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DELHI DEVELOPMENT AUTHORITY

Draft minutes of the meeting of the Delhi Development Authority held on 19th August, 2002 at 11:30 AM at Raj Niwas

Following were present:

CHAIRMAN

- 1 Shri Vijai Kapoor
Lieutenant Governor, Delhi

VICE-CHAIRMAN

- 2 Shri P K Holu

MEMBERS

- 3 Shri Mahabal Mishra, MLA
- 4 Shri Puran Chand Yogi, MLA
- 5 Shri Virender Kasam
Councillor, MCD
- 6 Shri K P Lakshmana Rao,
Finance Member, DDA
- 7 Shri R K Bhandari,
Engineer member, DDA
- 8 Shri A.K. Jha,
Member Secretary (NCR) Planning Board.
- 9 Shri K.T. Gurumukhi
Chief Planner, TCPO

SECRETARY

Shri V M Bansal
Commissioner-cum-Secretary

SPECIAL INVITEES & SENIOR OFFICERS

- 1 Smt B Prasad
Secretary to LG
- 2 Shri Prakash Kumar,
Secretary (L&B)
Government of Delhi
- 3 Shri V K Bugga
Chief Planner, MCD
- 4 Shri Ranbir,
Addl. Secretary, (Finance)
Govt. of Delhi

- 5 Shri D.B. Gupta
Commissioner (Housing), DDA
- 6 Smt. Amita Saini,
Chief Vigilance Officer
- 7 Shri Dharmendra
Commissioner [LM]-I, DDA
- 8 Shri Sunil Sharma
Commissioner [Personnel], DDA
- 9 Shri Vijay Risbud
Commissioner [Planning], DDA
- 10 Shri A M Sharan
Commissioner [LD], DDA
- 11 Shri U.S. Jolly
Commissioner (LM)-II
- 12 Shri R Chaudhan
Chief Accounts Officer, DDA
- 13 Shri R.C. Kinger
Chief Engineer (HQ), DDA
- 14 Shri C L Aggarwal
Chief Architect, DDA
- 15 Shri S.K. Tandon
Chief Legal Adviser, DDA
- 16 Shri Alok Swaroop
OSD to LG
- 17 Shri Atul Rai
Director (LC), DDA
- 18 Shri S K Goyal
Financial Adviser [Housing], DDA
- 19 Shri S.C. Sharma
Director (Works), DDA
- 20 Shri R.M. Lal
Director (T.T)
- 21 Shri B.D. Ram
Director (Hort.), North
- 22 Shri D Sarkar
Director [Sports], DDA
- 23 Shri Arvind Kaulyan
Director (Vigilance)
- 24 Shri Tapan Mandal
Joint Director (T.T.)

Draft minutes of the meeting of the Delhi Development Authority held on 19th August, 2002 at 11:30 AM at Raj Nivas

ITEM NO. 71/2002

Sub: Confirmation of the draft minutes of the meeting of the Delhi Development Authority held on 18th June, 2002.
F.2(2)2002/MC/DDA.

Minutes of the Delhi Development Authority meeting held on 18th June, 2002 were confirmed, as circulated.

ITEM NO. 72/2002

Sub: Change of land use of six sites for property Development in Shahdara-Tis-Hazari MRTS Corridor.
F.20(9)/99/MP.

Proposals contained in the agenda item were approved by the Authority on an assurance by the Commissioner (Planning) that all the requirements of the MRTS had been accommodated.

ITEM NO. 73/2002

Sub: Change of land use and Property Development at Khyber Pass MRTS Depot, along Vishwa Vidyalaya Central Secretariat Metro Corridor.
F.3(38)99-MP.

The Commissioner (Planning) informed that the area shown as land-fill site in the Master Plan had never been used as such. The proposals contained in the agenda item were thus approved by the Authority with the assurance by the Commissioner (Planning) that all the requirements of the MRTS had been accommodated.

ITEM NO. 74/2002

Sub: Construction of Five Star Hotel at Sardar Patel Marg. Regarding Payment of Ground Rent at Penal rate (double the normal rate of 2.5%) and damages for unauthorised occupation and interest on Ground Rent and damages to the L&DO in respect of Hotel Taj Place at Sardar Patel Marg.
F.No.FE.16(41)80/KWI/Vol.V.

Implications of the Ministry's letter were explained in detail by the Finance Member. After detailed discussions, the Authority decided that the matter should be taken up with the Ministry to have a uniform policy for payment of Central Government/Delhi Government dues by the DDA and vice-versa, specially because different departments of the Delhi Government owed approximately Rs. 380 Cr. to the DDA. FM informed that the DDA had never charged any Damages to the Government departments nor had it ever increased the ground rent rates. The Authority advised that these facts should also be conveyed to the Ministry.

LG pointed out that he was not in favour of any exemptions or relaxations in favour of any Government departments.

ITEM NO. 75/2002

Sub: Fixation of Pre-determined Rates (PDR) for allotment in Plastic Bazar Tikri Kalan through Cost Benefit Analysis (CBA) for the year 2001-2002.
F.4(4)/2001/AO(P)/DDA.

Proposals contained in the agenda item were approved by the Authority, keeping in view the fact that there was no increase in the land rates

ITEM NO. 76/2002

Sub: Department proceedings against Shri G.S. Kardwal, R.O. (Retd.) under Rule 9 of CCS (Pension) Rule 1972 (Date of Retirement 31.12.2000)
F.2(244)68/2000/PB-I/Vol.III.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 77/2002

Sub: Department proceedings against Shri C.S. Gujral, A.E. (Civil) Retd. Under rules 9 of CCS (Pension) Rule, 1972 (Date of retirement 31.10.94).
F.27(294)/90/Vig/DC.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 78/2002

Sub: Department proceedings against Shri R.P. Sharma, E.E. (C) Retd., under Rule 9 of CCS (Pension) Rules 1972 (Date of Retirement 31.12.1995).
F.27(294)90/Vig/DC.

The Authority approved imposition of 5% cut in pension for a period of 3 years on Shri R.P. Sharma, E.E. (Civil) retired, as recommended by the committee.

ITEM NO. 79/2002

Sub: Department proceedings against Shri G.L. Khurana, S.E. (C) Retd. under Rule 9 of CCS (Pension) Rule 1972. (Date of Retirement 31.5.2001).
F.27(84)/95/Vig.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 80/2002

Sub: Department proceedings against Shri G.L. Khurana, S.E. (C) Retd. under Rule 9 of CCS (Pension) Rule 1972 (Date of Retirement 31.5.2001).
F.27(83)/95/Vig.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 81/2002

Sub: Department proceedings against Shri J.R. Puri, A.E. (Retd.) under Rule 9 of CCS (Pension) Rule 1972 (Date of Retirement 31.5.1996).
F.4(16)83/Vig/DC/Vol.III.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 82/2002

Sub: Development Control Norms for Senior Secondary Schools
F.9(11)99-MP.

The LG pointed out that no decision had earlier been taken to reserve 2 acres of land for open areas, as mentioned in the agenda item.

The Authority approved the proposals and the decision taken by the LG that the remaining 2 acres of land carved out from the original 4 acres of land should be allotted to the Societies who had applied for allotment of land for Senior Secondary schools, till the list is exhausted, and that the cases of allotment in any fresh areas should be considered only thereafter.

It was also decided that the buildings plans shall be sanctioned on 1.5 acre of land as per the existing FAR provisions for school buildings and the remaining 0.5 acres shall be used as open area/play-field so that there would be no shortfall in built up space for school activities.

ITEM NO. 83/2002

*Sub: Fresh Sanction for prosecution in CBI/ACB Case No. RC-6(A)/91-DLI against Shri D.V. Singh, AE, DDA.
F.25(12)91/Vig.*

The Authority accorded prosecution sanction against Shri D.V. Singh, A.E.

ITEM NO. 84/2002

*Sub: Rationalization of interest structure.
F.21(Misc.9)Int./IAC/2002.*

Proposals contained in the agenda items were approved by the Authority.

OTHER POINTS:

- [i] Shri Mahabal Mishra sought LG's intervention against the grabbing of 103 acres of Gram Sabha land in Village Nasirpur. LG asked Secretary (Land & Building), GNCTD, CLM-I & CLM-II DDA to take immediate action in the matter, including issue of notification for acquiring the left out private pockets of land.*
- [ii] Shri Mahabal Mishra informed that forest/protected land opposite police station Hari Nagar near was being used as 'garbage dump'. He sought protection and development of the land.*
- [iii] Shri Mahabal Mishra requested that the existing road in village Posangipur in Janakpuri should be widened rather than constructing a new road shown in the Master Plan which will divide the village. He informed that the villagers were willing to give the land required for road widening without payment of compensation. LG asked the Engineer Member to examine the proposals.*
- [iv] Shri Mahabal Mishra drew the Authority's attention to a news cutting published in the 'Dainik Jagran' of 19th August, 2002 regarding allotment of park land in Rohini to some five star hotel for its parking and sought an inquiry in the matter.*

[v] Shri Mahabal Mishra and Shri Puran Chand Yogi sought a separate meeting on the action taken notes on the various points raised by them in the meetings and on the resolutions of the Authority.

[vi] Shri Puran Chand Yogi drew the attention of the Authority to the agenda item no. 16/2002 which was discussed in the Authority meeting held on 21/1/2002 regarding regularisation of allotment of residential plots in Shalimar Bagh. Shri Yogi requested that final recommendations should be put up at the earliest.

[vii] Shri Puran Chand Yogi sought transparent procedures for sanctioning the building plans/repair of old structures in the urbanized villages in development areas. Shri Yogi specifically pointed out the hardships being faced in village Mochi Bagh. Shri V.K. Bagga, Chief Planner, MCD informed that they were sanctioning the plans in the MCD areas.

The LG advised that development plans of the urbanised villages should have been prepared long back and individual plans sanctioned accordingly.

[viii] Shri Virender Kasana thanked the DDA for removal of unauthorised construction between Chirag Delhi and Sheikh Sarai Phase-II and sought fencing and maintenance of the cleared land.

[ix] Shri Kasana sought disciplinary action against Shri Om Pal Singh, Deputy Director (Horticulture) for showing dis-respect and for refusing him booking of the DDA park at Nehru Place (Paras Ground) and later booking the same park in favour of a third party.

All the non-official members alleged that booking of these parks was being manipulated by some tent owners and sought strict action. The LG ordered the Chief Vigilance Officer to personally investigate the bookings and also this specific complaint because there have been several complaints in the matter.

[x] Shri Kasana sought LG's intervention for providing a connecting road between Sheikh Sarai, Phase-I and Sheikh Sarai, Phase-II. He pointed out that the Police Station and the Post Office for Sheikh Sarai, Phases- I & II were located in phase-I, and the public from Sheikh Sarai, Phase-II had to travel a long distance, in the absence of any connecting road. The LG asked Shri Kasana to send his proposals in writing.

The meeting ended with a vote of thanks to the chair.

DELHI DEVELOPMENT AUTHORITY
(COMMR.CUM.SECY'S OFFICE)

List of the agenda items to be discussed in the
meeting of the Delhi Development Authority for 19th
August, 02 at 11.00 A.M. at Raj Niwas, Delhi.

I N D E X

S.NO.	Item No.	Subject	Page No.
1.	71/2002	Confirmation of the draft minutes of the meeting of the Delhi Development Authority held on 18th June, 2002. <u>F.2(2)2002/MC/DDA/</u>	1-9
2.	72/2002	Change of land use of six sites for property Development in Shahdara-Tis-Hazari MRTS Corridor. <u>F.20(9)/99/MP.</u>	10-28
3.	73/2002	Change of land use and Property Development at Khyber Pass MRTS Depot along Vishva Vidyalaya Central Secretariate Metro Corridor. <u>F.3(38)99-MP.</u>	29-38
4.	74/2002	Construction <u>/of</u> Five Star Hotel at Sardar Patel Marg. Regarding Payment of Ground Rent at Penal rate (double the normal rate of 2.5%) and damages for unauthorised occupation and interest on Ground Rent and damages to the L & DO in respect of Hotel Taj Place at Sardar Patel Marg. <u>FE 16(41)80/KWI/Vol.V.</u>	39-59
5.	75/2002	Fixation of Pre-determined Rates (PDR) for allotment in Plastic Bazar Tikri Kalan through Cost Benefit Analysis (CBA) for the year 2001-2002. <u>F.4(4)/2001/AO(P)/DDA .</u>	60-64
6.	76/2002	Departmental proceedings against Sh. G.S. Kardwal, R.O. (Retd.) under Rule 9 of CCS(Pension)Rule 1972 (Date of Retirement 31.12.2000) <u>F.2(244)68/2000/PB-I/Vol.III.</u>	65-66

S.NO.	Item No.	Subject	Page No.
7.	77/2002	Departmental proceedings against Sh. C.S. Gujral, A.E. (C) Retd. under Rule 9 of CCS(Pension) Rule, 1972 (Date of retirement 31.10.94).	67
		<u>F.27(294)/90/Vig./DC.</u>	
8.	78/2002	Departmental proceedings against Sh. R.P.Sharma, E.E. (C) Retd., under Rule 9 of CCS(Pension) Rules 1972 (Date of Retirement 31.12.1995)	68
		<u>F.27(294)/90/Vig./DC.</u>	
9.	79/2002	Departmental proceedings against Sh. G.L. Khurana, S.E. (C) Retd. under Rule 9 of CCS(Pension) Rule 1972. (Date of Retirement 31.5.2001).	69
		<u>F.27(84)/95/Vig.</u>	
10.	80/2002	Departmental proceedings against Sh. G.L.Khurana, S.E. (C) Retd. under Rule 9 of CCS(Pension) Rule 1972 (Date of Retirement 31.5.2001).	70
		<u>F.27(83)/95/Vig.</u>	
11.	81/200.2	Departmental proceedings against Sh. J.R.Puri, A.E. (Retd.) under Rule 9 of CCS(Pension) Rule 1972 (Date of Retirement 31.5.1996).	71-72
		<u>F.4(16)83/Vig./DC/Vol.III.</u>	
12.	82/2002	Development Control Norms for Senior Secondary Schools.	73-77
		<u>F.9(11)99-MP.</u>	

DELHI DEVELOPMENT AUTHORITY
(COMM. CUM. SECY'S OFFICE)

List of the supplementary agenda items to be
discussed in the meeting of Delhi Development Authority
fixed for 19th August, 2002 at 11.00 A.M. at Raj Niwas.

I N D E X

S.No.	Item No.	Subject	Page No.
1.	83/2002	Fresh Sanction for prosecution in CBI/ACB Case No. PC-6(A)/91 -DLI against Shri D.V. Singh, AE, DDA. <u>F.25(12)91/Vlg.</u>	1-3
2.	84/2002	Rationalization of interest structure. <u>F.21(Misc.9)Int./HAC/2002</u>	4-6

Item No.
71/2002

Sub: Confirmation of the draft minutes of the meeting of the Delhi Development Authority held on 18th June, 2002.

E.2(2)2002/MC/DDA/

P R E C I S E

Confirmation of the minutes of the meeting of the Delhi Development held on 18th June, 2002 are submitted for confirmation of the Authority (Appendix 'A' Page 2 to 9). No amendments have been proposed to these minutes.

R E S O L U T I O N

Minutes of the Delhi Development Authority meeting held on 18th June, 2002 were confirmed, as circulated.

DELHI DEVELOPMENT AUTHORITY

Draft minutes of the meeting of the Delhi Development Authority held on 18th June, 2002 at 11:00 AM at Raj Niwas

Following were present:

CHAIRMAN

- 1 Shri Vijai Kapoor
Lieutenant Governor, Delhi

VICE-CHAIRMAN

- 2 Shri P K Hota

MEMBERS

- 3 Shri Mahabal Mishra, MLA
- 4 Shri Kanwar Karan Singh, MLA
- 5 Shri Purn Chaud Yogi, MLA
- 6 Shri Virender Kasana
Councillor, MCD
- 7 Shri K P Lakshmana Rao,
Finance Member, DDA
- 8 Shri R K Bhandari,
Engineer member, DDA
- 9 Shri P.K. Pradhan
Joint Secretary, MOUD&PA

SECRETARY

Shri V M Bansal
Commissioner-cum-Secretary

SPECIAL INVITEES & SENIOR OFFICERS

- 1 Smt B Prasad
Secretary to LG
- 2 Shri V K Bugga
Chief Planner, MCD
- 3 Shri Satish Chandra,
Pr. Secretary (Urban Development & PWD)
- 4 Shri Prakash Kumar
Secretary (L&B)
Government of Delhi

- 5 Shri D.B. Gupta
Commissioner (Housing), DDA
- 6 Shri Parimal Rai
Commissioner [LM]-I, DDA
- 7 Shri Sunil Sharma
Commissioner [Personnel], DDA
- 8 Shri Vijay Risbud
Commissioner [Planning], DDA
- 9 Shri A M Sharan
Commissioner [LD], DDA
- 10 Shri U.S. Jolly
Commissioner (LM)-II
- 11 Shri R Chauthan
Chief Accounts Officer, DDA
- 12 Shri R.C. Kinger
Chief Engineer (HQ), DDA
- 13 Shri C L Aggarwal
Chief Architect, DDA
- 14 Shri S P Rustogi
Chief Engineer [Dwarka], DDA
- 15 Shri Alok Swaroop
OSD to LG
- 16 Shri Atul Rai
Director (LC), DDA
- 17 Shri S K Goyal
Financial Adviser [Housing], DDA
- 18 Shri Surjeet Roy
Director (CL), DDA
- 19 Shri B.K. Gupta
Deputy C.L.A.
- 20 Shri R.K. Jain
Director (Planning), DDA
- 21 Shri D Sarkar
Director [Sports], DDA
- 22 Shri R. Srinivas
Associate Town & Country Planner
TCPO, New Delhi
- 23 Shri Rajeev Mallhotra
Joint Director (NCR) Planning Board

Draft minutes of the meeting of the Delhi Development Authority held on 18th June, 2002 at 11:00 AM at Raj Nivas

ITEM NO. 55/2002

Sub: *Confirmation of the draft minutes of the meeting of the Delhi Development Authority held on 28th March 2002.*
F.2[2]2002/MC/DDA

Minutes of the Delhi Development Authority meeting held on March 28, 2002 were confirmed, as circulated.

ITEM NO. 56/2002

Sub: *Permissibility of certain non-residential uses/activities arising out of community needs in residential areas.*
F.10[5]81/MP/Pt.III

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 57/2002

Sub: *Regulations for setting up of petrol pumps in rural use zone/rural area in National Capital Territory of Delhi and amendments in MPD-2001.*
F.7[23]67/MP

Proposals contained in the agenda item were approved by the Authority. It was also decided that the existing petrol pumps operating against the land use provisions would also be covered under these Regulations.

ITEM NO. 58/2002

Sub: *Change of land use of an area measuring 9596 sq. mts. from 'manufacturing use' to 'public and semi-public facilities' [Senior Secondary School 8996 sq. mts., Barat Ghar 600 sq. mts.]*
F.9[7]97/MP

The Authority approved the change of land use for the entire area measuring 9596 square meters from 'manufacturing use' to 'public and semi-public facilities [Senior Secondary School] .

ITEM NO. 59/2002

Sub: Change of land use for 37.0 Ha. [91-4 acres] in Zone 'O' from 'agriculture and water body [A-4]' to 'residential' for slum resettlement at Madanpur Khadar.
F.3/10/2000/MP

Proposals contained in the agenda item were approved by the Authority. The LG asked the Commissioner [LM]-II to submit a detailed paper on the status of 1.66 Hac of land reportedly with the Bhumiidars, so that these pockets are also transferred to the DDA at the earliest.

ITEM NO. 60/2002

Sub: Granting of extension of time for completing the construction and lowering the rate of composition fee in respect of Government Institution.
F.16/7/79/IL

After detailed discussions, it was decided that letters should be written to the concerned HODs of the Government departments to expeditiously start utilising the institutional plots within a fixed time frame or to surrender them. There was no justification for holding the plots, which had been allotted almost free of cost. DDA should ensure appropriate and timely utilisation of the plots or else withdraw them from the Government departments within a given time frame.

ITEM NO. 61/2002

Sub: Revision of pay-scale of Assistants.
F.1/1/95/PB-III

The LG desired to know whether this decision would have linkages with some other cadres and category of employees. He advised that the matter should be discussed in detail with all the concerned officials and a considered view in the whole matter taken before bringing it to the Authority.

ITEM NO. 62/2002

Sub: Recruitment Regulations of Assistant.
F.1/1/95/Pt.

The LG reiterated his desire to entrust all recruitments/promotions to the UPSC so that the entire system is fully transparent and conforms to a set pattern.

Regarding modifying the Recruitment Regulations of Assistants in DDA, the LG advised that we should stick to the Government of India rules and there was no justification for modifying the Regulations.

ITEM NO. 63/2002

Sub: Revision of designation in Architect Wing.
F.7[31]2000/PB-I/Pt.

It was decided that the matter may be examined in further detail on the file and submitted to the LG. It could, thereafter, be brought before the Authority, if necessary.

ITEM NO. 64/2002

Sub: DDA account for the year 1995-96 and 1996-97 - Approval of 'Note on Account' for above years.
F.A/Cs/6[29]95-96-1996-97

"L.G. advised that a clear cut mechanism should be laid down for achieving the Milestones communicated to the CAG. The Authority desired that all the HODs must ensure achieving the Milestones in the areas of land records, sundry debtors and maintenance of asset registers so that issue of negative certificates is avoided in future.

After detailed discussions, the Authority approved the Notes on Accounts as appended to and forming part of the Accounts for the years 1995-96 and 1996-97 as brought out in the agenda item and explained by the Finance Member.

II. The LG desired to have a total inventory base of all the acquired lands, awardwise and villagewise along with their present status on the pattern of Hauz Khas Village. He sought to know why the time schedules finalised in consultation with the Consultant, Shri Jagmohan were not being adhered to. The VC was requested to convene a meeting of all the concerned departments and lay down time-wise targets for completing the total database of all land records and thereafter fix responsibility for delays.

Shri Mahabal Mishra desired to have details of the lands under encroachment and sought fixation of responsibility against senior officers for not keeping the entire land free of encroachments.

ITEM NO. 65/2002

*Sub: Minutes of the meeting of the Advisory Council of Delhi Development Authority held on 13/11/2000 and 5/10/2001.
F.1[2]2001/AC/MC/DD*

Noted.

