

DDA Markets Joint Action Committee

Off: 33, Block-E, L.S.C., Vikas Puri, New Delhi

Ph.: 921-205-3468, 9971671919

Ref. No. DMJAC/1/12

Dated: 25th April 2012

Commr. (Plg.) - II
Diary No. 1632
Date 1-5-12

उपाध्यक्ष कार्यालय
उपस्थ सं० 1501A
दिनांक 30/4/12

Shri G. S. Patnaik
VICE - Chairman
Delhi Development Authority
Vikas Sadan, INA, New Delhi

OFFICE OF THE DIR (Plg.)
MPR/TC, D.D.A. N. DELHI-2
Dy.No. 2841
Dated 30/4/12

30/4

Sub: Review of Master Plan- 2021 - Suggestions therefor

Sir,

Director (Plg.) MPR/TC,
D.D.A. Vikas Minar N. DELHI-2
Dy.No. 2841
Date 30/4/12

Commr. (Plg.)'s Office
Diary No. 1151
Date

With reference to the Public Notice dt. 18.02.2012 and the statement of Hon'ble Union Minister for Urban Development wherein it is desired that the Master Plan-2021 should be reviewed on ground realities and be provided realistic and mid-term corrections and modification and revise the specific provision of the plan which could not be foreseen / anticipated during the plan formulations, we submit on behalf of 'DDA Markets Joint Action Committee' shopkeepers of various DDA markets in planned colonies in Delhi such as Vikipuri Rohini, Pitampura, Shalimar Bagh, Prashant Vihar, Janakpuri, Ashok Vihar, Paschim Vihar etc. that our constitutional rights have been snatched by the govt. agencies (including DDA/MCD) resulting disparity with us. We have been knocking the doors of various Govt. authorities as well as various committee for considering our grievancies for over the past 10-12 years but without fruitful result. Since it is desired to review the Master Plan on ground realities we hereby submit our objections and suggestions for consideration and modifications in the revised Master Plan.

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BACKGROUND

We had purchased our shops from DDA in various approved shopping centers pervading in DDA planned colonies on auction on this categorical assurance by the DDA that only those shops in shopping centers being auctioned would cater the needs of residents living in surrounding residential localities in vicinity as according to the provision of Master Plan, Development code and other statute under which DDA planned colonies had been developed do not permit any conversion in use Land or properties in violation of set-norms in the Master Plan.

As such we offered our bids with freely will and purchased the shop of our linking, keeping that assurance and the provisions relevant to land use existing in the earlier Master Plan and other statutory books viz. DMC Act and DD Act. We purchased the shops in competition paying much exorbitant price than the cost fixed by the DDA as "Reserved Price" with this end of view that we would be fetching lucrative business & we would earn sufficient amount as per our expectations to make our family living easy in future.

But in a very short time our expectation proved abortive and were dashed when we saw that the unauthorized shops started cropping up in the Residential houses in contravention of the Master Plan & other existing rules and that the DDA's officials who were responsible for controlling the menace by initiating action against the violators / defaulters simply remained the mook spectators and nothing else to which we remained stunned. They were rather encouraging those violators for their unlawful activities perhaps because of their personal gains, forgetting this that they had been committing crime by abetting the violators to proceed for unlawful activities on their spontaneous will ignoring all the norms, which in fact was / is a "cognizable offence" punishable with heavy fine or simply imprisonment or with both.

Since that mass illegal conversion have been leaving deterrent impact upon the business of our members, their shops gradually turned redundant as they had not been earning even that part of amount which was required by them for the maintenance of their shops. Resultantly the heavy investment which they had made for acquiring the shops preparing them with furnituře or fixture for adornment with good amount spent for goods and on establishment etc. etc. were appearing them to be a dead investment and rather a liability.

We had consequently been taking up the matter with DDA's officials and high up and requested them to get the provision of Master Plan and other statutes implemented honestly so that the position relating to unlawful conversion might not reach the worst stage, causing more injurious impact to the shops of our members, but our all requests were given deaf ear by the DDA's officials. They rather constrained us for seeking remedy through court and accordingly we filed a PIL which produced result compelling the govt. for exploring the remedy to set right the thing.

The Urban Development Ministry accordingly came forward with an Expert Committee under the chairmanship of Sh. Tejinder Khanna Lt. Governor to explore the possibilities for settling the issue suitable to all. We had accordingly filed our objections / suggestions DDA planned colonies specifically mentioning therein that for example Rohini was developed as new sub-city in North-West of Delhi in 1980 onward, keeping in view the norms set in town planning development code and the Master Plan which were essential for new development and that 2073.23 hector of land in Rohini had accordingly been set for the developing it in conformity of norms set in development code as per universal standard to accommodate about 8 lac people in such a way that nothing which is considered essential for good living of people should remain un-noticed / untouched. Consequently the allocation of land dividing it in eight essential segments as per tabulation below was determined and was accordingly developed.

