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Central Market Welfare Association, Prashant Vihar (Regd.)

F-1, Sardar Chamber-1, Plot No. 9, 'D' Block, Central Market, Prashant Vihar, Delhi-110 085



Director (Plg.) MPR/TC,
D.D.A. Vikas Minar N. DELHI-110023
Dy. No. 1541
Jated. 25/11/11

Commr. (Plg.) - II
Diary No. 624
Date 24-11-11

Commr (PLG)'s Office
Diary No. A-3275
Date 23/11/11

Dated: 10-11-2011
दिल्ली विकास अधिकरण
केन्द्रीय कार्यालय
प्राप्ति एवं प्रेषक (मुख्य)
22 NOV 2011
कमरी R-7940

To,
The Principal Commissioner-Cum-Secretary,
Delhi Development Authority,
Block- B, Vikas Sadan,
New Delhi-110023

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SUB:- Suggestions regarding review of MPD-2021.

Respected Sir,

Your statement in the national press pointing out that the MPD-2021 does not match with ground realities of life of citizens of Delhi and needs a comprehensive review proposed to be taken up next year, is a huge relief to the citizens of Delhi for which we, a very small part of the effected citizens, extend our heartfelt thanks to you for the bold stand taken by your good self in this matter.

In this connection we very humbly submit the points which need to review and may kindly may considered at the time of the proposed review of the MPD-2021.

- Chapter '15.0 Mixed Use Regulations' of the MPD-2021 deals with mixed use of residential properties both for commercial and mixed land use. Para 15.6.3 of the above chapter permits opening / operation of up to four shops measuring not more than 20 sq. mts each in a residential plot / flat / house in approved colonies. This amending provision in the MPD-2021 has been incorporated to regularize the shops already opened and being run by the owners of the house / flat unscrupulously in gross violation of the lease deed etc. of the plots / house / flats for allotment thereof by the DDA. The said provision permitting the owners of houses / flat / plots in planned colonies approved by DDA is discriminatory and illegal as explained below,

O.S.D. (PLG)
Diary No. 320
Date. 24/11/2011

SECRETARY'S OFFICE
Dy. No. 200 MP
Date 22-11-11

Commr (Plg)

23/11/11

Commr (Plg) II

(a) The permission for change in land use from exclusively residential at the time of allotment of plot / flat / house to commercial (opening of shops in such houses) is against the spirit of agreement / Lease deed and violations of Planning norms.

(b) Running of shops from residential houses / flats in these colonies has led to unlimited increase in commercial activity not envisaged in the Plan for allotment of house / plots / flat in the approved colonies, such colonies were created, initially for the sole purpose of citizens living in peace away from centers of commercial markets etc. Basically this provision is a breach of trust with Law abiding residents of the area.

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(c) The amendments permitting operating of four shops in a house especially in internal roads / lanes of colonies has created problems of parking , power supply, water supply etc. which is creating legal and social problems in these approved colonies which was not the aim for which such colonies were initially carved out.

(d) The permission for opening and operating four shops from a house in the approved colonies is a grave injustice to the shop keepers of approved DDA markets whose business has been very adversely effected thereby.

In review of above, Chapter 15.0 in general and provision up to four shops mention in section 15.6.3 thereof in particular in the MPD-2021 needs to be withdrawn / deleted.

2. The relief given by 'Mixed Used Regulations' in planned colonies will accentuate & aggravate the condition of thousands of shop keepers in DDA markets / Local shopping centers, where the shops were purchased through open auction or otherwise after investing huge amounts there-in out of borrowed funds or hard earned money. The discrimination to be meted out to such genuine shop keepers of DDA markets / LSCs. itself infringes Article 14 of the constitution of India. In addition, grant of permission for opening & operating shops from residential units in the vicinity of DDA markets / LSCs developed by DDA would constitute a breach of trust which DDA had held out to buyers of these shops that no commercial activities would be allowed from the residential premises to be served by these DDA markets / LSCs./C.S.C in DDA planed colonies.
3. The permission to regularize in law retrospectively the illegal action of unscrupulous builders who have already converted the entire residential plots sold by DDA for residential purpose into units / centers for commercial purpose / activities in connivance with officials of MCD / DDA. is bad in law & in violation of Article 14 of the Constitution of India.

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4. This is creating chaos in provisioning of civic amenities like parking space for vehicles, adequate power & water supplies and sanitary conditions which already have reached a stage of nadir in the Metropolitan city of Delhi.
5. The matter regarding MPD-2021 is also challenged by the RWA's / NGOs and DDA approved markets and is sub-judice before the Hon'able Supreme Court of India. In view of above it is suggested and requested please do the necessary action to give relief to the Law abiding citizens / Residents / shopkeepers of approved markets in the end of natural justice.

Thanking You,

Yours truly,



D. C. Goel.

(Vice President)

For & on behalf of

Central Market Welfare Association,

Block-D, Prashant Vihar, Delhi-110085