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Director (Pig.) MPR/TC,
D.D.A. Vikas Minar N. DELHI-2
Dy.No. 3371
Dated 23/5/12

M/D Renew 2021
PS to UDM/1/5

OFFICE OF UDM
Dy No. 1925
Date 11/5/12

Shri Kamal Nath,
Hon'ble Minister for Urban Development,
Room No. 105, C. Wing, Nirman Bhawan,
New Delhi

Dated : 7th May, 2012

Sub.: **New Suggestion for Review of Master Plan, Delhi – 2021.**

Respected Sir,

The aim and objects of the MPD 2021 should be to impart social and economic justice by providing realistic corrections and modifications, by removing arbitrary and absolute discretion of an administrative authority in Perpetual Lease Deed which were executed long back, and now to prevent corruption, harassment, humiliation for the lessee, by keeping in mind the fast changing demands/needs of the society in N.C.T.D.

I submit the following few points for your kind consideration to be implemented /modified in future Master Plan of Delhi 2021 particularly in Okhla Industrial Area Phase-I and II etc. etc.

1. Conversion charges from Indl. To commercial / Banquet Hall

Sir, Okhla is one of the oldest Industrial areas of Delhi and most of the Industry have shifted to Noida, G. Noida, Gurgaon, Manesar etc. etc. and now this place have become a part of city itself.

Under notification dated 12.8.2008, you have allowed Banquet Halis to be opened in any Industrial area in Delhi, without any restriction on Road Width [Row]. On the contrary industrial units, who want conversion for commercial use for their premises, the width of road [Row] have been fixed as 24 mtr [ROW].

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Now considering the facts, the Banquet Halls create more noise pollution disturbance to neighbors in day, as well as at night, but have been approved by the Govt. on the existing road width. Whereas in the same industrial area on the same road, having 18 mtr width the industrial unit, cannot use the surplus space for office for "Public and Semi Public facilities" for the needs of the industrial units. Whereas the office today are very neat and clean and also pollution free which also does not come under commercial use, as there is no cash sale or purchase of goods in running a office.

Suggestion : I therefore request that offices should be allowed in industrial area on the existing 18 mtr road width and the clause of 24 mtr ROW should be abolished. Which is unjust, discriminatory and arbitrary? The notion that like cases should be treated alike on the ground of equality and principal of natural justice. Law must be applied equally.

I may further add for your kind information that taking advantage of clause 24 mtr ROW the Officer's of the M.C.D. Lajpat Nagar have sent Show Cause Notices for Sealing of premises to create panic & harassment for the industrial units, in order to meet their unfair demands. Which may kindly be stopped immediately by an urgent notification to the M.C.D. Lajpat Nagar, New Delhi.

II. Composite Circular for Conversion

No. F-26[1]07/coordn[LD]/67 dated 9th April, 2008

The second suggestion is regarding clause 1, b, d, l, n a copy enclosed as Annexure A. In all these clauses the word misuse have been used repeatedly, which means "illegal activity".

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In this contest I quote as under:-

In the constitutions of India, under clause g of article 19[1] namely freedom of profession, trade and business is intended to ensure that citizens' right to business does not depend on grant by the state and that the state cannot prevent a citizen from carrying on a business except by a law imposing a reasonable restriction in the interest of the General Public. Of course there is no right, where the business is dangerous or immoral.

I further quote the words of His Lordship Justice Kapadia, Chief Justice of India "The human right should not be confused with values and aspiration, but they have to be recognized and enforced as fundamental rights."

Therefore, I submit if the use of property by the lessee is legal, as enshrined in clause [g] of article 19 [1] of the Fundamental Rights, the individual should not be penalized for any misuse at all. Therefore no past or present misuse charges be demanded by the person applying for free hold of the property. There cannot be any misuse in a approved industrial area and the restrictions imposed by reason of any statute are void and illegal.

Therefore I humbly request that misuse charges should not be charged at all from the lessee applying for free hold. Which is only just and proper?

III. I put before my next suggestion that all Free-hold industrial plots may be allowed to use the premises for commercial use without any conversion charges.

IV. And my next suggestion is for issue of licenses from corporation. Lot of formalities are required like fire clearance, pollution NOC etc. etc. which is big source of corruption.

It should be simplified and for plots up to 500 sq. mtr. there should be no restriction of any kind.

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V. My last point is that lessee applying of free-hold in DDA Office should pay conversion charges and ground rent if due. And no mis-use charges be demanded. There should be a time limit of maximum two months to clear the file and final conveyance executed within this period only.

