

By Hand Delivery
✓
Mrs I P Parate
Director (Planning)
Master Plan Review
Delhi Development Authority
6th Floor, Vikas Minar
I P Estate
New Delhi -110 002

ST-11-D-2221
17th November 2011

Read Central Dy. No. 10
Dated 18-11-11
R&D Section, Vikas Minar
Delhi Development Authority
Planning Dept.

OFFICE OF THE DIR (Pg.)
MPR/TC, D.D.A. N. DELHI-2
Dy.No. 1435
Dated 18/11/11

ORIGINAL COPY

Dear Sir,

Sub : Suggestions for Midterm Review of Master Plan for Delhi 2021

We wish to refer to Public Notice dated 4.10.2011 issued by the Delhi Development Authority (Copy enclosed, Marked Annexure-I) inviting Public Suggestions for Midterm Review of Master Plan for Delhi 2021 with a view to provide realistic midterm corrections and modifications in Master Plan Policies, Norms/Standards and implementation procedures etc. We are accordingly submitting herewith the following suggestions for your consideration and incorporation in Master Plan 2021 with a view to alleviating problems currently being faced by the citizens of Delhi particularly those engaged in Industry and Commerce as well as those living and working in Delhi.

1. Household Industries

Altogether 121 Industries have been classified as "Household Industries" under Group A and A1 of Master Plan 2021 and allowed to function in Residential Areas as they are non nuisance, non hazardous and non polluting in nature. However the regulations governing the operation of such Industries are neither pragmatic nor realistic as a consequence of which most of these Industries which have been operating in Delhi since time immemorial as well as new high tech Industries included in this list to encourage development of the same can only do so by violating the unrealistic norms prescribed in Master Plan 2021.

A detailed note elaborating the above situation is submitted herewith, Marked Enclosure-A.

2. Regulations and Guidelines for Redevelopment of Existing Planned Industrial Areas

As per Master Plan 2021, in para 7.6 it has been indicated that there is a need for optimizing the use of "Existing Planned Industrial Areas" through the process of redevelopment. Although "Development Control Norms" covering Industrial Plots and Flatted Group Industry had been included in the Master Plan at Table 7.3 therein, DDA in a Gazetted Notification dated 01.04.2011 has issued very comprehensive "Regulations and Guidelines for Redevelopment of Existing Planned Industrial Area" (Copy enclosed, marked Enclosure B1) which now includes norms for "Redevelopment of Existing Planned Industrial Sheds", as well as other important aspects such as confirmation of Industrial Activity on all floors of Industrial Buildings as well as permissibility of Basements etc. These Guidelines need to be incorporated in Master Plan 202, perhaps as a Supplement.

Further in this connection it needs to be pointed out that in the "Development Control Norms" at Table 7.3 in Master Plan 2021 (Copy marked Enclosure B2) which has also been reproduced in the abovementioned Notification dated 01.04.2011 and made applicable for redevelopment of Existing Industrial Sheds, as well, it will be seen, that in the last column in the Table it states under "Definition" – "A premise for Industrial Activity having upto 50 Workers" with non hazardous, non polluting performance. Obviously the reference to 50 Maximum Workers under the "Definition" is quite unnecessary & totally contrary to the Parameters for Industrial Units clearly indicated in Table 7.1 of Master Plan 2021 (Copy enclosed, marked Enclosure B3) which already allows "All Industries except those prohibited and of Non-polluting and non-hazardous nature", Maximum No. of Workers "As per need" and also Maximum Industrial Power Load "As per need". The entire "Definition" column therefore needs to be deleted in Table 7.3 both in Master Plan 2021 as well as the newly issued Notification dated 01.04.2011.

3. **Use of Residential Premises**

In Master Plan 2001 prior to Master Plan 2021, all residents were allowed to use their premises for non residential but non nuisance activities for rendering services based on their professional skills upto a percentage of the total area of their premises upto the maximum limit prescribed, whichever was less. It did not specify only professionals who had special qualifications governed by the Bar Council or Institute of Engineers or Institute of Chartered Accountants etc., nor was any registration or associated charges required for such personal Professional Activity which is a basic constitutional right of any citizen. This position was also endorsed by the Tejinder Khanna Committee. However notwithstanding this, this basic right of any citizen has been denied except to very highly qualified professionals and has in fact, to all intents and purposes, been more or less classified as a Commercial Activity. In fact the Supreme Court has already struck down registration and the levy of charges etc. and in any case this inherent right of every citizen is being denied and amounts to unauthorized activity insofar as Master Plan 2021 is concerned. A detailed note on the use of Residential Premises vide Master Plan 2021 is enclosed (Marked Enclosure-C) and we trust that suitable amendments are made allowing what is called "SOHO" i.e Small Office, Home Office for all citizens for the use of their own professional skills and/or any other personal requirements. As a Chamber of Commerce and Industry this is absolutely essential to allow hundreds of Managers in Industry and Commerce with varying skills such as Production, Finance & Accounting, Marketing, Purchasing, HRD, Documentation, Computerization and Secretarial Activities etc who do not have MBAs or IIT qualifications or are not Chartered Accountants etc. to have "home based professional work stations" as recommended in the Tejinder Khanna Committee Report specially constituted to make recommendations in this regard.

4. **Regularisation of Individual Floors**

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 than not with changes from sanctioned plans and without

: 3 :

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 D1). 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.