ITEM NO. 66/2002

*Sub: Constitution of Advisory Council of the Delhi Development Authority.
F.1[2]2002/MC/DDA*

The Authority welcomed the new members of the Advisory Council.

ITEM NO. 67/2002

*Sub: Lump sum incentive for acquiring fresh higher qualification, which are useful in discharging official work.
F.7[5]2002/P&C[P]*

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 68/2002

*Sub: Revision of change charges in respect of commercial built-up properties.
F.2[01]98/CE/OTA.*

Non-official members suggested that there should be no provision for changing the location of shops or flats because it leads to avoidable controversies. After detailed discussions, the Authority decided that no change of location should henceforth be allowed for shops or flats.

ITEM NO. 69/2002

Sub: *Proposal to streamline the costing of built up Commercial units.*
F.25(15)2002/CE.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 70/2002

Sub: *Regulations regarding Banks Nursing Homes, Guest Houses, under Section 57 of Delhi Development Act-1957.*
F.10(5)81-MP.

Regulations for banks, nursing homes and guest houses, as proposed in the agenda item, were approved by the Authority.

It was, however, decided that the rates of conversion charges/exact amount of permission fee etc need not form part of the Regulations; these can be separately finalized at the level of the LG, for which necessary powers were delegated by the Authority. It was decided that the conversion charges/permission fee etc., should be logical, consistent and practical to enforce.

OTHER POINTS:

i] *Shri Mahabal Mishra pointed out that 103 acres of Gaon Sabha land in Village Nasirpur is being grabbed for the last one year and no action is being taken inspite of his repeated requests. The LG desired that the matter should be looked into immediately.*

ii] *Shri Mahabal Mishra suggested that open lands adjacent to Pocket-6, Sector-1, DDA flats Dwarka, Nasirpur, which had been shown to EM and VC, should be taken up for immediate acquisition.*

2. The LG asked the FM to examine the request of Shri P C Yogi for charging of pre-determined rates on the land which was under utilisation of the 80 families in Ashoka Pahari and on the Charcoal traders of Mathura Road.

LG asked Shri P K Pradhan, Joint Secretary, Ministry of Urban Development to consider the matter in totality so that a common and realistic policy could be worked out for allotment of prime lands on temporary basis by the L&DO, DDA, NDMC etc.

3. Shri Yogi appreciated the work done by the Senior officers of DDA namely the VC, EM, Dire (LS) etc. in developing the Millennium Park. The LG reminded that Shri Sajan, Superintending Engineer and Director [Horticulture] had also done appreciable work.

4. Shri Virendra Kasana pointed out that there was no higher secondary school in Village Ali Gaon. He was advised that the Delhi Government should make an appropriate request.

ii] The LG agreed with the request of Shri Kasana for early fencing and development of the land cleared of encroachments in Chirag Delhi by the Engineering department..

5. The EM informed that the work had been started on the Pankha Road fly-over and foundation stone for Dwarka fly-over can be laid in the 2nd week of July.

6. The LG informed that the Hon'ble Prime Minister would be inaugurating the Vijayee Vir Awas Yojana on the 26th July.

7. The LG advised the Joint Secretary, Ministry of Urban Development, Shri P K Pradhan to examine issuing a 'general standing notification' for vesting the Gaon Sabha lands of all the urbanized villages in the DDA rather than issuing separate orders/notifications for every urban village separately. He advised that a distinction must be drawn between Gaon Sabha lands and the Shamlaat Del lands.

The meeting ended with a vote of thanks to the Chair.

ITEM NO:
72/2002

SUB: CHANGE OF LAND USE OF SIX SITES FOR PROPERTY
DEVELOPMENT IN SHAHDARA - TIS HAZARI MRTS
CORRIDOR.
FILE NO.: F. 20 (9) / 99 / MP

PRECIS

1.0 INTRODUCTION:

Delhi Metro Rail Corporation (DMRC) has brought the proposal of the MRTS Corridor between Shahdara - and - Tis Hazari as the **First Corridor** of the Phase - I MRT- System. DMRC has proposed to raise 6% of total cost from Property Development on the station / depot areas.

Government of India in 1996, have approved construction of the First Phase of the Scheme for introduction of the Mass Rapid Transit System (MRTS) for Delhi at an estimated costs of Rs. 4,860 Crores (1996 prices), as per the report. The project is being implemented by Delhi Metro Rail Corporation (DMRC) set up as a 50:50 joint venture by Government of India and Delhi Government in 1998.

2.0 BACKGROUND:

2.1 The Mass Rapid Transit System Phase - I was approved by the Authority in its meeting on 7th June 1996 vide Item No. 60/96. The First Phase of MRTS Corridor to be developed by DMRC is:

- a. From Shahdara to Nangloi - Surface & Elevated (25 Kms.)
- b. From Delhi University to Central Secretariat - Under ground (11 Kms.)
- c. From Subzi Mandi to Holambi Kalan - Surface & Elevated (19.3 Kms.)

The Corridor of Subzi Mandi to Holambi Kalan was dropped. Another Corridor between Trinagar - Barwala has been included in Phase - I, approved by MOUD, as informed by DMRC vide letter no. DMRC / 103 / 98 dated 13th September 2000 of Director (Projects & Plans), DMRC. The project is joint venture financed by the Government of India and Delhi Government, loan / grant from other Agencies and 6% of the total costs is to be raised from Property Development on the MRTS Stations / Depots.

The present proposal, hence, is regarding the change of land use of the MRTS sites for property development proposed on the Shahdara - Tis Hazari Corridor of MRTS Phase - I.
(Page 25 to 28)

2.2 The proposal for change of land use at six locations was initially received in DDA on 6th April 1999 along with subsequent modified area break up those have been intimated time to time by DMRC. Based on the area break up, received on 30th November 2000, the matter was considered in the Technical committee of DDA in its meeting held on 24th January 2001.

- 3.0 The proposal for the change of land use of six sites for property development is given as under:

Location	Acquired Plot	Area	Details of land
	SQM	(= Acquired plot -- Rly.Land) SQM	
1. Shahdara	45363	21000	Possession taken over
2. Seelampur	38455	35700	Possession taken over
3. Gautampur	51214	49000	Possession taken over
4. Shastri Park	80000	80000	Possession taken over
5. ISBT	47100	47100	Possession taken over
6. Tis Hazari	14600	14600	Possession taken over

4.0 OBSERVATION

- 4.1 With reference to DMRC letter dated 23rd July 1999 and previous letter dated 6th April 1999 on this subject, the issue was examined in DDA and it was decided that initially the property development on six stations falling on Shahdara – Tis Hazari Corridor might be allowed to DMRC. In the development process of the property over the MRTS sites, the broad guidelines for property development with certain conditions was communicated to DMRC vide DDA letter no. F. 22(9) 99/ MP / 1482 dated 14th October 1999 (App. 'A' at Page 16 – 17)
DEVELOPMENT NORMS (broad) given therein is as under:
Keeping the City form & development norms of MPD2001 for COMMERCIAL Areas-

- a) FAR (inclusive of operational & non-operational areas) = 100
b) Ground COVERAGE = 25%
c) HEIGHT = (to achieve Urban Form) shall be governed by the Surrounding development / or on the recommendation of the DUAC
d) PARKING = 1.33 ecs / 100sqm of Floor Area (MPD Commercial use norms)

Other:

- e) PLOT area shall be calculated after leaving road R/W (right of way) as per MPD2001/ ZDP / Layout Plans
f) Implications on Land Cost, Allotment Conditions etc. shall be examined by Land-owning-Agencies.

- 4.2 The guidelines were also approved in the meeting of the 2nd Steering Group meeting held on 17th July 2000 under the Chairmanship of Addl. Secretary, MOUD.
- 4.3 DMRC in their letter dated 30th November 2000 along with attached area statement indicated that plot area for property development calculation exclude the area falling in railway land in which property development is not feasible.

The table below indicates the ownership status and position on property development:

Station / Depot	Area of Station (Land From / Area (HA)	Ownership Status	Remarks Regarding Property Development.
MRTS STATION			
SHAHDARA	Railway : 2.43	Possession taken over	Not feasible
	Private: 2.1	Possession taken over	Full Utilization planned

SEELAMPUR	Railway 0.39	Possession taken over	Not feasible
	DDA: 1.8	Possession taken over	Full utilization planned
	Fisheries 1.77	Possession taken over	Full utilization planned
GAUTAMPUR	Railways: 0.5	Possession taken over	Not feasible
	Fisheries: 4.9	Possession taken over	Full utilization planned
I.S.B.T.	Transport Depot: 0.4	Possession taken over	Full utilization planned
	L&DO: 4.31	Possession taken over	Full utilization planned
TIS HAZARI	Railway : 1.46	Possession taken over	Not feasible

4.4 Master Plan & Zonal Development Plan:

The plot areas for change of land use, the ownership status and the land use as per MPD - 2001 / Zonal Development Plan are given in the following table:

Location	Area (excluding Rly land)	Land use as per MPD-2001	Land use as per ZDP	Ownership status.
Shahdara	21000	Partly residential & Distt. Park	Partly residential, Distt. Park, Commercial Street, Transportation	Possession with DMRC.
Seelampur	35700	Distt Park	Distt. Park	- DO -
Gautampur	49000	Distt. Park	Distt. Park	- DO -
Shastri Park	80000	River Bed	Zonal Plan yet to be approved by Competent Authority.	- DO -
I.S.B.T.	47100	Transportation, ISBT, Distt. Park	Transportation, ISBT, Distt. Park	- DO -
Tis Hazari	14600	Residential	Residential - Police Lines, Bungalows area.	- DO -

As per MPD - 2001 Parking & Circulation is permitted in all use zones. Any other use provision in Transportation use zone needs change of land use.

4.5

- Most of the stations are proposed on the vacant land available and the land use of this land are recreational. Any development on this land will further reduce the lung spaces of the city. A decision is required in this matter, with reference to the instructions of Ministry of U.D. dated 11th January 1996 regarding "change of land use in respect of areas in Delhi Developed as Green in recreational use zone etc. (App. 'B' at Page 18)
- This metro corridor is passing through the congested area of the city, and once the metro becomes operational most of the road traffic and other activities will concentrate around station area. Further, the property development will also generate addl. Traffic. Therefore, the road Capacity would be insufficient in these areas.
- The commercial development through property development will imbalance the ratio of land uses of Master Plan of Delhi. The projects of local authorities in pipeline will also get affected which will ultimately affect the local bodies economically.

4.6 CONSIDERATION IN THE TECHNICAL COMMITTEE

- The proposal was put up to the Technical Committee on 24th & 29th January 2001. The decision of the Technical Committee is reproduced below:

DECISION

" This Matter was discussed in detail and Tech. Committee recommended that the sites of the railway station proposed for Metro Rail Transport Corridor shall be considered as a 'Commercial use'.

Wherever necessary clearance shall be taken from the Ministry of Urban Development for the change of land use, if the site is part of the recreational use / district park.

The other conditions and the development control norms shall remain the same, as communicated by DDA vide office letter dated 14.10.99 which was put as Annexure to the Agenda.

It was also decided that DMRC would obtain necessary clearances from the CWC and NEERI Nagpur with respect to the stations proposed at Shastri Park, falling in riverbed area. This decision shall be applicable to six stations falling between Shahdara - Tis Hazari MRTS Corridor. After feed back the necessary modifications in MPD - 2001 shall be processed.

The Project / Scheme shall be implemented only after the change of land use is finally notified by the Ministry."

5.0 FOLLOW UP ACTION:

5.1 Necessary clearances as per the decision of the Technical Committee are awaited.

5.2 A meeting was taken by Secretary, UD, MOUD & PA on 5th February 2002 on the subject of 'The various property development proposals of DMRC pending with DDA, DUAC & MCD for necessary actions'. The salient points of the minutes are as under: (Minutes of the meeting at App. 'C' at Page 19 to 22)

i) Shahdara - Tis Hazari Corridor

a. **Shahdara Station** - Formal approval will be communicated after obtaining modified plans from DMRC. Present approval on pilot basis will be restricted only to the non-railway land transferred to DMRC as the railways have raised some issues in respect of the land transferred by them to DMRC.

b. The same applies for the stations - Seelampur, Gautampur, ISBT, Tis Hazari and Khyber Pass.

ii) **Shastri Park Station & Shastri Park Depot** - It was agreed that as the property development is on the flood plain of Yamuna River, the approval of Central Water Commission (CWC) and NEERI are mandatory, which DMRC should take up.

5.3 The Director (P), DMRC, vide his letter dated 13th February, 2002 has requested that "...since the railway land has already been transferred by railway to DMRC, it is not possible to exclude this land from property development. It is, therefore, requested that land use change be made for full land in possession of DMRC, as shown in the plans submitted".

5.4 Later MOUD & PA vide letter dated 22nd March, 2002 has informed that - "... The change of land use for the total land acquired by DMRC, may be considered for which all necessary Drawings have been supplied to DDA. (App. 'D' at Page 23)

5.4 LEASE AGREEMENT for Railway land transferred to and under possession of DMRC has not yet been signed / accepted / sent to railway office, according to the letter dated 21.03.2002 of the Chief Engineer / MRTS, Northern Railway.
(App. 'E' at Page 24)

6.0 STATUS & ISSUES:

- 6.1 DMRC vide letter dated 28th January 2002 forwarded a set of drawings. The following table indicates the area and the land uses (including Rly. land):

	Location	DMRC plot boundary (Sqm) (including Rly land)	Plot area under roadR/W (Sqm)	Net DMRC area (Sqm)	Land Use	
					As per MPD	As proposed
1	Shahdara	46,674	1,311	45,363	District Park & Residential	Transportation & Commercial
2	Seelampur	41,020	2,565	38,455	District Park	-Do-
3	Gautampur	53,095	1,881	51,214	District Park	-Do-
4	Shastri Park	80,000	-	80,000	River Bed	-Do-
5	I.S.B.T.	19,800	-	19,800	District Park	-Do-
6	Tis Hazari	14,600	-	14,600	Residential	-Do-

- 6.2 Clearances as per the decision of the Technical Committee and Minutes of the meeting of Secretary, UD, dated 5th February 2002 as well, are yet to receive.

With reference to the instructions of Ministry of Urban Development dated 11th January, 1996 regarding "Change of land use in respect of the area in Delhi developed as Green in Recreational use zones etc. (stating that ...The Minister of Urban Development has directed that in future the area actually developed as 'Green' in the Regional/ District/ Neighbourhood Parks or in other Recreational Use Zones in the City will not be converted into any other Use...) ", necessary clearance is required from the Ministry of Urban Development. (App. 'B' at Page 18)

7.0 PROPOSAL

7.1 DETAILS OF AREA PROPOSED FOR CHANGE OF LAND USE

SL NO	LOCATION	AREA (Sqm)	LANDUSE AS PER MPD2001	PROPOSED LAND USE	BOUNDARIES
1	SHAHDARA	45,363		COMMERCIAL	
	Pocket A	2,095	Residential		North-private residential area, local road South-Boundary of Rly. Land along Delhi-Ghaziabad Rly Line East- Rly Land West- 18m wide Chotta Bazar Road
	Pocket B	16,696	-Do-		North-45m r/w GT Road, private residential area. South- Delhi-Ghaziabad Rly Line. East -18m wide Chotta Bazar Road, private residential area, school West-18m wide Bhola Nath Marg
	Pocket C	26,572	-Do- & District Park		North-45m r/w GT Road, Maruti workshop, motor driving school, Amar Gas Service. South-Delhi Ghaziabad Rly. Line. East -18M wide Bhola Nath Marg. West-Temp. timber shops, Temp. structures, open land.

2	SEELAMPUR	38,455	District park	COMMER	North-45M wide G.T.Road. South- Boundary of Rly. Land East-45 M.RMW road No. 57 West- Fish Ponds
3	GAUTAMPUR	51,214	District park	COMMER	North- 45 M.RMW G.T.Road South- Boundary of Rly. Land East- Jhuggi Clusters West- Boundary along the G.T. Road RMW (45m) up to Old Yamuna Bridge.
4	ISBT	19,800	District park	COMMER	North- Gokhale Road (RMW South- Nicholson Road (RMW East- Open Area West- Road.
5	TIS HAZARI	14,600	Residential	COMMER	North- Railway Colony. South- 60 M.RMW Boulevard Road. East- 24 M.RMW Rajpur Road. West- Railway Colony.

7.2 Property Development over these MRTS sites shall be as per the development norms and conditions intimated vide DDA letter dated 14th October 1999.

8.0 Approval of Lt. Governor of Delhi:

The Proposal as described above in Para - 7.0 has been agreed in principle by the Lt. Governor of Delhi in File no. F3 (38) 99/MP on 03.06.2002. A request, accordingly, has been made to the Ministry of Urban Development on 13 June 2002 for processing the case for approval of the Govt. to invite objections / suggestions for proposed change of landuse.

9.0 RECOMMENDATION

9.1 The Change of landuse to COMMERCIAL USE under section 11-A of DDA Act, 1957 is proposed with respect to Five (5) MRTS station areas only as given in para-7.0. Area for the requested "Property Development" approved by Technical Committee is given at para-3.

9.2 The Conditions approved by Technical Committee in its meeting held on 24th Jan, 2001 and the Condition and Development Norms communicated vide DDA letter dated 14.10.1999 shall be applicable.

9.3 The Change of Land Use of Railway Land may be considered with reference to Letters of (i) Chief Engineer (NR) dated 21.3.02 (App. 'E'), (ii) MOUD dated 22.3.02 (App. 'D'), Action on the part of DUAC as per MOUD minutes dated 22.3.02 (App. 'D').

9.4 Shastri Park Station Area is delinked from this agenda in order to include and process the same combindly with the MRTS Shastri Park Depot proposal separately, being in River bed area.

The proposal contained above is put up for consideration of the Authority.

RESOLUTION

Proposals contained in the agenda item were approved by the Authority on an assurance by Commissioner (Planning) that all the requirements of the MRTS had been accommodated.



दिल्ली विकास प्राधिकरण
DELHI DEVELOPMENT AUTHORITY
विकास मीनार
VIKAS MINAR
इन्दौर रोड
I.P. ESTATE

No. F.20(9)99/MP

1432

From: R.K.JAIN
JT.DIR.(MP)

गई दिनांक

New Delhi 2.10/10/99.19

To:

Adv. Property Development,
Delhi Metro Rail Corporation Ltd.
NBCC Place, Bhishna Pitamah Marg.
Pragati Vihar, New Delhi-3.

Sub: Reg. property development for MRTS site.

Sir,

This is reference to your letter no.DMRC/PL/C/APP/4 dt 23.7.99 and a previous reference of Chief Engineer (E) dt 6.4.99 on the above cited subject. I am directed to inform that a meeting was taken by Commr (Plg.) which has been attended by the office of the DDA and representative of DMRC. In the development process of the property over MRTS site, DMRC will observe the following

1. The DMRC shall certify that the area for station is the minimum area required for the operation of the metro facility and no extra land has been added for property development. The proposed property development is as per the approval accorded by the Cabinet of Central Government.
2. The DMRC shall be responsible for arranging all infrastructure requirements at its own cost from the concerned agencies. DMRC shall also make provision for the land being proposed /required by respective infrastructure provider/agencies for the provision of infrastructure for the development in the integrated manner
3. To achieve the urban form the height of the proposed stations shall be governed by the height of the surrounding development \ area or on the recommendation of the DUAC.
4. The clearance from respective agencies required as per law shall be obtained by DMRC.
5. The building plans shall need the approval of local bodies.

6. The implications on other related aspects like land cost, allotment conditions etc. shall be examined by respective land owning agencies
7. The plot area shall be calculated after leaving the road right of ways as per MPD-2001 Zonal Development Plans \ layouts.
8. Keeping the city form and the development norms of MPD-2001 for commercial areas of this magnitude, it may not be desirable to provide more than 100 FAR (inclusive of operational \ non operational areas) and not more than 25% ground coverage on the station plots proposed by DMRC. This also will be justified by a comprehensive traffic circulation study. The improvements if any identified in the comprehensive traffic circulation study shall be implemented simultaneously as per the policy. However the FAR shall be restricted to the achievable road capacity, and availability of other infrastructure.
9. As per MPD-2001 roads \ parking is permitting in all use zones. MPD-2001 has also indicated some of the major transportation uses on the Land Use Plan. Keeping the broad spirit of MPD-2001 in view the land use of Terminals \ Yards may be processed for the modification in MPD-2001. The stations be permitted in all land uses except ridge regional parks and other major developed greens as per the guidelines issued by Ministry of Urban Development and Hon'ble Supreme Court.
10. The DMRC to work out the detailed break up of the total quantum of the proposed commercial \ residential development in terms of sq mtrs. in various phase to implement the approval of competent authority so that the clear picture may emerge and its implications on land use plan while preparing MPD-2021 and financing of other schemes (EWS flats \ Master Plan Greens etc.) through property development as per the present prevailing system can be examined by respective departments \ ministries.
11. Parking for property development shall be provided by DMRC as per the norms given in MPD-2001 area applicable at that time.
12. All commitments as per the approved policy for land acquisition and alternative allotment shall be taken care of by DMRC
13. This permission shall be applicable to only 6 stations proposed by DMRC on the corridor - Shahdara Tis Hazari After the feed back from these 6 stations future modifications in the Master Plan shall be proposed for the development of stations proposed to be located on MRTS, Phase I corridor.

Thanking You,

Yours faithfully,

(R.K. JAIN)

Jt. Director (MP)

12.10.99

-18-

No.K-13011/11/92-DDIP
Government of India
Ministry of Urban Affairs & Employment
(Delhi Division)

New Delhi, dated the 11th, January, 1996

TO

The Vice Chairman
Delhi Development Authority
Vikas Sadan, INA
New Delhi.

Sub: Change of land use in respect of areas in Delhi
developed as 'Green' in recreational zones, etc.

Sir,

I am directed to say that the proposal for change of land use in respect of land in INA near office of DDA was considered by this Ministry and it was noted that DDA had recommended change of land use from 'Recreational' to 'Residential' in respect of pockets of land earmarked and developed as District Park. The Minister of Urban Development has directed that in future the areas actually developed as 'Green' in the Regional/District/neighbourhood parks or in other recreational zones in the city will not be allowed to be converted into any other use. It is, therefore, requested that DDA may keep in view the aforesaid directions while planning and finalising the proposals for change of land use.

