



APEX CHAMBER OF COMMERCE & INDUSTRY OF NCT DELHI

Formerly : Delhi Chamber of Commerce & Industry

A-8, Naraina Industrial Area, Phase-II, New Delhi-110028 (INDIA)

Phones : 011-25893646 Telefax : 011-41418461

E-mail : delhichamber@airtelbroadband.in

Website : www.dcci.in, acci.in, apexchamber.in

Commr. (Plg.) - II
Diary No. 1867
Date 16-5-12

ACCI/HO/Sectt/MPD/2012-13

11 May 2012

The Vice Chairman
Delhi Development Authority
Vikas Sadan ,
B-Block, 1st Floor, INA
New Delhi

सहायक कार्यालय
1790-19
15/5/12
Director (Plg.) MPD
J.D.A. Vikas Minar N. DELHI-2
Dy.No. 3341
Dated 21/5/12

AC (PLG) MPPR
Diary No. 355
Date 17/05/12

MIDTERM REVIEW OF MPD 2021

The Apex Chamber of Commerce & Industry of NCT Delhi an Apex Body of Regional Associations and Sectoral Associations of Micro, Small & Medium Entrepreneurs, Individual Trading, Manufacturing Community, represent the interest of commerce and industry in the NCT of Delhi. We have a voice in all important policy decision of Delhi Govt; are stake holders to draft Acts and Policies concerning industry of Delhi State; have representation in important boards; taken into confidence by the Govt bodies and bureaucrats to watch interest of Delhi State

Our suggestions for Midterm Review of MPD 2021 have been received by your office under Diary No.1746 and is still under the process of being uploaded on your Website.

We would like to state that DPCC have started issuing notice to the units falling under the Negative List as per MPD-2021. The Hon'ble Minister of Urban Development Shri Kamal Nath has publicly announced in seminar at PHD Chamber on 29 Mar 2012 in which your goodself was also present, that all the suggestions towards the midterm review having been received by DDA uploaded on the site shall be dealt with by the Deptt and no action shall be taken by the Civic Authorities.

Since the MPD 2021 is under review by the DDA and Urban Development Ministry, the Civic Authorities may please be directed not to harass the industries, holding MCD license, falling under Negative List, till the review is finalized.

Thanking you,

Yours faithfully

(Kapil Chopra)
President

Com (Plg) - II
15/5
P. L. W. S.
16/5/12
AR (MPPR)
17/5
Dis (MPPR)
21/5
AD (Plg) I



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ACCI/HO/Sectt./11-12/118

Dated : 10/12/2011

The Director (Planning)
Master Plan Review
Delhi Development Authority
6th Floor, Vikas Minar
I.P. Estate
NEW DELHI - 110 002

Sub : Midterm Review of MPD 2021 - Suggestion thereof

Dear Sir,

Please refer to Public Notice of 04.10.2011 of DDA inviting public suggestions for Midterm Review of MPD 2021. We are submitting hereunder our suggestions for your consideration and incorporation in the Master Plan 2021. This will give a great relief to the industrialist of Delhi as well as citizens of Delhi who are facing grave problems.

1. We on behalf of the small scale industrial units running in organized sector seek amendment on item no. 1 item no. 38 & item no.88 i.e. Induction Furnace of more than 3 Tons per charge, Foundries (Heavy) and Stainless Steel Pickling as the term mentioned in these items of Draft MPD 2021 stands changed with emitting capacity of 3 Tons permitted in Induction Furnace, Heavy word in Foundries, Steam Engine of item no.88 Annexure "A"
2. There is procedural non-compliance of section 10 of Master Plan changing the terms of item no.1, item no.38 & item no.88 of list as items stand changed without settling objections and ban imposed on item no.1 of list irrespective of 3 Ton capacity and word Heavy emitted since only heavy foundries were prohibited and there was no reference in Draft MPD-2021 for placing or even proposing S.S. Pickling activity in the negative list of Industries instead of Steam Engines.
3. The very basic concept of closure is for the pollution caused by polluting units, the same being caused due to burning of fuels like coal and wood. All units engaged in foundry jobs in Delhi have altogether stopped the use of polluting fuels and are using permitted fuel and have put up "Emission Control Equipment" as per required and notified in Air Pollution Act 2001 so much so that units were granted 'Consents to Operate' under Orange Category up-to 2008 lately and pending renewal.



