



ट्रेडर्स वेलफेयर एसोसिएशन (रजि०)

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बी-ब्लॉक, डी०डी०ए० मार्किट, प्रशान्त विहार, दिल्ली

कार्यालय: दुकान नं० 22, बी-ब्लॉक, डी.डी.ए. मार्किट, प्रशान्त विहार, दिल्ली-85

दूरभाष : 9891068243, 9899989977

दिनांक : 13.4.2012

To

Sh. Kamal Nath Jee

Hon. Minister

Urban Development - Ministry

Govt. of India
Delhi

OFFICE OF UDM

No. 1792

Date 21/5/12

MD 2011 Review
PS to UDM
3/5

SUB. : SUGGESTION REGARDING REVIEW OF MASTER PLAN 2021 AND ZONAL PLAN 'H'

REVISED

Sir,

With reference to the public notice dated 18.02.2012, published in various newspaper including Hindustan Times, DDA is going to review the Master Plan 2021 on the basis of Ground realities and actual requirements of affected citizens.

We represent DDA Market (CSC / Neighbourhood market), which was built-up and sold by DDA on very much higher prices to us because it was declared that no commercial activity of any kind, shall be allowed in residential premises except the shops DDA Markets like CSC, LSC (neighborhood Markets), Community Centre and District Centre as per set Land use plan of Master Plan and Zonal Plan. But, it is sorry to say that DDA did not adhere to its declaration and provisions of law and allowed commercial activity (Commercialization) in residential premises and Metro Corridors etc. in DDA Planned Colonies, with the result the shopkeepers of DDA Markets / neighborhood markets are badly suffering for the last so many years from these unlawfull commercialization. In this concern, we had already submitted our grievances and suggestions / objections to the concerned and respected committees and authorities / DDA so many times, but till now no result have been seen.

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In respect of the above noted subject, we are submitting our suggestions which is based on ground realities and our grievances, for your kind consideration as under :

A. In respect of Chapter 5.0 – Trade and Commerce

Table 5.4 – Development Control Commercial Centres

1. We suggest that the FAR for CSCs (neighbourhood markets) should be increased by 220 (Ground coverage 60 and height upto 15 mtr.) instead of existing FAR 100.
2. Regarding parking provisions, DDA being a lawful body, already provided sufficient parking space as per norms and requirements in view of permissible FAR at the time of development of each CSCs. In these CSCs no need of more parking space is required for example : our market was constructed in the year 1986 to 1988 by DDA as per MPD/BBL (Permissible Ground Coverage 40 and FAR 100). DDA had provided the sufficient parking space in view of above said Ground coverage and FAR. It is necessary to mention here that CSCs which are basically neighbourhood markets developed for 5000 residents/ persons with walking distance to shop for their daily needs. Therefore in these CSCs for any kind of additions, alterations or construction with in the permissible limit i.e. 40 Ground coverage with FAR 100 requires no extra parking space, where the same FAR was not achieved / constructed.

In this concern, further it is submitted that even after increasing the Ground coverage to 60 and FAR upto 220, where the more parking space is required, the cost of development of extra parking be recovered from the beneficiary / owner / allottee / Trader Welfare Association i.e. 50% of the parking charges which is already charging by the MCD from the misusers under 'Mixed Use Regulations' for developing the parking space under the provision of chapter 15 of MPD 2021.

3. In respect of Clause No. 5.6.2., we suggest that in existing CSCs redevelopment / reconstruction / modifications and alteration / addition should

be allowed with FAR 220, Some logical reasons in respect of the above mentioned suggestions are as under :

- (a) Mostly building structure of DDA Markets (specially made by DDA) are old more than 15 years and required modifications etc., because of long span of time and increasement of space in this era of Globalization.
- (b) It is necessary to mention here that DDA has already permitted excess coverage / additional coverage on Terrace and addition / alteration also in Flats, which were builtup and sold by DDA in Delhi.

DDA is also giving undue benefits and relief to the different categories of Property holders in the form of excess FAR and regularization of the unauthorized constructions.

- (c) We had purchased our shops through auction in the year 1988 on the cost 10 to 15 times much more than the "reserve price" being a DDA planned colony. At that time 104 sq.yards houses having 2½ story, existed on main road were available less than the cost paid by a shopkeeper for one shop and in MPD 2021 DDA allowed to these houses to convert into fully commercial upto four stories.
- (d) DDA given benefit to the misusers under the 'Mixed Use Regulations' through which allowing commercial activities in residential premises with increased FAR (100% ground coverage with FAR 400). But the FAR of CSCs (Neighborhood market) is still same as which was in 1988.
- (e) Infact the DDA sold out Markets (CSCs), which are in running stage after charging the whole price of market land and total construction cost (with huge premium) and after that the whole land either by leasing out or on free hold basis to the shop owners / Registered Agencies as per the terms and conditions of perpetual lease deed as well as the DDA (Management & Disposal of Housing Estate) Regulation 1968 applicable.

