

MEMBER
INTERNATIONAL COUNCIL OF JURISTS
1, Queen Anne's Gate, London, SW1H 9BT

LIFE MEMBER

INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
IIPA, IP, ESTATE, NEW DELHI-110002

EX. EDITOR & PUBLISHER

"STEEL REROLLER" AISRA
6, TILAK MARG, SAGAR APT.
NEW DELHI-110001



SATWANT SINGH
ADVOCATE
SUPREME COURT OF INDIA

Chamber No. 222,
C.K. Daphtary Block,
Supreme Court of India,
New Delhi-110001
Ph.: 011-23381442
Mob.: 9212625974

Director (API-I)
Dy. No. OS/MPR-47
Date... 26.4.12

OFFICE OF THE DIR (Plg.)
MPR/TC, D.D.A. N. DELHI-2
Dy.No. 3581
Dated... 30/5/12

Dated: 19th April, 2012

Shri A.K. Manna,
Director (Plg.), DDA,
Zone (F&H), 4th Floor,
Vikas Minar,
NEW Delhi-110002

Sub.: **New suggestions for review of Master Plan, Delhi 2021.**

Respected Sir,

The aim and object of the MPD-2012 is to impart, social and economic justice, to prevent corruption and to keep pace with the fast changing requirements of the Society in N.C.T.D.

I submit the following points for your kind consideration to be implemented / modified in future Plan of Delhi 2012.

I. Conversion Charges from Industrial to Commercial / Banquet Halls.

MPD 2012 under clause 7.8 of Chapter 7 Industry read with Notification dated 12.8.2008 provides as under:-

- a. Banquet Hall shall be permissible in Industrial premises subject to specifications / regulations as prescribed by the Government from time to time.
- b. Industrial units / plots abutting roads of 24 m Row and above shall be eligible for conversion charges as specified by the Govt. from time to time. (Annexure A) enclosed.

1. Suggestion:- That is No Road Width prescribed for Banquet Hall, but for Industrial Units / Plots abetting roads of 24 m Row is must for commercial use, 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 m Row the officers of the Corporation send show cause Notices for sealing the premises in central zone to create panic & harassment for the industrial units, to meet their unfair demands.

I, there for suggest that the clause of 24 m Row should be abolished immediately for the industrial units / plots and they may be allowed to use the premises for offices of "Public and Semi Public facilities" and trading of daily needs of industrial area. Sir you may kindly add more reliefs for the innocent citizen for securing the basic human rights and save them from corruption and harassment.

MEMBER
INTERNATIONAL COUNCIL OF JURISTS
1, Queen Anne's Gate, London, SW1H 9BT

LIFE MEMBER

INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
IIPA, IP, ESTATE, NEW DELHI-110002

EX. EDITOR & PUBLISHER

"STEEL REROLLER" AISRA
6, TILAK MARG, SAGAR APT.
NEW DELHI-110001



SATWANT SINGH
ADVOCATE
SUPREME COURT OF INDIA

Chamber No. 222,
C.K. Daphtary Block,
Supreme Court of India,
New Delhi-110001
Ph.: 011-23381442
Mob.: 9212625974

2. I put before my second suggestion that all Free-hold industrial plots may be allowed to use the premises for commercial use without any conversion charges but with some reasonable restrictions if needs.
3. And my third 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. mt. there should be no restriction of any kind.
4. My 4th 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 at all will be payable otherwise it will further create corruption by implicating the lessee. If there is anything in the DDA file for mis-use but not conveyed to the lessee. That demand will be unjustified.
5. The Govt. should appoint a committee of five or ten respectable persons (No Association at all) of local industrial area who will have 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 deptt.
6. 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 its anti people policies & work for the betterment of Delhi Citizen.

Sir, it is pertinent to mention here that ~~is~~ 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 person. The laws should be made more simple, clear, no hidden clause in lease deed or any discretionary powers.

