ashok Vihar, Rohini and nearby villages had a lot to suggest at the second open house organized by Delhi Development Authority (DDA) on Tuesday at its office in Rohini. With an aim to collect feedback for the ongoing review of Master Plan 2021, DDA planners heard 159 presentations by RWA members, trade associations and individuals.

The agency will now hold an open house every Tuesday of the month. The next discussion is scheduled for south Delhi residents on May 8 at August Kranti Marg.

Though many suggestions were offered, many residents said the open house didn't have any scope for discussion or debate. However, they still

PEOPLE'S PROPOSALS

300+ open houses in review of Master Plan 2021 was held in Rohini and traders, villagers came up with following suggestions.



Photo: Rajesh Mehra

- ▶ Increase floor-area ratio in DDA markets to allow expansion
- ▶ Regularize amalgamation of smaller plots
- ▶ Allow extension of flats within compoundable limits in DDA housing societies
- ▶ Change course of urban extension road to bypass existing colonies

- ▶ Allow upper floors of DDA markets to be used for residential purposes
- ▶ Include stringent provisions to stop commercialization in residential areas
- ▶ Don't finalize changes in land use proposed for Ladpur village as chakbandi (consolidation of land) is pending

made a beeline to the venue considering it was the best platform to voice their opinion. DDA Markets Joint Action Committee member S S Bhatia spoke at length on how mixed land use violated the Master Plan and took away the rights of the shopkeepers in approved DDA complexes.

"Commercialization of residential premises is in no way permissible under the Master Plan. Residential land and dwelling units are decreasing day by day. We suggest that shopkeepers in commercialized premises be rehabilitated in vacant commercial plots of DDA," Bhatia said. "A stringent provision should be introduced in the revised Master Plan so that commercialization of residential premises can be nipped in the bud." The market association also suggested that shopkeepers be allowed to expand their shops upto 50% ground coverage with a floor area ratio of 200.

Representatives of Ladpur village beyond Rohini were also present at the open house. The village has been waiting for consolidation of land, or chakbandi, since

"Commercialization of residential premises is in no way permissible under the Master Plan. We suggest that shopkeepers in commercial areas be rehabilitated in vacant commercial plots of DDA," said a trader.

1998. Unlike residents of other areas, the villagers want DDA to put all its plans for the area on hold. "We want more residential land in our village

though we have been waiting for chakbandi for 104 years now. On the other hand, the Master Plan has provided a green zone around the village where around 200 houses already exist. There is also a provision of residential units and land for semi-public use. No development has happened so far," said Rajesh Dabas from Ladpur Welfare Society. "But when demarcation of residential land happens eventually under chakbandi, there may be a conflict on permissible land use," he said. The village, with a population of over 10,000, had even boycotted MCD elections last month. Dabas added, "I wish this open house were more interactive. Otherwise, it does not serve any purpose." Three independent planners were also a part of the panel listening to the suggestions.