TOTAL LAND 2073.23 HEC.

Category	Land in Hec.	Percentage
Residential	1061.90	51.22
Commercial	92.26	4.45
Industrial	118.60	5.72
Recreational	322.62	15.56
Transportation	182.24	8.79
Utility	85.62	4.33
Government	51.40	2.48
Public and Semi Public	158.60	7.45
	2073.23	100%

The layout plan of these areas further reveal that one convenient shopping centre against a population of 5000 persons, consisting of approximately 40 to 50 shops had been provided for local commercial activities which was / is located in the midst of each pocket in such a way that none could have to travel more than 250 mtrs. even in the case of the far end residents.

Besides above, local shopping centers, community shopping centers and district centers too had been provided for each unit population of 10000, 100000 and 500000 people respectively. With this arrangement there remains no dearth of shopping units for shopping of any kind of goods to the residents from meager to modern items and other ancillary articles used in the house hold as well from the same local markets of the sub city.

Obviously, the commercial requirements for the total density of the population of planned colonies as per standards set in the code for town and country planning was fully observed and carved the commercial sites. Therefore,

allowing the mixed land use means commercial activities in residential premises in such areas were not at all required and as such the shops existing therein in violation of Master Plan should have been declared non compoundable for want of justice to the law abiding citizens. However all the norms have been ignored and to quote an example in Rohini area, Zonal plan 'H' shops in residential areas have been allowed under the Master Plan-2021 / Zonal Plan. This action by Govt. agencies is nothing but criminal breach of trust with the shopkeepers of approved DDA Mkts in Delhi and also their constitutional rights have been snatched with the result that the business of the DDA Mkts. Shopkeepers is badly affected.

The town and country planners who casted the Master Plan, which originally came into being in Sept. 1962 had envisaged that Delhi be developed with beautification in a beautifully planned way, slum should be cleared, parks established, health made a civic concern, residents of Delhi should be made to learn decent terms to keep its beauty and admirably built the city as a modern urban development but because of the apathy of DDA's / MCD officials who were / are directly attributed responsible in not getting the Master Plan implemented in true spirit, the present situation, making the city as greater slum, has arisen. We humbly submit that still the city being capital of India its beautifully planned development must and that could be done only by getting all the provisions relating to the town and country planning, building code and land use as set in the earlier Master Plan implemented in true spirit without any relaxation. Giving relaxation to the defaulters time and again and yielding before their pressure is not the right solution of the problem, but controversy it has been minimizing the trust and faith of the people in legislators and in the Govt. as well.

In 2006 the Hon'ble Supreme Court had directed the MCD to take action for sealing the shops and commercial establishment in residential premises. With this direction the shopkeepers of DDA markets some how saw the ray of hope

and heaved a sigh of relief but later on this hope dashed to ground noticing that an amendment has been made in the Master Plan 2001 allowing commercial activities in the residential premises under the Mixed Land use which was unlawful because the time period of Master Plan 2001 had then elapsed and the action for draft Master Plan-2021 was initiated.

The Expert Committee constituted under the chairmanship of Shri Tejinder Khanna in its report has vividly expressed that was the failure of DDA/Govt. which could not get the Master Plan enforced in its true spirit which resulted mass unauthorized construction, encroachment on Govt. land and flagrant misuse every where in the city in appearance.

In this connection it will be relevant to mention here that public viz. NGOs RWAS and Associations of approved DDA markets submitted thousands petitioners raising objections against the proposed Mixed use Regulation of Master Plan-2021 but the same were totally ignored by the Govt. and DDA. With the issue of notification dated. 07.02.2007 for Master Plan-2021 unlimited commercialization in residential premises has been allowed with the result that the socio-economic status of the resident of society and infrastructure is highly effected. Under such a situation law abiding citizens, RWA and various agencies including ourselves challenged the action of Govt. and DDA in the Hon'ble Supreme Court. This case is pending till today in the court.

Sir, after the issue of notifications dated 14.05.2008 and 12.08.2008 free hand has been given to the violators to sub-divide the plot into four shops or more on the ground floors and other upper floors. Commercialization has been allowed even in narrow lanes of planned colonies. The said relief is in contravention of the provisions of Lease Deed / Conveyance Deed , DDA Act., Building Bye-Laws etc. It is beyond our comprehension as to how far this free hand to the law violators would continue to be given.

We humbly submit that facts explained above should be given due weightage and consideration. Further we also request that keeping in view the interest of the shopkeepers of DDA Markets the following suggestions may please be considered for inclusion in the Revised Master Plan.

