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Virender Kasana

Municipal Councillor  
Chairman : Central Zone  
South Delhi Municipal Corporation



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Ref. No. : Pa/Ch.W.Co/CA2/SDMC/12/25

Dated : 12/7/12

OFFICE OF THE DIR (Pig.)  
MPP/TC, D.D.A. N. DELHI-2  
Dy.No. 6-40  
Dated 1/8/12

144-C&G  
18.7.12

To,

Shri Tejinder Khanna Ji,  
Hon'ble Lt. Governor of Delhi  
Chairman, DDA  
Raj Niwas, New Delhi.

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D.D. (Pig.) C&G Zone  
This is regarding Mid Term Review  
of MPD-2021. We may refer the matter  
to Director (MPP & TC) 23.7.12  
Director (Plan) C & G

Respected Sir,

I am forwarding a letter from Sh. R.K. Sarkar, R/o K-1/46(FF), C.R. Park, New Delhi - 19. The letter is self explanatory and needs your intervention in this regard.

You are hereby requested to kindly use your good offices and issue directions in this regard.

Thanking you,

*Virender Kasana*  
(VIRENDER KASANA)

Copy for kind information to:

1. The Commissioner, SDMC.
2. Sh. A.K. Manna, Director Planning, DDA, New Delhi.

*Virender Kasana*  
Chairman,  
Wards Committee,  
Central Zone (SDMC)

*Dir (MPP/TC)*  
30/7

*1/8*  
*ADP/2/11*

5/5/12

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Mr AK Manna  
Director Planning,  
Delhi Development Authority  
New Delhi.

Sub: Eating houses are retail shops permitted on mixed land use road as per chapter 15, MPD-2021: Kindly add a specific sentence about it

Sir,

It is good that you are doing a mid-term review of the MPD-2021 and giving an opportunity to the citizens to give their opinion and views regarding the MPD-2021.

I wish to bring to your kind notice an anomaly that was created unnecessary though MPD-2021 is very clear about it.

Since the MPD-2021 came into being, Eating Houses have been given licenses by the MCD to operate on Mixed Land Use road on the ground floors. The licenses have been given by the Health Deptt of MCD for the last four years. ( MCD-Dy MHO (PH)/2008/658 dated 2.7.2008).

But this was recently reversed through a circular ( no. PA/MHO/2011/69 dated 8<sup>th</sup> April 2011) saying Eating House won't be allowed on MLU roads. **This order has affected more than 8000 small and medium eateries across the city from Dhabas to canteens, refreshment rooms and tea stalls which were given licenses under Eating House U/s 417 and 421. Nearly one lakh employees and their three lakh family members are suddenly facing an uncertain future.**

1. Eating House as a retail shop is unambiguously mentioned in the chapter 15 of MPD-2021 in the list of small shops of 20 sqm which is permitted to operate even in A & B Categories. " Sweet shop/ Tea stall without sitting arrangements" which is clearly mentioned in the list of small shops in MPD-2021. This set at rest any doubt about the fact whether Eating House is a retail shop or not, because it is mentioned in the MPD-2021. ( In small 20 sqm shops which is permitted in all colonies, Eating

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house will be without sitting. In big shops on MLU roads, obviously Eating House will have sitting.)

2. The DMC Act may be silent on Eating House as a shop but the Delhi Police Act 1978 ( Delhi Police shares the responsibility of giving trade licenses to Eating houses) unequivocally defines Eating House as a shop.
3. There are orders of MCD Appellate Tribunal dated 18.11.2010 in the case of Paramjeev Singh vs MCD( Appeal no AT:MCD 478/ 2010) and Nabanita Sarkar vs MCD (Appeal no. AT:MCD 479/2010 ), allowing the Eating houses by the name and style of Shekaza and Flaming Wok to continue operation on the EPDP main road which is a MLU road. These orders have attained finality as it has not been challenged by MCD.

3. There is a MCD Standing Committee resolution dated 13.6.2011 favouring the operation of Eating house on MLU road.

4. MCD is completely confused. It is granting Licenses to Tea shops/ coffee house which is an Eating House under the section 417/421 of DMC Act 1954. Therefore, in view of the above, it is submitted that a line is incorporated in the revised MPD-2021 to the effect that Eating Houses are allowed to operate on the MLU roads in Delhi. This will clear any amount of ambiguity and confusion.

Thanks and regards,

  
(RK Sarkar)

K-1/46 CR Park (FF)

New Delhi 110019.