Yours faithfully
sd/-

(R.Viswanathan)
Under Secretary (DD)

No.K-14011/14/2001-MRTS
Government of India
Ministry of Urban Development & Poverty Alleviation
(M.R.T.S. Cell)

Nirman Bhawan, New Delhi:
Dated, the 13th February, 2002.

OFFICE MEMORANDUM

The undersigned is directed to enclose the summary record of discussion in the meeting held on 05.02.2002 chaired by Secretary(UD) on the subject of various property development proposals of DMRC pending with DDA, DUAC and MCD for necessary action.

(T: Joseph)

Under Secretary to the Govt. of India

To

1. Shri P.K. Hota, VC, DDA, INA, Vikas Sadan, New Delhi.
2. Shri S.P. Aggarwal, Commissioner, MCD, Town Hall, Delhi.
3. Dr. J.P. Singh, Chairman, Delhi Urban Arts Commission, India Habitat Centre, Core 6A, Lodi Road, New Delhi-110003.
4. Shri E. Sreedharan, MD, DMRC, NBCC Place, Pragati Vihar, New Delhi.

Let us participate all matters
before Authority. Prepare agenda
note by 25.2.2002

UD(D&T)

17.2.2002

for site & no details are available
in this and only by this order is observed
by (MCD) 18/2

AC(MP)

copy to JD(UD) for de-needful for itemal SNo 1:
upper schedule 18/2

10-2-2002
10-2-2002
10-2-2002

02-B
4/2/02

Em(hg)

128
18-2-2002

JNT.Dy. No. 88
18-2-2002

Summary Record of the meeting chaired by Secretary(UD) on the subject of
various property development proposals of DMRC pending with DDA,
DUAC and MCD

The list of participants is attached herewith as Annexure I. The meeting took up the pending items one by one and the following decisions were taken:

Items pertaining to DDA

(1) Shahdara-Tiz Hazari Corridor

(a) Shahdara Station: DDA informed that while in principle approval has been given for this development, formal approval will be communicated after obtaining modified plans from DMRC that have been promised for February, 7th and 8th. However, for the present, the approval will be on a pilot basis and will be restricted only to the non-railway land transferred to DMRC as the Railways have raised some issues in respect of the land transferred by them to DMRC.

- (b) Seelampur -do-
- (c) Gautamnagar -do-
- (d) ISBT -do-
- (e) Tiz Hazari -do-
- (f) Khyber pass -do-

Shastri Park Station & Shastri Park Depot:

It was informed that this proposal is pending since clearances are required from Central Water Commission and NEERI as this property development is on the flood plain of the Yamuna river and approval of these organizations is mandatory. It was agreed that DMRC should take up this matter direct with Central Water Commission and it may request for further follow-up by this Ministry, if necessary.

(2) Pul Bangash-Trinagar

(a) Pul Bangash :

The DDA representative informed that they have some queries in relation to the nature of the development envisaged in these areas. It was directed that DDA may send its queries in writing to DMRC.

- (b) Pratap Nagar -do-
- (c) Vivekanandapuri -do-
- (d) Tri Nagar -do-

(3) Shastri Park Entertainment Park

For this development also the clearance of CWC would be necessary and DDA has also some observations since this area was originally envisaged as green area. It was directed that the objections/queries to DDA should be conveyed to DMRC in writing.

Items pertaining to DUAC

Clearances of the DUAC is awaited for three stations, i.e. Seelampur, Shahdara and Shastri Park. DUAC representative raised some queries in respect of the planning related parameters such as parking norms, entry and exit issues etc. in respect of development on top of stations. It was decided that DUAC may be requested to examine these proposals with respect to their mandate, i.e. aesthetic considerations, sky line, height restrictions etc. and other planning related parameters may be left to the concerned agencies and subject to observations in this regard, these proposals may be processed on a priority basis.

Items pertaining to Municipal Corporation of Delhi:

- (1) Shahdara property block: - the MCD representatives informed that they are awaiting land use clearance and subject to that they would be willing to process the plans for approval of their Standing Committee. It was agreed that subject to land use clearance by the Ministry, MCD may expedite approval for this proposal.
- (2) Pushap Vihar Staff Quarters: MCD representatives informed that certain requirements such as changes in the plans in order to accommodate observations of DUAC, NOC from Archaeological Survey of India and the deposit of money with DDA was awaited and as soon as these were completed, the proposal would be expeditiously processed for approval.

LIST OF PARTICIPANTS

<u>S.No.</u>	<u>Name</u>	<u>Designation</u>
1.	Shri M.M.Dass	SE(B)HQ, MCD
2.	Shri Prakash Narayan	OSD(DCAIT), DDA
3.	Shri R.K.Gupta	EE(B)/HQ, MCD
4.	Shri J.L.Dhingra	Chief Engineer(IV),MCD
5.	Shri V.K.Bugga	Chief Town Planner, MCD
6.	Shri Vijay Risbud	Commissioner(Plg), DDA
7.	Shri H.K.Yadav	Member, DUAC

23- APPENDIX 'D' TO ITEM NO. 72/2002

No.K-14011/14/2001-MRTS
Government of India
Ministry of Urban Development & Poverty Alleviation
(M.R.T.S. Cell)

Nirman Bhawan, New Delhi.
Dated, the 22nd March, 2002

To

Vice Chairman,
DDA, Vikas Sadan, INA,
New Delhi.

Subject:- Property Development by DMRC.

Sir,

I am directed to refer to para-1(I) of this Ministry's communication of even number dated 13.2.2002 forwarding the summary record of discussion in the meeting held on 5.2.2002 chaired by Secretary(UD) on the subject of various property development proposals of DMRC pending with DDA etc., and to say that DMRC has now informed that since it has paid for Railway land and obtained the same on 99 years' lease, the proposal for change of land use may not be restricted to non-railway land only. Therefore, the change of land use for the total land acquired by DMRC, may be considered for which all necessary drawings have been supplied to DDA.

Yours faithfully,

N. Venugopalan

(N. Venugopalan)

Under Secretary to the Govt. of India

✓ 117-25
CSD(DC/T1) 20/2

10(11) II

In file

mrss 6-Station Propy Dev.
-file. F20(9) 28-14.

23- APPENDIX 'D' TO ITEM NO. 72/2002

No.K-14011/14/2001-MRTS
Government of India
Ministry of Urban Development & Poverty Alleviation
(M.R.T.S. Cell)

Nirman Bhawan, New Delhi.
Dated, the 22nd March, 2002

To

Vice Chairman,
DDA, Vikas Sadan, INA,
New Delhi.

Subject:- Property Development by DMRC.

Sir,

I am directed to refer to para-1(I) of this Ministry's communication of even number dated 13.2.2002 forwarding the summary record of discussion in the meeting held on 5.2.2002 chaired by Secretary(UD) on the subject of various property development proposals of DMRC pending with DDA etc., and to say that DMRC has now informed that since it has paid for Railway land and obtained the same on 99 years' lease, the proposal for change of land use may not be restricted to non-railway land only. Therefore, the change of land use for the total land acquired by DMRC, may be considered for which all necessary drawings have been supplied to DDA.

Yours faithfully,

N. Venugopalan

(N. Venugopalan)

Under Secretary to the Govt. of India

97-3-2108
25
✓
CSD(DC/T1) 22/3

JD(77)II

In file

MRGS 6-Station Propy Dev.
-file. F20(9) 28-14P.

NORTHERN RAILWAY

Headquarters Office
Baroda House
New Delhi

No. 72-W/MRTS/Land Lease

dated: 14.03.2002

21

The Director (Project & Planning)
N.B.C.C. Place,
Bhishma Pitamah Marg,
Pragati Vihar,
New Delhi-110 003.

Sub: Lease Agreement for the railway land transferred to
DMRC.

Kindly refer to this office letter Nos. 196-W/2076/DMRC
dated 2.11.2000 & 5.9.2001 and No. 72-W/MRTS/Land Lease dt. 11th
Sept. 2001 in connection with the above subject.

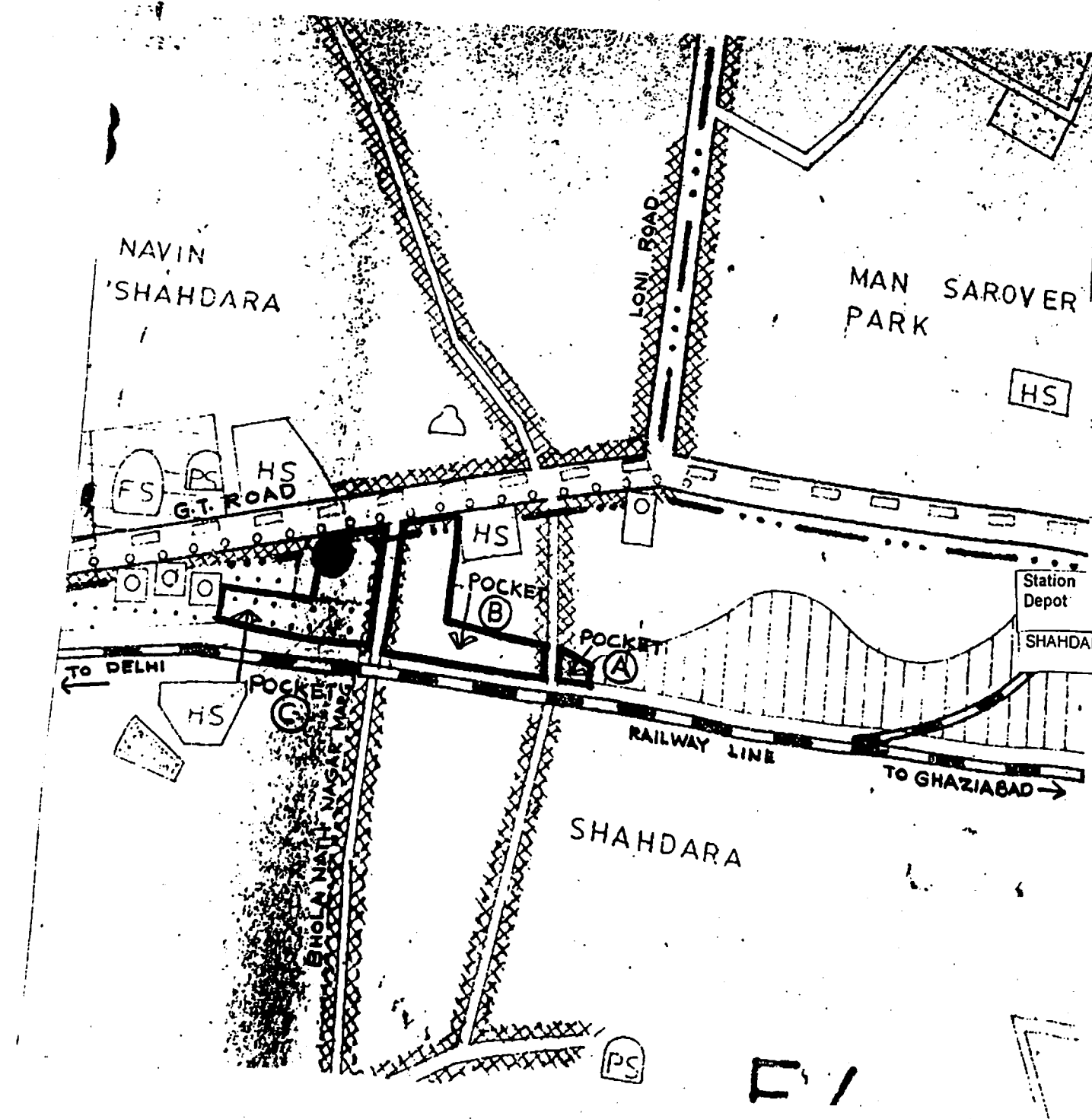
Despite repeated requests the copy of the Lease Agreement
sent to you as early as 2.11.2000 has not yet been received
duly signed in this office so far while the railway land at
various places is already under DMRC's physical possession. This
has created mistrust and may lead to various problems in future.

It is requested that the copy of the Lease Agreement duly
approved and accepted may be sent to this office for further
processing without any more delay.

sd/-
(Y.P. Singh)
Chief Engineer/MRTS

Copy to:

1. Executive Director/Delhi Metro, Railway Board, 103, Rail
Bhawan, New Delhi for information and to take up the issue
with the DMRC.
2. The Commissioner/Planning, Delhi Development Authority
5th Floor Vikas Minar, New Delhi for information.



LOCATION	AREA (Sqm)	LANDUSE AS PER MPD2001	PROPOSED LAND USE	BOUNDARIES
SHAHDARA	45,363			
Pocket A	2,095	Residential	COMMERCIAL	North-private residential area, local road South-Boundary of Rty. Land along Delhi-Ghaziabad Rty Line East- Rty Land West- 18m wide Chotta Bazar Road
Pocket B	16,696	-Do-		North-45m r/w GT Road, private residential area South- Delhi-Ghaziabad Rty Line East -18m wide Chotta Bazar Road, private residential area, school West-18m wide Bhole Nath Marg
Pocket C	26,572	-Do- & District Park		North-45m r/w GT Road, Maruti workshop, motor driving school, Amar Gas Service South-Delhi Ghaziabad Rty. Line. East -18M wide Bhole Nath Marg West-Temp. timber shops, Temp. structures, open land

Station Depot	Area of Station (Land From / Area (HA)	Ownership Status	Remarks - Regarding Property Development.
SHAHDARA	Railway : 2.43 Private: 2.1	Possession taken over	Not feasible
		Possession taken over	Full Utilization planned

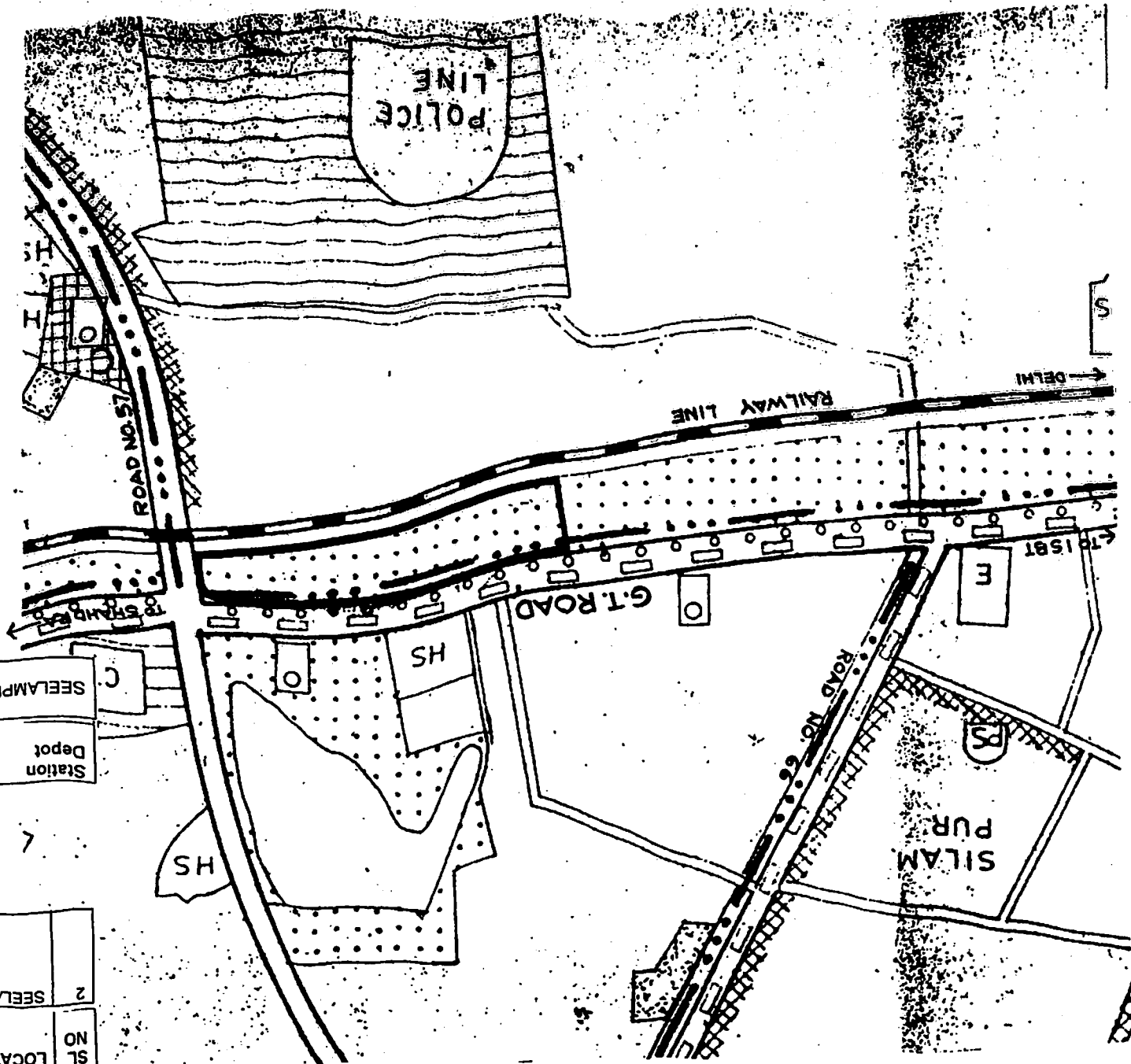


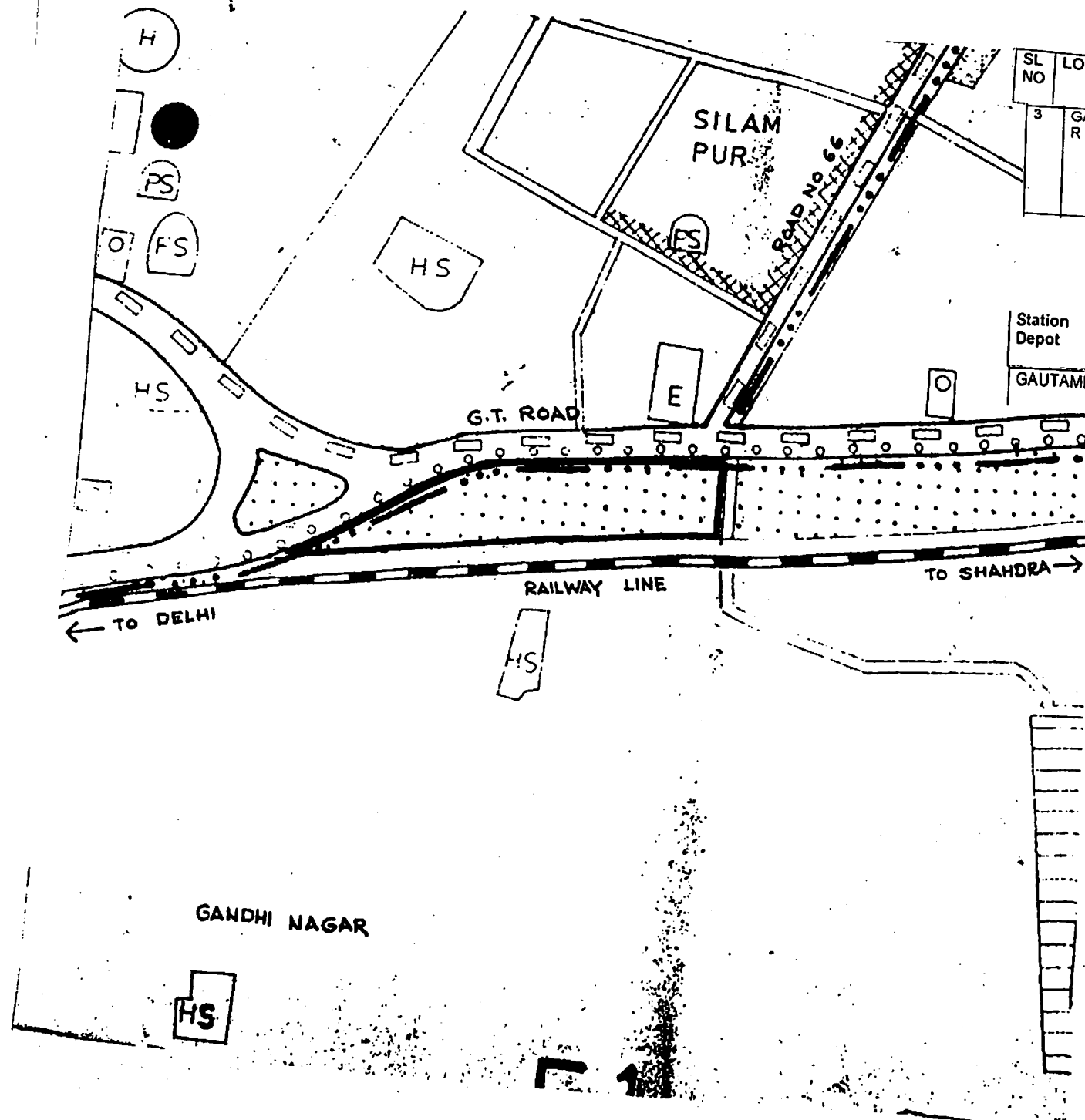
CHANGE OF LANDUSE FOR PROPERTY DEVELOPMENT AT SHAHDARA STATION

SL NO	LOCATION	AREA (sqm)	LANDUSE AS PER ED LAND	PROPOS USE	BOUNDARIES
2	SEELAMPUR	38,455	District park	COMMERCIAL	North-45M wide G.T.Road. South- Boundary of Rty. Land along Delhi Chhabad Rty Line. East-45M RWY road No. 57 West- Fish Ponds

Station	Area of Station (Land From / Area (HAI)	Ownership Status	Remarks Regarding Property Development.
Depot	Area (HAI)	Possession taken over	Not feasible
SEELAMPUR	DDA: 1.8 Railway 0.39 Fisheries 1.77	Possession taken over	Full utilization planned
		Possession taken over	Full utilization planned

CHANGE OF LANDUSE
FOR PROPERTY DEVELOPMENT
AT SEELAMPUR STATION





SL NO	LOCATION	AREA (Sqm)	LANDUSE AS PER MPD2001	PROPOSED LAND USE	BOUNDARIES
3	GAUTAMPUR	51,214	District park	COMMERCIAL	North- 45 M RAW G.T. Road South- Boundary of Rty. Land along Delhi-Ghaziabad Rty. Line. East- Jhuggi Chaters West- Boundary along the G.T. Road RAW (45m) up to Old Yamuna Bridge.