It is an admitted fact that while determining the cost of an unit / shop of a DDA Market, the cost of entire construction as well as whole land of the complex is taken into account in determining the cost of a single unit and thereby it is the lawful right of each / all owners that they can use the whole land of the market under the parameters of law according to the provisions of lease deed / conveyance deed.

Hence the maintenance, management and whole control of these markets deputed on Association / Traders Welfare Associations (Registered Agency) where the total shops were sold out and in running stage, as per the lease deed and the provisions of the above said Regulation. And DDA should held to the associating in regulating / improvement / development of markets.

- (f) DDA has already charged the full cost of whole land of project / market and leased out the whole land of the market to individually as well as severally by means of Traders Associations. So the shopkeepers have lawfully right for development / reconstruction / modifications of the market / shops in accordance with BBL/MPD by individually as well as jointly.
- (g) In the changing era of upcoming standard of living of the people as well as increasement in number of items, thereby more space is required for fulfilling their daily needs.
- (h) In some of the CSCs DDA has not utilized the land according to the permitted Ground Coverage & FAR. Being the shortage of land in Delhi and in the era of globalization there is a necessity of modification, reconstruction / redevelopment for the purposeful use of their open land to fulfill the space requirement of the shop owners of CSCs.
- (i) There is a very low plinth level of old DDA Mkts at number of places thereby fulfilled with rain water during the rainy season, resulting in heavy loss of goods etc. of the shopkeepers.

4. In these DDA Markets, permission for redevelopment or modification or addition or alteration etc. (with increasing in FAR) should be provided individually as well as jointly (Blockwise) and it is also suggested that rules & regulation for this purpose should be made users friendly and simple.
5. Sub-Division & Amalgamation should also be allowed in these shops of DDA Markets.
6. DDA / MCD should be financially compensate (from the conversion charges) to the shopkeepers of DDA approved markets being sufferer, because MCD / DDA are recovering the huge amount in terms of conversion charges etc. from misusers on the cost of shopkeepers of DDA markets. In view of that the right for compensation of the shopkeeper of DDA Markets is logical and lawful.

B) In respect of Chapter 15-0 - Mixed Use Regulations:-

1. The DDA approved markets which was built and sold by DDA on very much higher prices to the Shopkeepers with huge premium just like a private limited Co., through auction / tender. These shopkeepers had purchased their shops by paying a huge amount (Hard earned money) to the DDA because DDA had declared that any kind of commercial activity shall not be allowed in residential premises in DDA planned colonies as these colonies developed as per set land use plan of Master Plan. We were therefore, incited to offer our bids with free will and acquire the shop of our linking, keeping that assurance and the provisions relevant to land use existing in the Master Plan and other statutory books viz DMC Act. and DD Act. We purchased the shops in competition paying much exorbitant cost then the cost fixed by the DDA as "Reserved Price" with this end of view that our would be a good lucrative business and we would earn sufficient amount as per our expectations to make our and our dependents living easy in the coming future.

It is also mentioned in DD Act that change of land use was /is cognizable offence, punishable with heavy fine or simple imprisonment or with both. But it is sorry to say that DDA did not honour the statutory provisions and its declaration. And DDA allowed unauthorized commercialization in

residential premises in DDA planned colonies like Prashant Vihar, Rohini etc. It's means DDA/MCD are giving bonanza to the law violators / misusers by permitting them through "Mixed Use Regulations" of MPD-2021 and Zonal Planned on the cost of innocent shopkeepers, of DDA Mkts and Law abiding citizens of DDA planned colonies