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 D2.). 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 D3). 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.

Further as a Chamber which represents all kinds of Industrial and Commercial Activity in NCT of Delhi, as well as Professionals working/living therein, we do feel that we should be represented in the internal Committees formed by DDA for the Mid Term Review of Master Plan 2021, so that we can meaningfully contribute to corrective action required and look forward to your Invitation to nominate our Representatives and look forward to hearing from you in this regard.

Meantime you are requested to kindly acknowledge receipt of our Suggestions contained in this communication, on the duplicate copy enclosed.

Thanking you,

Yours faithfully,



(SATISH GIROTRA)

Chairman, Delhi & NCR Committee

**DELHI DEVELOPMENT AUTHORITY****PLANNING DEPARTMENT
(MASTER PLAN REVIEW SECTION)****INVITING PUBLIC SUGGESTIONS FOR MID -TERM
REVIEW OF MASTER PLAN FOR DELHI -2021**

The Master Plan for Delhi (MPD-2021) has been planned with a vision and policy guidelines for the perspective period of twenty years. It emphasizes on public participation and Periodic / Mid-Term Review. This review is being undertaken to provide realistic Mid-Term corrections and modifications in the Master Plan Policies, Norms/Standards and the implementation procedure etc. to suit the changing needs of the Society. The review would also facilitate modifications and revisiting of specific provisions of the plan, that could not be foreseen / anticipated during the plan formulation.

Public is hereby requested to send their valuable suggestions /views in writing on specific aspects of the plan for consideration during the Mid-Term Review exercise to Director (Plg.) MPR, DDA, 6th Floor, Vikas Minar, I.P. Estate, New Delhi 110002 or post the same on the Link "Review of MPD 2021" on the DDA Website "www.dda.org.in" in 45 days from the issue of this advertisement.

Sd/-

Date : 04-10-2011

Commissioner-cum-Secretary

"Visit DDA Website - www.dda.org.in or Dial 39898911"

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ENCLOSURE-A

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

REVIEW/AMENDMENT OF REGULATIONS GOVERNING "HOUSEHOLD INDUSTRIES"-
MASTER PLAN 2021

Under Group A , 112 Industries and under Group A-1 a further 9 Industries have been included under the head "Household Industries" in Master Plan-2021. Most of these have been included since the First Master Plan and some Hi Tech Industries have been added such as "Computer Repairing and Cyber Information Centre", "Computer Software", "Data Processing", "Desktop Publishing" etc. All the Industries included are of a non nuisance, non hazardous and non polluting category and have thus been categorized as "Household Industries" and allowed to operate in all residential areas.

A large number of Units, listed below, falling within the "Household Industries" Category are small units consisting normally of 10-20 workers are supporting units for the Apparel/ Readymade Garments and Leather Industries with a very high concentration in NCT of Delhi which exports perhaps almost 25% of the total Exports of R.M Garments from India and this also constitutes a very high percentage of India's total Exports. In fact it is the skills of the artisans working in such units which still provide an edge to India in its Apparel Exports as compared to China etc.

- | | |
|---------|---|
| 13 | Batik Works |
| 16 | Button making, fixing of button and hooks |
| 32 | Cotton/silk printing (by hand) |
| 41 | Embroidery |
| 46 | Hosiery products(without dyeing and bleaching) |
| 47 | Hats, caps,turbans including embroideries |
| 50 | Interlocking and buttoning |
| 54 | Knitting works |
| 55 | Lace products |
| 56 | Leather footwear |
| 57 | Leather belts and assembly of buckles(by hand) |
| 58 | Leather and Rexine made ups |
| 63(vii) | Lace work |
| 84 | Readymade Garments (without washing) |
| 96 | Shoe laces |
| 99 | Tailoring |
| 100 | Thread balls and cotton fillings |
| 102 | Ties |
| 106 | Velvet embroidered shoes/shawls |
| 111 | Wool knitting (with machine) |
| 112 | Zari Zardozi |

Practically 100% of such units are operating and are concentrated in Residential Areas with Property Tax classification of C and below (as well as Lal Dora Areas) and they should not only be allowed to continue to operate from such residential areas, having been classified as "Household Industries", but actively encouraged by adopting pragmatic and realistic regulations. Regrettably the Regulations notified in Master Plan-2021, are neither pragmatic nor realistic, as will be seen from a perusal of the current Regulations therein, which are reproduced below :

Quote

7.4

HOUSEHOLD/SERVICE INDUSTRIES

- (i) Household industrial units with maximum 5 workers and 5 kilowatt power may be allowed to continue in residential areas and new industrial units of this type could be permitted in residential areas subject to the condition that no polluting industrial unit shall be permitted as household industry.
- (ii) The industrial units could be permitted only after provisional registration by the Govt. of NCTD.
- (iii) Household industrial units shall be allowed on any floor to the extent of 50% of permissible floor area of the dwelling unit.
- (iv) Further additions/alterations to the list of Household Industries could be made if considered appropriate and in public interest by the Central Government to do so.
- (v) No inflammable or hazardous substance is permitted to be stored.
- (vi) Separate industrial electric connection (single phase) and Municipal License would be necessary to set up a household industry.

