

OFFICE OF THE DIR (Plg.)
MPR/TC, D.D.A. N. DELHI-2
Dy.No. 368
Dated 8/11/11

Director (Plg.) MPR/TC,
D.D.A. Vikas Minar N. DELHI-2
Dy.No. 14
Dated 8/11/11

From: - **ZAHOOOR AHMED**
R/o-2186, AHATA KALEY SAHIB,
QASIM JAN STREET BALLIMARAN,
DELHI-110006.
e.mail- zahoor@princeindus.com.
Mobile no. 9810120320

Dated : 04.11.2011

To

✓ Mrs. Parate,
Director (Plg.), MPR,
Delhi Development Authority,
6th Floor, Vikas Minar, I.P. Estate,
New Delhi.

Lead Central Dy. No. 13
Dated 4/11/11
R&D Section, Vikas Minar
Delhi Development Authority
Deating Asstt

Subject: - Regarding inclusion of provisions for the continuance of temporary cinemas in MPD-2021 as was existing in MPD-2001.

Madam,

This is with reference to the public notice dated 04.10.2011 published in leading newspapers, calling thereby suggestions for review of MPD-2021. In this regard, I hereby submit my suggestions for inclusion of provisions for the continuance of temporary cinemas in MPD-2021 as was existing in MPD-2001. I am enclosing herewith separate sheets giving the details of suggestions with the request to kindly consider my suggestions favorably in the interest of natural justice.

Thanking you,

Yours faithfully,

Zahoor Ahmed
(ZAHOOOR AHMED)

Encls: As above.

Suggestion Sheet
8/11/11
Dy. Dir (PS) MPR
AD II
8/11/11

INTRODUCTION AND HISTORY

The Govt. of NCT of Delhi (erstwhile Delhi Administration, Delhi) issued a revised policy on 10.1.1973 regarding temporary Cinemas in the Union Territory of Delhi. The important features of the said policy were as under:-

- (A) 18 Cinemas were to be located in the different zones/areas as specified in the policy.
- (B) As per the policy, these temporary cinemas could be permitted either on DDA land, if available or on private land to be selected by the parties.

In pursuance of the above policy, temporary cinema licences were issued by the Licensing Authority for cinemas located at different locations specified in the policy (including Hans Cinema, Azadpur, Delhi formerly known as Vijay Cinema, licence issued on 15.3.1976). After completion of five years, the Licensing Authority (DCP/Lic.) refused to renew the temporary license further. Being aggrieved, a Writ Petition was filed in the Hon'ble High Court of Delhi. The Hon'ble High Court of Delhi while granting the stay directed the licensing authority to decide application for the issue of Annual Cinematograph Licence (i.e. Permanent Licence). On 19.11.1981, the Licensing Authority (DCP/Lic.) rejected the application for issue of Annual Cinematograph Licence on the grounds that the site of the cinema being not earmarked in the Master Plan.

Being aggrieved an appeal was filed before the Financial Commissioner, Delhi under Rule 11-A of the Delhi Cinematograph Rules, 1953. Subsequently, the Financial Commissioner, Delhi vide its order dated 8.4.1982 decided the appeal and set aside the order dated 19.11.1981 passed by Licensing Authority (DCP/Lic.) with the direction to the Licensing Authority to issue Annual Cinematograph Licence under Rule 3(2) & 3(3) of Delhi Cinematograph Rules. Accordingly, the matter was again examined by the Licensing Authority (DCP/Lic.) in consultation with other authorities including DDA but no fruitful result could be arrived. However, the Cinema remained in operation under the authority of stay granted by the Hon'ble High Court of Delhi.

On 24.4.1987, the Hon'ble Lt. Governor, Delhi constituted a team consisting of DCP/Licensing or his representative, a representative of DDA (Director DC/Director(PP), a representative of the local body i.e. MCD and a representative of Delhi Admn. (PWD) for inspection of all the 9 sites on which the temporary cinemas were operating and submit report within a fortnight. The team submitted its report alongwith recommendations on 19.6.1987 wherein it was recommended for regularization of Vijay Cinema, now known as Hans Cinema subject to relaxation of front set-back. On 18.02.1988, the recommendations of team constituted by the Lt. Governor, Delhi were placed before the Technical Committee of DDA who decided that **"only those cases which conformed to the conditions stipulated in para 8 and 9 need to be considered for approval"**.

