

Expandable Housing Welfare Society

Regd No. S/67415/2009 (Under Society registration Act XXI of 1860)

OFFICE: "Sewartha" House No.890, Pkt-3, Sec-19,
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Ref: MPD(MTR)/EHWS/2012

May 2012.

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Director (Plg.) MPR/TC,
D.D.A. Vikas Minar N. DELHI-2
Dy.No. 3349
Dated 23/5/12

**Subject: - Suggestions for Mid Term review of Master plan
(in regards of Expandable Houses allotted by DDA in Pkt-
3, Sector-19, Dwarka, New Delhi- 75.)**

Dear Madam/Sir

1. That the Applicant is a welfare society running under the name and style called Expandable Housing Welfare Society (Hereinafter referred to as EHWS) registered under the Societies Registration Act, XXI of 1860 at Delhi having its registered office

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at Sewarth, House No-890, Sector 19, Pocket 3, Dwarka, New Delhi.

2. That the applicant society is a society of members who are the allottees of houses allotted under the scheme of EHS-1996.
3. That in the in the year 1995-96 the Delhi Development Authority came up with a scheme for the same houses in Narela and Dwarka called Expandable Housing Scheme -1996 (Hereinafter referred to as EHS-1996) in order to sell 3500 houses which could not be sold in earlier schemes as aforementioned. The scheme was lucrative and there was overwhelming response by the general public. The highlights of the "Expandable houses scheme 1996" as mentioned in the brochure were:
 - a. An independent house with ownership of land beneath the house.
 - b. The allottee can build the house in phases as per the given plan.
 - c. The allottee can use material and the techniques of their choice when allottee undertakes construction.
 - d. The allottee gets the facilities such as terraces, sometimes a balcony, courtyard etc. at various levels.
 - e. The allottee can maintain the services on individual basis and can take better care of the house.
 - f. The allottee can improve the landscape by providing trees in front of their house.
 - g. The allottees are saved from the problems likely to be created by other allottee as is the case in the multi-storeyed apartments.

- h. The allottee is saved of rigour of procedure of sanction plan as Delhi Development Authority provides duly approved plan for future construction.
4. That as per brochure EHS-1996 the houses offered under the scheme were independent dwelling units constructed on plots. Apart from the ownership of the house, allottee of an expandable house gets absolute ownership of land. Some houses have one room alongwith a kitchenette and a toilet cum bathroom while in others there are two or more rooms' alongwith an independent kitchen and bathroom/toilet. For the purpose of allotment Delhi Development Authority classified the houses under two types:

TYPE A- One room set

TYPE B- Two or more room sets.

The expansion /construction of the houses were to be as per details given in Annexure - B1 -B11 of the brochure EHS-1996. Further an allottee who makes full payment of the house before taking possession will have status of free hold owner.

5. That Delhi Development Authority in the Annexure B1 to B11 provided the plan showing the area already constructed and the portion where the additional construction shall be raised. In some pockets sample houses fully constructed existed to give the idea as to how the house will eventually look on completion of rest of permissible construction.
6. That the houses initially were constructed /expanded by the allottees as per the plan (Annexure B1 to B 11) provided alongwith the brochure. Subsequently Government of India and Ministry of Urban Development and Poverty alleviation allowed certain

addition and alteration in built up houses and various amendments were made in building bye laws, Master plan of Delhi. The allottees/residents of EHS-1996 were allowed relaxation for covering of rear court yard, 900 mm wide projections at roof level in front, over and above the additions /alterations which were already under policy and procedure for permission and regularisation of additions/alterations in DDA houses. Thereafter the allottees/residents constructed/expanded the houses as per the amendments and extension granted by Government of India and Ministry of Urban Development and Poverty alleviation.

7. That the houses under the aforesaid scheme were allotted to the residents of pocket III, Sector 19, Dwarka in the year 1996. The allottee/residents of the said houses started constructing the houses as per their convenience, as per building byelaws prevailing in Delhi at the time of their expansion /construction of the houses. Presently almost 80% of the houses allotted under scheme EHS-96 are constructed as per building byelaws and Master Plan Development-2021 applicable to the plotted houses.
10. That the officials of Delhi Development Authority regularly inspected the area and did not object to the said expansion/constructions. In few cases where the residents blatantly violated the building bye laws and provisions of MPD-2021, Delhi Development Authority either demolished the unauthorised construction or compounded the same if within permissible limits.