Unquote

It is obvious from a perusal of the above norms that a maximum 5 workers and 5 kilowatts power is totally unrealistic for the kind of Industries that have been included in the Household Industrial/Service Sector, particularly taking into consideration the extremely important role they have played in the huge quantum of Textile and Leather Apparel /Footwear etc. being exported and ofcourse meeting the requirements of the domestic sector as well. They are also totally unrealistic in respect of the Hi Tech Industries which have been included in the List. As such the abovementioned norms should be reviewed, incorporating the following suggestions :

1. Number of Workers

Having quantified the maximum floor area of 50% the number of workers does not require to be quantified. No such quantitative restrictions have been placed on Industries in Plotted Developments / Industrial Sheds. Even in Flatted Industries (which could be considered equivalent), 20 Workers have been allowed. Further no restriction on number of workers has been specified in respect of 20 Residential Colonies, which have unauthorisedly converted 70% of their residential area to Industrial Use and have been accepted as Industrial Areas under Master Plan 2021. Nevertheless, if at all a restriction on the number of Workers is considered necessary, the maximum limit should be increased to 20 i.e the same limit as for each floor in flatted factories.

2. Power

As regard power, whilst such units may be required to get separate electric connections, they should be allowed power on an "As per need" basis which has been allowed for all other Industrial Activity as per Master Plan 2021, including Flatted Industries as well as all the non confirming, unauthorized industrial activities in the abovementioned 20 residential colonies (now converted to industrial).

3. Restriction for operating Household Industries in high Property Tax Categories

Adopting the differential approach advocated in the Tejinder Khanna Committee Report all such Household Industrial Units should be freely allowed to function in Property Tax Categories C and below (as well as Lal Dora Areas).

4. Automatic/Simplified Registration with Government Authorities

A simplified scheme of Registration with MCD should be adopted allowing for automatic approval when applied for. Registration with Govt. of NCTD should not be required nor Pollution clearance since the Industries listed therein have already been accepted as non polluting. Minimum bureaucratic interference is essential.

It is ironic that 20 Areas which have unauthorisedly converted 70% of the residential area to Industrial Use have been accepted as Industrial Areas under the Master Plan-2021 even when perhaps almost 75% of these industries do not fall under the "Household Industries" Category nor have any of the restrictive clauses applicable to the Household Industrial Sector in terms of number of workers and power been applied to them or, as earlier stated to any other Sector in the Master Plan.

It also needs to be emphasized that most of those employed in such "Household Industries" are artisans using their traditional family skills coming from the lowest strata of Society and belong to the OBC /Scheduled Castes and underprivileged communities who need to be provided at least Equal Opportunity of working and earning a decent living wage in their traditional occupations.

It is requested that the above submissions for rationalization of norms for functioning of "Household Industries" should be adopted on a priority basis, so that, there is no wholesale disruption in the genuine "Household Industries" Sector and a Equality of Opportunity is accorded to the underprivileged artisans working in this unorganized Sector. In fact this would be totally in accord with the "Affirmative Action" which the present UPA Government and in fact all Political Parties are insisting upon for uplift of the underprivileged and providing them with gainful employment.



भारत का राजपत्र The Gazette of India

असाधारण
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दिल्ली विकास प्राधिकरण

अधिसूचना

नई दिल्ली, 1 अप्रैल, 2011

विषय: विद्यमान नियोजित औद्योगिक क्षेत्रों के पुनर्विकास के लिए विनियम और दिशा-निर्देश

का.आ. 683(अ).—दिल्ली विकास प्राधिकरण, दिल्ली विकास अधिनियम, 1957 की धारा 57 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार के पूर्व अनुमोदन से एतद्द्वारा विद्यमान नियोजित औद्योगिक क्षेत्रों के पुनर्विकास के लिए निम्नलिखित विनियम और दिशा-निर्देश बनाता है।

1. भूमिका

दिल्ली मुख्य योजना-2021 के पैरा 7.6 में विद्यमान नियोजित औद्योगिक क्षेत्रों के आधुनिकीकरण और उन्नयन का प्रावधान किया गया है।

ये औद्योगिक क्षेत्र 70 के दशक में विकसित हुए और इन वर्षों में इनकी भौतिक आधारिक संरचना खराब होती गई और कुछ मामलों में तो पूरे औद्योगिक क्षेत्र में कमियां आ गईं। इसके अतिरिक्त, कुछ क्षेत्रों में कार्यकलापों की प्रकृति में परिवर्तन रहे हैं और प्लॉटों के भाग का ऐसे कार्यकलापों के लिए उपयोग करने हेतु मांगे भी रही हैं, जिन्हें व्यावसायिक के रूप में वर्गीकृत किया जा सकता है। इस बात को देखने की आवश्यकता भी हो सकती है कि क्या उद्योगों/इकाइयों की बड़ी संख्या को समायोजित करने के लिए उप-विभाजन द्वारा छोटे प्लॉटों के रूप में और

DELHI DEVELOPMENT AUTHORITY**NOTIFICATION**

New Delhi, the 1st April, 2011

Subject : Regulations and Guidelines for Redevelopment of Existing Planned Industrial Area

S.O. 683(E).—In exercise of the powers conferred by Sub-section (1) of Section 57 of the Delhi Development Act, 1957 the Delhi Development Authority, with the previous approval of the Central Government, hereby makes the following Regulations and Guidelines for Redevelopment of Existing Planned Industrial Areas.

1. Introduction:

Master Plan for Delhi-2021 under Para 7.6 envisages modernization and up gradation of existing planned industrial areas.