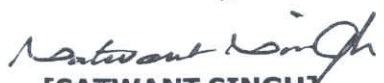
The Govt. should appoint a committee of five or ten respectable persons [No Association] of local industrial area who will hold monthly meeting and will be in personal contact with the people to know their problems. Which will be sent to senior offices of the concerned depts?

Lastly it is my humble request & suggestion that there should not be any sealing at all for any building in NCTD except for unauthorized construction on Govt. Land. People have suffered a lot and they are weeping and crying for mercy and pray to live a peaceful and normal human life. The Govt. should refrain from its anti people policies & work for the betterment of Delhi Citizen.

Sir, it is pertinent to mention here that, the main problem is that Govt. is not getting actual and real problems of the people who are suffering. There should be grass-root survey by some honest persons for further modification. The laws should be made more simple, clear, no hidden clause in lease deed or any discretionary powers.

Thanking you,

Yours sincerely,


[SATWANT SINGH]
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New Delhi.
Mob.: 9212625974

2.COMPOSITE CIRCULAR OF CONVERSION

DELHI DEVELOPMENT AUTHORITY OFFICE OF COMMISSIONER

Dated: 9th April 2008

No: F.26(1)07/Coordn(LD)/67

In supersession of this office circular No. F.26(1)07/Coordn (LD)/ 24 dated 31st March, 2008, revised circular is as follows:-

The conversion policy was formulated by MOUD in 1992 and circulars on the subject have been issued from time to time by DDA. In order to streamline the process of conversion cases, the gist of relevant instructions issued from time to time with necessary clarifications are re-produced below:

- ✓ [a] Conversion will be allowed without any site inspection. Site inspection should be carried out only if there are previous notings in the file or specific complaints regarding unauthorized construction or misuse in the file.
- ✓ [b] Conversion of leased properties irrespective of any building violations or use violations will be allowed and a letter will be sent to MCD or Building Department of DDA for taking appropriate action as per rules.
- [c] However, in case of commercial property, unauthorized construction within plot area may be taken as misuse since it tantamount to increase in usable area/ FAR.
- ✓ [d] Conversion will be allowed after recovery of past misuse charges as per policy whether earlier demanded or not.
- [e] In the cases where allotment has been cancelled or lease has been determined on account of unauthorized sale, conversion will be allowed after obtaining approval of Competent Authority for restoration of allotment/lease deed and on recovery of Restoration Charges.
- [f] If lease has been determined and allotment has been cancelled on account of unauthorized construction and misuse, the lease will be restored without insisting on removal of breaches and conversion will be allowed subject to payment of all penal charges. This will also be applicable in the cases wherein GPA and Agreement to sell has been executed after determination of lease deed or cancellation of allotment. (As modified vide circular no. F.26 (1) 07/Coord/LD/06 dated 9.2.2009)
- [g] In case of unauthorized encroachment on public land, conversion shall be allowed only after removal of encroachment and recovery of damage till the date of removal of encroachment.
- [h] In the cases where lease have been determined or allotment have been cancelled after the date of GPA or Agreement to Sell, conversion may be allowed subject to recovery of restoration charges and other dues payable by the lessee.
- [i] In case of any dispute regarding title of property, conversion will not be allowed and the applicant will be advised to settle their claim before the court of law as DDA is not a forum to settle such issues.
- [j] In case complaints are received against conversion, the complainant will be given an opportunity to prove his claim. If the complainant does not appear despite giving reasonable opportunity, conversion will be allowed.
- ✓ [k] Conversion is allowed on the basis of completion certificate or Form 'D'. If completion certificate of form 'D' is not available, conversion is being allowed on the basis of house tax assessment order alongwith supporting documents. A site inspection should be carried out only where conversion is being sought on the basis of House Tax Assessment order where built up area is not indicated and in case of Self Assessment of House Tax on unit method adopted by MCD w.e.f. 1.4.2004. However, the scope of inspection should be limited to ascertain whether allottee has utilized/constructed 100% FAR in commercial & industrial plot and in residential plots, 1/3rd of the permissible coverage at ground floor by constructing self contained dwelling unit. The self contained dwelling unit means a minimum accommodation for a family with living room, kitchen, bath WC or a toilet. (As modified vide circular no. F.26 (1) 07/Coord/LD/19 dated 8.4.2009)
- [l] In case of unauthorised construction and misuse, irrespective of any building violations or use violations of Master Plan, the conversion of all leased properties would be permitted subject to recovery of misuse charges whether earlier demanded or not. The violations of building bye-laws or master plan is a subject matter of Enforcement Branch, MCD/DDA. No site inspection should be carried out before allowing conversion except if in the file or in the survey report or any document establishes that premises is being misused. In such cases, site inspection should be carried out to ascertain the area and period of misuse for calculating misuse charges.
- ✓ [m] In order to ascertain clearance of all the dues, the Lease Administration Officer before execution of the conveyance deed must ensure that all the payments received have been realised/verified and no dues report obtained from Finance Wing.
- [n] Where a Show Cause Notice is issued for unauthorized sale for committing breach of terms and conditions of the lease deed and thereafter, conversion application is received from the GPA, the Show Cause Notice shall be deemed to be withdrawn and conversion applications be processed.
- [o] House Tax Receipts issued by MCD after adoption of Self House Tax Assessment on Unit method shall not be considered as proof of physical possession for the purpose of conversion.