SUGGESTIONS

- (1) DDA have charged from the shopkeepers of neighbourhood markets (CSC/LSC) the cost of whole complex including the cost of whole land of plot proportionately from every shopkeeper in the market in question and also have leased out the whole land of the complex to the Registered Agency (Traders Welfare Association) as per terms and conditions laid down in the Lease Deed / Conveyance Deed as well as in DDA (Management and Disposal of Housing Estates) Regulations 1968. As such, shopkeepers have highly felt the need of redevelopment / addition / modification of their shops in DDA Markets because (1) building structure made by DDA is about two decade old and (2) family need has also arisen due to expansion of family. Accordingly, necessary permission may please be granted for the said purpose without any charge where the permissible FAR (40 ground coverage with FAR 100 was not utilized.

It is submitted that ^{Ground Coverage} ~~40%~~ may be enhanced to ^{50%} ~~40%~~ with FAR 200 of CSC/LSCS with 15 mtr height ~~ground coverage~~. It will be relevant to clarify here that in the case of Mixed Use Regulations properties 90% to 100% ground coverage with FAR 350 to 400 is permissible which is gross discrimination with the shopkeepers of DDA markets. In this connection it is suggested that sanctioning charges for additional FAR should be less than the charges for sanctioning of additional FAR in the case of properties following under Mixed Use Regulations.

- (2) Self assessment scheme for regularization of unauthorized construction / excess coverage for residential properties including falling under 'Mixed Land Use Regulation' is already in vogue. Similarly permission may please be granted for regularization of unauthorized construction / excess coverage in DDA Markets as well (i.e. CSC and LSC). Under the same self assessment scheme ~~regularization~~ ^{regularisation} charges should be less than those fixed for the properties under mixed use ^{regulations} with retrospective effect. Such permission will give relief to the shopkeepers of DDA Mkts. who have been suffering for a long time due to commercialization of residential premises and will also remove the disparity.
- (3) We should be allowed making addition in our shops upto the extents of 50% ground coverage of the plot of complex area on the ground floor and above floor with FAR 200. Commercial use with additional FAR has been permitted to the properties under mixed land use regulations in residential area subject to payment of parking charges. Against our suggestion for additional FAR as brought out above, if necessary, parking charges may be levied on the beneficiary shopkeepers of DDA Mkts. on similar pattern of Mixed Use Regulations properties for development of parking space / area.
- (4) Sanction charges and regularization charges as well as parking charges to be levied on the shopkeepers of DDA markets as suggested above should be less than those payable under the case of Mixed Use Regulations properties on compassionate ground as we have suffered and continue to suffer financially / physically.
- (5) As suggested above for increase in the FAR we may be permitted to use the upper floors of DDA markets for residential purpose which is our dire need today. This should be considered on the line of the fact that

residential premises has been allowed to be converted into commercial use.

- (6) According to the terms and conditions laid down in the Lease Deed / Conveyance Deed maintenance of the DDA markets is supposed to be done by the Registered Agency (Traders Welfare Association) or shopkeepers themselves. DDA is levying maintenance charges and MCD is charging House Tax from the date of possession of the shop from the DDA markets shopkeepers resulting three times financial burden on the shopkeepers. This anomaly should be removed. The amount of maintenance charges collected by DDA should be transferred to Registered Agency (TWA) for development / betterment of the markets.
- (7) Corridors / Shelters upto 2 mtr may be provided in front of the shops in DDA markets either by DDA themselves or permission be granted to TWA/shopkeepers to construct the same at their own cost so as to protect the goods of shopkeepers and also customers from the vagaries of weather / nature. And atrium facility / permission may also be provided in CSC like already permitted in LCS. Where there is no facility of toilet, ^{etc} permission be granted for providing the same by shopkeepers.
- (8) Having been highly effected in the business of shopkeepers of DDA markets for over two decades due to commercialization of residential premises with the connivance of Govt. agencies, shopkeepers should be compensated financially by paying ten times of the amount of shops paid to the DDA. This amount could be considered to be released from the fund collected as conversion charges from the mixed land users.

- (9) Factually / legally commercialization of residential premises is in no way permissible under the Master Plan, Building Bye-Laws etc. With such commercialization residential land / dwelling units are decreasing day-by-day. In order to keep the Delhi in a beautiful planned way, we, however, suggest that on humanitarian ground shopkeepers in commercialized premises be rehabilitated in the vacant commercial plot and shops lying vacant with DDA.

- (10) A stringent provision may please be made in the revised Master Plan that in future ~~it~~^{be} should be ensured that the evil of commercialization of residential premises is nipped in bud with heavy hand. It is not the violator is let off with penalty only.

We hope that the position brought out above would have made you agree that our objections and suggestions are very genuine and are worth serious consideration. We will appreciate if your goodself could kindly advise DDA to frame special policy based on our suggestions for shopkeepers of DDA markets and make necessary modification in the Master Plan 2021 and other DDA schemes. We shall be grateful if you goodself kindly could call us and give us time to hear us in person.

Hoping again to hear from your goodself soon.

Thanking you,

Yours faithfully

for DDA Mkts. Joint Action Committee



KAMAL MALHOTRA

(Convener)



S.S. BHATIA

(Executive Member)