These industrialized areas were developed in the 70's and over the years, have deteriorated considerably in terms of physical infrastructure and, in some cases deficiencies on this score have persisted in an overall sense. Besides, there have been changes in the nature of activities in some of the areas and there have also been demands for using part of the plots for activities, which could be classified as commercial. There may also be a need to see whether further densification is possible in terms of creating smaller plots by sub-divisions to accommodate a larger number of industries/units. Guidelines for redevelopment of existing industrial areas shall be framed within 2 years by DDA in consultation with GNCTD and the local body. Till such time, the existing sub divisions may continue.

There is, therefore, a need for modernization and up-gradation of the existing industrial areas with due regard to environmental considerations. Since most of the industrial areas are located along the Mass Public Transport Corridors, there is also a need for optimizing the use around these areas through the process of redevelopment.

This process of up-gradation and redevelopment will need to be carried out in a planned manner, and in a public-private partnership framework, in which the entrepreneurs contribute to the betterment and subsequent maintenance through suitable Operation and Maintenance arrangements.

In view of the above stipulations, following guidelines have been framed.

2. Norms for Redevelopment of Existing Planned Industrial Areas:**2.1 Redevelopment of Existing Planned Industrial Plots.**

- 2.1.1 To incentivize redevelopment, 1.5 times the existing permissible FAR shall be permitted on an individual plot of minimum 1000 sqm and above. For that purpose amalgamation of smaller plots shall also be allowed. The service lane can also be included in the schemes,

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however, no FAR shall be granted on this area but the same can be included for public areas like green, parking etc. in the overall schemes. In such redevelopment schemes on plots of 1000 sqm and above, development control norms of MPD-2021 (Table 7.3) for flatted group industries shall be applicable except FAR and Height (NR - No Restriction, subject to clearance from AAI, Delhi Fire Service and other statutory bodies). Amalgamation and reconstruction of industrial plots allotted under the scheme (s) framed pursuant to Supreme Court orders of 1996 & 2004 will not be permissible.

2.1.2 Comprehensive Redevelopment of the overall existing planned Industrial Estate/Area shall be permitted with 1.5 times the existing permissible FAR subject to land distribution as given in Table 7.2 of MPD-2021. Comprehensive redevelopment of part of the Industrial Estate/Area would also be permitted with incentive FAR with minimum area 4 ha. and above, subject to the following conditions : -

- a) The Ground Coverage, FAR and height to be as per the overall control conditions of the comprehensive scheme and other Development Controls shall be as per MPD-2021.
- b) Industrial Associations wherever possible would identify/provide area for common parking/Multi-level parking/essential common facility areas etc. within the scheme area.
- c) Front setback should not have boundary wall, so that it can be used for additional parking/road space.

2.2 Redevelopment of Existing Planned Industrial Sheds.

2.2.1 The development control norms of MPD-2021 (Table 7.3) as applicable on the individual plot shall also be allowed on an area allotted as an industrial shed. However, the setbacks shall not be insisted upon.

2.2.2 1.5 times the allotted area of sheds shall be permitted as incentive for the purpose of redevelopment through comprehensive planning of the area. The minimum plot area of amalgamated sheds for such purpose shall be 1000 sqm. In such redevelopment schemes on plots of 1000 sqm and above, development control norms of MPD-2021 (Table 7.3) for flatted group industries shall be applicable except FAR and Height (NR - No Restriction, subject to clearance from AAI, Delhi Fire Service and other statutory bodies).

2.3 Redevelopment of Existing Planned Industrial Areas through sub-division of plots.

Master Plan - 2021 also realizes that the existence of smaller plots by subdividing the larger plots and has recommended to prepare guidelines for regularization of such sub-divisions. Accordingly, the owners of sub-divided plots shall collectively prepare and submit the Layout plan to Local Body for approval along with the required mandatory documents as per BBL/to the satisfaction of the Local Body.

After approval of the layout plan by the local body, the sanction of the building plan on individual plot shall be governed by MPD-2021 development control norms given in the Table 7.3.

3. Other Conditions applicable to all above mentioned categories:

- No Objection Certificate from Fire, explosives, environment departments and other statutory bodies.
- Provision of all essential facilities e.g. ESS, Solid waste collection, facility area/open spaces and or the provision of CETP/disaster management plan to be examined/provided as per norms by Industrial Area Associations/Local body for the overall scheme.
- Industrial activity shall be permissible on all floor of the plots.
- Permissibility of basements to be as per clause 8(5) of Development Code of the MPD-2021.
- The concerned local body and the stakeholders will work out the mechanism for implementation of the scheme in timebound manner and subsequent maintenance through suitable Operation and Maintenance arrangements.

Relevant Extracts from MPD-2021 related to the "Guidelines for Redevelopment of Existing Planned Industrial Areas"

1. For Para 2.1.1 of the Guidelines

Table 7.3 : Development Control Norms

Use Premises	Maximum			Parking standard ECS/100 sqm of floor area	Activities Permitted	Definition
	Gr. Cov. (%)	FAR	Ht (m)			
Industrial Plot						
(i) 50 sqm. and below	100	200	8	2	Industrial units; unit retail sales outlet and administrative office upto maximum 10% of floor area on ground floor only;	A premise for industrial activity having upto 50 workers with non-hazardous, non-polluting performance.
(ii) 51 sqm to 400 sqm.	60	180	15	2	residential flat upto the maximum extent of 5% of the floor space or 50 sqm. whichever is less for watch & ward and supervision, incidental storage [---] related to the industrial activity, commercial activity as per footnote (vi).	
(iii) 401 sqm and above	50	150	15	2		
Flatted group Industry (Minimum plot size - 400 sqm.)	30	150	26	2	Industrial units; administrative office, watch and ward, maximum upto 5% of floor area or 20 sqm. whichever is less, storage related to the manufacturing activity, commercial activity as per footnote (vi).	A premise having a group of small industrial units having upto 20 workers with common services and facilities of non-hazardous, non-polluting nature.

