

Director (Plg.) MPR/TC,
D.D.A. Vikas Minar N. DELHI-2
By.No. 43
Dated 1-8-12



सत्यमेव जयते

S.M.
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27-7-2012

राज निवास
दिल्ली-११००५४
RAJ NIWAS
DELHI-110054

Commr. (Plg.) - II Tel. No. 23979218
Despatch 7-575 Fax: 23945010
Date 30/7/2012 Director (Plg.) MPR/TC
By. No. 1528
Date 31-7-12

Please find enclosed the copy of the following representations handed over to Hon'ble Lt. Governor by Shri Subhash Chopra, Hon'ble MLA in the meeting with Hon'ble Lt. Governor on 6.7.2012:

OFFICE OF THE DIR (Plg.)
MPR/TC, DELHI-2
By.No. 6-41-43
Dated 1/8/12

AC (PLG) MPPR
Dairy No. 960
Date 30/7/12

1. Representation regarding regularization of individual floors in Apartment Buildings, allowing to freehold status for such floors sold by builders on Power of Attorney basis.
2. Representation dated 6.7.2012 from Delhi Motels Association regarding objections/suggestions in response to the Public Notice dated 11.6.2012.
3. Representation dated 28.5.2012 from Shri R.K. Sareen, 82-Nehru Apartments, Kalkaji, New Delhi, regarding installation of lifts in DDA built SFS flats, Nehru Apartments, Outer Ring Road, Kalkaji, New Delhi.

It has been desired that the above three representations may be examined and put up to Hon'ble Lt. Governor with appropriate recommendations, at the earliest

(Signature)
(Devinder Singh)

Spl. Secretary to Lt. Governor

Encl: As above

(Signature)
28/07
Commr. (Plg.) - II

Vice Chairman, DDA

U.O.No. 100(S)/12/RN/590/10954

Dated: 25/07/2012

(Signature)
From Mid Year review
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(Signature)
30/7/12
AC (MPPR)
(Signature)
31/7/2012
Off (MP)

For consideration of ~~Shri~~ Subhash Chopra
(On behalf of PHD Chamber of Commerce and Industry)

OFFICE OF THE DIR (Pig.)
MPR/TC, D.D.A. N. DELHI-2
Dy. No. L-43
Dated 11/8/12

Suggestion for consideration in the Midterm Review of Master Plan - Delhi 2021
(On behalf of PHD Chamber of Commerce and Industry)

Subject : Master Plan Delhi 2021 – Regularisation of Individual Floors in Apartment Buildings / Allowing of Freehold Status for such Floors sold by Builders on a Power of Attorney basis

It is a well recognized fact that hundreds of Apartment Buildings have been built on individual plots developed by DDA in various House Building Co-Operative Societies . Regrettably the Delhi Apartment Act , though passed by Parliament subsequently Gazetted and Notified has not been implemented and Builders have been having a field day constructing Flats and selling them to prospective House Owners on Power of Attorney, more often then not with changes from sanctioned plans and without obtaining valid Completion Certificates etc. Recognising this both the Hon'ble High Court and Supreme Court have therefore ruled that regularization of such Flats should be done by the Municipal Authorities with condonation fees as appropriate taking into account various concessions in FAR and Municipal Bye-Laws announced from time to time prior to and particularly in Master Plan 2021 itself. Based on the aforesaid rulings of the Hon'ble Courts of Justice, MCD did give an opportunity for self regularization vide a Public Notice in August,2007(Copy enclosed, marked Enclosure A1). However this did not apply to third floors which were under review by the Supreme Court notwithstanding the fact that third floors were already allowed on 80 foot roads and above.

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Examined
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(SSA)

Subsequently however MCD policy was again changed in January,2009 adding various invidious conditions which more or less brought regularization to a standstill (Copy enclosed, marked Enclosure A2). More recently, in July 2011 the Chief Engineer MCD came out with a Public Notice giving "Draft Guidelines for Floor wise Sanction/Regularisation" and asked for public comments(Copy enclosed, marked Enclosure A3) . The Guidelines are perfectly in order except that they have concluded by saying that individual floors will only be regularized starting from "ground floors upward" which totally negates the intent of the Hon'ble Court's Orders to allow individual floors to be regularized independently of the others. Only building stability should be ensured along with prescribed FAR limits/Bye-Laws subject to condonation to the extent applicable . Such Guidelines for Regularisation of individual Floors/Flats as finally adopted should be included in Master Plan 2021.