Thanking you,

Yours sincerely,

(SATWANT SINGH)
8/26, WEA, Karol Bagh,
New Delhi.
Mob.: 21262574

V.K. PURI'S

Revised Supplement to Modified Master Plan For Delhi, 2021

Incorporating (Annexure A)

P.T.O

- Consolidated List of Notified Commercial, Mixed Use and Pedestrian Streets with Alphabetical Index to Notified Streets in Delhi
- Fixation of Charges for Mixed Use and Commercial Use Premises Regulations 2006 alongwith text of relevant Public Notices
- Development Control Norms for Residential Plotted Development (FAR) alongwith text of relevant Regulations and Public Notices
- Conversion Charges From Industrial to Commercial/Banquet Halls
- Permitting Commercial Use of Farm Houses for Social Functions
- National Capital Territory of Delhi Laws (Special Provisions) Bill, 2011
- Delhi Stamp (Prevention of Undervaluation of Instruments) Rules, 2007
- Revised Circle Rates in Delhi w.e.f. 8.2.2011
- e Stamping in Delhi
- Upto date Amended List of Colonies/Localities/Industrial Areas/ Urban Villages/Rural Villages with Category
- Important DDA Circulars on Construction, Conversion & Misuse



A JBA PUBLICATION

Urban Development Minister's Clarification on Fourth and Fifth Floors¹

Minister of State for Urban Development, has clarified that fourth and fifth floors can be permitted only if they are within the permissible limit of fifteen metres and 350 Floor-to-Area Ratio (FAR) for plot sizes up to 100 square metres. As it is, the Master Plan allows up to four storeys (ground plus three) with hundred per cent ground coverage. If the ground coverage is less, say 75 per cent or less, then more floors can be accommodated within the 15 metre height and spared from demolition. But this is the maximum the Master Plan has allowed and we cannot go beyond it.

He also stated that beyond the permissible 15-metre limit, fire safety norms apply and it is not possible to allow regularisation of more than what the building bye-laws permit. Structural safety of buildings is of paramount importance and these are mandatory for regularisation of excess permissible construction. The buildings have to protect human lives and not endanger them.

Observing that there was confusion over the definition of the fourth floor, he clarified that any building that abides by the FAR and keeps to the permitted coverage on the plot can go up to fourth, fifth and even sixth floor as long as it stays within the 15-metre height limit. Of course, for going so high, the owner or the builder will have to give a structural safety certificate or else he too would have to face demolition.

According to senior MCD officials, theoretically the concept of buildings abiding by FAR and 15-metre height going upto four floors is okay, but the ground reality is different. The fourth floor trouble is rampant on small plots and not in large plotted developments. In most colonies where fourth floor - which means the floor after the 'ground floor plus three floors' - is not within FAR even if the structure is within the 15-metre limit. Also going beyond five floors is impossible within 15 metres as the minimum height of a floor has to be 2.9 metres. If you divide 15 metres by 2.9 metres, it comes to 5.1 floors.

Meanwhile Vijender Gupta, Chairman of MCD's Standing Committee, demanded that Union Urban Development Minister Jaipal Reddy and Maken promulgate another ordinance, this time to stop the demolition of fourth and fifth floors. In its meeting on December 13, the Standing Committee had passed a resolution that one time amnesty be granted to fifth and sixth storeys also.

MCD seeks Amnesty Scheme for Fourth and Higher Floors²

The Municipal Corporation of Delhi has again voiced the need to implement a one-time amnesty scheme to regularise illegal floors and save them from demolition.

As per the new building bye-laws, plots with an area upto 175 square metres and fourth floors up to a height of 15 metres with a floor area ratio (FAR) of 350 is allowed.

The leader of the house at MCD, Subhash Arya, has stated that in case the FAR is not increased, then the fourth and fifth floors of residential houses constructed prior to December 31, 2006, with 100 per cent coverage will have to be demolished. If the amnesty scheme is extended to such buildings and the 350 FAR clause removed from the new bye-laws, only then can these residents be saved.

CONVERSION CHARGES FROM INDUSTRIAL TO COMMERCIAL/BANQUET HALLS³

MPD-2021 Under Clause 7.8 of Chapter-7 (Industry read with Notification dated 12-08-2008 provides as under:-

1. Banquet hall shall be permissible in Industrial premises subject to specifications/ regulations as may be prescribed, along with conversion charges as prescribed by the Government from time to time.
2. Industrial units/ plots abutting roads of 24m ROW and above shall be eligible for conversion charges as prescribed by the Government from time to time, and cost of parking as decided by Government from time to time. The activities permissible in local shopping centres will be permitted in such plots. In addition, multilevel parking shall be permissible activity. However, this shall not be permitted on non-conforming/ regularized industrial cluster. The above provision shall not affect the Supreme Court orders in any way.

Delhi Development Authority, while giving effect to above provisions, notified ONE TIME CHARGES vide Notification dated 25-02-2009 for Use Conversion of Industrial area, which are as under:-

RATES IN RS. PER SOM BUILT UP AREA

Sl. No.	Area	Rate
(a)	Narela	Rs. 1300/Sqm.
(b)	North, East, West & Rohini	Rs. 8097/Sqm.
(c)	Central/South Dwarka	Rs. 12508/Sqm.