11. That in and around year 2007-2008 an allottee/ resident of a Khancha Type B (54 sq.mtr flat with small opening of only 4 ft and no ventilation other than open sky) aggrieved interalia by the projections extended by his neighbour and no specific plan provided by DDA for construction of Khancha houses filed various suits, criminal complaints against the residents of pocket 3, Sector 19, Dwarka, New Delhi-110075, officials of Delhi Development Authority and police. The officials of Delhi Development Authority fearing action by Hon'ble court started issuing notices even to the residents whose houses were as per master plan and building byelaws and amended the maps of allottees/residents which were already sanctioned and deleted certain sanctions which were already granted so that the maps are strictly as per the Annexure B1 to B11 of the brochure of EHS-1996.
12. That in between the services of pocket III, Sector-19, Dwarka were transferred /handed over to Defendant No-2. The Delhi Development Authority vide letter dated 23/12/2008 informed to one of the allottee that any action to violation of building byelaws is to be taken by MCD.
14. That the scheme EHS -1996 was floated in the year 1996 and Annexure-B1-B11 of the brochure is the plan as per the building byelaws prevailing in the year 1996. In order to save the rigour of the procedures of sanctioned-plan, the Delhi Development Authority duly approved a plan for future construction and if the building is constructed as per the plan provided in Annexure-B1

-B11 of the brochure EHS -1996 no separate sanction is required for building plan.

15. That the sanctioned/approved plan mentioned in Annexure -B1-B11 of the brochure was as per the Building Bye-laws prevailing in the year 1996. Thereafter the residents were allowed construction as per various amendment of building byelaws as amended vide various gazette notifications. The residents of the pocket III, Sector 19,Dwarka have constructed 900 mm projection on both sides of houses/houses and many residents have amalgamated two houses/houses where the adjacent house/flat is owned by his or her relative. The projections on both sides of flat is included in the list of condonable items as per amendment in the Master Plan -2021 (Hereinafter referred as MPD-2021) vide Gazette notification dated August12,2008.
16. That as per the location/positioning of the houses, the aforesaid houses are of 8 types – (i) L shaped houses-Type B (54 sq.mtr Two side open) (ii) L shaped Tapered houses-Type B (54 sq mtrs Two side open) (iii) Khancha houses-Type B (54 sq.mtr Houses with small opening of 4 ft for entrance and no ventilation), (iv) Single side open Type B (54 sq.mtr one side open rectangular flat. (v)One sided Type A tapered flat (27 sq.mtr one side tapered flat), (vi) Khancha houses (27 sq.mtr Houses with small opening of 4 ft for entrance and no ventilation), (vii) L shaped tapered houses-Type A (27 sq.mtr Two side open),(viii) Single side open , Type A For the ease of understanding hereto marked and annexed as **Annexure- A** is the layout of the aforesaid categories shown in different colours. It is pertinent to note that

the Delhi Development Authority has provided plan i.e. Annexure B1 to B2 only for two of the above eight categories.

17. That vide Gazette Notification dated 07/02/2007 by the Ministry of Urban Affairs & Development department, the development of the plotted housing is governed as per Clause 4. 4. 3 of the Master Plan of Delhi-2021. That in MPD-2021 the floor area ratio is enhanced for all plotted housing categories. For the ease of understanding the clause 4.4.3 of MPD-2021 is reproduced here in below:

Quote

"4.4.3 Control for Building/Buildings within Residential Premises

A. Residential Plot-Plotted Housing

Maximum ground coverage, FAR, number of dwelling units for different size of residential plots shall be as per the following table:

Area of Plot (sq. m)	Max. Ground Coverage	FAR	No. of D U's
	%		
Below 32	90	350	3
Above 32 to 50	90	350	3
Above 50 to 100	90	350	4
Above 100 to 250	75	300	4
Above 250 to 750	75	225	6
Above 750 to 1000	50	150	9
Above 1000 to 1500	40	120	9
Above 1500 to 2250	40	120	12
Above 2250 to 3000	40	120	15

Notes:

1. The local body concerned shall be competent to disregard variation of upto 2% in plot size, arising from conversion of area from sq. yard to sq.m and to grant the norms applicable to the lower category of plot size in accordance to Para (ii) below.
2. *100% ground coverage shall be eligible for regularization of construction, already existing as on 22.09.06 on payment of charges as notified.
3. Minimum size of the residential plot shall be 32 sq.m. However, in case of Government sponsored economically weaker section schemes, size could be reduced further.
4. **100% ground coverage and 350 FAR shall be eligible for regularization of construction already existing as on 22.09.06 on payment of charges as per the notification, in respect plot size between 100 to 175 sq m.
5. Permissible FAR and Dwelling Units shall not be less than MPD-2001 norms"

Unquote".

17. That inspite of the Gazette Notification dated 07/02/2007 in force, the Delhi Development Authority issued several notices to the allottees of scheme EHS-1996 though the hoses were as per existing plan provided in clause 4.4.3 of MPD-2021. Further the Delhi Development Authority has issued notices to the residents on the other grounds without any proper guidelines provided to the residents.
18. That there is confusion in the residents of Pocket III, Sector-19, Dwarka, New Delhi-110075 whether MPD-2021 is applicable on

the plotted housing called Expandable Housing Scheme 1995-96 or there are any other rules and regulations applicable.