2. While It is well in the knowledge of DDA that any development / construction or change of use which is not in conformity with the Master Plan/Zonal Plan and the Building Bye-Laws made there under and such unauthorized activities leads to a "Cognizable Offence" yet the DDA is bent upon in giving unlawful relief in the form of 'Mixed Use Regulations' to the defaulters / Law breakers / Builder Mafia on the cost of law abiding persons. Such relief had also been given to the defaulters making a provision in MPD and in Zonal Plan also, under clause 2.2.3 of zonal plan hypocritically declaring "to meet the growing demand of commercial activities and to overcome the shortfall of available commercial space," although it is well in the knowledge of DDA that as per the planning norms the commercial outlets should not be more than @ 1% of the total population of a planned colony and also not more than 4% to 5% land of the total land of a colony for commercial purpose, in view of that the provision had been already made for commercial space / use in DDA Planned Colonies as per prescribed land use plan, for example, we quote that CSCs have been developed @ 5000 persons, LSC @ 10000 persons, Community Centre @ 100000 persons and District Centre @ 500000 persons. It would be befitting to mention here that in some areas like Rohini much a higher commercial space is available than the prescribed above mentioned provision for example two more District Centres / Twin towers on either side of the Swaran Jyanti Park, Sector-10, Rohini, which taking into consideration, will substantially enhance the commercial space which would provide facilities not only to the Rohini's Residents but residents to the surrounding localities in the region too, Even then if the commercial space was required to meet the growing demand of commercial activities and to overcome the short fall of available space then the DDA must be permitted the increasement of FAR in existing DDA approved markets, to fullfil the requirements of commercial space, inspite of giving undue benefit to the law-

violaters in the form of "MIXED USE REGULATIONS". Therefore, the version of adding "Mixed Use Regulations" under the pretext of short availability of commercial space is hypothetical which should not be allowed in any cost. Because this would straight away a deceit to the law abiding persons rendering DDA itself a "Breacher of Trust".

- 3 This is necessary to mention here that DDA did not follow the set procedure of law to giving undue benefit to the misusers, because the DDA had proposed in their proposal regarding "Mixed Use" Chapter 15.0 of actual proposal of Master Plan 2021, is given below:-

"Mixed use may be permitted on residential plot facing streets / road of minimum 18.0 mts. ROW in regular residential plotted development with the prescribed development norms, such streets should be notified and given wide publicity.

Bungalow Areas of Lutyens' Delhi and Civil Lines, government housing, institutional / staff housing and areas of heritage and national importance shall not be covered under the Mixed use Policy.

15.2 NON-PERMISSIBLE USES

Any trade or activity involving any kind of obnoxious, hazardous, inflammable, non-compatible and polluted substance or process shall not be permitted."

- 4) But we are sorry to say, at the time of finalization or notification of MPD-2021, and offer that in Zonal Plan, DDA had given a fruitful bonanza to the misusers with a wider and unlimited commercialization in DDA planned colonies, with the result these colonies converted into a big slums, resulting the increasing number of problems. It is necessary to mention here that the object of the DD Act & Master Plan, Zonal Plan had been defeated/smashed.

5. Thereafter surprisingly DDA, had given more relaxation by notification dated 12.08.2008 in which the DDA allowed commercial activity upto four shops of maximum of 20 mtrs. each in each plot/ Flat especially exist on below 18 metres internal roads / areas of the DDA planned colonies under the clause No. 15.6.3, By which the problems of many kinds are increasing day by day on these small roads/ lanes/sublanes.
6. Due to this unlimited & uncontrolled commercialization of residential premises, resulting, the shortage of residential units/ area is continue & also going on, which is purely violation of planning norms and basic requirements of the city / planned colonies.
7. In view of the above it is suggested that if the government/ DDA wants to relief to the misusers on human ground then it should not beyond the above mentioned limit (mentioned in Para iii), which was actual and lawful proposal of DDA. It is also suggested that instead of allowing unlimited commercialization in planned colonies, the vacant shops / plots for CSC / LSC / CC / DC should be provided to the remaining misusers / law Breakers for maintaining the law and Master Plan and Zonal Plan as well as planning norms, to make Delhi a well planned capital / city.
8. It is also suggested that commercialization in developed society flats/CGHS societies should not be allowed, otherwise the purpose of the peaceful living in CGHS will be smashed.

C. In respect of Part 3.3.1.1. A :-

Influence Zone along MRTS and major Transport corridor:- Regarding Influence Zone along with MRTS corridor upto 500 mtrs on both side of metro track is also highly objectionable because this concept is totally violation of the set land use Plan of Master plan / Zonal plan especially in DDA planned colonies. We have already explained in above mentioned paras that already as per town and country planning norms/set land use plan DDA had provided commercial Land / Space / Commercial Centres had provided as per

area's population and requirement. It is also suggested that this provision of MPD and Zonal Plan, therefore desired to be omitted considering a superfluous inclusion in DDA planned colonies like Prashant Vihar, Rohini etc.

We hope that DDA shall consider the above said valuable suggestions, which are based on Ground realities and actual requirements of the shopkeepers of DDA Markets (CSCs).

