

OFFICE OF THE DIR (Plg.)  
MPR/TC, D.D.A. N. DELHI-2  
Dy.No. 1813-1813  
Dated: 7/1/12

**MOST IMMEDIATE**

O.S.D. (Plg.)  
Diary No. 652  
Date: 6-1-12



No. UDM Dy.No. 4579-2011  
भारत सरकार / Government of India

शहरी विकास मंत्रालय / Ministry of Urban Development

निर्माण भवन / Nirman Bhavan

नई दिल्ली / New Delhi

Dated 27-12-11

Commr. (Plg) - II  
Despatch: I-07  
Date: 3-1-12

To

✓ The Vice Chairman, Delhi Development Authority, Vikas Sadan, INA, New Delhi. 1	2. ✓ The Commissioner, Municipal Corporation of Delhi, Civic Centre, Minto Road, New Delhi-2
The Chairman, New Delhi Municipal Council, Palika Kendra, New Delhi.	4. The Principal Secretary(UD), Govt. of NCT of Delhi, I.P.Estate, New Delhi

Subject: - Illegal constructions on building not be sealed  
upto 2014.

Sir,

Busy in summer  
Anti G.P.

I am directed to forward herewith a copy of representation  
dated 15-12-2011 received from South Patel Nagar Market  
Association on the  
subject cited above for appropriate action, under intimation to this  
Ministry. Kindly endorse a copy of reply to this Ministry.

Yours faithfully,

*Sunil Kumar*

(Sunil Kumar)

Under Secretary (DDIB)

Tel.No.23061681

Encl. as above.

*18/1/12*

*ADT(Ps)MPR*

अपाध्यक्ष कार्यालय  
डायाली से 3233-B  
दिनांक 30/12/2011

# SOUTH PATEL NAGAR MARKET ASSOCIATION

Office : Shop No. 39, South Patel Nagar, New Delhi-110008

Chairman :

Dr. PUSHPINDER KHURANA  
011-25847411-12

President :

R.S. GUPTA - 48  
9911526666

Gen. Secretary :

x. S. C. BATRA  
9810455786

OFFICE OF UDM

Dy. No. 4579

Date 20.12.11

The Honable Minister for Urban Development,  
Government of India, Nirman Bhawan, New Delhi.

(personal attention of Sh. Kamal Nath Ji)

Re: Illegal constructions on buildings not be sealed upto 2014.

Respected Sir,

Perhaps your goodself would not be aware that by this your decision of reviewing the entire MPD 2021 has saved lacs of persons becoming homeless due to large scale of anomalies. The pre 1962 refugees built residential properties above shops in approx 100 such local shopping centers throughout Delhi were refused by a decision of the DDA to give protection for regularization of their properties as per norms of MPD 2021 in 2010.

The Municipal councilors Sh. Gulshan Bhatia and Member of the DDA Shri Sudesh Bhasin vide their enclosed copies of letters have drawn your attention on this hot issue and has requested that the unauthorized constructions existing of more than 40 years old in residential flats in LSCs should be given same relief as being provided under the MPD 2021 to bring uniformity and justice to all in the public interest.

The residents in these flats above shops in pre 1962 developed Reh. Colonies are full of fear psychosis and are expecting visionary plan for the capital. The Public Notification so issued will define the particular type of properties or as a whole and includes these pre 1962 developed LSCS having residential regularisable floors came up more prior to Feb 2006 will also be prevented from sealing and demolitions upto Dec. 2014. Request for few words from your courtesy.

With regards,

Yours sincerely,

(R.S. GUPTA)

48 SOUTH PATEL  
NAGAR MKT.  
NEW DELHI-110008

Master Plan 2021

20/12  
PS to UDM  
Sec (UD)

21/12  
DIP (UD)  
18/12  
SB



219

File 111

**DELHI DEVELOPMENT AUTHORITY**  
**(MASTER PLAN SECTION)**  
 6<sup>th</sup> Floor, Vikas Minar, New Delhi.  
 Pb. No.23378870

No. 101(12)2010-MP/368

Date: 18-11-10

Minutes of the 8th Technical Committee Meeting held on 12.11.2010.  
 List of the participants is annexed.

