

Vice Chairman  
Delhi Development Authority  
Vikas Sadan  
New Delhi

Commr. (Plg) - II  
Despatch... JS27  
Date... 24-4-12

R&D CELL  
VIKAS SADAN  
By No... 2066  
Date... 23/4/12

Director (Plg) MPR/TC,  
D.D.A. Vikas Vihar N. DELHI-2  
Dy.No... 2148  
Dated... 25-4-12

USD (Plg.)  
Diary No... 172  
Date... 25/4/12

Com (Plg) - II  
23/4/2012

206-0  
23/4/12  
Asst. Secy  
25/4/12

Sub: Review of Master Plan 2021-Extensions allowed in Double Storey DDA Flats

Dear Sir,

We have come across a news item recently in Hindustan Times (copy enclosed) in relation to regularising extensions in DDA flats. As per this news item, Sh Jagdish Mangain, Chairman, Works Committee has urged Union Urban Development Ministry for making relaxation in building bye laws for DDA Flats. We would like to bring certain relevant facts and suggestions in respect of ground floor and first floor in **DDA Double Storey flats** as below:

Recd 25/4  
Drs (MPR)  
27/4  
ADP  
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1. Area allotted to ground and first floor allottees as per original allotment:

**DDA Double Storey flats in Naraina Vihar** are built on 150 sq yd plots. The ground floor allottee in these DDA Double storey flats has been allotted front and rear courtyards, in addition to the covered area. The first floor allottee has been provided, in addition to covered area, exclusive access to the roof terrace over his flat and is using the same. Also, a barsati and mumty over the roof terrace of first floor was constructed by DDA as part of covered area for first floor allottee. The constructed area available with ground floor allottee is about 900 sq ft while about 400 sq ft is available in the form of courtyards. First floor allottee has about 900 sq ft constructed area available and about 900 sq ft on the terrace in addition. Further on terrace floor barsati and open urinal was constructed by DDA on terrace floor for first floor allottee.

2. Additions and alterations allowed as per Present Policy:

In view of the Judgement of the High Court of Delhi, dated 27.9.2002 in CWP No 2729/96 and 3482/2001, MOUD had examined the feasibility of providing additional FAR to DDA flats based on the reports of Technical Expert Committee and thereafter Review Committee.

Based on the recommendations of these reports and keeping in view the structural stability of the building, MOUD has decided that the first floor allottee can construct a barsati on the roof terrace of the top floor in addition to mumty. Further, **first floor allottee has been allowed additional coverage of roof terrace with light weight construction at a height of 9 feet has been permitted, keeping in view structural stability** of the building. The ground floor allottee has been allowed to cover the courtyards.

Therefore, the rights of first floor allottee in respect of providing uniform benefit of FAR have already been protected in the policy by allowing light weight construction on the roof terrace in addition to the barsati and mumty. Keeping in view the original allotted area and uniformity of FAR between the ground floor allottee and the first floor allottee, the right of construction over the courtyards covered by ground floor allottee has rightly not been provided to the first floor allottee in the existing policy.

### 3. The Dogra Committee report

We understand that the Dogra Committee Report is under consideration for implementation. The Dogra committee in its report, para (ix)(c), has recommended as follows:

“In two storey flats the allottee at first floor will have no right of construction above the courtyard built by ground floor allottee provided no construction was done earlier on the terrace.”

Since, in DDA Double Storey Flats in Naraina Vihar, construction on the roof terrace in the form of a barsati and mumty was done by DDA, the first floor allottee has no right above the courtyard built by ground floor allottee as per the Dogra Committee report. However, it is envisaged that subsequent to implementation of the Dogra Committee report, the first floor allottees may enter into representations/ litigation with MOUD/ DDA by way of offering to remove the barsati and mumty constructed by DDA in lieu of rights of construction over the terrace generated as a result of coverage of courtyard by ground floor allottee.