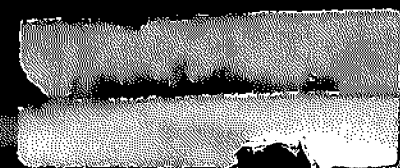
Station Depot	Area of Station (Land From / Area (HA)	Ownership Status	Remarks Regarding Property Development.
GAUTAMPUR	Railways: 0.5 Fisheries: 4.9	Possession taken over Possession taken over	Not feasible Full utilization planned



CHANGE OF LANDUSE
FOR PROPERTY DEVELOPMENT
AT GAUTAMPUR STATION

001700

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ITEM NO: 73/2002 SUB: CHANGE OF LAND USE AND PROPERTY DEVELOPMENT AT KHYBER PASS MRTS DEPOT ALONG VISHVA VIDYALAYA - CENTRAL SECRETARIAT METRO CORRIDOR

NO.F3 (38) 99 -MP

PRECIS

1.0 PROPOSAL IN BRIEF:

Delhi Metro Rail Corporation (DMRC) has submitted proposal of KHYBER PASS DEPOT for the *property development and change of land use* of the land measuring about 38 Hectare. The proposal Comprises of Depot-Cum - Commercial -cum-Residential Development utilising ground space as well as area on deck over yard.

2.0 BACKGROUND AND TECHNICAL COMMITTEE DECISION OF 24.1.2001:

DMRC vide letter dated 24.4.2000 forwarded a sketch plan of Khyber Pass Depot area for property development along Vishva Vidyalaya - Central Secretariat Metro Corridor.

The Proposal received vide letter dated 13.7.2000 from the DMRC was put up for consideration of the Technical Committee in its meeting held on 24.1.2001 & 29.1.2001.

Details of area break-up is as follows:

1	TOTAL AREA of Plot		
2	DEPOT Area		31 hact.
3	PROPERTY DEVELOPMENT		23 hact.
	1) on Deck	15.00 hact	23 hact.
	2) other area	8.00 hact	

DECISION OF THE TECHNICAL COMMITTEE:

The decision of the Technical Committee is reproduced as under: -

"The matter was discussed in detail. It was decided that exact boundaries of the filled up sanitary land fill site be obtained by DMRC from MCD and be super imposed on the proposal for seeking clearance of the Hon'ble Supreme Court for use other than recreational forest.

The areas proposed for development as commercial complex, residential, operational area (depot/ residential development of deck and yard) be indicated on a Survey Plan with dimensions and area. It was resolved that a maximum of 25% "deck area" be utilized for property development and the rest be kept free from constructions. DMRC shall also work out the requirements of essential facilities like water supply, sewerage, drainage, power and circulation including parking for both residents, as well as floating population. All the infra-structural requirements of the proposed development shall have to be met within the project boundaries and DMRC shall seek clearance from all the concerned service agencies. The revised proposal on the above lines would be submitted by the DMRC to the DDA for further processing of the proposed land use.

The project/ scheme shall be implemented only after the change of land uses are finally notified by the Govt. of India, as per the provisions of Section 11 A of the Development Authority Act".

3.0 FOLLOW UP ACTION ON TECHNICAL COMMITTEE DECISION OF 24.1.2001:

As follow up actions on the decision of the Technical Committee in response to the intimation letter sent to the DMRC it was responded vide DMRC letter dated; 23.2.2001, as under: -

- i) The funding part of the cost of this project the Union Government had mandated that 6% of the project cost should be raised by DMRC through property development by 2005 and the rest in the next ten years thereafter.
- ii) Further DMRC vide letter dated 13.3.2001 submitted that the detail boundary of the sanitary land fill site has been taken from the NEERI report and has been verified in consultation with the MCD. The development proposed is not falling on the sanitary landfill. 25% of the deck area shall be used only for property development. Necessary and essential facilities like water supply, sewerage, drainage, power and circulation including parking shall be part of the proposed area for property development.

4.0 REVISED PROPOSAL, TECHNICAL COMMITTEE DECISION AND FOLLOW UP ACTION:

The revised proposal, accordingly, submitted by DMRC on 13.3.2001 was brought before the Technical Committee again for consideration. Area Break-up & Land utilisation statement is given as:

Sl	Description	USE	AREA (Ha)
	TOTAL AREA		34.00
1	For Property Development a. Part of Distt. Centre b. Part of NSC & Sanitary Land Fill	COMMERCIAL MIXED USE (Residential + Commercial)	2.20 5.68
2	Balance Area		26.12
3	Deck Area (@ 25% of Residual Plot Area i.e., 26.12 Ha) (as submitted in earlier T.C.)	MIXED USE	6.53

This has been discussed in the meeting of the Technical Committee in its meeting held on 25.4.2001 vide item No.25/ 2001, The decision of the Technical Committee is as follows: -

"The issue was discussed in detail. The TC noted that DMRC has to generate 6% of the funds required for the implementations of Delhi Metro Phase I through Property Development as per the Cabinet Decision. Keeping this in view and also the importance of the project for the NCTD Technical Committee recommended that the land use of 15 hectares (Approx.) may be changed in the ratio of 1/3rd gross commercial (this will also include 2.2 hectares already commercial as per MPD 2001) and 10 hectares as gross residential with following conditions:

The Development controls for commercial use zone shall be at par with Development Control norms given in MPD-2001, and on Residential use zone shall be as per Group Housing Norms given in MPD - 2001. The Chief Urban Planner & Consultant, representative of DMRC verified that the site measuring 34 hectares is in the possession of DMRC".

FOLLOW UP ACTION:

1. In response to the Technical Committee Decision DMRC vide letter dated 26.7.2001 has conveyed their para-wise reply to the Technical Committee's recommendation / Decision taken in the meeting dated 25.4.2001, copy enclosed at - (App. 'A' at Page 33-34).
2. Advisor (Property Development) DMRC, vide letter dated 12.9.2001 has further submitted information / clarifications regarding (a) NOC for property Development from land owning agencies (b) Rehabilitation of National Service Centre (NSC).

Technical Committee Decision - wise Follow - up - action of DMRC and observation, thereof is given at - (App. 'B' at Page 35).

5.0 ISSUES

- 1) Some of the follow up action as per decision s of TC is awaited from DMRC.
- 2) The Chief Engineer (PP) DMRC vide dated 29.1.2002 has submitted a set of drawing where the revised area details are shown as under: **App. 'C' at Page-36-37).**

A	Depot Area (Excluding Truck Terminal)	33.80 ha.	
B	Truck Terminal area	4.00 ha	
C	TOTAL AREA		37.80 Ha
D	Property Development Plot	15.00 ha	

- 3) Technical Committee (Dated 25.4.2001) recommended:

Total area for change of land use for 15.00 Ha (approx.) is as follows:

SI	AREA in Ha	CLU to	Conditions/ DEV. Norms
i	1/3 rd Area = 5 ha (out of which about 2.2 ha is already COMMERCIAL use as per MPD 2001/ZDP)	COMMERCIAL use	MPD 2001: Development Control for COMMERCIAL
ii	Balance 10 ha	Gross RESIDENTIAL use	MPD 2001: GROUP HOUSING norms

4) DETAILS OF AREA PROPOSED FOR CHANGE OF LAND USE:

SL No	AREA	USE OF THE POCKET AS PER MPD 2001	USE PROPOSED AS	BOUNDARIES
1	12.80 Ha a) 02.80 Ha b) 10.00Ha	RECREATIONAL: DISTRICT PARK/ SOLID WASTE	COMMERCIAL RESIDENTIAL	North- Idle Truck Parking South- 60m r/w MPD road (exchanged in lieu of road falls within depot) & DISTT CENTRE East- 60m r/w MPD road (Magazine Road) West- Delhi Admn Flats.
2	2.20 Ha	COMMERCIAL	COMMERCIAL	NO Change
3	4.0 Ha	RECREATIONAL: DISTRICT PARK/ SOLID WASTE	IDLE TRUCK PARKING	North- Existing 24m r/w Timarpur road South- Existing Balak Ram Hospital East- Disstt Park/ Solid Waste West- Existing 24m r/w Timarpur road

5) DEVELOPMENT CONTROL NORMS AS PER MPD 2001

COMMERCIAL (Area being at par with COMMUNITY CENTRE as per MPD2001)

- i) Ground Covg - 25%
- ii) FAR -- - 100
- iii) Ht. - 26m
- iv) Parking - 1.33ecs/100sqm

GROUP HOUSING

- i) Ground Covg - 33.33%
- ii) FAR -- - 167
- iii) Ht. - 33m
- iv) Parking - 1.80 ecs/100sqm of fl. Area upto 165 sqm and 1.33 ecs /100sqm fl. Area beyond 165sqm.

- 6) Road linking Mall road and Outer Ring Road is of 60 M Right of Way (R/W) as per ZDP/ MPD, which is now coming within Khyber Pass Depot Scheme. The road thus diverted is required to be also of 60 M R/W (Technical Committee decision 25.4.2001), for which balance land in possession of the agency is to be made available for the full development of the MPD/ZDP road.

("DMRC, however, intimated vide letter dated 11.3.2002 that DMRC can not compensate by curving -out land from Depot site") (App. 'D' at Page -38) .

- 7) Right of way of Outer Ring Road (near Timarpur road crossing) is 90M. The Khyber Pass Depot Project is required to be demarcated after leaving the R/W line of the road.

- 8) With respect to Hon'ble Supreme Court order CWP No 841/ 98; 1st March 1996, which states that " sanitary landfill sites shall not be used for any other purpose except forestry.", DMRC shall take necessary action regarding utilisation of the sanitary land fill sites for its use other than forestry.

6.0 Approval of Lt. Governor of Delhi:

The Proposal as described above has been agreed in principle by the Lt. Governor of Delhi in File no. F3 (38) 99/MP on 03.06.2002. A request, accordingly, has been made to the Ministry of Urban Development on 13 June 2002 for processing the case for approval of the Govt. to invite objections / suggestions for proposed change of landuse.

7.0 RECOMMENDATION:

The proposal of DMRC for CHANGE OF LAND USE (para 5.4), under section 11-A of the Delhi Development Act, for Property Development and Development of MRTS Depot at Khyber Pass in the total area of 37.80 Hectare along with the Development Control Norms / conditions (para 4 & 5.5) recommended in the Technical Committee meeting dated 25th April, 2001, as given in para 4 and 5 is brought before the Authority for consideration.

RESOLUTION

The Commissioner (Planning) informed that the area shown as land-fill site in the Master Plan had never been used as such. The proposals contained in the agenda item were thus approved by the Authority with the assurance by the Commissioner (Planning) that all the requirements of the MRTS had been accommodated.

DELHI METRO RAIL CORPORATION LTD.

(A JOINT VENTURE OF GOVT. OF INDIA & GOVT. OF KARNATAKA)
N.B.C.C. Place: Bangalore, Karnataka, India. Phone: 2222 1111

DMRC/PD/C1/APPG/31

Dated: 26.07.2001

Dear Sir,

Sub: Change of land use Khyber Pass Depot MRTS Ph I Project.

Ref: Your No. F 3(38)99-MP/429 dated 26.06.2001

DMRC is grateful to DDA for NCTD Technical Committee's recommending change in the land use, at Khyber Pass Depot as per details mentioned in the above letter.

Remarks regarding the points raised are noted below:

- a) No objection certificate from L&DO for property development on the land allotted by L&DO to DMRC at this site had been asked for, and will be submitted as soon as it is received. Meanwhile, for your reference, enclosed herewith is a copy of letter from Ministry of Transport, Government of NCT of Delhi authorizing DMRC to carry out property development on all lands made available to them for the metro project.
- b) This is being planned. *
- c) Regarding rehabilitation of the National Science Center, DMRC's position has been clarified in letter No.DMRC/LAND/15/156 dt 26-6-2001 (copy attached for ready reference).
- d) It is presumed that incorporation of the diverted road in the zonal development plan of zone 'C' as asked for would be carried out by DDA. This has been shown in yellow color in the enclosed plan.
- e) A fully dimensioned authenticated survey plan of the depot site, also showing the land-fill areas, is enclosed herewith for further necessary action.
- f) Noted.

It is requested that the remaining formalities may be got completed as soon as possible now.

Thanking you,

Yours sincerely,

(R.M. Raina)

Adviser (PD)

**The Commissioner (Planning),
Delhi Development Authority,
Vikas Minar
New Delhi.**

NE Encl: 2 - ... with letter

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Ms Sumita
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F3(35) group Submitter
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सत्यमेव जयते

A.S. KHULLAR
Addl Director (TPT)

-34-

परिवहन विभाग

राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार

TRANSPORT DEPARTMENT

Govt. of National Capital

Territory of Delhi

5/9, Under Hill Road,

Tel No. : 2945651

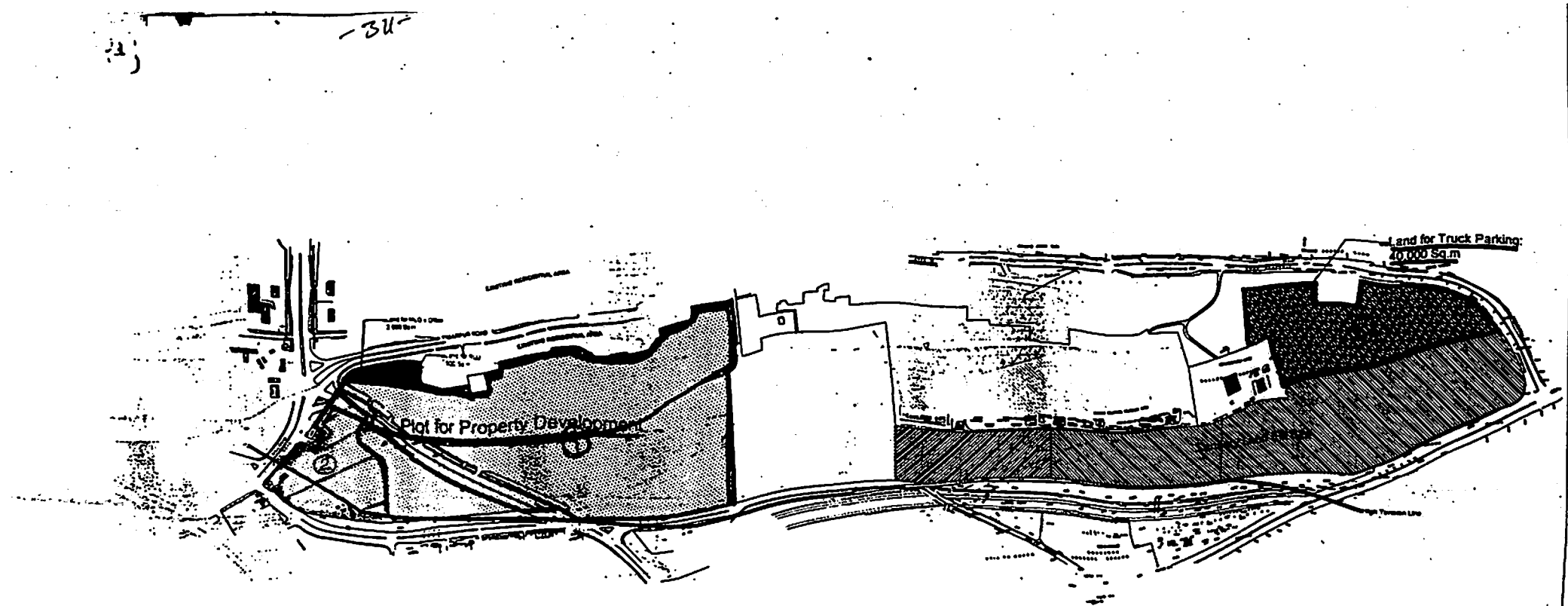
Fax No 3933088

TO WHOM IT MAY CONCERN

In pursuance to the decision of the Union Cabinet as well as Delhi Cabinet regarding funding pattern of Phase-I of Delhi Mass Rapid Transit System being constructed by Delhi Metro Rail Corporation Ltd., 6 percent of the resources are to be generated by property development. Accordingly, DMRC Ltd. can undertake the property development work in respect of the lands made available by the Government to them for the purpose of MRTS Project.

A. S. Khullar
23.08.2001
(A.S. KHULLAR)
ADDL. DIRECTOR (TPT.)
TEL.NO.2945651
TELEFAX NO.3933088

No	TECHNICAL DECISION	COMMITTEE	DMRC REPLY / FOLLOW UP ACTION	OBSERVATION
a	DMRC shall seek <i>No Objection</i> from L&DO for property Development as the land allotted by L&DO for depot only.		<i>No Objection Certificate</i> from L&DO for property development on the land allotted by L&DO to DMRC at this site had been asked for, and will be submitted as soon as it is received. Mean while, for your reference, enclosed herewith is a copy of letter from Ministry of Transport, Govt. of NCT Delhi authorising DMRC to carry out property development all lands made available to them for the project	Awaited
b	All land requirements for essential facilities like water supply, sewerage, drainage, power, school, parking and milk booth etc. (as per MPD-2001) shall be provided by DMRC within their site.		This is being planned.	Awaited
c	Rehabilitation of National Science Centre shall be made by DMRC		Regarding rehabilitation of the National Science Centre, DMRC's position has been clarified in letter No.DMRC/LAND/15/156, dated 26.6.2001 (copy attached for ready reference).	Awaited The alternative site has been identified by DDA Planning Wing & has been submitted to Competent Authority for approval.
d	The road linking Mall Road with Outer Ring Road having 64 M. RAW (210 Ft.) has already been diverted by DMRC. This diverted road forms western boundary of proposed MRTS depot site. This shall be incorporated in Zonal Development Plan of Zone-'C'.		It is presumed that incorporation of the diverted road in the Zonal Development Plan of Zone-'C' as asked for would be carried out by DDA. This has been shown in yellow color in the enclosed plan.	Zonal Development Plan modification in DDA. But the land will have to be got available by the agency having of the land.
e	DMRC shall submit duly authenticated survey plan with dimensions indicating the depot site measuring 34 hect., the sanitary land fill site and the area measuring 15 hect. proposed for property development, for which change of land use is to be processed under Section-11.A of the Delhi Development Act.		A fully dimensioned authenticated survey plan of the depot site, also showing the land fill areas, is enclosed herewith for further necessary action	Now the area differs. Statement given dated 12.9.2001 a. Residential use -- 9.62 Ha. b. Commercial use -- 4.81 Ha. c. Land fill Area -- 19.57 Ha. (subtotal Area=34.00 Ha.) d. Idle Truck Parking area 4.00 Ha.
f	DMRC shall take necessary action with respect to Hon'ble Supreme Court order regarding utilisation of the sanitary land fill sites for its use other than forestry	Noted		Total = 38 Ha. Action on the part of DMRC



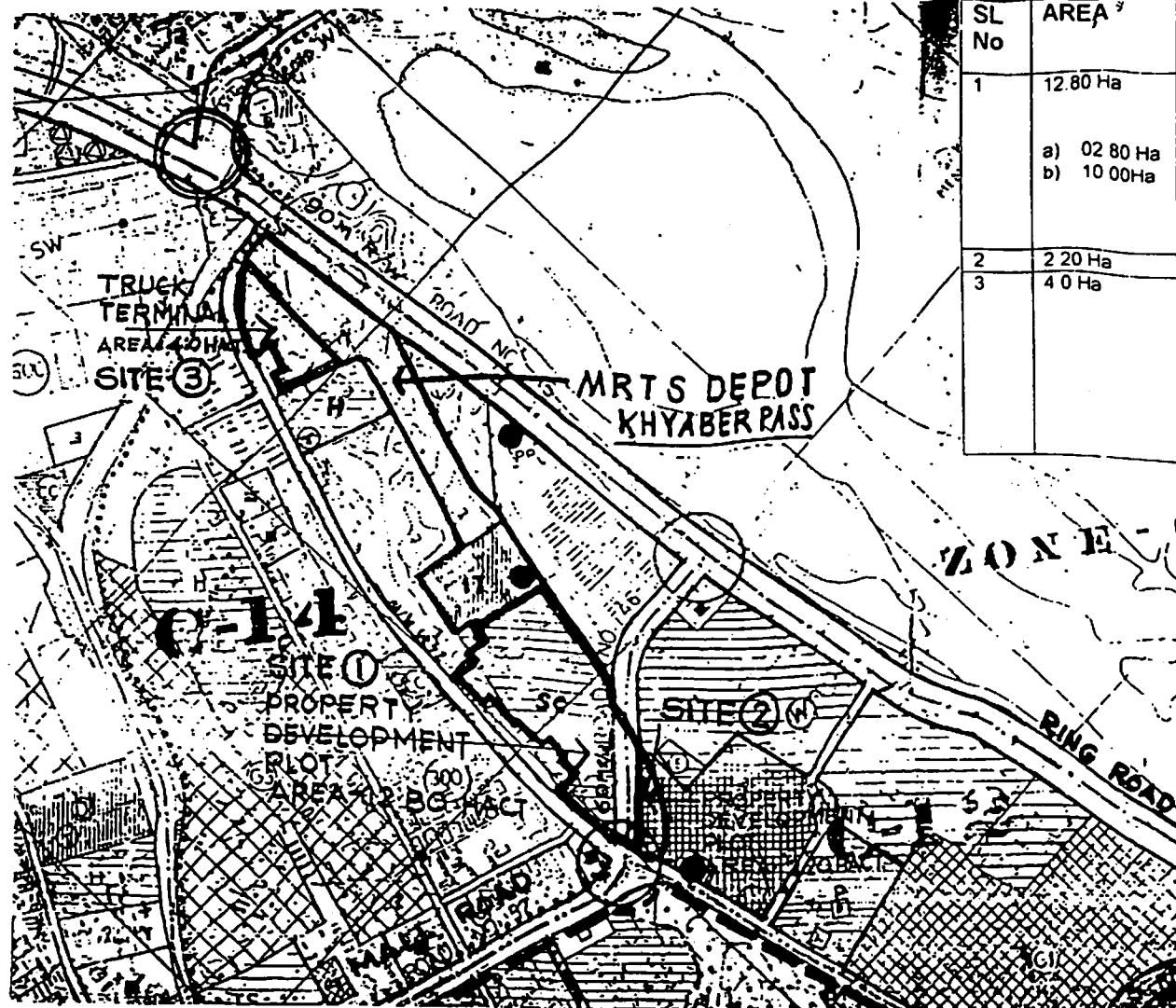
	Area in Ha
1 Depot area (excluding truck terminal)	33.80
2 Truck Terminal area	4.00
2 Property Development plot (Partly on Deck)	15.00



Property Development at Khyber Pass Depot



**DELHI
METRO**



SL No	AREA ⁹	USE OF THE POCKET AS PER MPD 2001	USE PROPOSED	BOUNDARIES
1	12.80 Ha a) 02.80 Ha b) 10.00 Ha	RECREATIONAL DISTRICT PARK/ SOLID WASTE -- --	COMMERCIAL RESIDENTIAL	North- Idle Truck Parking South- 60m r/w MPD road (exchanged in lieu of road falls within depot) & DISTT CENTRE East- 60m r/w MPD road (Magazine Road) West- Delhi Admn Flats
2	2.20 Ha	COMMERCIAL	COMMERCIAL	NO Change
3	4.0 Ha	RECREATIONAL DISTRICT PARK/ SOLID WASTE	IDLE TRUCK PARKING	North- Existing 24m r/w Timarpur road South- Existing Balak Ram Hospital East- Disstt Park/ Solid Waste West- Existing 24m r/w Timarpur road

CHANGE OF LANDUSE
FOR PROPERTY DEVELOPMENT
AT KHYBER PASS DEPOT

**METRO****Delhi Metro Rail Corporation Ltd**

(A Joint venture of Government of India & Govt. of Delhi)
NDC Floor, Bhishma Pitamah Marg, Connaught Place, New Delhi - 110029
Ph: 436 5202/04, Fax 436 6370

-38-

Date: 19.12.2002

APPENDIX 'D' TO ITEM NO. 73/2002

KIND ATN SRI PRAKASH NARAI

DMRC/PD/C2/
11-03-02

Mr Vijay Risbud
Delhi Development Authority,
Vikas Minar, ITO,
New Delhi, -110002

Sub: Land use change for Khyber Pass Depot site

Sir,

In the meetings in OSD's Chambers, it was suggested that the land closed/amalgamated in Depot site be compensated by widening the Magazine Road to 60m ROW. The matter has been examined and offers the following clarifications:

1. DMRC has paid for the land acquired in Khyber Pass including the area covered by the closed road. Thus DMRC cannot compensate by carving out land from Depot site, as the land is already tight with operational requirements consequent to switch over to Broad gauge instead of Standard gauge planned earlier.