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Similarly all units engaged SS pickling have installed their own Effluent Treatment Plant to control the pH level of outgoing water within permissible limits. All these units are law abiding and are in authorized industrial areas of Delhi and are engaged in same trade since 1950-60.

4. Most of the units are allotted plots ever since 1960 onwards in organized industrial areas by re-locating them from residential/un-authorized and now cannot be forced to re-locate following principals of natural justice and while these are not pollutant.
5. It is pertinent to mention that the Industrial Policy announced for 2011-20 by the Delhi Govt. does not contain the negative list in the booklet.
6. The items manufactured in the induction furnace and foundries are basic raw materials to every engineering industry, automobile industry and others and need to be located nearby for cost factor. The stainless steel is basic raw material to household utensils surgical equipment, chemical industry and laboratory accessories. The industry is export oriented and generates huge state and national revenue.
7. In the MPD-2021 the Stainless steel pickling is placed in the negative list of Industries. (Sl. No. - 88) It should be excluded from the negative list for the following reasons :
 - a. There was no reference in Draft MPD-2021 for placing or even proposing S.S. Pickling activity in the negative list of Industries.
 - b. No suggestions / objections were invited nor were opportunity offered to affected & Concerned stakeholders to present their submissions w.r.t. Techno-Financial Constraints expected by this sudden proposal and
 - c. The sub-group constituted by DDA to give recommendations on industrial aspects has not recommended for placing S.S. Pickling activity in negative list.
 - d. That Stainless steel utensils, kitchen/Hotel equipment manufacturing steel rerolling (of which pickling process is an integral part) units are operating in the NCT of Delhi since over four decades and providing employment to over one lac persons directly or indirectly and are contributing a mammoth revenue to the national exchequer by way of excise duty, sales (vat) tax, income tax, import duty.



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- e. They are not only the front runners in the country exports but are instrumental in providing stainless steel utensils to a large numbers of poor people at an affordable cost in all over the country.
- f. The process and chemicals used for SS-Pickling have same characteristics and pollution potential to other activities such as : Electroplating , Anodizing, Powder Coating, plastic coating , Wire Drawing, Bright Bar etc. It is neither toxic, dangerous and nor alarming for the Human population, Animals and Flora & Fauna in the vicinity. We are unable to understand, why it is being singled out and placed in negative list, while the other similar type of activities (electroplating, anodizing, metal finishing, powder coating, plastic coating, wire drawing, bright-bar manufacturing) are permitted to operate in all industrial areas of NCT of Delhi?
- g. Delhi Development Authority constituted a Sub-Group to give recommendations on industrial aspects, headed by the Chairman, CPCB and representatives of Commissioner of Industries, DSIIDC, Delhi Pollution Control Committee, Delhi Jal Board, Municipal Corporation of Delhi; Industries etc. The sub-group did not recommend categorizing stainless steel pickling in the negative list.
- h. The Delhi Pollution Control Committee classified the industries in to three categories (1) Green (non polluting), (2) Orange (Polluting & extensive) but not noxious or Hazardous and (3) Red (Noxious, Hazardous or heavy or large-Not permitted in Delhi). The Pickling activity is placed in "Orange Category" and these industries has been given consent to operate by the DPCC.

8. Household Industries

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 not hazardous and polluting in nature. However the regulations governing the operation of such industries are neither pragmatic nor realistic as a consequence most of these industries operating in Delhi since long 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.



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9. 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 Gazette Notification dated 01.04.2011 has issued very comprehensive "Regulations and Guidelines for Redevelopment of Existing Planned Industrial Area" 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 2021, 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, 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 which 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.

10. 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 up to a percentage of the total area of their premises up to 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 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



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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. 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 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.

11. Regularization 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 Gazette 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 obtaining valid Completion Certificates etc. Recognizing 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 condo nation 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. 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. More recently, in July 2011 the Chief Engineer MCD came out with a Public Notice giving "Draft Guidelines for Floor wise Sanction/Regularization" and asked for public comments. 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



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building stability should be ensured along with prescribed FAR limits / Bye-Laws subject to condo nation to the extent applicable. Such Guidelines for Regularization 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 Regularization policy, conversion from Leasehold to Freehold should also be allowed for individual Floors/Flats, as is applicable for DDA built residential flats.