Taking cognizance of various representations regarding use conversion charges. The Hon'ble Lt. Governor has decided to allow yearly conversion charges provisionally as has been allowed in respect of residential premises being put to mixed land use.

The existing policy circulated vide office order NO. D/214/SE(B) HQ/09 dated 17/09/2009 is replaced with the following directions for conversion charges:-

INDUSTRIAL UNIT FOR COMMERCIAL USE

1. The industrial units shall be allowed the option to either one time conversion charges as well as yearly conversion charges as has been allowed in respect of residential premises being put to mixed land use.
2. The owners/misusers shall submit an affidavit to the following effect:-
 - (a) That he/she/they will abide by the decision of G.O.I regarding payment of conversion charges in installments to whom the matter shall be referred for a final decision.
 - (b) That payment shall be made as per the final decision of Government of India within 30 days of the gazette notification of such decision.

1. Source : Hindustan Times, New Delhi, dt. 9.1.2008 and the Times of India, New Delhi dt. 9.1.2008.
 2. Source : Hindustan Times, New Delhi, dt. 10.1.2008.
 3. Municipal Corporation of Delhi No. D-16/Addl. Com (Engg)/10, dated 15-02-2010.

3. The payment of arrears of misuse charges shall be payable by the industrial units for the period of misuse before the lity of conversion was allowed.
4. Sealing notices on the ground of non- payment of conversion charges shall stand withdrawn for the moment.

The Affidavit of Presscribed Language is Attached.

USE CONVERSION CHARGES

The application can opt for following modes of payment for depositing USE CONVERSION CHARGES:-

1. ONE TIME CHARGES

RATES IN RS. PER SOM BUILT UP AREA.

Sl. No.	Area	Rate
(a)	Narela	Rs. 1300/ Sqm.
(b)	North, East West & Rohini	Rs. 8097/Sqm.
(b)	Central/South/Dwarka	Rs. 12508/Sqm.

2. USE CONVERSION (ON ANNUAL BASIS)

Under mixed use regulations for residential buildings, the one time conversion charges have been determined as eight times of Annual Conversion Charges. Thus, based on above analogy, provisional Annual Use Conversion for industrial units is as under:-

RATES IN RS. PER SOM BUILT UP AREA

Sl. No	Area	Annual Charge
(a)	Narela	Rs. 163
(b)	North-East, West & Rohini	Rs. 1012
(b)	Central/South/Dwarka	Rs. 1564

NOTE:-

- A. The annual use conversion is effective w.e.f 07-02-2007. Therefore, Annual Use Charges are to be taken from the date when industrial unit put to commercial use or from: 07-02-2007 whichever is later. The applicant shall pay annual use conversion for the year 2009-2010 voluntarily on or before 30th June 2011 on the analogy of Mixed Land Use Regulations.
- B. The Annual Conversion shall not be allowed to be adjusted in One Time Use Conversion, if applicant opts to switch over at later date. The applicant shall have to pay entire One Time Use Conversion at the time of switching over.
- C. The above mode of payment (Annual Charges) is subject to final decision/approval of MoUD, GOI.

PARKING CHARGES

The owner/ allottee/ resident/user of the industrial unit is also liable to pay one time charges for development of parking and such rate for two ECS per 100 Sqm. Of plot areas shall be as under:-

Category of Colonies	Parking Charges (In Rs.)
A & B	2, 10, 500/-
C & D	1,49,750/-
E, F & G	66,500/-

In case of properties which are already built up and the use of the premises is changed from industrial to commercial or banquet hall, parking shall be provided on total plot area as per notification dated 22nd June, 2007 till an amendment is issued in this regard. However, plot owners who come for sanctioning of Building plans including addition and alteration shall provide for parking within the plot @ 2 ECS/100 sqm. Of the proposed built up area under commercial use.

BANQUET HALL

The Banquet Halls in industrial units shall be allowed to operate on same analogy, as aforesaid. However, since conditions for operation of Banquet Hall in Industrial area are yet to be notified, an separate affidavit shall be obtained from the owners of such industrial units to the effect that he/she/they will abide by the conditions, which shall be notified by Government of India and no equity shall be claimed. If it is found that industrial unit does not fulfill the laid parameters and all activities relating to banquet hall shall be seized immediately. The affidavit of prescribed language is attached.