

South Extension Part-II Market Traders Welfare Association (Regd.)

Office: E-26, South Extn.-II Market, New Delhi-110049, Phones: 26258550, 26254889
Mobile: 9811159489 Email-ndsepart2@gmail.com

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Ref.No... MIS/01-12/13...

OFFICE OF THE DIR (Pig.)
MPR/TC, D.D.A. N. DELHI-2
Dy.No... 2161
Dated... 27/4/12

Dated... April 27, 2011...

To,
The Commissioner Planning (Master Plan-II)
Delhi Development Authority
Vikas Minar
New Delhi

*Pr. line
Touye
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Commr. (Pig.) - II
Despatch... 1607
Date... 30/4/2012

Dear Sir:

Dis-MPR

Re: OBJECTIONS IN RESPECT OF PROPOSED UNDERGROND PARKING CUM COMMERCIAL COMPLEX IN SOUTH EXTENSION MARKETS:

We understand that underground parking cum commercial complex is proposed in front of our market. While we are willing to consider the issue of creating underground parking, however we vehemently and vociferously oppose the proposal to construct shopping mall in front of our shops on the following grounds:

1. That the original buyers had purchased the plot/property under the representation that the markets shall be Ring Road and Park facing and therefore anything done contrary to the understanding shall amount to fraud and sale through misrepresentation.
2. That at the outset, at the time of development of our market/colony, it was mandatory on part of the developer to provide for green and other common areas, such as parks, roads etc. and in which, the owner of such shops/residential houses, by implication, have undivided interest/ownership, as cost of such land and external development had already been factored in, along with the developers margins, to arrive at the price of land and the same was recovered from/divided amongst the original purchasers of such plots. These common areas were subsequently handed over to the MCD for the purpose of maintenance only. Therefore, it is imperative that anything proposed on the said land should have the approval of both market as well as resident welfare association.

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3. That if the project is allowed to go ahead it shall affect the livelihood of owners, occupiers, traders, employees, tenants, landlords and ultimately the revenues and taxes (direct and indirect) earned by the Government. Additionally, the project shall have legal implications and effect the business viability, in view of the fact that the occupiers purchased/leased out shops within the market, with the implicit understanding that the same shall be situated facing the Ring Road and therefore generate more footfalls, which in turn shall increase the potential for conversion into sales. In other words, if the present owner/tenant or occupier, had known at the time of purchasing the property from the developer or at the time of entering the into a lease agreement with the landlord, that a shopping mall is proposed to be constructed in front of the shops, it is prudent to assume that the transaction may not have been accepted or taken place. It may be likened to the case where an individual pays preferential location charges (PLC) to the developer for park facing property, only to learn at a later stage that a mall is proposed to be constructed on such park. Rest assured, if the proposed project is allowed to come up, there shall mass exodus/closure of business from our market to the detriment of all parties, connected with the market, in whatever capacity, and the same is bound to have adverse ramifications with immediate effect.

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4. That the aforesaid project, if allowed to go ahead, shall not only destroy the green areas, trees, plants and bushes, which acts as a buffer zone against noise and air pollution, especially in view of the fact that our markets are situated on ring road and exposed to high levels of carbon-dioxide and other toxic gas emission but shall also adversely effect the ventilation, sunlight and aesthetics. In this regard it is pertinent to draw attention to the fact that parks in our market, amongst other variety of trees, comprises of old pipal/banyan trees, which are unique and only its kind of trees that gives out oxygen 24 hours (day and night) and therefore it is priceless and invaluable to our healthy existence.
5. That pursuant to our submission, the Environment Pollution (Prevention & Control) Authority (EPCA), vide minutes of the meeting dated September 03, 2011 and November 04, 2011, directed MCD not to go ahead with the proposed project and therefore anything done contrary to the said directions of EPCA shall amount to holding the same in contempt.
6. That MCD or any other person or body cannot exploit public place or mandatory green areas/parks for commercial purposes.
7. That earlier the MCD had, without due diligence or application of mind, declared the residential areas adjacent to our market as commercial streets and the same has led to traffic chaos on the Ring Road and around our market. The proposed mall shall further aggravate the situation by way of putting additional load of vehicles visiting such proposed mall. Moreover, any additional parking proposed to be created, shall be offset by the additional vehicles visiting the proposed shopping mall. It is apparent that the proposed underground parking is more to benefit the adjacent commercial street and the proposed mall. The market has sufficient parking for its customers and if at all extra parking needs to be constructed, the same should be developed in front of the commercial streets, as markets cannot be penalized for wrong acts of omission or commission of MCD.
8. That MCD has demanded substantial parking charges in respect of our own land in which we have common undivided interest. Our market is willing to pay such parking charges provided MCD develops the parking and hands it over to our association. However, MCD shall not be allowed to wrongfully charge money and fill their coffers at our cost by charging twice from different parties for the same facility, whereby in the first instance taking parking charges from us for the purpose of developing parking and in the second instance charging from the intended contractor on Build, Operate and Transfer (BOT) basis, thereby making money twice over, while developing the parking free of cost, in respect of land belonging to a third party who has already paid the parking charges in the first instance.
9. That the MCD has been denying the enhanced FAR, long overdue to our market (envisaged and developed pre 1962 period, despite several representations to the local bodies/concerned departments and in view of certain buildings within the market being granted increased FAR)), and instead the same being discriminately granted to the proposed shopping mall, at the expense and detriment of our market. In this regard it pertinent to mention that as per the Master Plan, the enhanced FAR on composite area basis is applicable to the properties situated

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in our market and that is the reason the proposed mall is allowed to be constructed on the basis of the same. However, it is imperative that this enhanced/additional FAR to the proposed Mall is being provided from and out of the rightful share of existing properties within the market and that may be the primary reason for wrongfully denying us the same.

10. That before seeking approval from our market and resident welfare association, the approval should be first obtained from other bodies such as Delhi Urban Arts Commission, Archaeological Survey of India, State Level Environmental Impact Assessment Authority, Delhi Traffic Police, BSES etc.
11. That if at all any parking project is proposed, it should be only be in respect of sub level/ underground parking, on lines of under construction Hauz Khas Market Parking Project but without disturbing the green areas or fully developed old trees.

In view of the aforesaid, we shall be grateful if you could issue necessary instructions to the concerned department/bodies/person, to do the needful, to protect our market and livelihood of all people dependent on it, and also ensure that such proposed plan, which is to the detriment of all except allegedly for a few vested interest, is not allowed to fructify.

Thank you and with kind regards

Yours truly,

For SOUTH EXTENSION PART II TRADERS WELFARE ASSOCIATION


PRESIDENT