Further most importantly in a very large number of cases the Land is still Leasehold and as a corollary of the above Regularisation policy, conversion from Leasehold to Freehold should also be allowed for individual Floors/Flats,as is applicable for DDA built residential Flats including those held/purchased under Power of Attorney .This is particularly relevant in view of the Hon'ble High Court of Delhi's recent judgement declaring that Power of Attorney Holdings did not legally confer ownership/clear title status.

: 2 :

The above suggestion had already been submitted by the PHD Chamber to DDA in response to Public Notice dated 4.10.2011 and was to be considered at the Second Meeting of the Management Action Group "Enforcement & Monitoring" held on 28.12.2011 . However although the subject came up for discussion and Mr.D.K.Kapur on behalf of the PHD Chamber of Commerce And Industry requested clear policy announcements for Regularisation of Individual Floors/Apartments in line with FAR norms already incorporated in the Master Plan, as well as an accepted procedure for conversion of such Floors/Apartments to freehold status . However no decisions in this regard were minuted and a detailed review is absolutely necessary with clear cut norms/procedures accepted by both DDA as well as MCD.



PUBLIC NOTICE

12/8/07

ENCLOSURE
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COMPLIANCE BY OWNERS OF GROUND, FIRST AND SECOND FLOORS TO THE PROVISIONS OF MPD-2021

There are a large number of residential plots where floors have been sold to different persons either through registered sale deed or power of attorney. In such cases, it is not always possible to regularize all floors of a building together as all owners of the building may not come forward to regularize. To facilitate regularization, now each individual owner of a floor can apply for regularization on self-assessment basis to MCD.

Now benefit of excess coverage will be given to individual owner, proportionately to the existing covered area within the permissible building envelope on each floor as per MPD-2021. These modalities will be applicable in respect of owners seeking regularization of ground, first and second floors.

No regularization in respect of third floor and above floors will be permissible presently.

Procedure:

- A. Applicants are to ensure that following documents are submitted along with application:-
 - (i) Two sets of plan of existing construction of the floor(s) on which flat is/are located, duly signed by owner and registered Architect.
 - (ii) Copy of ownership documents self-attested.
 - (iii) Structural stability certificate of Structural Engineer.
 - (iv) Certificate of registered Architect that total covered area on that particular floor is within the proportionate permissible building envelope as per MPD-2021.
 - (v) An Indemnity Bond to the effect that the Corporation shall be kept harmless in case of any dispute of the title or otherwise.
 - (vi) Three sets of photographs taken from different angles.
- B. Calculate the charges to be paid for Betterment Levy / Additional FAR Charges and Penalty / Compounding Charges / Special Compounding Charges in Self-assessment basis as per DDA Notification dated 20.11.2006 as indicated below:-

Rates in Rs. Per Sq. mtr.

Sr. No.	Purpose	A & B Colonies	C & D Colonies	E, F & G Colonies in plots of more than 50 Sqm.	E, F & G Colonies in plots up to 50 Sqm.
1.	New Construction	3500/-	1400/-	700/-	490/-
2.	Regularization of Unauthorised Construction				
(a)	Additional Coverage within sanctioned height	4020/-	1610/-	805/-	564/-
(b)	Additional Coverage above sanctioned but within permissible height (as per 23.7.98)	4375/-	1750/-	875/-	613/-
(c)	Additional Coverage beyond permissible height as per 23.07.1998 but within 15 metres	4900/-	1960/-	980/-	686/-

C. A copy of plan duly stamped for regularization will be handed over to the applicant across the table without any site verification.

However, MCD reserves its right for verification of the correctness of the documents submitted according to construction as existing and for claiming the shortfall in the amount calculated on the basis of self-assessment.

For any further information / clarification, Executive Engineer (Bldg.) of the respective zone or E.E. (Bldg.) HQ at Town Hall can be contacted.

Sd/-

Addl. Commissioner (Engg.)

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