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U. C. Cell & Zone 'J'

Review of M.P.D-2821

Dy. No. 664/1/Date. 11/5/12

(67)

OFFICE OF THE DIR (Plg.)
MPR/TC, D.D.A. N. DELHI-2
Dy.No. 3842
Dated 5/6/12

226
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Shri Chandu Bhutia,
Dy. Director [Plg],
Zone [J], 12th Floor, Vikas Minar,
New Delhi - 110002

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 Halls 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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ADDG/02

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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 clearly 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 deptts?

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,


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