

सुदेश भसीन

निगम पार्षद

ह.द.स्य : नली विकास प्राधिकरण



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OFFICE OF UDM

Dy. No. 3993

Date 17.11.11

58

May pl. be examined.  
17/11  
Secretary PS to UDM

Honble Sh. Kamal Nath Ji  
Minister for Urban Development,  
Government of India  
Master Plan Section  
Nirman Bhawan , New Delhi

Dt. 14.11.2011.

Suggestion for reviewing of MPD 2021./review of Tech. Committee decision item No 50/10 DT 12.11.10

**Sub: Development control norms for notified LSCs. 4.4.3 new para to be added**

To allow same FAR as granted in MPD 2021 for both residential/ com.residential plots in UTD .

Dear Sir,

It is humbly brought to your notice that the Tech. Committee of DDA in their 8<sup>th</sup> meeting held on 12.11.10 vide item No. 50/10 has taken a decision without going into its detailed pros and cons. and ignoring the suggestions of Municipal Corporation of Delhi under which the Tech. Committee has indirectly ordered the Municipal Corporation of Delhi to demolish the 50 years old built structures which were built without sanction on com. resi plots i.e. in all shopping centers of Delhi including 80 such centers which came into existence prior to 1962 and these additions carried on residential flats pertain to the period when these LSCs were under L&DO i.e. under Ministry of Urban Development and all these local shopping centers were transferred to Municipal Corporation of Delhi by the L&DO under decision of Cabinet as is where basis in the year 2007.( copies of the minutes of MCD recommendations dt. 26.5.10 and Tech.Committee of DDA decision dt. 12.11.2010 are enclosed herewith)

. If you go into the details of these minutes, you will find that in that decision the tech. Committee has totally reversed the Dev. Control norms and has divided Delhi into 2 type of land one residential plots and the other com. residential plots and the permissible

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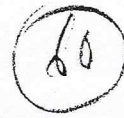


FAR in both differs. There is likely to be two parameters for Delhi one will get development code and norms for residential plots on the basis of MPD 2021 whereas the local shopping markets throughout in Delhi will continue to get standard plans FAR which is far below to the new protection given in MPD 2021. as per decision of Tech. Committee of DDA. If it is implemented its effect will fall adversely on pre 1962 developed LSCs, which were allotted against their claims to the refugees, migrated from Pakistan at the time of partition. The additions of floor were done by them on first floor above shops without permission. At that the L&DO under MOUD never objected nor any action for canceling their lease due to violation was initiated against them.

After examining such type of social and financial ground realities and to accommodate and facilitate the general public and to protect them from demolition all these unauthorized constructions throughout Delhi, all the earlier Master Plans of 1962, 1990, 2001 were extensively modified and notified by the Central Govt on 7.2.2007. The Tech. Committee has now totally overturned the concept of MPD 2021 and has given concurrence to demolish the even 50 years old built structures from major parts of city.

The reason for non-allowing the additional FAR permissible under MPD 2007 according to Tech. Committee observation is merely Parking congestion and traffic violation which is no valid reason and has no relevancy with it. Whether the Tech. Committee on regularizing the other residential plots has ordered to follow the Standard Plan norms due to parking problems and congestion where all such mixed land shops has even no provision of parking today whereas all these local shopping centers are well developed in planned areas and maximum have parking facilities etc. hence has no ground to pull down. The standard plans were made applicable during the period from 1962 and 1990. How these can be applicable for all LSCs land today as per the decision of the Tech. Committee when new FAR policy has been announced by the Govt. in MPD 2021. The Tech. Committee orders to implement the reverse old norms for com. residential plots throughout Delhi.

Some of the immediate unaccountable losses and problems will adversely affect where due to violations in properties these cannot be made free hold nor will be sold out due to recent ban of POA instrument. The purchase of alternate flats at this stage will be beyond capacity due to high-rise cost index. As soon as the Govt decision for non regularization of their houses and to remain on standard plan norms is published by the Govt as Public Notice, not only litigations / PIL will be faced by the Govt but large scale of dharans and strikes will take place besides the criticisms in party meetings and parliament sessions and at that time the arbitrary decision taken will be taken back by the Govt. since it is neither practicable nor logic to implement. On the other hand the local bodies will



face a major loss of finances, which is to be recovered due to its conversion as well as regularization and parking fees etc.

All major decisions in which the interest of large number of community involved are taken prospectively after having completed all the formalities. The local bodies recommendations, corporators and the public opinion cannot be ignored as per rule which in this decision has been kept aside for the best reasons known to DDA who wish to divide the land under two policies and two nature of decisions in one state, to make city paralyzed.