2. DMRC has already widened the Magazine road by sparing some land from the Depot site. Further widening if required may be done by acquiring land on the other side.

The land use change requested may please be notified at the earliest.

Thanking You,

Yours faithfully,

(CBK Rao)
Director Projects

CC: OSD, MRTS, MUD&PA, Nirman Bhavan
CPM(M) to send a dimensioned plan showing the road widened by DMRC to
CE(PD)

Item No.
74/2002

Sub: Construction of Five Star Hotel at Sardar Patel Marg.
Regarding:- Payment of ground rent at penal rate (double the normal rate of 2.5%) and damages for unauthorised occupation and interest on ground rent and damages to the L&DO in respect of Hotel Taj Palace at Sardar Patel Marg.

FE.16(41)80/KWI/Vol.V/

P R E C I S

At the time of ASIAD-1982, Delhi Development Authority (DDA) was required to set up a five star hotel for tourist requirement. As DDA had no experience in hotel industry a collaboration agreement was entered with M/s. Indian Hotel Company for setting up of the Hotel. DDA also put up Rs.10 Crores towards cost of construction. DDA was allotted land by L&DO measuring 6 acres @ Rs.1800/- per sq.yd. plus 2.5% ground rent per annum for the construction of five star hotel on Sardar Patel Marg. The premium totaling to Rs.5,22,72,000/- was payable in five equal annual instalments. DDA, however, had been requesting for reduction in rates and could not deposit installments after the first two installments due to tight financial condition. The lease was cancelled which was restored in 1985 with fresh additional conditions that annual ground rent will be @ 5% of the total premium as against 2.5% and that for the period of occupation of plot i.e. from the earlier date of allotment i.e. 4.3.81 till the date of restoration i.e. 10.4.85., DDA would be liable to damages to the tune of Rs.3,09,81,089/-.

2. On the basis of these fresh conditions, the Ministry has been demanding the additional amount of ground rent at enhanced rate, damages and interest on ground rent and damages. A copy of letter dated 10.4.85 received from Under Secretary (Lands) to VC, DDA is placed at (App. 'A' at P- 43-44)

at P-45-48

Details of the claims were furnished by L&DO vide their letter no. L.III/B/13(9)81/66 dated 15.5.98 (App. 'B' at P- 49). DDA on the other hand had been representing against the claim of damages as well as the claim of ground rent at enhanced rate. DDA vide D.O. Letter no./ 7(1)32-Budget/ROF/TP Hotel/5 dated 5.1.89 (App. 'C' at P- 50) issued by FM/DDA to L. & DO agreed in principle regarding payment of damages amounting to Rs.3,09,089.38 for the period of occupation of plot by the DDA wef. 4.3.81., but the payment could not be released due to financial hardship faced by DDA and the payment of damages was requested to be deferred without any levy of interest.

at P- 49

A detailed representation was made by DDA vide D.O. Letter no. FE16(41)80/KW/19-20 dated 15.1.99. from FM, DDA addressed to Additional Secretary, MOUAE, Nirman Bhawan, New Delhi (App. 'D' at P- 50-52). The letter dated 15.5.98, and lastly D.O. Letter no. FE16(41)80/KWI/112 dated 18.1.2002 from VC/DDA (App. 'E' at P- 53-55).

at P-50-52

3. DDA have now received a D.O. Letter from Jt. Secretary (D&L) No. L-III/8/13(9)98/82 dated 7.3.2002 (App. 'F' at P- 55-57) to VC, DDA conveying the rejection of the representation of DDA dated 18.1.2002 and further advising for payment of the outstanding dues at the earliest. Accordingly, the calculation of ground rent at enhanced rate and damages and interest on ground rent and damages have been made by Lands Finance Wing and the details of the same are as under:-

at P-55-57)

(A) DAMAGES:-

- (i) A sum of Rs.3,09,81,089.38 has been levied for unauthorised occupation of plot from 4.3.81 to 9.4.85.

- (ii) Interest on this amount @ 10% w.e.f. 10.4.85 to a tentative date of payment i.e. 9.7.2002. has been worked out to Rs.5,34,42,379/-

(B) GROUND RENT:-

(i) DIFFERENTIAL GROUND RENT:-

The differential ground rent at the penal rate (i.e. 5% minus 2.5%) has been worked out for the period from 10.4.85 to 9.4.2003 i.e. for 18 years which comes to Rs.2,35,22,400/-.

(ii) INTEREST ON BELATED PAYMENT OF GROUND RENT:-

Interest on belated payment of ground rent has been worked out to Rs.2,05,82,100/- for the period from 10.4.85 to a tentative date of payment i.e. 9.7.2002.

TOTAL LIABILITY therefore, works out to Rs.12,85,27,968/- as per following details:-

(A)	Damages	Rs.3,09,81,089/-	Interest on damages	Rs.5,34,42,379/-
(B)	Ground Rent	Rs.2,35,22,400/-	Interest of G.R.	Rs.2,05,82,100/-
	Total	Rs.5,45,03,489/-		Rs.7,40,24,479/-
				Gross Total : Rs. 12,85,27,968/-

(C) PREMIUM:-

A sum of Rs.5,22,72,000/- was required to be deposited to L&DO in five equal installments of Rs.1,04,54,400/-. The first instalment was due on 4.3.81. The payment of these installments was made as per following details:-

<u>Instalment</u>	<u>Due Date</u>	<u>Paid On</u>	<u>Amount Paid</u>
1st Instalment	4.3.81.	20.10.81.	Rs.1,04,54,000/-
2 nd Instalment	4.3.82.	25.8.82.	Rs.1,04,54,000/-
3 rd Instalment	4.3.83.)		
4 th Instalment	4.3.84.)	12.1.97.	Rs.3,13,64,000/-
5 th Instalment	4.3.85.)		
Total			: Rs.5,22,72,000/-

Interest @ 13.85% p.a. from 10.4.85 to 12.1.87 amounting to Rs.76,51,629/- was paid on 20.7.89. The total premium of Rs.5,22,72,000/- thus has already been paid. The Ministry had however adjusted the amount of premium of Rs.3,13,64,000/- and interest of Rs.76,51,629/- thereon against the total due payment of damages and ground rent as per their letter dated 15.5.98 (App. No. 100) whereas this payment was made against the balance premium and interest thereon. Therefore no payment is to be made on account of premium and interest on belated payment of premium.

4. As regard misuse charges, the Ministry in its letter dated 7.3.2002 (App. 'P' vide para (5) has mentioned that the detail of unauthorized construction and misuse were conveyed to DDA vide Ministry letter dated 15.5.98. (App. 'B' In this regard Ministry has now mentioned that in case the constructions are covered under any subsequent approved plan, attested copy of the same may be furnished to L&DO. For this a letter to Director (Building) has already been sent vide reference no. F16(41)80/KWI/118 dated 31.5.2002. to kindly examine the case regarding unauthorized construction if any in Hotel Taj Palace and to send a complete report to Land Costing Wing so that Ministry may be informed accordingly.

5. Incidentally, it is pointed out that DDA has also been making allotments to Govt./Semi Govt. Departments and many times there is delay in payment of the premium. Normally allotments are not cancelled. Neither the damages are claimed nor ground rent enhanced in such cases. DDA has to recover a sum of Rs.387.85 Crores from various departments of the Delhi Govt. on account of premium of land allotted to them. In case DDA pays, enhanced ground rent and interest on ground rent and damages to L&DO, DDA may need to follow a similar policy for claiming such charges from defaulting Govt. departments. This plea was taken in DDA's letter dated 15.1.99 (App. 'D'). The representations submitted by DDA were examined in detail and also discussed but could not be agreed to and necessary instructions for payment of the outstanding dues were received from the Ministry vide D.O. No. L/III/8/13(9)98/443 dated 7.12.2001. (App. 'H' at P- 59 The latest representation dated 18.1.2002 (App. 'E') was also considered by the Ministry but the same has also been turned down with the instructions to make payment of outstanding dues at the earliest.

6. At present DDA is receiving the licence fee of Rs.1,29,37,200/- p.m. for the current year from M/s IHC. Total receipts of licence fee during 2001-02 have been to the tune of Rs.15.11 crores. The responsibility to pay property tax lies with the I.H.C.. Liability of DDA on account of ground rent to L&DO @ 2.5% p.a. has been to the extent of Rs.13,06,800/- which after enhancement of ground rent at 5% p.a. would be Rs.26,13,600/- p.a. and therefore, DDA is in a position to bear the said liability of Rs.12,85,27,968/- as per the directions of Govt. Of India as contained in letter dated 7.3.2002 (App. 'F') and the item is therefore submitted for kind consideration and accord of approval of ground rent at enhanced rate of 5% and accordingly payment of said amount to L & D.O..

(App. 'G' at
P- 58).

7. The matter is submitted for kind consideration and approval of the Authority for payment of ground rent at enhanced rate of 5% p.a. alongwith arrears and other payments as below to L & D.O.:-

(i) Damages (w.e.f. 4.3.81 to 9.4.85.)	Rs.3,09,81,089/-
(ii) Interest on demage @ 10% p.a. (w.e.f. 10.4.85 to 9.7.2002, a tentative date)	Rs.5,34,42,379/-
(iii) Ground Rent (at differential rate of 2.5% w.e.f. 10.4.85 to 9.4.2003)	Rs.2,35,22,400/-
(iv) Interest of (iii) above upto 9.7.2002 a tentative date @10% p.a.	Rs.2,05,82,100/-

Total : Rs.12,85,27,968/-

8. As regards the allotments made by DDA to different departments of the Government, where payment of premium has been delayed, contents of paragraph 5 are brought to the kind notice of the Authority.

R E S O L U T I O N

Implications of the Ministry's letter were explained in detail by the Finance Member. After detailed discussions, the Authority decided that the matter should be taken up with the Ministry to have a uniform policy for payment of Central Government/Delhi Government dues by the DDA and vice-versa, specially because different departments of the Delhi Government owed approximately Rs.380 Cr. to the DDA. FM informed that the DDA had never charged any Damages to the Government departments nor had it ever increased the ground rent rates. The Authority advised that these facts should also be conveyed to the Ministry.

LG pointed out that he was not in favour of any exemptions or relaxations in favour of any Government departments.

No. 14014/9/76-LII
Government of India
Ministry of Works and Housing
(Lands Division)

V.C's. Office
Dy. No. 425-B
Date 15/4/85

New Delhi, the 10th April, 1985.

To
Shri Prem Kumar,
Vice-Chairman,
Delhi Development Authority,
New Delhi.

Subject: Hotel site at Sardar Patel Marg allotted to DDA for construction of a 5-Star Hotel.

Sir,

I am directed to refer to the correspondence resting with your D.O.No.F-E.16(41)/80/9072, dated the 12th September, 1984, on the above subject, and to state that the points raised in your said d.o. letter have been considered a number of times earlier and rejected. They have again been examined and it has been decided at the level of the Minister of Works & Housing that there is no-thing in the letter that justifies a reconsideration of any of the issues already decided on the basis of the pleas raised by you. It has also been decided that no further representations from you in this regard will be entertained by this Ministry.

2. The licence granted to the DDA earlier stands revoked from 29th October, 1983. The DDA are in unauthorised occupation of the plot from this date.

3. It has, however, been decided that in view of the past history of this case and the decision taken by Government in certain other similar cases, if the DDA are interested, a fresh lease can be granted to them with effect from the date of issue of the sanction for such fresh lease. The terms and conditions for the fresh lease will include the followings:-

- (i) The premium for the land will be charged at the rate of Rs.1800/- per sq. yd. for an F.A.R. of 150. If, at any time, the F.A.R. is increased either by the DDA or the local authority, the rate will be proportionately revised upward and the DDA shall be liable to pay the additional charges on account of the increased F.A.R.
- (ii) Annual Ground Rent at the rate of 5% of the total premium shall be paid every year.
- (iii) The payments already made towards Security Deposit in accordance with the terms and conditions of the earlier licence agreement will may, if the DDA so requests, be adjusted against the premium due according to these terms.

.....2/

in this lease and necessary action will be taken by Government to take over possession of the land from the DDA.

5. This issues with the concurrence of Finance Division and with the approval of the Minister of Works & Housing.

Yours faithfully,

I. Chaudhuri

(I. Chaudhuri)
Joint Secretary (H).

Government of India
Ministry of Urban Affairs & Employment
Land and Development Department
Nirman Bhawan, New Delhi

No. L-III/8/13(9)/81/66

To

The Director (Land)
Delhi Development Authority
Vikas Sadan, I.H.A.,
New Delhi

Subject: Hotel Site allotted to Delhi Development Authority
at Sardar Patel Marg, New Delhi known as Hotel T.
Palace.

Sir,

I am to refer to this office Letter No. L-III/8/1:
81/66 dated 5.3.1991 on the above cited subject and to say th
the payment of outstanding govt. dues on account of balance
premium and interest thereon, ground rent with interest there
and damages charges for unauthorized construction amounting
to Rs. 6,98,26,189/- as demanded vide above mentioned letter
has not been received from you. A reminder was issued by th
office vide letters dated 25.7.91 and 10.91 in this regard.
However, no response in the matter has been received from you.
outstanding govt. dues have been reviewed and it is stated that follow

Further, the position of outstanding govt. dues
payable by you has been reviewed and it is stated that follow
dues are recoverable from you.

- (A) Balance Premium
(B) (I) Damages charges for U/A
occupation w.e.f. 2.3.81
to 9.4.85.
(II) 10% interest on above damages
w.e.f. 10.4.85 to 12.1.87.
(III) Less amount paid (-)
(IV) Interest on balance premium
w.e.f. 10.4.85 to 19.7.99
@ Rs.13.05% (4 yrs + 101 days)

Rs. 3,13,63,200.00
Rs. 3,09,81,089.00
Rs. 54,57,265.00
Rs. 3,64,98,854.00
Rs. 3,13,64,000.00
Rs. 50,74,854.00
Rs. 1,85,77,196.00
Rs. 2,36,52,050.00

Sd/-
26/5

1320/A (cc)
31/7/98

9/15/98
25/5/98
1320/A (cc)
31/7/98
25/5/98
1320/A (cc)
31/7/98
25/5/98
1320/A (cc)
31/7/98
25/5/98

26/5

(V) Less amount paid on
20.7.89

Balance

Rs. 1,40,43,849.00

Rs. 96,08,201.00 payable

(C) (i) Licence fees @ Rs. 25,13,600/-
P.A. w.e.f. 10.4.85 to 14.7.98 =

Rs. 3,46,74,953.00 payable

(ii) 10% interest on licence fees
w.e.f. 10.4.85 to 9.5.98 and
thereafter @ Rs. 288958/- P.M. =

Rs. 2,32,23,298.00 payable

(D) Interest on premium @ Rs.
13.85% P.A. w.e.f. 20.7.89
to 19.5.98 and thereafter
@ Rs. 361984/- P.M. =

Rs. 8,83,70,262.00 payable

Total:

+ Item No. A

Rs. 10,58,76,714.00

Rs. 8,83,70,262.00

Total Payable.

Rs. 13,72,39,914.00

It may, however, be clearly noted that outstanding demand for damages for unauthorised construction is being worked out and will be sent to you separately in due course of time.

You are therefore, finally requested to make the payment of outstanding govt. dues as indicated above positively without any further delay within 30 days of the date of issue of this letter failing which further action to cancel the allotment will be initiated against you without any further reference.

In case of your failure to make the payment of outstanding govt. dues within stipulated period, you will be liable to pay interest on the outstanding demand as per the rates applicable by the Govt. from time to time.

Yours faithfully,

(S. ASHRAF)

BY. LAND & DEVELOPMENT OFFICER

Hotel Taj Palace at Sardar Patel Marg
L-III/8/13(9)/817

1. Area = 6 acres
2. Rate = 1800 per sq. yds.
3. allotment date = 4/3/81
4. Premium = $6 \times 4840 \times 1800 = \text{Rs. } 5,22,72,000.00$
5. Five yearly instalment = 5,22,72,000.00 5
each instalment = Rs. 1,04,54,400.00
6. Ground rent = Rs. 26,13,600.00 PA

Present position of dues upto 14.1.91 (F/A)

- A. Balance Premium = Rs. 3,13,63,200.00
- i Interest @ 13.85% on balance premium from 10.4.85 to 31.3.91 = Rs. 2,59,55,711.00
- B.
- i Ground rent @ Rs. 26,13,600/- P.A. from 10.4.85 to 14.1.86 = Rs. 20,04,953.00
- ii Ground rent @ Rs. 26,13,600/- P.A. from 15.1.86 to 14.7.91 = Rs. 1,43,74,800.00
- iii 10% interest on G.R. from 10.4.85 to 31.3.91 = Rs. 50,96,520.00
- C. Damages
- i Damages for u/a occupation from 4.3.81 to 10.4.85 = Rs. 3,09,81,089.00
- ii Interest on damages @ 10% from 10.4.85 to 12.1.87 = Rs. 54,57,765.00
- Total = Rs. 11,52,34,038.00

Less amount received

- i Rs. 3,13,64,000.00 on 13.1.87
- ii Rs. 1,40,43,849.00 on 20.2.87
- Rs. 4,54,07,849.00
- Net payable (-) Rs. 4,54,07,849.00
- Rs. 6,98,26,189.00

Further the position of outstanding govt. dues was reviewed and following dues were found to be recoverable from Taj Man Singh Hotel and communicated to them vide this office letter No. L-III/8/13(9)/81/66 dt. 15.5.98. (F/B)

...2/-



STATEMENT SHOWING THE DETAILS OF THE PAYMENT
MADE BY DDA TO L&DO FOR THE LAND OF HOTEL
TAJ PALACE.

Premium

DDA was required to pay a sum of Rs. 5,22,72,000 in five instalments of Rs. 1,04,54,400 each. The following payments have been made:-

1st instalment paid on 20.10.81	Rs.	1,04,54,000
2nd instalment paid on 25.8.82	Rs.	1,04,54,000
3rd to 5th instalment paid on 12.01.87	Rs.	3,13,64,000
Total	Rs.	5,22,72,000

Interest on related payment of premium @ 13.85% p.a. from 10.4.85 to 12.1.87 paid on 20.7.89.

1. GROUND RENT

Ground Rent from 10.4.85 to 9.4.89 @ 2% p.a. i.e.

13,06,800 p.a. paid on 20.7.89

Interest for the late payment of above ground rent

Ground rent from 10.4.89 to 9.4.92 paid on 2.4.92

Ground Rent from 10.4.92 to 9.4.98 paid on 30.6.98

Interest w.e.f. 1.1.89 to 30.6.98 paid on 30.6.98

Rs. 76,51,529

Rs. 52,27,200

Rs. 11,65,020 (11,65,020)

Rs. 39,20,400

Rs. 78,40,800

Rs. 30,10,324

As such the admitted ground rent @ 2% of the premium has been paid upto 9.4.98 along with interest for late payment.

Note: The last meeting was held in the Ministry on 16.6.98 and thereafter DDA paid a sum of Rs. 1,08,51,124/- on 30-6-98.

दिल्ली विकास प्राधिकरण

S.K. MISRA
FINANCE MEMBER

D.O. No. 7(1) 32-Budget/ROF/TP Hotel/ 5
87-88/

5.1.89
1.1.89

Dear Shri Bhatia,

Please refer to your letter No.L-II-13(9)/88/621 dated 27th October, 1988 regarding payment of Rs. 3,09,81,089.38 p towards damage charges for the period of occupation of plot by the DDA from 4.3.81 in respect of Hotel site at Sardar Patel Marg. The organisation does not have any objection to the payment of amount in view of the directions of the Secretary, Ministry of Urban Development referred in letter under reference but is finding it difficult to make payment at this stage when its own dues have not even been reimbursed to it by the Government e.g. expenditure incurred on maintenance of resettlement colonies by the DDA amounting to Rs. 158 crores. It may also be not lost sight of that DDA is not a financial institution and has been carrying on the burden of financing of the housing projects allotted on hire purchase system. At the same time, at the moment, DDA has to make payment to DESU ETC. as well.