Jahon Almer

The extract of para 8 and 9 of the agenda is reproduced as under: -

8. PPW have opined that the cases of the temporary cinemas may be decided on the basis of fulfillment of the following conditions:

- a. Maximum seating capacity – 300 seats.
- b. Minimum road R/W in front 18 m.
- c. Parking requirements – one car space per 25 seats.
- d. The cinema would conform to the cinematography Act.
- e. Conversion charges (to be worked out by the Authority) shall be levied.

9. In addition to above, the following may also be considered: -

- f. Minimum area from 0.32 hect. to 0.39 hect and what should be done with excess land available with them, if any.
- g. Clearance from fire authorities may also be taken.
- h. Land ownership, if the land of the cinema is on rent or under dispute what should be done with that case.
- i. **Regularization of these temporary cinemas means to change of land use of site to "commercial" which have to be processed as per section 11-A of the Delhi Development Act, 1957.**
- j. **Building plans are to be sanctioned by DUAC/local bodies as per building norms/standards.**

On the basis of approval of the Technical Committee/DDA, specific provision for continuance of existing temporary Cinemas in Delhi was made in MP-2001 by issuing an Extra-Ordinary Gazette Notification.

GRIEVANCES

The specific provisions as was existing in MP-2001 with regard to continuance of temporary cinemas were omitted from the draft MP-2021 which was objected by the owner of Hans Cinema but no fruitful result could be arrived. The paragraph 17 heading "Development Code", Clause 3.0 "Establishment of the Use Zones and Use Premise", sub-paragraph 3(4) of the Master Plan-2021 provides, **"The layout plans already approved in accordance with law shall be deemed to have been approved under this code"**. Therefore, removal of an existing provision of MP-2001 from the MP-2021 was a grave illegal act on the part of the concerned department which may lead to un-employment of thousands of people who are directly or indirectly employed in these cinemas. This is a question of livelihood of thousands of families.

Jalson Arora

SUGGESTIONS

In view of facts mentioned above, it is suggested that the provisions as was existing in the MP-2001 with regard to continuance of temporary cinemas may be included in the MP-2021 during the present review and ensure implementation.

fahon Alones

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No.K-13011/17/92-DDIB/VA
Government of India
Ministry of Urban Development
(Delhi Division)

New Delhi, dated 23rd Feb, 1992

To

1. The Administration,
NDMC, Patika Kendra,
New Delhi
2. The Commissioner,
MCD, Town Hall, Delhi,
Delhi
3. The Secretary, DUAC
Lok Nayak Bhawan,
Khan Market,
New Delhi
4. The Executive Officer,
Delhi Cantonment Board,
Delhi Cantonment.

Sub: Relaxation of land use in r/o Cinema plots.

Sir,

I am directed to state that the Govt. have considered the problems faced by Motion Picture Exhibitors regarding the economic viability of cinema theatres, with reference to the provisions of the Master Plan and it has been decided that the cinema theatres be allowed to convert the existing cinema theatres to commercial use as may be permissible in the district centre or community centre or otherwise under the relevant plans when such theatres are located, subject to the condition that at least 300 seats are retained for cinema theatre.

(60) 59

This relaxation is subject to the provisions of applicable building bye-laws and further subject to the provisions of Delhi Cinematographic Act and rules framed thereunder.

Any Plan required by the concerned cinema theatre owners may be examined in the light of the above said decision.

Yours faithfully,

Sd/-

(R.BANNERJI)

Dy. Secretary to the Govt. of India.