Notes:

- In case of plots upto 60 sqm. common parking shall be provided.
- In case of plots of size 500 sqm and above, the utilities such as E.S.S., underground water storage tank, roof top water harvesting system, separate dry and wet dustbins, solar heating/lighting system etc. shall be provided within the plot.
- Identified Service Centres shall be planned as per plotted industrial area norms.
- Development of IT hardware and software permissible under industrial use.
- Banquet hall shall be permissible in Industrial premises subject to specifications/regulations as may be prescribed, along with conversion charges as prescribed by the Government from time to time.
- Industrial units/plots abutting roads of 24m ROW and above shall be eligible for conversion to commercial use within the existing development control norms, subject to payment of conversion charges as prescribed by the Government from time to time, and cost of parking as as decided by Government from the time to time. The activities permissible in local shopping

centres will be permitted in such plots. In addition, multilevel parking shall be permissible activity. However, this shall not be permitted on non-conforming / regularized industrial cluster. The above provision shall not affect the Supreme Court orders in any way.

2. For Para 2.1.2 of the Guidelines

Table 7.2: Norms for Land Distribution in Industrial Areas

S. No.	Use Premises	Percentage
1.	Industrial Plots (Net Area)	55-60
2.	Recreational: Buffer Zone, Parks, Water Bodies, Green under HT lines, etc.	10-12
3.	Commercial: Shopping Centre, Petrol Pumps, Guest House/Budget hotels, Lodging and Boarding, Service and Repair shops, Communication/Telephone Exchange, etc.	2-3
4.	Facilities <ul style="list-style-type: none"> • Public and Semi-Public: Fire Station/Fire Post, Police Station/Police Post, Hospital/Dispensary, ITI/Polytechnic, Dharamshala, Night Shelter, Day Care Centre, etc. • Utilities: Electric Sub-Station, CETPs, Pumping Stations, Underground Reservoirs/Fire Fighting Tanks and other utilities, etc. 	8-10
5.	Transportation: Circulation, Loading/Unloading Area, Parking, ideal truck Parking, Goods Vehicle Parking etc.	18-20
	Total	100

[F. No. F. 17(5)2007/MP]

D. SARKAR, Commissioner-Cum-Secy.

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ENCLOSURE B2

Table 7.3 : Development Control Norms

Use Premises	Maximum			Parking standard ECS/ 100 sqm of floor area	Activities Permitted	Definition
	Gr. Cov. (%)	FAR	Ht (m)			
Industrial Plot						
(i) 50 sqm. and below	100	200	8	2	Industrial units; unit retail sales outlet and administrative office upto maximum 10% of floor area on ground floor only; residential flat upto the maximum extent of 5% of the floor space or 50 sqm. whichever is less for watch & ward and supervision, incidental storage [---]related to the industrial activity, commercial activity as per footnote (vi).	A premise for industrial activity having upto 50 workers with non-hazardous, non-polluting performance.
(ii) 51 sqm to 400 sqm.	60	180	15	2		
(iii) 401 sqm and above	50	150	15	2		
Flatted group Industry (Minimum plot size - 400 sqm.)	30	150	26	2	Industrial units; administrative office, watch and ward, maximum upto 5% of floor area or 20 sqm. whichever is less, storage related to the manufacturing activity, commercial activity as per footnote (vi).	A premise having a group of small industrial units having upto 20 workers with common services and facilities of non-hazardous, non-polluting nature.

Notes :

- (i) In case of plots upto 60 sqm. common parking shall be provided.
- (ii) In case of plots of size 500 sqm and above, the utilities such as E.S.S., underground water storage tank, roof top water harvesting system, separate dry and wet dustbins, solar heating/lighting system etc. shall be provided within the plot.
- (iii) Identified Service Centres shall be planned as per plotted industrial area norms.
- (iv) Development of IT hardware and software permissible under industrial use.
- (v) Banquet hall shall be permissible in Industrial premise subject to specifications / regulations as may be prescribed, along with conversion charges.
- (vi) Industrial units / plots abutting roads of 24m ROW and above shall be eligible for conversion to commercial use within the existing development control norms, subject to payment of conversion charges computed on current market value of commercial area and cost of parking as decided by Government from the time to time. The activities permissible in local shopping centres will be permitted in such plots. In addition, multilevel parking shall be permissible activity. However, this shall not be permitted on non-conforming/regularized industrial cluster. The above provision shall not affect the Supreme Court orders in any way.