Keeping in view the above constraints, it is again requested that payment of the above amount may be deferred without any levy of interest etc. as premium amount has already been paid to you fully and the question of payment of further interest on interest does not arise under the terms of the arrangement.

Yours sincerely,

(S.K. MISRA)

Shri O.P. Bhatia,
Dy. Land & Development Officer,
Government of India,
Ministry of Urban Development,
Land and Development Office,
Nirman Bhawan,
NEW DELHI.

D.O.No. FE16 (41)/80/KW/19-620
January 15, 1999.

Dear Shri Bhandari,

Please refer to the deliberations of the meeting held in your chamber on 14.1.99 in connection with the outstanding dues of the hotel site at Sardar Patel Marg allotted to DDA by L&DO. As explained in the meeting DDA has already paid the entire amount of premium and also the upto date ground rent along with interest for belated payment both for premium and the ground rent vide Annexure "A". Regarding the demand of damages and the enhanced ground rent being claimed by L&DO, we have been representing that the same are not payable by DDA because of the following reasons:

- (i) As per terms of allotment, DDA was required to pay Rs. 5,22,72,000.00 on account of premium of the plot in five equated annual instalments of Rs. 1,04,54,400.00 each commencing from 4.4.1981. However, DDA paid two instalments on 20.10.81 and 25.8.82 respectively but the remaining instalments could not be paid as per schedule due to blockage of our funds on maintenance of resettlement colonies and Asiad projects undertaken on behalf of the Govt. of India and hence delay in payment was beyond the control of DDA.
- (ii) The demand of L&DO for payment of damages is not justified as there is no practice of charging the damages from the Govt. Departments. DDA has also been making allotments to Govt./Semi-Govt. Departments and many times there is delay in payment of the premium. We normally do not cancel the allotments of Govt./Semi-Govt. Departments due to delay in payment of the premium but claim only interest. Neither the damages are claimed nor the ground rent is enhanced in such cases. DDA has to recover a sum of Rs. 226.16 crores from various departments of Delhi Govt. on account of premium of the land allotted to them. In case DDA makes payment of the damages and the enhanced ground rent to L&DO, we would need to follow a similar policy for claiming such charges from the defaulting Govt. Departments which would involve huge financial implications. The additional liability for the allottee institutions on account of damages and enhanced ground rent will be to the

tune of Rs. 41.56 crores per annum as may be seen from the statement marked as Annexure "B". This will be necessary to have uniformity by two land owning agencies under the same Ministry.

- (iii) As per opinion of Law Department of DDA whenever any allotment/lease is restored it amounts to revival of the allotment /lease on original terms and conditions and the continuity of the allotment is maintained and thus there is no unauthorised occupation for which the damages could be levied legally. A copy of the opinion marked as Annexure "C" is enclosed for your kind perusal.
- (iv) In this case the lease deed has not been executed so far. However, as per provisions of the standard lease deed the ground rent is revised after expiry of the period specified in the lease deed and there is no provision for enhancing the ground rent before the specified period. As such, the action of L&DO for enhancing the ground rent from 2.5% to 5% per annum is not justified.

2. In view of the position brought out above, we would like to reiterate that damages and enhanced ground rent as claimed by L&DO are not justified as the delay in payment of the premium was beyond the control of the DDA. Also the action of the L&DO for levy of the damages and the enhanced ground rent is not covered under the terms and conditions of the standard lease deed and not in consonance with the practice being followed by DDA for the Govt. Departments. In case DDA is required to make payment of these charges, we would need to seek approval of the Authority and also recommend that we follow the same practice in DDA which would have serious repercussions as explained above.

3. Keeping in view that the L&DO has been pursuing this demand since long I would suggest for Ministry's consideration that they may consider to charge restoration charges which DDA has been charging only from the private parties. The existing rate of restoration charges is Rs. 200/- per sq.mtr. and the rates prevailing prior to this were ranging from Rs. 40.00 to Rs. 120.00 per sq.mtr. The copies of the orders for levy of the restoration charges from time to time are enclosed and marked as Annexure "D".

4. It is requested that Ministry may kindly consider the above points and ask the L&DO to withdraw the demand of damages and the enhanced ground rent. However, the restoration charges as decided by the Ministry will be

paid by DDA. We again confirm that DDA has already made upto date payment of premium and ground rent along with interest as per terms & conditions of the original allotment.

With regards,

Yours sincerely,

K.P. Lakshmana Rao
[K.P. Lakshmana Rao]

JK

Encl: As above.

Shri G.C. Bhandari,
Addl. Secretary (Finance),
MOUAE, Nirman Bhawan,
New Delhi.

Copy to: Dr. Rajesh Kumar, L&DO, MOUAE, Nirman Bhawan,
New Delhi for information and necessary action.

K.P. Lakshmana Rao
[K.P. Lakshmana Rao]



PRASANNA HOTA

उपाध्यक्ष

VICE-CHAIRMAN

दिल्ली विकास प्राधिकरण

DELHI DEVELOPMENT AUTHORITY

-53-

APPENDIX 'E' TO ITEM NO. 74/2002

विकास सदन,

Vikas Sadan,

New Delhi-110023.

Ph. 469 7900

D.O.No.FE16(41)80/KWI/1176

January 18, 2002

Dear Shri Pradhan,

Please refer to your D.O. No.L III/813(9)98 dated December 7, 2002 regarding outstanding dues in respect of land leased to DDA for hotel at Sardar Patel Marg. I have looked into the matter and it appears that the demand raised by L&DO vide their communication dated 15.9.98 needs to be re-examined in the light of the following :-

- i) That DDA is bound by the terms and conditions of the offer originally made by L&DO to DDA when the explicit consideration of putting up the hotel in a record time for the Asiad weighed heavy on the Government and a special offer was made to DDA to get the rooms ready somehow and manage the show, and that once the exigency was no longer there the extraordinary risk and responsibility which DDA had assumed in the process of setting up the hotel was no longer of import and was ignored;
- ii) That DDA as an allottee can not be treated differently or at any rate worse than other allottees, and hence, ground rent can not be demanded at the rate of 5% per annum from the DDA unilaterally when under all the leases of the Government the rate is only 2.5%.
- iii) That whatever the period of default in payment of the original instalments, DDA has made good the same and third to fifth instalment were paid on 12.01.87;
- iv) That the interest on the belated period for the instalment number 3 to 5 for the period between 10.4.95 to 9.4.89, @ 13.85% amounting to Rs.76,51,629 was paid by DDA on 20.7.89;
- v) That ground rent @ 2.5% has been paid up to date.
- vi) That interest on ground rent for three periods - 10.4.88 to 9.4.89 (amount Rs.11,05,020/-) and 1.1.89 to 30.6.98 (amount Rs.30,10,324/-) has also been paid by DDA;
- vii) That no assessment for damages for unauthorised occupation against DDA was ever made, nor could it be made given that DDA was entitled to use the land as per the offer of the Government and that DDA had fulfilled its commitment by putting up the rooms required for Asiad and that DDA had further fulfilled its commitment by making the payment of first two instalments of the premium and that DDA was prevented from being able to make the payment of the third to fifth instalments of the premium in time, only because DDA was required to lock up a substantial amount of its funds on the bidding of the Government for the Asiad.



PRASANNA HOTA

उपाध्यक्ष

VICE-CHAIRMAN

दिल्ली विकास प्राधिकरण

DELHI DEVELOPMENT AUTHORITY

-53-

APPENDIX 'E' TO ITEM NO. 74/2003

विकास भवन,

Vikas Sahan,

New Delhi-110023.

Ph. 469 7900

D.O.No.FE16(41)80/KWI/1176
January 18, 2002

Dear Shri Pradhan,

Please refer to your D.O. No.L III/813(9)98 dated December 7, 2002 regarding outstanding dues in respect of land leased to DDA for hotel at Sardar Patel Marg. I have looked into the matter and it appears that the demand raised by L&DO vide their communication dated 15.9.98 needs to be re-examined in the light of the following :-

- i) That DDA is bound by the terms and conditions of the offer originally made by L&DO to DDA when the explicit consideration of putting up the hotel in a record time for the Asiad weighed heavy on the Government and a special offer was made to DDA to get the rooms ready somehow and manage the show, and that once the exigency was no longer there the extraordinary risk and responsibility which DDA had assumed in the process of setting up the hotel was no longer of import and was ignored;
- ii) That DDA as an allottee can not be treated differently or at any rate worse than other allottees, and hence, ground rent can not be demanded at the rate of 5% per annum from the DDA unilaterally when under all the leases of the Government the rate is only 2.5%.
- iii) That whatever the period of default in payment of the original instalments, DDA has made good the same and third to fifth instalment were paid on 12.01.87;
- iv) That the interest on the belated period for the instalment number 3 to 5 for the period between 10.4.95 to 9.4.89, @ 13.85% amounting to Rs.76,51,629 was paid by DDA on 20.7.89;
- v) That ground rent @ 2.5% has been paid up to date.
- vi) That interest on ground rent for three periods - 10.4.88 to 9.4.89 (amount Rs.11,05,020/-) and 1.1.89 to 30.6.98 (amount Rs.30,10,324/-) has also been paid by DDA;
- vii) That no assessment for damages for unauthorised occupation against DDA was ever made, nor could it be made given that DDA was entitled to use the land as per the offer of the Government and that DDA had fulfilled its commitment by putting up the rooms required for Asiad and that DDA had further fulfilled its commitment by making the payment of first two instalments of the premium and that DDA was prevented from being able to make the payment of the third to fifth instalments of the premium in time, only because DDA was required to lock up a substantial amount of its funds on the bidding of the Government for the Asiad.


- ix) That in any case, even if the lease (which has never been entered into) was determined, DDA does not become an unauthorised occupant, because DDA was not in effective occupation of the premises, the same having been given over to M/s.IHC with full knowledge of the Government.
- x) That when the cancelled allotment is subsequently restored, it dates back to the original allotment.
- xi) That ground rent for authorised occupation and damages for unauthorised occupation can not be levied for the same period, and hence, if L&DO insists on damages, then the ground rent liability needs to be accordingly adjusted.
- xii) That it may also be clarified that none of the amounts demanded by L&DO from DDA can be recovered by DDA from the licensee of the hotel, namely M/s. Indian Hotels Company, as per the terms and conditions of the license deed entered into between DDA and the licensee in 1985.
2. I shall be grateful if you would be so kind to advise L&DO to drop the demand raised by them vide their communication No.L-III/8/13(9)/81/66 dated 15.5.98 in the light of the facts and circumstances set out above.

With regards,

Yours sincerely,


(Prasanna Hota)

Shri P.K. Pradhan,
Joint Secretary,
Ministry of Urban Development & PA,
Government of India,
Nirman Bhawan,
New Delhi-110 011.


Approved
18/1/02

STATEMENT SHOWING OUTSTANDING PREMIA AGAINST
VARIOUS DEPARTMENTS OF DELHI GOVT.

(Fig. in crores)

S.N.	Name of Deptt.	No. of plots allotted	Premium outstanding	Addl. liability of G.R. if enhanced from 2.5% to 5% per annum	Ant. of premia if charged at current rate (approx.)
1.	Delhi Admn. Health, PWD & Irrigation	37	15.11	0.39	46.50
2.	Education Deptt.	39	5.65	0.14	48.29
3.	D.T.S.U.	39	20.82	0.52	34.55
4.	Delhi Police	28	17.47	0.48	235.12
5.	M.C.D.	54	60.66	1.52	133.96
6.	D.T.C.	7	16.57	0.41	19.88
7.	L.A.M.B.	7	89.86	2.25	107.83
		211	226.14	5.71	626.13

Damages : If the damages are charged after the process of the cancellation
and restoration of the allotment, the same would be Rs. 43.56 crores (approx)
per annum.



P. K. Pradhan
Joint Secretary (D&L)
Tel. No.: 3018255

भारत सरकार
शहरी विकास और गरीबी
उपशमन मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF URBAN DEVELOPMENT
& POVERTY ALLEVIATION

D.O. No./L-III/8/13(9)/98/82

नई दिल्ली-110011, तारीख 2001
New Delhi-110011, Dated the 2001

Dated: 7th March, 2002

Dear Shri Hota,

Please refer to your DO No. FE 16(41)80/KW1/117F dated 18th January, 2002 regarding the outstanding dues in respect of land leased to DDA for hotel at Sardar Patel Marg.

2. The points contained therein have been examined. The contention of DDA that it is bound by the original terms & conditions is not factually correct. The allotment made on 04.03.83 was cancelled since the DDA did not comply with the terms of allotment namely:-

- i) non-payment of dues;
- ii) failure to complete the construction of the hotel building before Asiad 1982;
- iii) failure to execute the Memorandum of Agreement; and
- iv) failure to furnish satisfactory reply within the specific time.

3. The representations of DDA for restoration of these terms were considered by the Ministry and was not agreed. This was conveyed to the DDA vide letter dt. 10.04.85, a copy of which is enclosed. This letter also contained revised terms for restoration of the allotment. DDA did not object to the revised terms at that time. In fact vide DO No. 7(1)32-BUDGET/ROF/TP dt. 5th January, 1989 from Shri S. K. Misra, the then Finance Member, intimated the L&DO that DDA had no objection to the payment of the amount in view of the directions of the Ministry but sought some more time for the actual payment in view of the financial difficulties faced by DDA at that stage.

4. The reason for charging of ground rent @ 5% per annum of the original premium had already clarified to the DDA on a number of occasions. DDA was allotted the land at the concessional rate of rupees 1,800/- per sq. yd. for FAR of 150. These rates should have been revised at the time of re-allotment and premium recovered on the basis of the then prevailing market rate. To avoid financial difficulty to the DDA, this was dispensed with and it was decided to charge the licence fee @ 5% of the concessional premium.

96-C
11/3/2002

JCAO (L&S)

14/8/02

u/s 108

SHRK, P/Prnt
up on 21/3/02

5. Regarding payment of damages/misuse charges, it may be mentioned here that the details of unauthorised constructions and misuses were conveyed to DDA vide letter dated 15.05.98. Opportunity was also given to remedy/remove these breaches. Since DDA failed to remove the breaches, it is liable to pay the misuse charges/damages charges as any other lessee. In case, these constructions are covered under any subsequent approved plans, attested copy of the approved plans may be furnished for examination by L&DO.

6. On the issue of recovery of ground rent and damages charges for the period of unauthorised occupation, the damages charges are being levied for the unauthorised constructions existing in the premises whereas DDA is liable to pay the occupation charges during the intervening period between the date of termination and restoration of the allotment since DDA continued to be in possession of the premises. DDA is responsible for allowing the third party to enter upon the Government land and can not take a stand that none of the amounts demanded by L&DO can be recovered by DDA from the licensee as per the terms & conditions of the licence. The allotment was made in favour of DDA and all correspondences are also being made between DDA and this Ministry. Adequate provisions should have been made in the agreement to recover such dues payable to the lessor.

7. As already mentioned vide DO dated 7th December, 2001, all these issues were examined in detail in various meetings held in this Ministry and the representatives of DDA who participated in the meetings were also appraised of the position and advised to make the payments to the L&DO. In view of the above, I shall be grateful if you could kindly issue necessary instructions for payment of the outstanding dues at the earliest and also to furnish a copy of the sanctioned building plan to L&DO.

With kind regards,

Yours sincerely,

(P. K. PRADHAN)

Sh. P. K. Hota,
Vice Chairman,
Delhi Development Authority,
Vikas Sadan, Near I.N.A.,
New Delhi.

STATEMENT SHOWING THE OUTSTANDING AMOUNT OF PREMIA
AGAINST GOVT. DEPTT. UPTO 2001-02.

(Fig. In Crores)

1.	Education Deptt.	Rs. 44.77
2.	Health Deptt.	Rs. 33.47
3.	Transport Deptt.	Rs. 64.91
4.	P.W.D.	Rs. 14.81
5.	Industry Deptt.	Rs. 14.11
6.	Other remaining Deptt.	Rs. 166.24
7.	D.T.C.	Rs. 31.60
8.	Delhi Police	Rs. 17.94

Total:	Rs. 387.85
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Annual interest liability @ 18% p.a. works out to Rs. 70 Crore p.a.

A.O.(IL) 7/6/02

Acctt./IL.

P. K. Pradhan
Joint Secretary (D&L)
Tel No.: 3018255

भारत सरकार
हरी विकास और गरीबी
उपशमन मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF URBAN DEVELOPMENT
& POVERTY ALLEVIATION

APPENDIX 'H' TO ITEM NO. 74/2002

नई दिल्ली-110011, तारीख 2001
New Delhi-110011, Dated the 2001

D.O. No./L-III/8/13(9)/98/443

Dated: 7th December, 2001

Dear Shri Hota,

As you are aware, the land on which Hotel Taj Palace at Sardar Patel Marg is situated was allotted to DDA by the Land & Development Office. Various outstanding dues on account of premium, damages charges etc. for the period from 04.03.81 to 09.04.85 were demanded by the L&DO vide letter dated 15.05.98. DDA was also advised to furnish to L&DO the sanctioned building plan for examination.

2. However, in spite of repeated reminders, DDA is yet to make the payment and also to furnish the sanctioned building plan. The representations earlier submitted by DDA was examined in detail and were also discussed but could not be agreed to. The non-recovery of the outstanding dues has also been adversely criticised by the C&AG.

3. I shall be grateful if you could kindly look into the matter and issue necessary instructions for payment of the outstanding dues at the earliest. Copy of the sanctioned building plan may also be sent to the L&DO.

With kind regards,

Yours sincerely,

(P. K. PRADHAN)

Sh. P. K. Hota,
Vice Chairman,
Delhi Development Authority,
Vikas Sadan, Near I.N.A.,
New Delhi.

Commissioner (L&D)

Discussed with 12.12.2001
Hotel is in joint ownership of DDA. Hence plan
may be available with C.L.D. The Bldg plans of
this hotel were sanctioned by N.D.M.S.
13.12.2001

Item No.
75/2002

Subject: Fixation of Pre-determined Rates (PDR) for allotment in Plastic Bazar
Tikri Kalan through Cost Benefit Analysis (CBA) for the year 2001-2002
F.4(4) 2001/AO(P)/DDA.

PRECIS

Authority vide its Resolution No. 112/95 had approved the proposal to change the land use and to declare the Development Area for PVC and other solid waste complex at Tikri Kalan, Rohtak Road. On the basis of the approval given by the Finance Wing for AA & ES for development of 250 acres of area on tentative basis, the Cost Benefit Analysis was attempted to derive Pre-determined Rates for the Plots of various sizes with respect to their use. The Cost Benefit Analysis was carried out on the same assumptions as for the previous years. These are mentioned in detail in para 2 below. At this stage the Cost Benefit Analysis for the year 2001-2002 is under consideration on the basis of the Updated Project Cost at the cost index prevailing in 2001-2002.

2. The Cost Benefit Analysis for the year 2001-2002 is based on the following assumptions:

2.1 The entire project is treated as completed in the year 2001-2002 for the purpose of the the CBA. Hence the rates are valid for 2001-2002.

2.2 Additional compensation at the rate of Rs.75/- per sq. mtr. has been added to the cost of land acquisition. The cost of land acquisition has been incurred at the revised rates of land acquisition. Hence, additional compensation at the rate of Rs.75/- per sq. mtr. has been retained as such, and is expected to cover the cost of enhanced compensation.

2.3 The land under roads for the project is added to the project in the CBA.

2.4 The warehousing plots would be sold by auction. Other plots such as industrial plots can be disposed of by auction as well as by allotments on pre-determined rates.

2.5 The Project Cost taken up in the first exercise conducted for the CBA for 1995-96 (Rs.44.78 crores + 7% contingencies) has been updated at the cost index of '166' prevailing in 2001-2002 in this CBA for 2001-2002..

2.6 For development expenditure, the figures have been supplied by the Engineering Wing

2.7 The provision of 12% for physical and price contingencies has also been made to arrive at the total project expenditure.

2.8 The rates for commercial plots are only for the purpose of analysis in this exercise. The multiplier used for shopping has been taken at 4 times the Break Even Rate (BER) in line with the prices of plots for commercial use received in auction. The pre-determined rates are inclusive of the use and occupation charges as per Nazul Rules, 1981.

2.9 The Pre-determined Rates are inclusive of use and occupation charges as per Nazul Rules, 1981.

2.10 The discounted cash flow method is being used. In the exercises for earlier years the discounting was done @17%. This was what the prime-lending rate (PLR) when the C.B.A. was initiated. This has been reviewed. It had been decided with the approval of V.C. to take into consideration the rate of discounting as 12.5% in the C.B.A for 2000-2001, being closer to the Prime Lending Rate prevailing as of now. For 2001-2002 too the rate of discounting as 12.5% has been taken into consideration while conducting the exercise.

3. On the basis of the C.B.A. for 2001-2002, the Break Even Rate (BER) comes to Rs.3122.00 per sq mtr as against the Rate of Rs.2725.81 per sqm for 2000-2001 i.e. an increase of 14.53% over the rates for 2000-2001. This has been considered to be on higher side. It is relevant to add that the properties in Tikri Kalan are not getting disposed of due to far flung location as also due to lack of infrastructure facilities. It is feared that the increase owes itself to the non-disposal of the properties. Non- disposal adds to the cost of money. Since the properties are not getting disposed of, a conscious decision has been taken to peg the rate for 2001-2002 at the same level as that for 2000-2001.

4. For the reasons mentioned in para (3) above it is proposed for consideration for taking a conscious decision to peg the rate for 2001-2002 at the same level as that for 2000-2001.