19. That various organisations and the Applicant society made numerous representations to the local leaders, Delhi Development Authority, Lieutenant Governor but to no avail. That the Applicant society also filed RTI through their counsel and president of RWA Pocket III, Sector-19, Dwarka, New Delhi-110075 seeking information inter alia on Delhi building byelaws and laws applicable to the residents/allottee of EHS-1996. The Delhi Development Authority could not reply the query at all and the information sought was directed and redirected to various wings of Delhi Development Authority however, no satisfactory reply to the queries was given by the Defendant No 1.
20. That the Delhi Development Authority has so far not expressly informed the allottees or their associations whether MPD-2021 is applicable on the houses allotted under EHS-1996 scheme.
21. That MPD-2021 clause 4.4.3 should have been declared applicable to the allottees of EHS-1996 by the Defendants and thus cleared any confusion on the issue. The allottees who have expanded/constructed the houses as per amended building bye laws are living in fear due to the aforesaid acts of the Delhi Development Authority.
22. That the exercises done for the MPD-2021 shows that there is a need for redevelopment and densification of the existing urban areas and city improvement. This aspect is a major component of the new Master Plan. It calls for a comprehensive redevelopment strategy for accommodating a larger population,

strengthening of infrastructure facilities accompanied by creation of more open spaces at the local level by undertaking measures for redevelopment of congested areas.

23. That the land policy in MPD-2021 is based on the optimum utilisation of available resources, both, public and private in land assembly, development and housing. The MPD-2021 provides for enhancement of ground coverage, FAR and height for all categories of residential plots. The scope for development of urban extensions on a large scale is restricted due to limitations of build able /urbanizable land in Delhi. Therefore, the option of redevelopment through a process of reorganisation and utilisation of the land already developed is a major element of the overall city development plan. A redevelopment strategy for accommodating more population in a planned manner is to be taken up on priority in all use zones for efficient and optimum utilization of the existing urban land, both in planned and unplanned areas. This would have to be based on provision of infrastructure viz. water supply, sewerage, road network, open spaces and the essential social infrastructure. To encourage the growth impulse for regeneration in the target redevelopment areas, the possible incentives and modalities recommended include grant of planning permission at the scheme level with permission to reorganize/pool properties for planning purposes, provision of social infrastructure through Transferable Development Rights or Accommodation Reservation and reduced space standards for unplanned areas, enhanced FAR for specified redevelopment areas and application of flexible concept of mix-

use zones in Special Area & Villages on scheme basis. The allottees/residents of expandable houses allotted under EHS-1996 are also entitled to such relaxation and review of plan provided with brochure EHS-1996 Annexure B1 to B11 is of utmost importance. The floor area ratio of the allottees/residents of pocket 3, Sector 19, Dwarka may be enhanced in consonance to aims and objective of MPD-2021.

24. That in consonance of section 80 of Civil Procedure Code, Section 53B of Delhi Development Act, 1957 and 478 of Delhi Municipal Corporation Act, 1957 the Applicant society issued statutory notice dated 19.07.2009 to the Delhi Development Authority and MCD to declare applicability of Master Plan 2021 amended to date to the expandable houses allotted under EHS-1996 which was duly acknowledged by the DDA and MCD however, they failed to reply the said legal notice.

It is, therefore suggested:

- (a) Declare Master Plan Development -2021 amended to date and future amendments applicable on plotted housing/regularised colonies to houses allotted under Expandable Housing Scheme-1996 in Pocket III, Sector-19, Dwarka, New Delhi-110075 and the development be in accordance to clause 4.4.3 of Master Plan Development - 2021 amended to date and/or
- (b) Direct the Defendants to formulate building byelaws for the occupants of the Expandable Houses in Pocket III, Sector-

19, Dwarka, New Delhi keeping in view the aims and objects of Master Plan Development -2021 and/or

- (c). Direct the Defendants to allow amalgamation of small Expandable houses such as 18m, 31m, and 54m as applicable as a special case under Management & Disposal of housing Estate regulations, 1968 (already in practice by DDA for shops or commercial property).
- (d). Direct the Defendants to allow 900 mm projection on both sides of the houses allotted under EHS-1996 scheme and/or
- (e). Direct the Defendants to allow the coverage of tapered area in front of Khancha flat owners by the allottees/residents of such houses and amalgamation of Khancha flat with adjoining flat/houses and/or
- (f). Restraining the Delhi Development Authority from demolishing the structures constructed as per Master Plan Development -2021 amended to date.

It is irritated that DDA is at one hand allowing change of land use of even dairy farms (e.g. Gajipur, Masoodpur etc) and industrial land to residential purpose allowing 5 stories construction, facilitating entire Delhi with MPD and further amendments to MPD, and on other hand the allottees of Expandable House at Pocket-3, Sector-19 Dwarka who have been sold the piece of land advertised by DDA as a residential plot with absolute ownership of land are kept restrained from applicability of MPD 2021 on them. This step behaviour with residents of this pocket of DDA is neither justified nor acceptable and should be taken up on priority with the competent authority to do the needful.

Submitted with hope of your kind consideration and immediate action
on the same.

(Harender Mudgal)

Gen. Secretary