In view of the details facts given above, the decision of the Tech. Committee of DDA needs to be reviewed and revoked. The protection of regularization of unauthorized constructions under MPD 2021 is applicable to all types of land either residential or com. residential. MPD 2021 does not restrict the protection to particular categories of land it is applicable for all properties, which have come up upto 22.09.06 and are regularisable as per norms of MPD 2021 in the interest of public.

With regards,

Yours faithfully,

(SUDESH BHASIN)



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**MUNICIPAL CORPORATION OF DELHI**  
**OFFICE OF THE EXECUTIVE ENGINEER (BLDG.) HQ**  
**TOWN HALL : CHANDNI CHOWK : DELHI**

No. 90/EE-II (Bldg.) HQ/2010

Dated: 4/8/10

**Minutes of the meeting held on 26/05/2010 at 4.00 P.M. under the Chairmanship of Additional Commissioner (Engineering) regarding implementation of provisions of MPD-2021**

**PRESENT:**

1. Shri R.K. Srivastava, Addl. Commissioner [Engg.] - In Chair
2. Shri V.K. Bugga, Chief Town Planner
3. Shri Gani Chand, Chief Law Officer
4. Shri S.K. Midha, D.C./South Zone
5. Shri Deepak Hastir, D.C./Central Zone
6. Shri R.K. Sharma, S.E.(B) HQ
7. Shri Dilip Ramnani, SE/SZ
8. Shri J.S. Yadav, EE(B)/Central Zone
9. Shri R.S. Gupta, EE(B)/South Zone
10. Shri Sanjay Yadav, EE-I (Bldg.) HQ
11. Shri Harmander Singh, EE-II (Bldg.) HQ

The issues discussed vis-à-vis decisions taken are as under:-

**1. Permissibility of Restaurant on Mixed Land Use Streets / Roads**

It was observed that activities permitted on mixed land use streets are categorically defined in Master Plan-2021 as amended. The Restaurant does not form part of permissible activities / use and as such shall not be allowed on mixed land use streets.

**2. Control Norms for notified LSCs (erstwhile Shop-**

It was observed that Development Control Norms as approved by the Technical Committee of DDA correspond to the standard plans as per the approved layout plan which was prepared during the period of First Master Plan i.e. between 1962 and 1990.

There have been substantial revisions in the norms for residential plotted development and Shop-cum-Residence. The upper floors of property having status of Shop-cum-Residence have been allowed additional FAR accordingly. In case the original standard plans are allowed to be followed, the FAR permissible is less than what has already been achieved at site. Secondly, under mixed use regulations only residential plots situated on a notified commercial street are allowed to avail the benefit of development control norms for residential plot as per MPD-2021 with permitted activities as per Local Shopping Centre. Thus, there are two norms for similar placed properties in the same area. It was decided that Town Planning Department will refer the case to the Technical Committee of DDA for reviewing its decision.



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Master Plan Section  
6<sup>th</sup> floor, Vikas Minar

F.3(20)2009/MP/370

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23/11/10

H.S. Dhillon  
Jt. Director (MP)

The Chief Town Planner  
Town Planning Deptt. MCD,  
Nigam Bhawan, Kashmere Gate  
Delhi-110006.

6057/STP/19  
3/12/10  
दिनांक 22.11.2010  
Dated 22.11.2010

Subject: Clarification of development control norms of shops cum residential plots designated as Local Shopping Centre in MPD-2001/2021.

With reference to your letter No.TP/G/9218/10 dated 25.8.10 forwarding there with an agenda to be placed before the Technical Committee on the subject cited above, it is to inform that the matter has been discussed in the 8<sup>th</sup> Technical Committee meeting of DDA held on 12.11.2010 vide item No.50/10, as follows:

The proposal was presented by the representatives from MCD. It was informed that the issue of Development Control Norms for designated LSCs in MPD- 2001/2021 was discussed earlier in the Technical Committee Meeting and the decision and subsequent clarifications were conveyed to the MCD accordingly. The matter was deliberated in the meeting and considering the traffic circulation issues and parking problems in the existing designated LSCs, it was decided that the Development Control Norms of MPD 2021 for residential plots cannot be extended to the Shop-cum-Residence plots which will continue to be governed by the standard plans, approved by the Local Bodies.

The minutes of the above said meeting is also enclosed for your information & further necessary action please.

Thanking you,

Encl.: As above.

Yours faithfully,

*H.S. Dhillon*  
(H.S. Dhillon)  
Jt. Director (MP)

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STP(LDP)  
DTP/G  
DTP(LDP)