Table 7.1 : Parameters for Industrial Units in Different Use Zones and Use Premises

Use Zone / Use Premises	Groups Permitted (Refer Annexure)	Conditions	
		Max. no. of workers	Max. Industrial Power Load (KW)
Residential Use			
(a) Residential	A	5	5
(b) Villages (Abadi)	A+A1	5	5
Commercial Use			
(a) Convenience Shopping Centre, Local Shopping Centre.	A+ A1+B Service / repair / packaging/assembly (without manufacturing) of permissible industries.	5	11
(b) Community Centre.		9	11
(c) District Centre,		19	11
(d) Service Market, Service Centre.			
Industrial Use			
(a) Plotted development	All industries except those prohibited and of Non- polluting and non-hazardous nature,	As per need	As per need
(b) Flatted Industries	All industries except those prohibited, and of Non- polluting and non-hazardous nature, excluding industries producing noise/water/ vibrations/odour pollution	20	As per need

Notes:

- (i) Maximum no. of workers shall be as per notification issued by the competent authority from time to time.
- (ii) The power requirement for operating pollution control devices and non-manufacturing use shall be over and above the aforesaid permissible load.
- (iii) Existing Industrial Estates in the Growth Centres shall be considered as industrial use.

7.4 HOUSEHOLD/SERVICE INDUSTRIES

- (i) Household industrial units with maximum 5 workers and 5 kilowatt power may be allowed to continue in residential areas and new industrial units of this type could be permitted in residential areas subject to the condition that no polluting industrial unit shall be permitted as household industry.
- (ii) The industrial units could be permitted only after provisional registration by the Govt. of NCTD.
- (iii) Household industrial units shall be allowed on any floor to the extent of 50% of permissible floor area of the dwelling unit.
- (iv) Further additions / alterations to the list of Household Industries could be made, if considered appropriate and in public interest by the Central Government to do so.
- (v) No inflammable or hazardous substance is permitted to be stored.
- (vi) Separate industrial electric connection (single phase) and Municipal License, would be necessary to set up a household industry.

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 – Use of Residential Premises

We understand that the Master Plan Delhi 2021 is due for a midterm review and we would like to submit the following on behalf of our Members engaged in Commerce and Industry as well as the Citizens of Delhi insofar it applies to the use of Residential Premises in NCT of Delhi.

Both at the time the Draft of the proposed Master Plan Delhi 2021 was notified and also after the final Plan was brought into effect we had drawn your attention to one of the aspects which is of particular concern to our Members and that is the new norms governing non nuisance, non hazardous, non commercial activities pursued by residents in their homes. In this regard we wish to emphasize that the new Master Plan 2021 has at one stroke taken away the basic constitutional right of any resident to pursue any personal non nuisance activity, unconnected with any public dealings (in short noncommercial) in his home, which he had so far been free to do for the last 40 years under the last two Master Plans up to a specified area and which "right" was also fully endorsed by the Special Committee formed to review this aspect headed by Mr. Tejinder Khanna the Hon'ble Governor of Delhi. The Tejinder Khanna Committee recommended that all Citizens without insisting on qualification norms in respect of their individual professions could use their Residential Premises including in A& B category upto 50% of the covered area, without any other restrictions or payment of Registration or Annual Fees. It only mentioned Lawyers, Doctors etc. as examples.

In the above connection we would like to draw your attention to the relevant passage in the Second Master Plan 2001 covering use of Residential Premises which is detailed below :

Quote

The resident of the premises shall be permitted to use part of his residence to the maximum of 25% or 50 sqm whichever is less for a non-residential but non-nuisance activity which is for rendering services based on his professional skills. In case of residential plots any one floor may be used provided the whole premises is occupied by the same professional.

Unquote

As will be obvious from a plain reading of these rights as enunciated therein, any resident could use part of its premises for any non nuisance activity based on his professional skills. No qualifications were prescribed. In short a Small Office/ Home Office (popularly terminated as SOHO) were permitted to all Citizens for use for their own Professions. The same was also endorsed by the Tejinder Khanna Committee as reproduced below :

Quote

8.20.3 Finally, in line with the recommended differentiated approach, in relation to the better-off Tier-1 colonies, non- residential use of residential buildings should be permitted only to the extent of professionals, such as Doctors, Architects/Chartered Accountants/Lawyers, Computer Specialists etc. using a portion of the premises self-occupied by them as residence, not exceeding 50% of the covered area, as home- based professional work stations.

Unquote

It appears that for reasons which have not been publicly debated nor even envisaged in the Draft Master Plan – 2021 gazetted and notified on 16th March, 2005, that the utilisation of residential premises for certain categories of Professionals who are rendering service to the public have been equated with commercial activity/nuisance activity and therefore asked to register their activities and pay annual charges for area utilised by them over and above property tax paid. In addition such use is subject to a whole lot of restrictions such as location on certain street widths and/or notified roads and providing parking facilities etc. If so it is upto such Professionals to take up with the Central Government, Ministry of Urban Affairs/DDA the onerous restrictions imposed on them. In fact the Hon'ble Supreme Court has already stayed the conditions imposed.

On the other hand Master Plan 2021 does not appear to recognise the basic freedom and parcel of rights of any house holder to carry out personal work from his own premises. Such Home Owners who are not rendering Professional Services to the Public but only utilizing their premises for their own non nuisance personal activities, unconnected with any services to the public and/or public dealings, should be allowed to utilise their premises upto 50% of their built up area, as best described in the Tejinder Khanna Report as "home based work stations". To ensure this it is suggested that a paragraph on the following lines be included in Master Plan-2021, perhaps as item "vi" under "15.1 Governing Principles for Mixed Use".