Yours sincerely,
for **TRADERS WELFARE ASSOCIATION**



(HARISH KR. BAREJA) / (A.K. CHOPRA)

President



Gen. Secretary

Copy to : For information & necessary action.



ट्रेडर्स वेलफेयर एसोसिएशन (रजि०)

बी-ब्लॉक, डी०डी०ए० मार्केट, प्रशान्त विहार, दिल्ली

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दिनांक : 13.4.2012

To

Sh Kamal Nath Jee.
Hon. Minister
Urban Development Ministry
Govt. of India
Delhi

SUB:- SUPPLEMENTARY SUGGESTIONS REGARDING REVIEW OF MASTER PLAN 2021.

Sir,

Kindly refer to our letter dated 13.4.2012 (Copy enclosed) on the subject noted above, we are submitting hereby some other relevant suggestions for your kind consideration are as under:-

In respect of chapter 5-0 Trade and Commerce.

1. In this concern it is suggested that where the permissible Ground coverage and FAR (i.e. 40 and 100) was not achieved/constructed in existing CSCs, the additional construction / alteration should be allowed, without any charges, because the same Ground coverage and FAR (40 ground coverage and 100 FAR) was existed at the time of construction of these markets and DDA had already charged all types of charges (including development charges etc.) at the time of fixing the 'Reserve Price' of each Shop in view of the said Ground coverage and FAR.
2. In addition to that we suggest that as we have requested in Para no. one in our earlier letter to increase the Ground coverage and FAR of CSCs to 60 and 220 instead of 40 & 100, in this concern we specially request that the

Regularization charges/sanction charges for additional construction, alteration etc should be less than the charges fixed for the properties falling under the 'Mixed Use Regulations'.

In this concern it is necessary to mention here that Regularization charges / sanction charges on Additional construction, alteration etc. of commercial properties are 100 times more than the properties falling under the 'Mixed Use Regulations'. This is simply a disparity which is against the law of equality and we strongly appose it. And for clarification we are providing the tables of Notification dated 20.11.2006, 22.06.2007 and 23-08-2008 showing the details of regularization charges / sanction charges on properties under 'Mixed Use Regulations' and commercial Properties (Approved ^{Shops, Com.} Complexes) which itself indicates the disparity as under:-

Table No. 1 Properties under Mixed Use Regulations/Residential

S.No.	Area Category Wise	Regularization charges for un.Const./excess coverage (per sq.mt.)
1	A & B Colonies	4020/-
2	C & D Colonies	1610/-
3	E & F Colonies with plot upto 50 sq.mt.	564/-
4	E & F Colonies with plot more that 50 sq.mt.	805/-

Table No. 2 Properties under Mixed Use Regulations/Residential

S.No.	Area Category Wise	Sanction charges for new Const.(with additional FAR / coverage (per sq.mt.)
1	A & B Colonies	3500/-
2	C & D Colonies	1400/-
3	E & F Colonies with plot upto 50 sq.mt.	490/-
4	E & F Colonies with plot more that 50 sq.mt.	700/-

Table No. 3 For Commercial Properties/Shops

Rate for additional FAR/excess coverage for commercial properties (Category A to F)		
	Area	Rates
1	Central South & Dwarka	83130/-
2	North, East, West & Rohini	54825/-
3	Narela	16249/-

For example if any one from Prashant Vihar (D Category Colony) wants to regularize his residential property or commercial use property ^{pulling} under mixed use regulation for addition, alteration or unauthorized construction, then he will have to pay either 1400/- per sq. meter or Rs. 1610/- per square meter for sanction charges / regularization charges respectively. Whereas if any one having commercial property/shop (in approved Commercial complex) in Prashant Vihar wants to get regularized for addition, alteration, construction etc then he will have to pay 54825/- per square meter.

This is infact a big disparity and injustice to us and a bonanza to the law violators hence in this regard we further request that the regularization charges and sanction charges for commercial shop/properties should be less then that of residential and mixed land use properties.

In the end we hope that our above noted important and valuable suggestions will be the part of Master Plan and necessary implementations will be done to meet the end of Justice and we request for personal hearing for more clarification.

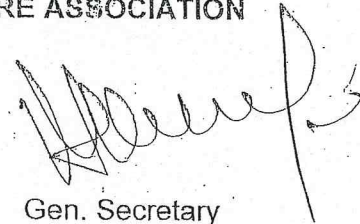
Yours sincerely,

for **TRADERS WELFARE ASSOCIATION**



President

(HARISH KR. BAREJA) /



Gen. Secretary

(A.K. CHOPRA)