Copy forwarded to:-

1. The Vice Chairman, DDA, Vikas Sadan, New Delhi
2. The Under Secretary (IB)
3. The Desk Officer (IA).

MINUTES OF THE MEETING HELD ON 12TH NOV. 92 IN THE MATTER
OF CINEMA HALLS

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1. A list of participants is annexed herewith
2. The National Association of Motion Picture Exhibitors had submitted a Memorandum dated 12th Oct., 1992 seeking clarifications of the Govt. in furtherance to this Ministry's Directions to the DDA. The Directions advised the DDA to allow cinema halls to convert part of their premises to other commercial usage compatible within the sense of the Master Plan, so long as they maintain a minimum of 300 seats for a cinema. Additional Secretary in the Ministry of Urban Development explained the basic ingredients of the instructions issued to the DDA in this regard.
3. Issues raised by the NAMPE in their representation cited above were taken to for discussion and the summary of decision reached are mentioned below:-
 - i. Conversion charges for cinemas located on free hold plots.
It was agreed that in so far as free hold plots are concerned no conversion charges would be leviable.
 - ii. Conversion charges from cinemas located as lease hold plots.
While the cinema owners stressed that additional premium would not be attracted for conversion from

one commercial mode i.e., cinema to another, the DDA was of the view that conversion charges would nonetheless be applicable on account of two reasons:-

- (a) the entire premises were allowed to be used as cinema halls based on a historical premium of land at the time of auction/allotment;
- (b) allowing para of conversion at this stage would be synonymous with allowing a new commercial activity to take place at the present point of time depending upon the present market premium. The DDA, therefore, had the right to tap the incremental land values inherent in such a conversion. No consensus could be reached on this issue and it was agreed that the Ministry would examine this matter in greater detail.

iii. F.A.R. permissible;

The Ministry clarified that on account of such conversion, no cinema hall-cum-commercial complex would be given the benefit of additional FAR. Thus, if the FAR of a complex considered to be community centre was 100, it would continue to be 100 even

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after part conversion was allowed. This matter assumes importance in the context of certain halls in Connaught Place where the FAR according to MPD-62 was 300. It was clarified that so long as conversion were made within the existing building, they would not be looked upon as redevelopment. However, in the case of total redevelopment on a plot, the present day FAR as dictated by MPD-2001 would hold.

4. The Nation Association of Motion Picture Exhibitors in the Memorandum pointed out that while the decision of the Ministry was to direct to have halls having at least 300 seats, the NAMPE felt that instead of having one hall with 300 seats, the DDA and the Ministry should be liberal in allowing two or three mini halls subject to the total number of such seats being 300. The Ministry had no objection this prima-facie so long as the tiny halls fell within the rules of the Cinematographic Act.
5. The meeting adjourned with vote of thanks to the Chair.

.....
No.K-13011/17/92-DDIB(Pt)
Ministry of Urban Development

.....
New Delhi, dated the 21st Dec., 1992
Copy forwarded to : All present.

Sd/-
(R. Bannerji)
Dy. Secretary to the Govt. of India.

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LIST OF PARTICULARS

Ministry of Urban Development

1. Sh. R.V. Pillai, Addl. Secretary - In the Chair
2. Sh. R. Bannerji, Dy. Secretary

Delhi Development Authority

3. Sh. K.J. Alphonse, Commissioner (Lands)
4. Sh. S.C. Gupta, Director (DC&P)

Others

5. Sh. Sidheswar Dayal, Regal Theatre, Connaught Place, N.
Delhi.
6. Sh. Gopal Ansal
7. Sh. Ajay Koshish

Letter dated 11.6.2009 from Shri Kotla Jaya Surya Prakash Reddy, MP(Lok Sabha) enclosing therewith a request from Shri Zahoor Ahmed, Delhi for regularization of Hans Cinema (earlier Vijay Cinema), G.T. Karnal Road, Azadpur, Delhi and its incorporation in the ZDP of Zone-C may please be perused. On the same issue, letter dated 29.5.2009 from DDA conveying the decision of Hon'ble LG for incorporating six temporary Cinemas in different zones on the basis of 'as is where is basis' may also please be perused.