Item No.42/10:

Subj: Confirmation of minutes of 7th Technical Committee Meeting held on 11.8.10 were sent to all the members.  
 The minutes were forwarded to the members and since no comment have been received, the same were confirmed.

Item No.50/10:

Subj: Development Control norms of Shops-cum-Residential plots designated as Local Shopping Centre in MPD-2001/2021  
 F3/2009/MP

The proposal was presented by the representatives from MCD. It was informed that the issue of Development Control Norms for designated LSCs in MPD-2001/2021 was discussed earlier in the Technical Committee Meeting and the decision and subsequent clarifications were conveyed to the MCD accordingly. The matter was deliberated in the meeting and considering the traffic circulation issues and parking problems in the existing designated LSCs, it was decided that the Development Control Norms of MPD 2021 for residential plots cannot be extended to the Shop-cum-Residence plots which will continue to be governed by the standard plans approved by the Local Bodies.

Action: Dir. (MP)

Item No.51/10:

Subj: Revision of layout plan of Public and Semi-Public Area-1, Sec-3 Rohini for use of two plots for Higher Education Institutions/ Colleges or similar. Request of Dr. B.R. Ambedkar University- request of Govt. of NCT Delhi.  
 F. P/2R/1069/P1/97

The proposal of change of use of the two plots in PSP area as an amalgamated plot for Academic activities under Dr. B.R. Ambedkar University was approved with the Development Control Norms of MPD-2021 for colleges. This is subject to condition that the existing road of 13.5mtr.R/W be retained by the University for unhindered access of traffic and for maintenance by concerned agencies for already laid service along this road.

Action: Dir.(Plg)/Rohini

# शुद्धशन भ्राटिया

निगम पार्षद

वार्ड सं. 96, न्यू रणजीत नगर, करोल बाग क्षेत्र

उपाध्यक्ष :

1 विशेष (खेलकूट प्रोत्साहन एवं सम्बद्ध मामले) समिति

सदस्य :

1 विशेष (विधि एवं सामान्य प्रयोजन) समिति

2 तदर्थ (मलिया आदि का नामकरण एवं पुनः नामकरण) समिति

3 तदर्थ (समुदाय सेवा) समिति

दिल्ली नगर निगम

क्रमांक

Shri Kamal Nath ji  
The Hon'ble Minister for Urban Development,  
Government of India,  
Nirman Bhawan,  
New Delhi.

Subject:-Glaring anomalies in the MPD-2021.

Sir,

First of all I want to congratulate you for your public statement that the MPD-2021 does not have potentiality to meet the demand of planned development of the city and has many loop-holes in its implementation.

There may be many anomalies, which may have been brought to your notice by some other sources. However, the class, which has totally been not touched under the MPD-2021 and is the sufferer, is the allottees of shop-cum-residence in more than 100 local shopping centers, who were refugees from the areas of composite India but were forced to abandon all their belongings including houses, shops, factories, agriculture land at the time of partition of India.

These refugees were allotted built-up shop-cum-residence by the Government having standard building plan i.e. the shop at Ground Floor and the residence at First Floor, long before coming into force, even the first Master Plan effective from 1.9.1962. With the passing of time, they have established themselves.

With obvious reasons and population explosion in Delhi, as per the affidavit filed by the MCD in the Hon'ble Delhi High Court, there are variations/violations of building byelaws almost in all the buildings whether these are situated in planned or unplanned areas.

Due to shortage of land, the city has grown up vertically. Similarly, the occupants allottees of these nearly 100 Local Shopping Centers as notified by the Government of India, at the time of their allotment, have constructed one or two more stories on their allotted structure.

Thus these markets are though of pre of 1962 category but are class apart from other pre 1962 commercial/residential areas.