All concerned officers should dispose of conversion applications keeping in view the above parameters/instructions.

Sd/-
(Asma Manzar)
Commissioner (LD)

COMMERCIAL STREETS :- CENTRAL ZONE

Sl.No.	Name of Road/Street	Stretch of Road From-To	ROW (Mtrs)
1 ¹	D-Block NDSE Part-II	H.No.D-8 to D-15 NDSE-II	63.84
2 ¹	Samman Bazar Bhogal Jangpura	Samman Bazar	16.72
3 ¹	Okhla Road (Maulana Mohd. Ali Road)	Mathura Road to Okhla Canal	30.00
4 ¹	Jagdamba Road, Tughlaka Bad Ext.	Road No.13 to Gali No.32	9.00
5 ¹	Road No.13, Tughlaka Bad Ext.	TA-95/01 to TA-326 Pocket- 8	24.00
6 ¹	Gali No.24 Tughlaka Bad Ext.	House No.RZ-2001 to RZ-503	6.00
7 ¹	Road in Daxin Puri	House No.1/1 to 1/470, DaxinPuri	13.50
8 ¹	Kallu Mohalla Road Amrit Puri	Kallu Mohalla Road	9.00
9 ¹	Main Badarpur Market Badarpur	Main Badarpur Market	9.00
10 ¹	Lala Lajpat Rai Marg	Nirula's to LSC Defence Colony / Mool Chand Hospital	45.00
11 ²	Road in Bapu Park	64 to Dead End	10.00
12 ²	Kotla Choupal Road	1752 to 1682	13.00
13 ²	Gali Ram Mandir	1884 to 1881	10.00
14 ²	Dharam Bhawani Road	1859 to Jatav DharamShala	9.00
15 ²	Prem Gali Road	H.No.608 to 1735	10.00
16 ²	Patwar Khana Road Wazir Nagar	H.No.1430 to 1525	9.00
17 ²	Jag Ram Mandir Marg Kotla Mubarak Pur	H.No.1893 to H-58	10.00
18 ²	Uday Chand Marg	H.No.1812 to 1820/A	9.20
19 ²	Road in Lajpat Nagar-II	Road between J-2 & K-2	15.00
20 ²	Road in Lajpat Nagar-!!	Veer Sarverkar marg to Feroz Gandhi Road (Between Central market)	15.00
21 ²	Road in Lajpat Nagar-II	Road from Veer Sarverkar Marg To I-II/83	15.00
22 ²	Road in Lajpat Nagar-I	Road from Railway Crossing to Dustbin (Ram Lal Marg)	15.00
23 ²	Road in Lajpat Nagar-I	Road Between A-I block & B-I Block	15.00
24 ²	Road in Lajpat Nagar-I	Road Between Krishna Market & E-I Block	15.00
25 ²	Kalka Devi Marg Kalkaji	Capt. Gour Marg to Sapna Red Light	24.00
26 ²	Main road Garhi	Raja Dhir Sen Marg to Kalka Devi Marg	9 to 15
27 ²	Road in Lajpat Nagar-I	Road from Shiv Mandir to Defence Colony Fly Over	15.00
28 ²	Road in Lajpat Nagar-I	Road from Round about Vinoba Puri to Ring Road	15.00
29 ²	Main Road Kalka Ji	CGHS to Outer Ring Road	18.00
30 ²	Gurdwara Road Kotla Mubarak Pur	Complete Road	18.00
31 ³	Gali M-5, Wa zir Nagar	HN-1480/A to HN-1483/1	6.2
32 ³	Nehru Road, Arjun Nagar	HN-941 to HN-945/1	7.3
33 ³	Subhash Market, Kotla Mubarakpur	HN-738A to HN-C-578	9.5

1. Sl No. 1 to 10 as per Notification No. F. 13/46/2006-UD/16071 dt 15.9.2006
2. Sl No. 11 to 30 as per Notification No. F. 13/46/2006-UD/PF/16085 dt. 15.09.2006
3. Sl No. 31 to 55 as per Notification No. F.13/46/2006-UD/5754 dt 12.4.2007