Quote

"vi"

Any resident may utilise the premises occupied by him upto a maximum of 50% of the floor area for non residential but non nuisance/non hazardous personal activities such as a home office/home work station not involving services to the public or public dealings, on any floor. Such activity would not require any registration or payment of fees beyond Property Tax applicable for the premises.

Unquote

Such a change would allow hundreds of Managers/Consultants etc. engaged in Industry and Commerce to work from home as and when required without fear of contravening the provisions of the Master Plan. In this regard it would not be out of place to bring your notice that every single M.P., Members of the Delhi Assembly and all Corporators of the Municipal Council of Delhi etc. have functioning Offices in their residences without having any of the qualifications laid down in the Plan. Moreover their activities can hardly be termed as non-nuisance, insofar as their neighbours are concerned though admittedly, they serve a public purpose.

We would request you at this stage, when a Midterm Review of Master Plan 2021 is due, to kindly accept the above suggestion and incorporate the suggested amendment in Master Plan 2021.



MUNICIPAL CORPORATION OF DELHI

PUBLIC NOTICE

12/8/07

ENCLOSURE D.

206

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:-

- Two sets of plan of existing construction of the floor(s) on which flat is/are located, duly signed by owner and registered Architect.
- Copy of ownership documents self-attested.
- Structural stability certificate of Structural Engineer.
- Certificate of registered Architect that total covered area on that particular floor is within the proportionate permissible building envelope as per MPD-2021.
- An Indemnity Bond to the effect that the Corporation shall be kept harmless in case of any dispute of the title or otherwise.
- 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.

S. 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.)

ISSUED BY DIRECTORATE OF PRESS & INFORMATION, MCD

MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE ADDL COMMISSIONER (ENGG.)
Town Hall, Chandni Chowk, Delhi - 1100 06

ENCLOSURE 2
(2 Pages)

205

No. 04/Adcl-Com/19/104

Dated 19-01-2009

CIRCULAR

This is in supersession of the earlier circular Nos. PSC/CO-172/2006 dated 05.12.2006 issued by the Commissioner, MCD and D/145/SE(Bldg.)HQ/07 dated 21.08.2007 regarding the floor-wise sanctioning of the building plans and floor-wise regularization respectively.

The Single Bench of Hon'ble High Court of Delhi vide its orders dated 23.05.2005 in WPC No. 3280/2004 titled as "Smt. Usha Devi Sharma Vs Commissioner, MCD & Ors.", held that since the Bye-laws envisage separate ownership in property of different dwelling units, there is no requirement in the bye-laws that building plan applications ought to be signed by all the co-owners. Further, the views of the Hon'ble High Court of Delhi were confirmed by the Hon'ble Supreme Court of India in SLP(C) CC No. 5679/2005.

In compliance of the above said orders of Hon'ble Supreme Court, the floor-wise sanction was started by MCD as per orders of the Commissioner circulated vide No. PSC/CO-172/2006 dt. 5.12.2006. Subsequently, floor-wise regularization scheme was also introduced vide circular No. D/115/S.E.(B)HQ/2007 dt. 21.08.07. During the course of time, it has been observed that a number of serious ambiguities and peculiar problems are being faced while processing the cases of floor-wise sanctioning as well as regularizing of the properties.

To resolve such problems, it has been decided that the following steps shall be taken in to account for floor-wise sanctioning and regularization of the properties :

1. Structural Safety Certificate of the existing complete building including ground floor is to be taken into account. Whenever, any Structural Engineer visits the building, a representative of the MCD must be present. However, it would be the responsibility of the Structural Engineer to certify structural stability / safety of the building. An affidavit from the owners and Structural Engineer should be submitted jointly stating that structural safety has been given after visiting the site personally. Date and time of the visit should also mention in the affidavit. Structural design of the existing and proposed building should also be submitted by structural engineer.
2. Notice to the owners of other existing floors in the building should be given for any objection and also to know if there is any dispute or infringement of rights among owners of different floors. If no clearance / objection is not given within 15 days, it would be construed that they have nothing to say in this regard and the Corporation

can proceed further to take decision with respect to sanctioning / regularization of the building in accordance to law. An affidavit from the applicant stating that there is no court case pending in any of the court with respect to unauthorized construction/ ownership/ misuse or any other violation of the Master Plan or building Bye-laws regarding this property shall also be taken from the owner.

3. Regularization as well as sanction of building plan of the floor should be permitted from the lower floor first i.e. from ground floor and after ground floor the subsequent upper floor.
4. The distribution of permissible FAR by different owners should be as per legal rights of each owner including ownership right over the land.

No self-assessment scheme be valid for regularization of floor.

The application and the other documents submitted for the sanctioning/regularization of the building plan are to be duly signed by the owner of the said building / portion. As far as the ownership is concerned, the signature of the owner of particular floor for which the application is filed is to be taken only and for this purpose (ownership) the signature of the owners of other part of the building may not be insisted upon.

lh
la/llue
Addl. Commissioner (Engg.)

Distribution :

1. All Zonal Deputy Commissioners.
2. Engineer-in-Chief.
3. Chief Town Planner.
4. ✓ All Zonal Suptdg. Engineers. *Scatt*
5. All Executive Engineers (Bldg.).
6. Director (Press & Information)

Copy for information :

1. Secy. To Commissioner.
2. All Addl. Commissioners.
3. Addl. Commissioner (Slum & JJ)
4. Chief Vigilance Officer.

Copy also for information.