Apex Chamber of Commerce & Industry of NCT Delhi an Apex Body of Regional Associations and Sectoral Associations of Micro, Small & Medium Entrepreneurs, Individual Trading, Manufacturing Community, represent the interest of commerce and industry in the NCT of Delhi. Hence we feel we should be associated in the internal committees formed by DDA for Mid Term Review of MPD 2021. We look forward for your invitation.

Thanking you,

Yours faithfully,

(Raghuvansh Arora)

Vice-President

M : 98100-29290

IN THE HIGH COURT OF DELHI AT NEW DELHI

18

W.P.(C) 13621/2009 and CM No. 15286/2009

SHIVA ALLOYS(PVT) LTD AND ANR Petitioners

Through: Mr.P.Kumar, Advocate

versus

UNION OF INDIA AND ORS Respondents

Through: Mr.Jatan Singh, Adv for R-1.

Mr.P.K.Mittal, Adv for R-2.

Mr.Arjun Pant, Adv for DPCC

19

W.P.(C) 13622/2009 and CM No. 15288/2009

DUGGAR FIBER PRIVATE LIMITED Petitioner

Through: Mr.P.Kumar, Advocate

versus

UNION OF INDIA AND ORS Respondent

Through: Mr.Jatan Singh, Adv for R-1.

Mr.P.K.Mittal, Adv for R-2.

Mr.Arjun Pant, Adv for DPCC

20

W.P.(C) 13623/2009 and CM No. 15290/2009

ALLIED HOLDINGS PVT. LTD AND ANR Petitioners

Through: Mr.P.Kumar, Advocate

versus

UNION OF INDIA AND ORS Respondents

Through: Mr.Jatan Singh, Adv for R-1.

W.P.(C) 13621 to 13264/2009 Page 1

of 3

Mr.P.K.Mittal, Adv for R-2.

Mr.Arjun Pant, Adv for DPCC

21

W.P.(C) 13624/2009 and CM No. 15292/2009

PARVATI LIMITED AND ANR Petitioners
Through: Mr.P.Kumar, Advocate

versus

UNION OF INDIA AND ORS Respondents
Through: Ms.Shobhana Takiar, Adv for R-2
Mr.Arjun Pant, Adv for DPCC
CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANMOHAN

ORDER
22.11.2010

Heard Mr.P.Kumar, learned counsel for the petitioner, Mr.P.K. Mittal, learned counsel for the respondent DDA and Mr.Arjun Pant, learned counsel for the respondent Delhi Pollution Control Committee.

It is submitted by learned counsel for the petitioner that the Master Plan prepared by the DDA under the Delhi Development Authority Act, 1957, insofar as it prohibits induction furnaces is unconstitutional as it invites the frown of Article 19(1) (g) of the Constitution of India inasmuch as the restrictions imposed in the Master Plan are totally unreasonable.

W.P.(C) 13621 to 13264/2009 Page 2
of 3

It is further contended that the preparation of the Master Plan runs counter to the postulates engrafted under Section 10 of the Act inasmuch as what was stated in the draft Master Plan while inviting the objection was that induction furnace more than three tons shall be prohibited but in the final plan a complete ban irrespective of capacity was imposed. Thus, submitted the learned counsel, that there was no need on the part of the petitioner or his likes to file any objection but the Master Plan did not reflect that and brought in total prohibition. In essence, the proponement is that there is procedural non-compliance of Section 10 of the Act and the said provision being mandatory in nature, the Master plan deserves to be axed as far as this aspect is concerned.

Mr.P.K.Mittal, learned counsel for the DDA prays for some time to file an additional affidavit clarifying the said position.

Matter be listed on 7th January, 2011.

The interim order shall remain in force till further orders.

CHIEF JUSTICE

MANMOHAN, J

NOVEMBER 22, 2010/Sv

**W.P.(C) 13621 to 13264/2009 Page 3 of
3**