5. The proposed category-wise rates for 2001-2002 are given in the following table:-

Sl. No	Use	Area of the Plot in sq mtr.	PDR FOR 2001-2002 (Rs. Per sq. mtr.)	Proposed Rate for 2001-2002 (Rates for 2000-2001 retained)
B.E.R.			3122.00	2725.81
1	Commercial Low Turnover	25-53.50	6249.00	5457.00
2	Commercial Low Turnover	124.00	7498.00	6547.00
3.	Commercial Low Turnover	131.75	7498.00	6547.00
4.	Ware Housing	300.00	7498.00	6547.00
5	Light Industry	300.00	4688.00	4094.00
6.	Light Industry	495.00	5469.00	4775.00

6. Authority may kindly approve the CBA as given in Table (App. 'A' at P. 62-64), and the Pre-determined Rates as mentioned in para 5 Col.5 above for the year 2001-2002 for notification by the Govt. of India, M.O.U.D.P.A.

R E S O L U T I O N

Proposals contained in the agenda item were approved by the Authority, keeping in view the fact that there was no increase in the land rates.

YEAR	DISCOUNTED ACQU. COST	DISCOUNTED ADDITIONAL COMPENSATION
1995-96	23.0676	0.0000
1996-97	0.0000	0.0000
1997-98	63.1500	16.3028
1998-99	0.0000	0.0000
1999-2000	0.0000	0.0000
2000-2001	0.0000	0.0000
2001-2002	0.0000	0.0000
TOTAL	86.2176	16.3028

TABLE : 2 BREAK-EVEN COST ANALYSIS (FIG IN CRORES)

YEAR	DEVPL. EXP.	DISCOUNTED DEVPL. EXP.	ACQU. COST	DISCOUNTED ACQU. COST	ADDITIONAL COMPENSATION	DISCOUNTED ADDITIONAL COMPENSATION	TOTAL EXPNDR	TOTAL DISCOUNTED EXPNDR	TOTAL REVENUE	TOTAL DISCOUNTED REVENUE
1995-96	6.0313	15.4713	8.9926	23.0676	0.0000	0.0000	15.0239	38.5388	0.0000	0.0000
1996-97	6.8844	15.0937	0.0000	0.0000	0.0000	0.0000	6.8844	15.0937	0.0000	0.0000
1997-98	3.8909	7.2911	33.7000	63.1500	8.7000	16.3028	46.2909	86.7439	3.0600	4.4801
1998-99	3.6935	5.9156	0.0000	0.0000	0.0000	0.0000	3.6935	5.9156	1.9945	2.6547
1999-2000	2.0182	2.7627	0.0000	0.0000	0.0000	0.0000	2.0182	2.7627	1.2641	1.5295
2000-2001	8.7117	9.8007	0.0000	0.0000	0.0000	0.0000	8.7117	9.8007	0.2050	0.2255
2001-2002 (NOTIONAL)	36.7600	36.7600	0.0000	0.0000	0.0000	0.0000	36.7600	36.7600	210.2010	210.2010
TOTAL	67.9900	93.0950	42.6926	86.2176	8.7000	16.3028	119.3826	195.6154	216.7246	219.0909

Total Discounted Expendr :
Physical contingencies :
(@12% of expendr)

195.62
23.47
219.09

Total Discounted Revenue :

219.09

BREAK-EVEN RATE : 3122.00

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hars

3 YEARWISE BREAKUP OF DISPOSABLE AREA

											1536.33	2065.72	2399.55	2725.81	3122.00						
3 YEARWISE BREAKUP OF DISPOSABLE AREA											REVENUE REALISED/EXPECTED					PRE-DETERMINED RATES					
S	0.00	AREA OF PLOTS IN SQ MTR.	NUMBER OF PLOTS (IN HECT.)	GROSS AREA	SALEABLE MULTIPLIER	AREA SOLD/SALEABLE AREA LEFT					REVENUE REALISED/EXPECTED					PRE-DETERMINED RATES					
						1997-9	1998-9	1999-2K	2000-2001	2001-2002	1997-98	1998-9	1999-2K	2000-2001	2001-2002	1997-9	1998-99	1999-2K	2000-2001	2001-2002	
X	COMMERCIAL LOW TURNOVER (Area in Hect.)	7.53	1780.00	7.57	7.5267	2.00	0.9959	0.5237	0.2634	0.0376	5.7061	3.0600	1.9945	1.2641	0.2050	35.6289	3072.66	4131.44	4799.10	5451.62	6244.00
X	COMMERCIAL LOW TURNOVER (Area in Hect.)	3.82	304.00	3.82	3.8192	2.40	0.0000	0.0000	0.0000	0.0000	3.8192	0.0000	0.0000	0.0000	0.0000	28.6165	3687.19	4957.73	5758.92	6541.94	7492.80
4	WAREHOUSING	300.00	210.00	6.3000	6.3000	2.40	0.0000	0.0000	0.0000	0.0000	6.3000	0.0000	0.0000	0.0000	0.0000	47.2046	3687.19	4957.73	5758.92	6541.94	7492.80
5	LIGHT INDUSTRY PLOTS	300.00	268.00	8.0400	8.0400	1.50	0.0000	0.0000	0.0000	0.0000	8.0400	0.0000	0.0000	0.0000	0.0000	37.6513	2304.50	3098.58	3599.33	4088.72	4683.00
6	LIGHT INDUSTRY PLOTS	495.00	96.00	4.7520	4.7520	1.75	0.0000	0.0000	0.0000	0.0000	4.7520	0.0000	0.0000	0.0000	0.0000	25.9626	2688.58	3615.01	4199.21	4770.17	5463.50
7	SHOPPING			0.9720	0.9720	4.00	0.0000	0.0000	0.0000	0.0000	0.9720	0.0000	0.0000	0.0000	0.0000	12.1383	6145.32	8262.88	9598.20	10903.24	12488.00
8	POLICE STATION			0.4000	0.4000	2000000.00	0.0000	0.0000	0.0000	0.0000	0.4000	0.0000	0.0000	0.0000	0.0000	0.1976	494.19	2000000.00	2000000.00	2000000.00	2000000.00
9	FIRE STATION			1.9400	1.9400	2000000.00	0.0000	0.0000	0.0000	0.0000	1.9400	0.0000	0.0000	0.0000	0.0000	0.9584	494.19	2000000.00	2000000.00	2000000.00	2000000.00
10	HEALTH SERVICES			0.3250	0.3250	2000000.00	0.0000	0.0000	0.0000	0.0000	0.3250	0.0000	0.0000	0.0000	0.0000	0.1606	494.19	2000000.00	2000000.00	2000000.00	2000000.00
11	ELEC SUB-STATION(66KV)			1.0300	1.0300	0.00	0.0000	0.0000	0.0000	0.0000	1.0300	0.0000	0.0000	0.0000	0.0000	0.0000	0.00	0.00	0.00	0.00	0.00
12	TUBE WELL			0.5000	0.5000	0.00	0.0000	0.0000	0.0000	0.0000	0.5000	0.0000	0.0000	0.0000	0.0000	0.0000	0.00	0.00	0.00	0.00	0.00
13	NIGHT SHELTER/REPAIR SHOPS/ INFORMAL EATING/SERVICE/ SPARE PARTS/P.P.M.P/ PUB CONVENIENCES			4.1100	4.1100	1.00	0.0000	0.0000	0.0000	0.0000	4.1100	0.0000	0.0000	0.0000	0.0000	12.2314	1536.33	2065.72	2399.55	2725.81	3122.00
							0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.00	0.00	0.00	0.00	0.00
							0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.00	0.00	0.00	0.00	0.00
							0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.00	0.00	0.00	0.00	0.00
							0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.00	0.00	0.00	0.00	0.00
14	UNDERGROUND RESERVOIR			0.2000	0.2000	0.00	0.0000	0.0000	0.0000	0.0000	0.2000	0.0000	0.0000	0.0000	0.0000	0.0000	0.00	0.00	0.00	0.00	0.00
15	DUMPING GROUND			0.9400	0.9400	0.00	0.0000	0.0000	0.0000	0.0000	0.9400	0.0000	0.0000	0.0000	0.0000	0.0000	0.00	0.00	0.00	0.00	0.00
16	FACILITIES/ADMN.OFFICES			0.3750	0.3750	2.00	0.0000	0.0000	0.0000	0.0000	0.3750	0.0000	0.0000	0.0000	0.0000	2.3415	3072.66	4131.44	4799.10	5451.62	6244.00
17	SEPTIC TANK			0.1000	0.1000	0.00	0.0000	0.0000	0.0000	0.0000	0.1000	0.0000	0.0000	0.0000	0.0000	0.0000	0.00	0.00	0.00	0.00	0.00
18	WEIGHING BRIDGE			0.4000	0.4000	1.75	0.0000	0.0000	0.0000	0.0000	0.4000	0.0000	0.0000	0.0000	0.0000	2.1854	2688.58	3615.01	4199.21	4770.17	5463.50
19	R/U			0.3000	0.3000	1.75	0.0000	0.0000	0.0000	0.0000	0.3000	0.0000	0.0000	0.0000	0.0000	1.6391	2688.58	3615.01	4199.21	4770.17	5463.50
20	IDLE PARKING			3.4400	3.4400	0.25	0.0000	0.0000	0.0000	0.0000	3.4400	0.0000	0.0000	0.0000	0.0000	2.6849	384.08	516.43	599.89	681.45	780.50
21	CIRCULATION/OTHERS/UTILITIES			69.9507	0.0000	0.00	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.00	0.00	0.00	0.00	0.00
22	TOTAL			2658.00	115.4686	45.4699	0.9959	0.5237	0.2634	0.0376	43.6493	3.0600	1.9945	1.2641	0.2050	210.2010					

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TABLE : 3A YEARWISE BREAKUP OF DISPOSABLE AREA

YEAR	0.00	AREA OF PLUMBING (IN SQ. MTR OF PLOTS	GROSS AREA (IN HECT.)	SALEABLE MULTIPLIER AREA	
1.01	COMMERCIAL LOW TURNOVER	25.20	144.00	0.3629	2.00
1.02	COMMERCIAL LOW TURNOVER	20.40	72.00	0.1901	2.00
1.03	COMMERCIAL LOW TURNOVER	27.00	60.00	0.1668	2.00
1.04	COMMERCIAL LOW TURNOVER	30.00	72.00	0.2160	2.00
1.05	COMMERCIAL LOW TURNOVER	40.00	228.00	0.9120	2.00
1.06	COMMERCIAL LOW TURNOVER	47.00	128.00	0.6016	2.00
1.07	COMMERCIAL LOW TURNOVER	44.00	488.00	2.1472	2.00
1.08	COMMERCIAL LOW TURNOVER	47.50	12.00	0.0570	2.00
1.09	COMMERCIAL LOW TURNOVER	48.00	32.00	0.1536	2.00
1.10	COMMERCIAL LOW TURNOVER	50.00	400.00	2.0000	2.00
1.11	COMMERCIAL LOW TURNOVER	53.30	144.00	0.7675	2.00
1.12	COMMERCIAL LOW TURNOVER	124.00	240.00	2.9760	2.40
1.13	COMMERCIAL LOW TURNOVER	131.75	64.00	0.8432	2.40
1.14	WAREHOUSING	300.00	210.00	6.3000	2.40
1.15	LIGHT INDUSTRY PLOTS	300.00	268.00	8.0400	1.50
1.16	LIGHT INDUSTRY	495.00	96.00	4.7520	1.75
1.17	SHOPPING			0.9720	4.00
1.18	POLICE STATION			0.4000	2000000.00
1.19	FIRE STATION			1.9400	2000000.00
1.20	HEALTH SERVICES			0.3250	2000000.00
1.21	ELEC SUB-STATION(66KV)			1.0300	0.00
1.22	TUBE WELL			0.5000	0.00
1.23	NIGHT SHELTER/REPAIR SHOPS/ INFORMAL EATING/SERVICE/ SPARE PARTS/P.PUMP/ PUB CONVENIENCES			4.1100	1.00
2.00	U/GROUND RESERVOIR			0.2000	0.00
2.10	DUMPING GROUND			0.9400	0.00
2.20	FACILITIES/ADMN.OFFICES			0.3750	2.00
2.30	SEPTIC TANK			0.1000	0.00
2.40	WEIGHING BRIDGE			0.4000	1.75
2.50	RLU			0.3000	1.75
2.60	IDLE PARKING			3.4400	0.25
2.70	CIRCULATION/OTHERS/UTILITIES			69.9507	0.00
GRAND TOTAL			2658.00	115.4686	45.4699

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MTRP

Item No.
76/2002

Sub.: Departmental proceedings against Sh.G.S. Kardwal, R.O.(Retd.) under Rule 9 of CCS(Pesion) Rule, 1972 (Date of Retirement 31.12.2000)

Major penalty proceedings against Sh.G.S.Kardwal,R.O. (who was under suspension) were initiated under Regulation 25 of the DDA Conduct, Disciplinary & Appeal Regualtions,1999 vide Memo.No.F.2(244)68/2000/PB-I/Vo.III/647 dated 10.4.2000 on the following charges:-

Sh.GS Kardwal while working as Recovery Officer in Lands Management Branch of DDA during the year 1998. During the said period he was the incharge of the work relating to issue of allotment slips against the demolition slips issued by the DDA and maintenance of property register, recovery/payment of initial deposit etc. Sh.Kardwal was transferred from Lands Management Branch to Planning Wing,DDA vide E.O.No.1844 dated 4.12.1998 issued by the Personal Deptt. Instead of complying the said orders, he remained absent from duty without prior permission/leave sanctioned and deliberately evaded the transfer orders; thereafter submitted an application for grant of E.L. from 28.12.1998 to 8.1.1999 in the office of Dir.(LM)HQ through Regd. Post and left the Head Quarters for availing LTC w.e.f. 28.12.1998 to 8.1.1999 and subsequently sent a telegram from Srinagar to extend LTC leave upto 23.1.1999.

Shri Kardwal did not hand over the charge to Sh.KC Gangal, Asstt.Dir. (Survey) inspite of issue of orders by Director (LM)HQ vide No.PA/DLM(HQ)A/98/153 dated 16.12.1998 and had used the allotment slips book bearing No.4401 to 4500 for issuing possession slips/allotment slips to the persons in Pooth kalan area in Rohini Extension, Sect.20 even after his transfer from Lands Management Branch instead of handing voer the same to his successor. Moreover 133 demand drafts amounting to Rs.2,06,545/- in favour of DDA were also found in the almirah of Sh.Kardwal as per the inventory prepared by Sh.KC Gangal, when in the compelling circumstances the locks of his room, almirah(s) and drawer were broken open by Sh.BB Kundal, Estate Officer on the specific orders of Director(LM)HQ with the approval of Commr.(LM). Sh.Kardwal had thus caused financial loss of Rs.3,538/- to the Authority on account of retention/non-submission of the 133 Demand Drafts for encashment in DDA's account out of which 28 Demand Drafts had became time barred.

Sh.GS Kardwal was placed under suspension vide order No.34/Vig./99 dated 25.2.1999 by the Vice-chairman,DDA. Sh.Kardwal had thus by his above acts, exhibited absolute carelessness, negligence and grave dereliction of duty and had failed to maintain absolute integrity and acted in a manner unbecoming of an employee of the Authority thereby violating Regulation 4(1)(i)(b),(II) & (III) of DDA Conduct, Disciplinary & Appeal Regulations,1999.

As per orders of V.C,DDA vide EO No.680 and 681 dated 1.6.2000 the Inquiry Officer as well as Presenting Officer were appointed to enquire into the charges framed against Sh.GS Kardwal,R.O.(under suspension).

Shri S.K.Mukherjee, IAS(Retd.) submitted his report on 22.3.2001 vide letter No.8/DDA/2000/SKM(P), a copy of which was also sent to Sh.Kardwal vide letter No.F.2(244)68/200/PB-I/Vol.III/952 dated 16.4.2001 for his comments thereon. However, sh.Kardwal had already retired from the service of the Authority on 31.12.2000 on his superannuation, whereas major penalty proceedings were initiated against him vide Memo. dated 10.4.2000 i.e. before his retirement.

The Inquiry report as well as the comments thereon of Sh.GS Kardwal, were submitted to the VC,DDA, for acceptance, who vide his orders dated 31.7.2001 passed orders for 5% cut in pension (deducted from the total pension payable each year) for 10 years on Sh.GS Kardwal,RO(Retd.).

As per CCS(Pension)Rules, 1972 as made applicable to the employees of the Authority, the departmental proceedings initiated against Sh.GS Kardwal,RO while he was in service including reemployment will be deemed to be proceedings under Rule-9 of CCS Pension Rule 1972 and will be continued and concluded by the Authority by which the proceedings were commenced in the same manner, e.g. if the employee had continued in service. In the case of DDA employees, the Authority is the competent Authority to withhold or withdraw pension in full or any part of it whether permanently or for a specified period, and to order recovery from pension of whole or part of any pecuniary loss caused to the DDA, if the pensioner is found in departmental proceedings to have been guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement. Also, if the proceedings had been initiated by the Authority subordinate to the Authority, such Authority will submit the report of the Inquiry Authority after recording its findings and as per powers to pass orders in such case vests in the Authority.

The Vice-Chairman, DDA being the Disciplinary Authority after considering the enquiry report, reply submitted by Sh.kardwal and facts on record observed that Sh.GS Kardwal,R.O. proceeded on leave without prior sanction/permission. He was also found responsible for mis-use of possession slips and non deposing of 133 demand drafts amounting to Rs.2,06,545/- with the Accounts Deptt. of DDA for encashment which caused loss of Rs.3,538/- to the Authority and has accordingly proposed to impose the penalty of 5% cut in pension (deducted from the total pension payable each year) for 10 years subject to approval of the Authority vide his orders dated 31.7.2001.

The case was placed before the Authority in its meeting held on 28.3.2002 and Chairman, DDA/LG, Delhi was of the view that any dilution in penalties by the Authority can send wrong signals to the delinquent officials. He asked the Chief Vigilance Officer to independently examine facts of each case and personally brief him about the necessity, if any, to further enhance or reduce the proposed penalty. The case shall be put up to the Authority only thereafter. The case has been discussed with the Chairman and now the case is again placed before the Authority as the powers to pass final orders in the disciplinary cases against the retired persons vests with the Authority.

The Committee constituted under the Authority's Resolution No.36/GA/97 to examine the disciplinary cases of retired officers, after considering the facts on record recommended for imposition of penalty of 5% cut in pension (to be deducted from the total pension payable each year) for a period of five years instead of ten years as proposed by the Disciplinary Authority.

The proposal for imposition of penalty of 5% cut in pension (deducted from the total pension payable each year) for a period of Five years on Sh.G.S. Kardwal,R.O. (Retd.) is submitted before the Authority for consideration & approval.

RESOLUTION

Proposals contained in the agenda item were approved by the Authority.

Item No.
77/2002

Sub.: Departmental proceedings against Sh..C.S. Gujral, A.E.(C)RETD. under Rule 9 of CCS(Pension)Rule, 1972 (Date of retirement 31.10.1994.)

F. 27(294)/90/Vig./DC.

Major penalty proceedings against Sh.C.S.Gujral, AE(C)/Retd. were initiated vide Memo.No.F.27(294)90/Vig. dated 21.10.1994. Sh.CS Gujral, AE(Retd.) while working as A.E. in DD-IV(now WD-2) during the year 1981-83 and incharge of the work of "Construction of 84 MIG Houses at Bodella, Pkt.GG-III i/c internal development" failed to exercise effective control & supervision on the work which resulted in acceptance of sub-standard work. He also failed to keep watch on the stipulated material issued to contractor. The material for which payment was made to the contractor in 10th R/A & Final Bill submitted by Sh.Gujral was found short on physical verification which resulted in loss to the Authority.

Shri Prakash Singh, IA & AS(Retd.) was appointed as Inquiry Officer to enquire into the charges framed against Sh.CS Gujral, AE vide order No.88/Vig. dated 14.3.1996.

The Inquiry Officer submitted his report vide letter No.PS/IO/DDA/ 96/case No.19(33-35) dated 4/5.2.1998 and held that Shri Gujral accepted the sub-standard work and was also responsible for lack of supervision of the work as well as of his field staff.

The Central Vigilance Commission in its second stage advice tendered vide U.O.No. X-W&H(DDA)85 dated 24.4.1998 advised for imposition of penalty of cut in pension on Sh.CS Gujral, AE(C)Retd.

On receipt of Inquiry report a Notice dated 20.2.2001 was issued to Sh.CS Gujral, AE(C)Retd. to make representation/submission against the findings of I.O. Shri CS Gujral, AE(C)Retd. replied to the Notice vide his representation dated 21.4.2001.

The Engineer-Member, DDA being the Disciplinary Authority after considering the Inquiry report, CVC advice and facts of the case observed that Sh.Gujral, AE accepted sub-standard work and released the payment to the contractor for the material which was not available at site and proposed for imposition of a penalty of 2% cut in pension for two years subject to approval of the Authority.

The Committee constituted under the Authority's Resolution No.36/G-A /97 to examine the disciplinary cases of retired officers has also proposed for imposition of penalty of 2% cut in pension for a period of two years on Sh.C.S.Gujral, AE(C)Retd..

The case was placed before the Authority in its meeting held on 28.3.2002 and Chairman, DDA/LG, Delhi was of the view that any dilution in penalties by the Authority can send wrong signals to the delinquent officials. He asked the Chief Vigilance Officer to independently examine facts of each case and personally brief him about the necessity, if any, to further enhance or reduce the proposed penalty. The case shall be put up to the Authority only thereafter. The case has been discussed with the Chairman and now the case is again placed before the Authority as the powers to pass final orders in the disciplinary cases against the retired persons vests with the Authority.

The proposal for imposition of penalty of 2% cut in pension for a period of two years on Sh.CS Gujral, AE(C)(retd.) is submitted before the Authority for its consideration & approval.

RESOLUTION

Proposal contained in the agenda item were approved by the Authority.

Item No.
78/2002

Sub.: Departmental proceedings against Sh.R.P.Sharma, E.E.(C) RETD. under Rule 9 of CCS (Pension) Rules, 1972 (Date of Retirement 31.12.1995)

F.27(294)/90/Vig./DC. *****

The departmental proceedings were initiated against Sh.R.P.Sharma, EE(C)/Retd. vide Memo.No.F.27(294)90/Vig. dated 4.9.1995. Sh.RP Sharma, EE(C) Retd. while working as E.E. in DD-IV(now WD-2) during the year 1981-85 and incharge of the work of "Construction of 84 MIG Houses at Bodella, Pkt.GG-III i/c internal development", failed to exercise effective control & supervision on the work which resulted in acceptance of large scale sub-standard work. He also failed to keep watch on the stipulated material issued to contractor for which secured advance was paid in 10th R/A & Final Bill. On physical verification shortages in material were noticed and thus loss was caused to the Authority.