The Para 5.1 of the MPD-2021 contains that residential areas and streets/structures earlier declared as commercial areas/streets or where commercial use was allowed in MPD 1962 shall continue as such at least to the extent as permissible in MPD-1962. Commercial activities existing prior to 1962 are also permitted subject to documentary proof thereof.



218

दूरभाष : निवास : 25712409

25723200

मो. : 9810016286

9952693096

निवास : 40/17, ईस्ट पटेल नगर

नई दिल्ली-110008

दिनांक :

12/11/11



गुलशन भटिया

निगम पार्षद

वार्ड सं 96, न्यू राजकीत नगर, करोल बाग क्षेत्र

उपाध्यक्ष :

1. विशेष (खिलकूद पोस्टराहत एवं सम्बद्ध मामले) समिति-

अध्यक्ष

2. मिशन (डिजिटल एवं सामाजिक परियोजना) समिति

3. जयपुर (मिडिलेरी ज़ादि का नामकरण एवं पुनर्नामकरण) समिति

4. जयपुर (सामुदायिक सेवा) समिति

दिल्ली नगर निगम

प्रमाणित



207

दूरभाष : निवास : 25712409

25723200

मो. : 9810016286

9958693096

निवास : 40/17, ईस्ट पटेल नगर

नई दिल्ली-110008

दिनांक

On the other hand all such areas having similar violations in respect of building/commercial activities have been given relief in the shape by declaring them under Mixed Land Use Rules.

Ridiculously, when the matter was discussed in the Technical Committee of DDA vide Item No.50/10 dated 12.11.2010 (Development Control Norms for Notified LSCs-erstwhile shop-cum-residence), the decision was that the Development Control Norms adopted in MPD 2021 for residential plot cannot be extended for shop-cum-residence plot and it will be governed with the standard plan

Resultantly, the privately constructed residential/commercial areas situated in the surrounding of these LSCs are getting relief under the provisions of the MPD-2021 in respect of residential and commercial buildings and trade but not in the government allotted 100 LSCs built up as per the standard building plan as approved by the government at the time of settlement of the refugees from Pakistan.


If the decision of the DDA Technical Committee is implemented then all these 100 LSCs will be demolished and their occupants will be rendered homeless and jobless i.e. they will be refugees again after more than 60 years. Is it the prize of their extreme sacrifices at the time of Independence of the Country?

I hope that you will also agree that the condition of continuance of same commercial activities existing pre 1962 areas lacks justification and logic so much so that you cannot expect from a businessman/or by his successor to continue the same business which was 60 years back.

Under the above, facts it is requested that the allottees/occupiers of these 100 LSCs (allotted by the Government) may be given the same relief as is being provided under the MPD 2021 to similarly situated properties, till the intended redrafting of the MPD-2021, where specific provisions for these LSCs may be made.

With kind regards,

Yours sincerely,

  
(Gulshan Bhatia)  
12/11/11

Copy for information to-

1. Hon'ble Lt. Governor, Delhi. Raj Niwas, Delhi.
2. The Development Commissioner, Master Plan Sector, DDA, Vikash Minar, I.P.Estate, New Delhi-110002.

गुलशन ब्राटिया

निगम पार्षद

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2 सदस्य (निलियों आदि का नामकरण एवं पुनः नामकरण) समिति

3 सदस्य (समुदाय सेवा) समिति

दिल्ली नगर निगम

शुभक



214

दूरभाष : निवास : 25712409

25723200

मो. : 9810016286

9958693095

निवास : 40/17, ईस्ट पटेल नगर

नई दिल्ली-110009

Shri Kamal Nath ji  
The Hon'ble Minister for Urban Development  
Government of India.  
Nirman Bhawan.  
New Delhi.

12/11/11

Subject:-Glaring anomalies in the MPD-2021.

Sir,

First of all I want to congratulate you for your public statement that the MPD-2021 does not have potentiality to meet the demand of planned development of the city and has many loop-holes in its implementation.