The issue was earlier examined vide notes on 4-7/N. In brief, the facts of case is that the Cinema in question has been operating since 1976 based on a temporary Cinematograph Licence issued. The cinema remained in operation under the authority of stay granted by the Hon'ble High Court of Delhi against refusal of the licencing Authority to renew the temporary licence. Subsequently, based on the intervention of LG, a Committee was constituted and based on the recommendations of the committee, the LG approved regularisation of 6 temporary cinemas (including Vijay Cinema, now known as Hans Cinema) in 1988. One of the conditions stipulated for regularization provided for maximum sitting capacity of 300 seats and regularisation of these temporary cinemas by processing change of land use of site to 'commercial' as per Section 11-A of the Delhi Development Act 1957 and approval of the plan as per building norms/ standard. Subsequently, these conditions were included in the MPD-2001. The name of the Vijay Cinema were changed as Hans Cinema in 2000 and Annual Cinematograph Licence issued by the Licensing Authority is valid up to 6.1.2013. There is however no reference of permitting continuation of these temporary cinemas in the MPD-2021. Apparently, DDA did not take any action under Section 11-A of Delhi Development Act 1957 for change of land use.

2. A request was made to take necessary action under Section 11-A of Delhi Development Act 1957 for change of land use as 'commercial' in respect of this cinema. Vide letters dated 30.4.2007, 27.9.2007 and again on 19.10.2007, DDA was requested to examine the matter and furnish its considered views. Reply dated 7.11.2007 received from DDA may please be perused. The reply received is evasive and does not specify the reason/ justification for omission/ deletion of the provision in MPD-2021 which was specifically incorporated in MPD-2001 after a conscious view taken in the matter. In case, this involves change of land use, it is not known why steps to process the case for change of land use was not initiated by DDA.

3. Related to this matter, there is another case of Seble Cinema, Mathura Road, Badarpur, New Delhi. This Cinema was also covered under the six regularised temporary cinemas as per the recommendation of DDA. Seble Cinema vide letter dated 10.5.2007 had represented to this office complaining that no action on their request dated 17.9.2004 was taken for grant of permission for re-errection of a multiplex at the site of the existing Seble Cinema. A report was called for from DDA on 9.10.2007 which has not been received.

can you please:

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pp. 111. 114

4. It has been stated that to make the Cinema Theaters economically viable, the Ministry of Urban Development, issued instructions on 23.2.1993 stating that the Cinema Theaters be allowed to convert the existing Cinema Theaters to commercial use as may be permitted in the District centre or community centre or otherwise under the relevant plan when such theaters are located, subject to the condition that at least 300 seats are retained for cinema theater. This relaxation is subject to the provisions of applicable Building Bye-laws and further subject to the provisions of Delhi Cinematography Act and Rules made thereunder.

5. It has further been stated that in the meeting of the Authority on 19.11.2007, all the non-official members recommended that 13 Cinema Halls which have been functioning for more than 20 years under valid licence from the Government in the recreational use zone should be protected under the Zonal Plan. The LG directed that ground realities and old establishments should be protected as far as possible and the plans corrected accordingly. Vide notes dated 4.3.2009 and 27.4.2009, the Hon'ble LG recorded as under:-

"Considering the fact that temporary cinemas have been in existence for a very long time, it would be best to allow them to continue on permanent basis. Accordingly, the decision of Technical Committee meeting dated 7.12.2008 to allow the temporary Cinema to continue on as is where is basis with existing number seats and following the IRC norms for parking should be conveyed to the Ministry of Urban Development for incorporation of the Zonal Plans."

"Many institutions like schools, hospitals, etc., existing prior to 7.2.2007 are getting regularized on as is where is basis on the ground that they are rendering useful services to the community. Temporary cinemas have been in existence since 1970s as per policy guidelines issued by Home Dept. Delhi Govt. from time to time. Therefore, in the scheme of things, they have a substantially meritorious claim for in-situ regularization."