1. Mayor.
2. Deputy Mayor.
3. Chairman, Standing Committee.
4. Leader of the House.
5. Leader of the Opposition.

MUNICIPAL CORPORATION OF DELHI**PUBLIC NOTICE**

Draft guidelines have been prepared for the floor-wise sanction of building plan in residential plots in light of the directions of Hon'ble High Court of Delhi issued in WP(C) No. 3280/2004 in the court case titled as Smt. Usha Devi Sharma Vs. Commissioner MCD & Ors and other similar matters.

The draft guidelines for floor-wise sanction of building plans are published to get suggestion if, any from the general public. The draft guidelines are available on MCD website www.mcdonline.gov.in. Any person having any objection /suggestion with respect to proposed policy/guidelines may file the same in writing giving their name and address with the Chief Engineer (Building), MCD 8th Floor, E-Wing, Civic Centre, J.L.N. Marg, New Delhi-110002 within a period of 30 days from the date of this notice.

CHIEF ENGINEER (BLDG.)
MUNICIPAL CORPORATION OF DELHI

DRAFT GUIDELINES FOR FLOORWISE SANCTION / REGULARIZATION

In suppression of all the previous policies / guidelines issued through Office Orders/ Circulars, the following draft policy shall be adopted for floor-wise sanction of building plan /regularization of existing building(s).

The cases of floor-wise sanction or regularization shall be entertained on case-to-case basis on merit after ensuring compliance of provisions of Building Bye-Laws-1983, Master Plan-2021, Zoning Regulations and statutory clearances / NOC(s) from concerned department(s). The signature of owner(s) of other portion(s) of the building shall not be insisted upon in view of the orders / directions of Hon'ble High Court of Delhi in W.P.(C) No.3280/2004 in the matter of "*Smt. Usha Devi Sharma Vs Commissioner MCD and Anrs*"

The following broader guidelines shall be followed to deal with floor-wise sanction / regularization.

Structural Safety

It shall be mandatory on the part of the applicant seeking floor-wise sanction/ regularization to submit structural safety certificate for the building as a whole in the manner as defined in Building Bye-Laws. An affidavit of structural engineer shall be submitted in this regard stating therein that existing building has been personally inspected by him/her before evaluating the structural safety. In case, any dispute arises relating to sanction of plan on the pretext of structural safety, it would be the responsibility of applicant to submit structural safety certificate from any of the following agencies or from the agency as shall be ordered by the Authority:

1. Indian Institute of Technology (IIT), Delhi
2. Central Building Research Institute (CBRI), Roorkee
3. Rail India Technical and Economic Services Ltd. (RITES), Delhi.
4. National Council for Cement & Building Material, 34 KM Stone, Delhi Mathura Road, Faridabad (Haryana)
5. Indian Institute of Technology (IIT), Roorkee.

The expenses so incurred, in this regard, shall be borne by the applicant. The applicant shall submit an affidavit in this regard.

Distribution of FAR

The distribution of permissible FAR, including ownership right over the land shall be determined as per ownership documents of the applicant.

Impact on internal services like water, electricity, drainage, sewage

Reliance shall be made on rights of services as defined in the ownership documents of the applicant. The ownership documents need to define the right to make construction on a floor and to lay the internal services like water, electricity, drainage, sewage and use of common services etc. If such rights are not defined specifically, the applicant shall take care of existing / proposed services. The applicant shall also indemnify the Corporation in the event of any loss or damage /dispute caused to the existing floors or adjoining building (s) on account of the construction sanctioned by MCD as well as services either in the course of its construction or even thereafter and also against any claim of any concern thereto.

Lift

The proposal of new lift shall not be allowed, as it infringes the right of owner(s) of existing floor(s) in terms of ground coverage / FAR. However, if the existing building has the provision of lift with due sanction, the applicant can seek the extension of this benefit provided the right and privacy of other floor(s) owners should not be infringed.

Parking Provisions

The applicant shall ensure provision of parking as per MPD-2021 within the premises. The proposal with deficient parking provision as per MPD-2021 shall not be allowed to be entertained and such cases shall be liable to be rejected. That in case the applicant intends to avail benefit of additional FAR arising / available as per MPD-2021, the applicant would ensure provision of parking within the premises and submit an undertaking to this effect.

Compliance of the Building Bye-Laws as per MPD-2021

It is mandatory on the part of the applicant / architect to ensure that the proposal is in accordance with the relevant provisions of Building Bye-laws/ MPD-2021. The proposals not adhering to the relevant provisions of Building Bye-laws/ MPD-2021 shall be liable to be rejected.

OTHER MEASURES

The sanction of building plan for additional floor shall be considered only after ensuring that construction of existing floors has been done with due sanction / regularized and the same adheres to the sanction/ regularization plan. In case of deviations against sanctioned plan or if the existing construction has come up without getting the building plan sanctioned, necessary steps shall be initiated to get the non-compoundable deviations rectified / demolished if any,

and regularization of compoundable construction. The same procedure shall be followed in case of regularization of floor(s).

The applicant shall file an undertaking in the shape of an affidavit and also indemnify MCD against any liability in case of any dispute due to sanction of plan.

Regularization as well as sanction of building plan of the floor shall be permitted from the lower floor first i.e. from ground floor onwards. However, no new sanction of lower floor(s) in an existing building shall be allowed under this policy.