Provision of right of construction to first floor allottee on the coverage of courtyard by the ground floor allottee may lead to the following problems:

- a) It allows right to first floor allottee on the area which was not originally allotted to him.
- b) The first floor allottee will now have about 1300 sq ft area available on terrace floor which can be covered entirely including lightweight construction. In addition he will be having about 500 sq ft of terrace available on additional construction. The ground floor allottee cannot have any rights other than coverage of courtyards. First floor allottee will enjoy right of construction over the terraces generated by coverage of courtyards. He will also have exclusive right not only to roof terrace already available to him at the time of allotment but also on the roof terrace generated as a result of coverage by first floor allottee over the coverage of courtyards by ground floor allottee. This will create highly unfavourable conditions for ground floor allottee.



- c) Providing such a right to the first floor allottees would lead to more complications and litigations as the ground floor allottees will need to remove their existing coverage of courtyards since the existing construction may not been made to withstand the load of additional floor construction over it. It is also pertinent to mention here that in most DDA Double storey houses, the courtyards have been covered at a height lower than the floor constructed by DDA which are allowed to be regularised under present policy.
- d) Ground floor allottee will be at the mercy of first floor allottee as he has no place keep water tanks, dish antenna etc as entire terrace space is exclusively used by first floor allottee.

#### 4. Suggestions

Most of DDA Double storey flats are now quite old. **Out of the possibly useful life of 50 years of the DDA Double storey flats in Naraina Vihar, these flats are already almost 44 year old.** Master plan 2021 already provides for redevelopment of the old and ageing DDA Double storey flats as plotted development.

The present policy cannot provide for the currently allowed FAR for plotted areas to DDA flats due to constraints of structural stability and existing design. Redevelopment of these flats will allow full usage of FAR norms currently followed for plotted areas. By redevelopment, about 60% additional FAR coverage can be achieved in Double Storey DDA flats as compared the permitted present policy of additions/ alterations in DDA flats.

Therefore, MOUD/ DDA needs to provide for a policy for redevelopment of these flats rather than looking into the recommendations of the Working Committee of MCD as reported in the above said news item.

We, therefore, keeping in view the above facts and suggestions, request you to consider the following in relation to DDA Double Storey Flats:

1. MOUD/ DDA should not consider the recommendations of Working Committee of MCD as reported in the said news item.
2. MOUD/ DDA should issue redevelopment guidelines for ageing DDA flats at the earliest which is already permitted under Master Plan 2021.

3. MOUD/ DDA should relook in para (ix)(c) of Dogra Committee Report to ensure that right of construction to the first floor allottee over the coverage of courtyard is not provided in any case, as this will lead to complications mentioned above.

Thanking You,

Yours Sincerely



(Birinder Singh)

A-71/1, Ground Floor  
DDA Double Storey Flats  
Naraina Vihar

Hindustan Times

Title : DDA FLATS - Regularise extensions

Author :

Location : NEW DELHI:

Article Date : 12/14/2011

DDA FLATS

## Regularise extensions

HT Correspondent

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**NEW DELHI:** With the Lok Sabha deciding to protect the city from demolition and sealing till December 2014, the works committee of the MCD has urged the Union Urban Development Ministry to extend its helping hand towards DDA and society flats so that the extensions carried out by the owners are regularised.

At present, the building bylaws do not uniformly benefit the owners owning different floors.

The allottee on first floor cannot make any construction above the courtyard built by ground floor allottee. Similarly,

the top-floor allottee, who has the right over the roof, cannot cover it.

Jagdish Mangain, chairman, works committee, said that by making relaxation in building bylaws for DDA flats and societies, owners will be able to make alterations according to changing requirements.

Mangain emphasised that the flats in the categories are built within the sanctioned site plan. "However, with the growing need for alterations, building bylaws were amended for additional coverage permitted with prior permission in houses constructed by DDA. But the bylaws are not uniform and ineffectual to the owners of all floors," he said.