6. Based on above, DDA vide their letter dated 29.5.2009 conveyed the above decision of LG and requested for incorporation of the following in the draft Zonal Plan already submitted to the Ministry:

Sl.No.	Name of Temporary Cinema	Concerned ZDP
1.	Vijay/ Hans Cinema, GT Karnal Road, Azadpur	Zone-C
2.	Swarn Cinema, Vishwas Nagar	Zone-E
3.	Chander Lok Cinema, Chittaranjan Park	Zone-F
4.	Seble Cinema, Mathura Road	Zone-F
5.	Raj Cinema, Chaukhandi, Tilak Nagar	Zone-G
6.	Lokesh Cinema, Rohtak Road	Zone-K-1

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Ministry of Urban Development

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7. In this connection, it may be mentioned that whereas the proposal of DDA as communicated vide their letter dated 29.5.2009 is for regularization of the above cinemas and their incorporation in the draft ZDPs, the proposal of Hans Cinema and Seble Cinema is for use of part of the premises for commercial use in the form of multiplex as per the decision taken by the Ministry of Urban Development in 1993. Thus, mere regularization of these cinemas is not an issue as it involves permitting part premises for commercial use also, which can be effected only by way of change of land use.

Further, the draft ZDPs sent by DDA to the Ministry incorporating a number of land use changes without seeking approval of the Ministry and which are not in consonance with the procedure outlined in Section 11-A of DD Act is already under examination separately.

8. On the above background, the following proposals are submitted for consideration:-

- (i) To incorporate the regularization of six Cinemas for which proposal has been received from DDA in the relevant ZDPs in case the legality of land use changes proposed in the draft ZDPs without following the procedure in Section 11-A of DD Act is approved by the Competent Authority; alternatively,
- (ii) Approval of the Competent Authority may be solicited for processing the case for change of land use under Section 11-A of DD Act.

Submitted for further consideration please.

[From pg. 9/14 ante]

(P.K. Santra)

US/DDIB/ 4.8.09

~~Director (DD)~~

In continuation of the note above, the following points may kindly be noted:

1. The basic issue in case of the cinema under question is that the existing land use is not in conformity to run a cinema. In case of Hans cinema (earlier known as 'Vijay'), the land use in MPD 2001 was 'recreational'. In case of Seble cinema, it is 'residential'. Hence, in order to ensure that the cinema is regularized, it is essential to first undertake change of land use.
2. The basic planning principle involved in this case is that cinemas are to be located on lands for community centres or in commercial areas. For this reason, DDA has to undertake the planning exercise for processing the change of land use.

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Ministry of Urban Development

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3. In MPD-2001, these temporary cinemas were listed for regularization. However, no such mention is found in MPD-2021. The reasons for this omission are best known to DDA, since they have not replied on this point.
4. In the case of Hans cinema, the matter has been pursued with DDA since the stage of finalizing of MPD-2021. However, as stated in the preceding paras, DDA has not taken any action to regularize the cinema. From the papers available in file, this cinema has been running since 1976 and was finally granted an ~~annual~~ Cinematograph Licence by Delhi Police in 1989. The ^{present} licence is valid up to January, 2013. It is further noted that a team was constituted by LG, Delhi in 1987 to inspect and study the temporary cinemas in Delhi. During his inspection, Hans cinema (at that time Vijay cinema) was found suitable for consideration for regularization subject to grant of relaxation in respect of front setback and compliance of usual terms and conditions. However, it appears that ever since that time, in view of the issue of change of land use, the matter has not been processed.

⑦ F/Y (53)

5. As informed by DDA, the matter was recently considered by the LG. Based on his decision, DDA has conveyed to the Ministry that the six temporary cinemas are to continue on "as is where is" basis with existing number of following seats and the IRC Norms for parking. DDA has further stated that based on this decision of the LG, the six cinemas including Hans and Seble, located in different zones, are to be incorporated in the draft ZDPs 2021 already submitted to the Ministry for approval.