There may be many anomalies, which may have been brought to your notice by some other sources. However, the class, which has totally been not touched under the MPD-2021 and is the sufferer, is the allottees of shop-cum-residence in more than 100 local shopping centers, who were refugees from the areas of composite India but were forced to abandon all their belongings including houses, shops, factories, agriculture land at the time of partition of India.

These refugees were allotted built-up shop-cum-residence by the Government having standard building plan i.e. the shop at Ground Floor and the residence at First Floor, long before coming into force, even the first Master Plan effective from 1.9.1962. With the passing of time, they have established themselves.

With obvious reasons and population explosion in Delhi, as per the affidavit filed by the MCD in the Hon'ble Delhi High Court, there are variations/violations of building byelaws almost in all the buildings whether these are situated in planned or unplanned areas.

Due to shortage of land, the city has grown up vertically. Similarly, the occupants allottees of these nearly 100 Local Shopping Centers as notified by the Government of India, at the time of their allotment, have constructed one or two more stories on their allotted structure.

Thus these markets are though of pre of 1962 category but are class apart from other pre 1962 commercial/residential areas.

The Para 5.1 of the MPD-2021 contains that residential areas and streets/structures earlier declared as commercial areas/streets or where commercial use was allowed in MPD 1962 shall continue as such at least to the extent as permissible in MPD-1962. Commercial activities existing prior to 1962 are also permitted subject to documentary proof thereof.



गुलशन भटिया

निगम पार्श्वद

वार्ड नं 96, न्यू राजीव नगर, करोल बाग क्षेत्र

उपस्थिति :

1. विशेष (खालकूद पोस्टादन एवं सम्बद्ध मागते) समिति-

नगर

2. समिति (निर्माण एवं सम्बद्ध मागते) समिति

3. समिति (निर्माण जालि वन नामकरण एवं पुनर्नामकरण) समिति

4. समिति (सम्बद्ध सेवा) समिति

दिल्ली नगर निगम



213

दूरभाष : निवास : 25712409

25723200

मो. : 9810016286

9958693096

निवास : 40/17, ईस्ट पटेल नगर

नई दिल्ली-110008

दिनांक

On the other hand all LSCs having similar situation in respect of building/commercial activities have been given relief in the shape by declaring them under Mixed Land Use Rules.

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Resultantly, the privately constructed residential/commercial areas situated in the surrounding of these LSCs are getting relief under the provisions of the MPD-2021 in respect of residential and commercial buildings and trade but not in the government allotted 100 LSCs built up as per the standard building plan as approved by the government at the time of settlement of the refugees from Pakistan.


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With kind regards.

Yours sincerely,

  
(Gulshan Bhatia)  
1.4/11/11

Copy for information to-

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2. The Development Commissioner, Master Plan Sector, DDA, Vikash Minar, I.P.Estate, New Delhi-110002.

सुदेश भसीन

मिनिम'पार्टर

सदस्य : दिल्ली विकास प्राधिकरण



212

WZ-2099, टानी बाग,

दिल्ली-110034

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(M) 9810069116

E-mail : sudesbhasin59@gmail.com

Honble Sh. Tajender Khanna Sahab,  
Lt. Governor, of Delhi and  
Chairman of DDA  
Master Plan Section  
Vikas Minar, New Delhi

15/11/11

Suggestion for reviewing of MPD 2021./review of Tech. Committee decision item No 50/10 DT 12.11.10

Sub: Development control norms for notified LSCs. 4.4.3 new para to be added  
Near RESIDENSIAL PLOT-PLOTTED HOUSING

Dear Sir.

