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Sh. Ajay Makan  
Hon. Minister of Sports (Govt. of India)

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Sh. Yogesh Lakhani Paul, M. 9810056790  
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Shri Mohan Lal  
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Shri Sandeep Mahajan (Sunny)  
Mob. : 9811353593

OFFICE OF THE DIR (Plg.)  
MPR/TC, D.D.A. N. DELHI-2  
Dy.No.....1479.....  
Dated.....22/11/11.....

18-11-2011

To

The Director (Planning)  
Master Plan Review Section  
DDA, 6<sup>th</sup> Floor, Vikas Minar,  
I.P. Estate,  
New Delhi

Regarding: Mid-term Review of MPD-2021:

SUB : Freehold plotted development norms and floor-wise Regularisation

Sir,

With reference to your abovesaid notice, we are sending our suggestions. It was generally perceived that new MPD will define liberalized norms in a manner that most of the development shall get regularized. The funds generated were to be spent on civic infrastructure of the respected areas. But that has not happened due to lack of transparency and clarity as well as missing links in the rules framed. Builder mafia has meanwhile made huge profits, at the cost of ignorant public, by creating more unauthorized property via corruption.

1. Additional Floor (Third Floor i.e. 4<sup>th</sup> Storey)

Tejendra Khanna Committee Report made following recommendation after detailed study, namely "concession for building the extra floor should be limited to only the original allottees/owners who wish to build additional accommodation for their personal and family use".

Third floor should not be allowed for Builders or any one owner of the building having multiple ownership. Also additional accommodation should have floor without kitchen and not additional dwelling unit.

The above limitation was omitted from MPD. As a result, hundreds of 3<sup>rd</sup> floors have already been constructed (of work unauthorized) whereas proportionate rights multiple owners of lower floors in freehold plotted developments have been snatched in respect of ownership of land of the plot, structure of the building, services, common areas, parking space etc. Terrace rights/ roof rights must not be allowed to be utilized as property for sale and resale. Market has already been floated for terrace rights for not only fourth storey but fifth

*Handwritten signatures and dates:*  
23/11  
Dy. Dir  
23/11/2011  
ADCA/JF

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storey upwards where third floors have already been constructed. This problem could have been avoided if the recommendation of Tejendra Khanna Committee report (full paragraph) is inserted in the MPD-2011

## 2. Second Floor

Vijay Kumar Malhotra Committee had recommended allowing full second floor instead of "Barsati". MPD-2021 allows for it. But thousands of 2<sup>nd</sup> Floor (almost all buildings) completed before enforcement of MPD-21 have not been regularized by MCD. In some cases FAR charges were paid but certificate of acceptance and approval of completion drawing have not issued as yet.

Recently (During the year 2011), a builder purchased "roof rights" and started constructing additional third floor. The owners of the lower floors of the building approached District Court for "Stay". The court issued notice to MCD as well. Instead of objecting builder's activity, the MCD stated that the case be dismissed because the 2<sup>nd</sup> Floor of this plaintiff in itself is unauthorized as it has been constructed against drawing of a "Barsati".

## 3. Lower Ground Floor

The basement, as per building Bye-laws, can have its roof at maximum height of 1.4 m ( 4.5 feet) above ground level. Builders have constructed LGFs at much higher level, in some cases almost ground level. These floors are well ventilated, lighted and designed as regular residential floors. All such floors which are higher and not covered under basement norm should be regularized as floors within provisions of MPD on payments of FAR charges.

This will reduce the bank of "unauthorized construction" and provides relief to public from Inspector Raj.

## 4. Basements

Majority of building, constructed so far were allowed to have basements. All basements should be allowed to be regularized (on payment of FAR or other charges) and copy of approved plan should be issued to the owner for his record.

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The matter of use of basements has been dealt with separately in the MPD. Use can further be liberalized but integral and important part of this building should not be left as "unauthorized" and open to Inspector Raj.

## 5. Room on terrace

Transparent and uniform policy should be notified for demolishing or regularization of "a room" on the Terraces, Balconies or Stilts and not left for exploitation by mafia.

## 6. Floor-wise Regularisation

About 4 years have passed since MPD-2021 came into existence, but has not be enforced for independent floor-wise Regularisation. Urgent action is needed as it would prevent further irregular constructions. Whatever is finally decided shall be made crystal clear and widely published for public otherwise builder mafia interpret it to their benefit and create more unauthorized construction.

*J.S. Lamba*

(J.S. LAMBA)  
PRESIDENT

*Sugg: Freehold plotted dev. norms eg floor-wise Regularisation*

1. Add. floor (Third floor i.e. 4<sup>th</sup> storey) - \*
2. Second floor - II
3. Lower G+0 floor - -
4. Basement - IV
5. Room on terrace - V
6. Floor-wise Regularisation is needed. VI