✓ F/Z (134)
(FR)

It is not clear why DDA did not consider the regularization or otherwise of these cinemas at the time of finalization of the ZDPs-2021 when this matter has been going on for several years. The exercise of finalizing the ZDPs 2021 has been undertaken in the recent few months. This omission, therefore, is surprising.

6. It may also kindly be noted that the actual proposal of DDA is not clear in terms of how these temporary cinemas are going to be incorporated in the ZDPs. Essentially what the LG has directed to be done is "spot zoning". But the term 'spot zoning' has not been ~~used~~ by DDA here. It may kindly be recalled that in the main file where we have examined the ZDPs-2021 forwarded by DDA for approval of the Central Government, one of the anomalies noticed is spot zoning as a concept, which is not MPD-2021 compliant.

From the aforementioned facts and issues, the only way forward for regularization in the case of these appears to be


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Ministry of

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change of land use, and DDA has not sent a proposal u/s 11A of the DD Act, 1957 in this regard. Whether this can be achieved by the ZDP route is yet to be decided, for which the main file is already under consideration of UDM.

May kindly see.


[Sujata Chaturvedi]
Director (DD)
06.08.2009

~~JS(DL)~~

The main file indicating the issues involved in finalization of Zonal Plans is under consideration of the UDM. The issue relates to change in land use and, therefore, a view has to be taken whether it is advisable to effect change in land use without following the procedure under Section 11-A of the D.D. Act while finalizing the Zonal Plans of Zones whose Zonal Plans were approved earlier.


(Dr. M.M. Kutty)
JS (DL)/7.8.09

~~S(UD)~~


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UDM

OFFICE OF UDM

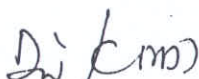
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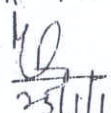
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Ministry of Panchayats


25/1/11
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DELHI DEVELOPMENT AUTHORITY

Minutes of the meeting of the Delhi Development Authority
held on 10th August, 2009 at 11.00 A.M. at Raj Niwas, New
Delhi.

Following were present:

CHAIRMAN

1. Shri Tejendra Khanna

Lt. Governor, Delhi.

VICE-CHAIRMAN

2. Shri Ashok Kumar

MEMBERS

3. Shri Nand Lal

Finance Member

4. Shri A.K. Bajaj

Engineer Member

5. Shri Subhash Chopra, MLA

6. Shri Naseeb Singh, MLA

7. Dr. Harsh Vardhan, MLA

8. Shri Rajesh Gahlot

Councillor, MCD

9. Shri Sudesh Kumar Bhasin

Councillor, MCD

10. Dr. M.M. Kutty

Jt. Secretary (D&L), MOUD, Govt. of India

11. Shri J.B. Kshirsagar

Chief Planner (TCPO)

SECRETARY

Shri V.M. Bansal

MC (49)

III. Sh. Subhash Chopra, MLA, and Member of the Authority also raised the point regarding the temporary cinema halls being allowed to develop like other cinema halls in the city.

Hon'ble LG agreed to the suggestion and said that days of cinema halls having 800-1000 seats are gone and that these are not viable today. He said that temporary cinemas have been running with due permission from the Government since mid seventies and that these should be allowed to develop on modern lines. //

2. Shri Naseeb Singh pointed out that facilities like Bus Terminal, Dispensary, Sports Complex etc. have not been provided in the IP Estate Extension which has 115 Group Housing Societies. Neither any provision has been made for these facilities in future.

II. The Lt. Governor directed that these are essential facilities and must be provided in the area. He advised the Vice-Chairman to take a meeting on the subject with all the concerned officials.

3. Dr. Harsh Vardhan desired to know the deadline for construction of new DDA Officers Institute at the site which has been cleared by the Screening Committee and wanted to have action taken report on the employee welfare measures approved by the Authority during its Golden Jubilee Year.

II. The Lt. Governor directed that action taken report on all the decisions taken by the Authority towards employees' welfare during the Golden Jubilee year and the status of construction of officers Institute at the site approved by the Screening Committee be put up in the next meeting of the Authority.