This is our prime necessity to interfere the decision of the Tech. Committee of DDA in which in there 8<sup>th</sup> meeting vide item No. 50/10 took a decision without going into its detailed pros and cons. and ignoring the suggestions of Municipal Corporation of Delhi under which the Tech. Committee has indirectly ordered the Municipal Corporation of Delhi to demolish the old built structures without sanction on com. resi plots i.e. in all shopping centers of Delhi including 80 such centers which came into existence prior to 1962 and these additions carried on residential flats pertain to the period when these LSCs were under L&DO i.e. under Ministry of Urban Development and L&DO under decision of Cabinet transferred these to Municipal Corporation of Delhi in the year 2007.( copies of the minutes of MCD recommendations dt. 26.5.10 and Tech.Committee of DDA decision dt. 12.11.2010 are enclosed herewith)

. In that decision the tech. Committee has totally reversed the Dev. Control norms and has divided Delhi into 2 type of land one residential plots and the other com. residential plots and the permissible FAR in both differs. There is likely to be two parameters for Delhi one will get development code and norms for residential plots on the basis of MPD 2021 whereas the local shopping markets throughout in Delhi will continue to get standard plans FAR which is far below to the new protection given in MPD 2021. as per decision of Tech. Committee of DDA. If it is so its effect will fall maximum on pre 1962 developed LSCs, which were allotted against their claims to the refugees, migrated from Pakistan at the time of partition. The additions of covered area were done by them on its first floor above shops without permission. At that the L&DO under MOUD never objected nor any action for canceling their lease due to violation non compoundable was initiated against them and these encouraged them to carry such



additions.

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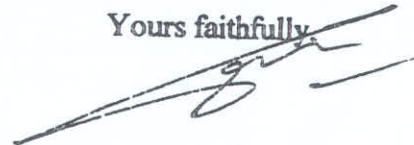
The reason for non allowing the additional FAR permissible under MPD 2007 according to Tech. Committee observation is merely Parking congestion and traffic violation which is no valid reason and has no relevancy with it. Whether the Tech. Committee on regularisating the other residential plots has ordered to follow the Standard Plan norms due to parking problems and congestion where all such mixed land shops has even no provision of parking today whereas all these local shopping centers are well developed in planned areas and maximum have parking facilities etc. On this reason only the major part of Delhi i.e. all the local shopping centers residences came even prior to 1962 and after it cannot be made eligible for pull down. Hence for this category only the standard plan formula, which was applicable during the period from 1962 and 1990, has been made applicable for all LSCs land by the Tech. Committee decision. How the Govt. takes decision to go to reverse norms at this stage?

Some of the immediate unaccountable losses and problems will adversely affect where due to violations in properties these cannot be made free hold nor will be sold out due to recent ban of POA instrument. The purchase of alternate flats at this stage will be beyond capacity due to high rise cost index. As soon as the Govt decision for non regularization of their houses and to remain on standard plan norms is published by the Govt as Public Notice, not only litigations / PIL will faced by the Govt but large scale of dharans and strikes will take place besides the criticisms in party meetings and parliament sessions and at that time the arbitrary decision taken will be taken back by the Govt. since it is neither practicable nor logic to implement. On the other hand the local bodies will face a major loss of finances which is to be recovered due to its conversion as well as regularization and parking fees etc.

All major decisions in which the interest of large number of community involved are taken prospectively after having completing all the formalities. The local bodies recommendations, corporators and the public opinion cannot be ignored as per rule which in this decision has been kept aside for the best reasons known to DDA who wish to divide the land under two policies and two nature of decisions in one state.

In view of the details facts given above, the decision of the Tech. Committee of DDA needs to be reviewed and revoked. The protection of regularization of unauthorized constructions under MPD 2021 is applicable to all types of land either residential or com. residential and not restricted to particular categories of land which have come up upto 22.09.06 and are regulariseable as per norms of MPD 2021 in the interest of public.

Yours faithfully,





सुदेश भसीन

निगम पार्स

नगर : दिल्ली विकास प्राधिकरण



216

WZ-2099, रानी बाग,

दिल्ली-110034

दूरभाष : (O) 27031020

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Honble Sh. Tajender Khanna Sahab,  
Lt. Governor, of Delhi and  
Chairman of DDA  
Master Plan Section  
Vikas Minar , New Delhi

15/11/11

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215

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Yours faithfully