Shri Prakash Singh, IA & AS(Retd.) was appointed as Inquiry Officer to enquire into the charges framed against Sh.RP Sharma, EE(C) vide order No.88/Vig. dated 14.3.1996.

The Inquiry Officer submitted his report vide letter No.PS/IO/ DDA/96/case No.19(33-35) dated 4/5.2.1998 and held that Shri Sharma accepted the sub-standard work & violated the provisions of clause 14 of the agreement by not directing the contractor that the defective work will be rectified at his risk & cost. He also failed to have effective control and supervision over the work and his subordinates.

The Central Vigilance Commission vide its U.O.No. X-W&H(DDA)85 dated 24.4.1998 tendered its second stage advised for imposition of penalty of cut in pension on Sh.RP Sharma,EE(C).

On receipt of Inquiry report a Notice dated 28.2.2001 was issued to Sh.R.P. Sharma, EE(Retd.) to make representation/submission against the findings of I.O. Shri R.P. Sharma,EE(C)Retd. has not replied to the Notice.

The Vice-Chairman, DDA being the Disciplinary Authority after considering the Inquiry report, CVC advice and facts of the case observed that Shri Sharma failed to have effective control and supervision over the work which resulted in the execution and acceptance of sub-standard work and proposed for imposition of a penalty of 5% cut in pension for three years subject to approval of the Authority.

The Committee constituted under the Authority's Resolution No.36/G-A /97 to examine the disciplinary cases of retired officers has also proposed for imposition of penalty of 5% cut in pension for a period of three years on Sh.RP Sharma,EE(Retd.).

The case was placed before the Authority in its meeting held on 28.3.2002 and Chairman, DDA/LG, Delhi was of the view that any dilution in penalties by the Authority can send wrong signals to the delinquent officials. He asked the Chief Vigilance Officer to independently examine facts of each case and personally brief him about the necessity, if any, to further enhance or reduce the proposed penalty. The case shall be put up to the Authority only thereafter. The case has been discussed with the Chairman and now the case is again placed before the Authority as the powers to pass final orders in the disciplinary cases against the retired persons vests with the Authority.

The proposal for imposition of penalty of 5% cut in pension for a period of two years on Sh.R.P.Sharma,EE(C)(Retd.) is submitted before the Authority for its consideration & approval.

RESOLUTION

The Authority approved imposition of 5% cut in pension for a period of 3 years on Shri R.P. Sharma, E.E.(Civil) retired, as recommended by the committee.

Item No.
79/2002

Sub.: Departmental proceedings against Sh.G.L. Khurana, S.E.(C)Retd. under Rule 9 of CCS(Pension) Rule 1972. (Date of Retirement 31.05.2001)

F.27(84)/95/Vig.

Minor penalty proceedings against Sh.G.L.Khurana, SE(Retd.) were initiated vide Memo.No.F.27(84)95/Vig.dated 30.5.2001 under Regulation 27 of DDA Conduct, Disciplinary & Appeal Regulations, 1999. Sh.GL Khurana while working as E.E. in RPD-9 during the period from 25.1.91 to 25.2.1992 and incharge of the work of "Dev. of Land at Rohini Ph.II, SH:C/O 24 mtr.R/W road between Sect.9 & 13" Sh.Khurana,EE was found responsible for some lapses during execution of the said work and proceeded against for the following charges :-

Article-I Submitted a proposal for execution of additional work amounting to Rs.15,64,089/- by the same agency and did not explore the possibility of floating separate tenders resulting in award of the work without call of tender.

Article-II The revised justification of deviated quantities of the agreement items beyond the agreement quantity had been worked out instead of working out the justified market rate of individual agreement items for the deviated quantity beyond the specified limit of 20%.

Article-III Against 7271.16 cum. quantity of 50-20mm stone aggregate, the quantity paid was 7454.89 cum. resulting into infrastous expenditure of Rs.33,391/-.

Sh.GL Khurana,SE(Retd.) submitted his reply vide letter dated 30.5.2001 and denied the charges levelled against him.

The Disciplinary Authority i.e. V.C.,DDA considered the records of the case, reply of Sh.Khurana and observed that Sh.GL Khurana released the excess payment in respect of 172.56 cum quantity of 50-20mm stone aggregate which tantamount to infructious expenditure of Rs.31,301/- resulting in financial loss to the Authority and proposed for imposition of a penalty of recovery of the apportioned amount of Rs.11,130/-.

The Committee constituted under the Authority's Resolution No.36/6-A /97 to examine the disciplinary cases of retired officers has also proposed for imposition of penalty of recovery of Rs.11,130/- on Sh.GL Khurana,SE(C)Retd..

The case was placed before the Authority in its meeting held on 28.3.2002 and Chairman, DDA/LG, Delhi was of the view that any dilution in penalties by the Authority can send wrong signals to the delinquent officials. He asked the Chief Vigilance Officer to independently examine facts of each case and personally brief him about the necessity, if any, to further enhance or reduce the proposed penalty. The case shall be put up to the Authority only thereafter. The case has been discussed with the Chairman and now the case is again placed before the Authority as the powers to pass final orders in the disciplinary cases against the retired persons vests with the Authority.

The proposal for imposition of penalty of recovery of Rs.11,130/- on Sh.G.L. Khurana, EE(C)(Retd.) is submitted to the Authority for its consideration & approval.

RESOLUTION

Proposals contained in the agenda item were approved by the Authority.

Item No.
80/2002

Sub.: Departmental proceedings against Sh.G.L. Khurana, S.E.(C)Retd. under Rule 9 of CCS(Pension) Rule, 1972 (Date of Retirement 31.05.2001).

F. 27(83)/95/Vig.

Minor penalty proceedings against Sh.G.L. Khurana, SE(Retd.) were initiated vide Memo.No.F.27(83)95/Vig.dated 31.5.2001 under Regulation 27 of DDA Conduct, Disciplinary & Appeal Regulations, 1999. Sh.G.L. Khurana while working as E.E. in RPD-9 during the period from 14.9.92 to 12.1.1993 and incharge of the work of "Dev. of Land at Rohini Ph.II, SH: Providing Ramps to Chambers of drain No.4 (4C to Supplementary Drain i.e. 14 to 19)" was found responsible for some lapses during execution of the said work and proceeded against for the following charges :-

Article-I The test results of the samples collected from the site of work show that the general supervision of the work was not satisfactory and the execution of entire work was not being done as per specification which resulted in financial implication of Rs.10,538/-.

Article-II The test results in respect of the samples pertaining to 12.5mm nominal size screening metal reflects use of less material in 2/3rd of the area of the work resulting in financial implication of Rs.4,158/-.

Article-III The test result of all the samples of WMB revealed that entire quantity of stone aggregate of 63-40mm as well as 50-20mm nominal size used in the work was over sized which resulted in financial implication of Rs.14,861/-.

Sh.G.L. Khurana, SE(Retd.) submitted his reply vide letter dated 8.6.2001 and denied the charges levelled against him.

The Disciplinary Authority i.e. VC, DDA after considering the fact of the case observed that in certain portions where the pit samples were collected and tested by members of Rohini Inquiry Committee, a shortfall beyond the justified limit even after accounting for the limitations of this testing procedure had been observed in the quantities of stone aggregate and screening material resulting into loss to the department. For use of over size stone aggregate the recovery has already been made from the contractor. It was further observed that the level of responsibility attributable to the EE for such a lapse is less as compared to the concerned JE & AE and accordingly the loss was apportioned in the ratio of 40% each to the concerned AE & JE and 20% to the EE. Keeping in view the above, it was proposed to impose a penalty of recovery of an amount of Rs.3,026/- on Shri G.L. Khurana, SE(Retd.).

The Committee constituted under the Authority's Resolution No.36/6-A /97 to examine the disciplinary cases of retired officers has also proposed for imposition of penalty of recovery of Rs.3,026/- on Shri GL Khurana, SE(C)Retd..

The case was placed before the Authority in its meeting held on 28.3.2002 and Chairman, DDA/LG, Delhi was of the view that any dilution in penalties by the Authority can send wrong signals to the delinquent officials. He asked the Chief Vigilance Officer to independently examine facts of each case and personally brief him about the necessity, if any, to further enhance or reduce the proposed penalty. The case shall be put up to the Authority only thereafter. The case has been discussed with the Chairman and now the case is again placed before the Authority as the powers to pass final orders in the disciplinary cases against the retired persons vests with the Authority.

The proposal for imposition of penalty of recovery of Rs.3,026/- on Sh.G.L. Khurana, EE(C)(Retd.) is submitted to the Authority for its consideration & approval.

RESOLUTION

Proposals contained in the agenda item were approved by the authority.

Item No.
81/2002

Sub.: Departmental proceedings against Sh.J.R. Puri, A.E.(C)(Retd.) - under Rule 9 of CCS(Pension) Rule 1972 (Date of Retirement 31.05.1996).

F.4(16)83/Vig./DC/Vol.III.

Major penalty proceedings against Sh.J.R. Puri,AE(C)/Retd. were initiated vide Memo.No.F.4(16)83/Vig. dated 31.10.1991 on the advice of CVC vide UO No.X-W&H-64 dated 21.06.1990. Sh.JR Puri while functioning as AE in CD-1 during 12/81 to 9/82 failed to exercise effective control/ supervision of the work of "C/O 325 LIG DUs in Pkt. 'W', Pitampura Gr.II" and was found responsible for the following charges :-

Article-I Failed to exercise effective control and supervision and recommended payment for WC Panes by recording false measurement.

Article-II Recommended payment for huge quantity of earth without the same being measured properly by recording levels.

Article-III Proposed the substitution of item of Colour wash to water proofing cement paint without the approval of competent authority resulting in undue benefit to the contractor.

Article-IV Execution of work was showing crude workmanship and shabby in nature.

Shri Prakash Singh, IPS(Retd.) was appointed as Inquiry Officer to enquire into the charges framed against Sh.J.R.Puri,AE(Retd.) vide order No.38/Vig. dated 15.1.1996.

The Inquiry Officer submitted his report vide letter No.PS/IO/DDA/96/9 (16-18)672 dated 26.8.97 and held the Article of charges I, II & IV as proved and article of charge III as partly proved. The IO has held that Shri J.R.Puri recommended the payment of W.C. pans. It was also proved that he recommended the payment for huge quantity of earth without proper measurements and proposed substitution of the item of colour wash to water proofing cement paint without approval of the competent authority.

CVC in its second stage advice tendered vide U.O.No.X-W&H(DDA) 64 dated 12.10.1999 advised for imposition of penalty of cut in pension on Sh.JR Puri,AE(C)Retd.

The Inquiry Officer report alongwith Notice dated 15.5.2000 was given to Sh.JR Puri, AE(C)Retd. to make representation/submission against the findings of I.O. Shri J.R.Puri,AE(C)Retd. replied to the Notice,vide letter dated 12.7.2000 and stated that he has nothing to say against the findings of the Inquiry Officer.

The Disciplinary Authority i.e. V.C.,DDA considered the I.O's report, CVC advice and facts of the case and keeping in view the nature of lapses proposed for imposition of a penalty of 10% cut in pension for one year subject to approval of the Authority.

The Committee constituted under the Authority's Resolution No.36/6-A /97 to examine the disciplinary cases of retired officers, after considering the facts on record has also proposed for imposition of penalty of 10% cut in pension for a period of one year on Sh.J.R.Puri,AE(C) Retd..

The case was placed before the Authority in its meeting held on 28.3.2002 and Chairman, DDA/LG, Delhi was of the view that any dilution in penalties by the Authority can send wrong signals to the delinquent officials. He asked the Chief Vigilance Officer to independently examine facts of each case and personally brief him about the necessity, if any, to further enhance or reduce the proposed penalty. The case shall be put up to the Authority only thereafter. The case has been discussed with the Chairman and now the case is again placed before the Authority as the powers to pass final orders in the disciplinary cases against the retired persons vests with the Authority.

The proposal for imposition of penalty of 10% cut in pension for a period of one year on Sh.J.R. Puri, AE(C)(Retd.) is submitted to the Authority for its consideration & approval.

RESOLUTION

Proposals contained in the agenda item were approved by the Authority.

Item No.
82/2002

SUB Development Control Norms for Senior Secondary Schools.
File No.F.9(11)99-MP

PRECIS.

The Authority vide its Resolution No.55/2001 dated. 31.8.01 (App.'A' P-74 to 76) approved the proposal to allot 2 acres of land to Senior Secondary School and balance 2 acres to be kept reserve for open area uses permitted within the residential area. The above decision of the Authority was communicated vide letter dated 25.9.01 and 8.2.02 to the Ministry for seeking their concurrence for inviting objections/suggestions.

The population of Delhi has been increasing at a rapid pace. It is estimated that about 5 lakh population is added every year. The increasing population poses additional demand for infrastructure, particularly for educational facilities i.e. schools within the existing urban areas and urban extensions. Since most of the land in existing urban area has already been developed, there is scarcity of land to accommodate this additional demand. Therefore, a view emerged that the 2 acres land reserved for open areas uses permitted within the residential area as per the earlier decision of the Authority, could also be allotted to Senior Secondary Schools who have applied for allotment of land. Accordingly the orders were received from the office of L.G. dated 3.6.02 (App.'B' P-77).

The proposal given above is placed before the Authority for its information/consideration so that Ministry's concurrence could be obtained.

RESOLUTION

The LG pointed out that no decision had earlier been taken to reserve 2 acres of land for open areas, as mentioned in the agenda item.

The Authority approved the proposals and the decision taken by the LG that the remaining 2 acres of land carved out from the original 4 acres of land should be allotted to the Societies who had applied for allotment of land for Senior Secondary schools, till the list is exhausted, and that the cases of allotment in any fresh areas should be considered only thereafter.

It was also decided that the building plans shall be sanctioned on 1.5 acre of land as per the existing FAR provisions for school buildings and the remaining 0.5 acres shall be used as open area/play-field so that there would be no shortfall in built up space for school activities.

Item No.
55/2001

Sub : Development Control Norms for Senior Secondary Schools

File No.F.9(11)99/MP

P R E C I S

1.0 Proposal in Brief:

In compliance of administrative decision taken by LG in October, 1999, DDA started allotting 2 acres of land (instead of 4 acres as per MPD-2001) with a break up of 1.5 acres for building purposes and 0.5 acres for play ground/open spaces. The balance land is kept reserved for open area uses permitted within the residential area. This has been objected to by the allottees and some of them have moved to the court and also MCD is not sanctioning the building plans because site allotted does not conform to the norms prescribed in the Master Plan. This has necessitated in the modifications of MPD-2001 under Section-11(A) of Delhi Development Act and also the Ministry of Urban Development and Poverty Alleviation vide its letter dated 23.7.2001 has desired that modifications in the norms of allotment of land to the Sr. Sec. School may be submitted to the Ministry after due approval of the authority.

2.0 Background:

- i) The population of Delhi has been increasing at a rapid pace. It is estimated that about 5 lakh population is added every year. The increasing population poses additional demand for infrastructure, particularly for educational facilities i.e. schools within the existing urban areas and urban extensions. Since most of the land in existing urban area has already been developed, there is scarcity of land to accommodate this additional demand.
- ii) During the various meetings taken at LG office, a view was expressed that the large open spaces/play areas remain unused during the day. It was also felt if the playground component of Senior Secondary School is deleted from the allotment, then we can conserve the land and also make use of the open spaces.

After lot of deliberations, it was agreed that exercise be carried out for modifications in Master Plan, to reduce the land component for Sr. Sec. Schools. It was agreed that the quantum of land allowed for school building can be retained and only that component of play field, which is given on license fee, can be reduced from the allotment. The open spaces in the surrounding/adjacent to school will also be utilised as play/open area by the children/residents of the area. Thus it will ensure optimum utilisation of the open space.

iii) Decision of the Technical Committee:

The proposal of revised norms was considered by the DDA Technical Committee meeting held on 30.5.2000 as per details given below:

EXISTING NORMS	MODIFIED NORMS
1 for 7500 population	-
Strength of School : 1000 students	-
Area per School : 1.60 ha	Area per school : 0.80 ha
School Building Area : 0.60 ha	School Building Area : 0.60 ha
Play field area with a Minimum of 68 mt. 126 mt. to be ensured for effective play.	Play field area/open : 0.20 ha

The balance land for the Sr. Sec. School site be utilised for predominantly activities that can take place in open areas are in conformity with residential area use permission.

The decision of the Technical Committee is reproduced below:

"The proposal was discussed in detail and it was decided that in view of the following considerations, the proposal to revise the development control norms in respect of Sr. Secondary Schools be again put up to Hon'ble L.G. on file for a review.

- Bifurcation of the Sr. Secondary School sites in the existing urban area in the manner proposed in many cases, is not feasible/practical due to locational considerations.*
- School sites in the existing urban area are mostly located in a scattered manner and hence, pooling of land for a common play field is often not feasible. However, the concept of common play field area for 3-4 schools could be experimented in case of new urban extensions/sub-city.*
- Experience have shown that 'common play field area' is difficult to maintain due to over lapping responsibilities of its maintenance and up keep by a heterogeneous group of users i.e. Educational Deptt. Trusts and private institutions etc. who are normally allotted lands for running the schools.*
- The proposed norms for school sites, however, could be considered in case of congested central city areas, urban villages, unauthorised colonies, JJR schemes etc. in view of a severe land constraints.*

Play fields are essential requirements of all the school premises and they should not be compromised while reconsidering the norms for Sr. Secondary Schools as in any case open area for assembly/physical training etc. would have to be anyway provided for."

- In the meantime Ministry of Urban Development vide letter No.163-DDR/VIP/2000 dated 21.6.2000 informed DDA as under :-*

"Under the Master Plan of Delhi, it is provided that 4 acres of land is to be allotted for the Sr. Sec. School, but in violation of these rules DDA has reduced the area from 4 acres to 2 acres without following the procedure provided for the change. As per clause-11A of DDA Act any change in the Master Plan of Delhi, it is necessary that public objections have to be invited as this is a basic requirement. But in this case DDA has changed

the area from 4 to 2 acres without following any procedure and as such without inviting the public objections etc."

- v) The whole issue was put up to Hon'ble L.G. and it was decided to allot land as per revised norm.
- vi) Again it was put up to Technical Committee in meeting held on 25.4.2001 wherein following was decided:-

"It was decided that the existing norm, the existing modified allotment policy allowed by DDA due to constraint of land would be further considered in DDA informally and brought up to next Technical committee."

- vii) Again this issue was put-up to the Technical Committee in its meeting held on 22.5.2001 wherein following was decided:-

"The policy item regarding the norms for the senior secondary school was again discussed in the meeting of the Technical Committee informally and it has been decided that play field is the essential component of the senior secondary school and it may not be desirable to reduced from the existing 2 acres to the lower side. In view of the scarcity of the land number of schools per lakh population could be reduced by increasing the capacity of the schools. Further it has been decided that Planning Deptt. would prepare a detailed note on the requirements of the schools and its relation with the population/number of school going population and the catchment area of the school etc. This shall be further submitted for necessary order to the L.G. Delhi."

- viii) This has been again discussed with L.G. on 14.8.2001 and it has been decided to put up the matter to the Authority.

3.0 Issue for Consideration:

The issue as contained in Para-1.0 above, is placed before the Authority for its consideration.

R E S O L U T I O N

Proposals contained in the agenda item were approved by the Authority.

the area from 4 to 2 acres without following any procedure and as such without inviting the public objections etc."

v) The whole issue was put up to Hon'ble L.G. and it was decided to allot land as per revised norm.

vi) Again it was put up to Technical Committee in meeting held on 25.4.2001 wherein following was decided:-

"It was decided that the existing norm, the existing modified allotment policy allowed by DDA due to constraint of land would be further considered in DDA informally and brought up to next Technical committee."

vii) Again this issue was put-up to the Technical Committee in its meeting held on 22.5.2001 wherein following was decided:-

"The policy item regarding the norms for the senior secondary school was again discussed in the meeting of the Technical Committee informally and it has been decided that play field is the essential component of the senior secondary school and it may not be desirable to reduced from the existing 2 acres to the lower side. In view of the scarcity of the land number of schools per lakh population could be reduced by increasing the capacity of the schools. Further it has been decided that Planning Deptt. would prepare a detailed note on the requirements of the schools and its relation with the population/number of school going population and the catchment area of the school etc. This shall be further submitted for necessary order to the L.G. Delhi."

viii) This has been again discussed with L.G. on 14.8.2001 and it has been decided to put up the matter to the Authority.

3.0 Issue for Consideration:

The issue as contained in Para-1.0 above, is placed before the Authority for its consideration.

R E S O L U T I O N

Proposals contained in the agenda item were approved by the Authority.

As per the provision in the Master Plan for allotment of land to senior secondary schools, 4 acre land had been earmarked all over Delhi. About two years back a decision was taken that only 2 acre of land would be sufficient to be allotted to senior secondary schools due to paucity of land in Delhi.

Pursuant to the decision 2 acre plots have been carved out from the original 4 acre plots and have been allotted to many societies. However, few societies have gone to the court that they should be given 3 acre of land as per the Master Plan provisions.

It has come to the notice of L.G that DDA has been keeping in reserve the left out 2 acre of land awaiting the court's decision. It has been desired that all senior secondary schools who have applied for allotment of land should be allotted the remaining 2 acre of land till the time the list is exhausted. Only thereafter, cases for allotment in fresh areas should be considered. It has further been desired that all such cases of allotment of land would be considered by this office only when they are offered the left out 2 acre piece of land.

Sd/-3.6.2002
(Alek Swarup)
OSD to L.G.

V.C., DDA

U.O.No.F.100(8)2001-RN/1236/1979

4.6.02

Copy to CLD, DDA

Item No.
83/2002

Sub: Fresh Sanction for prosecution in CBI/ACB Case No. RC-6(A)/91-DLI
against Shri D.V. Singh, AE DDA.

F.25(12)91/Via.

P R E C I S

CBI has sought fresh prosecution sanction in respect of Shri D.V. Singh AE, DDA vide Letter No. DLI/AC/CI/3/6(A)/91/5393 dated 27/5/2002.

CBI registered a Case No : RC-6(A)/91-DLI dated 4/2/91 against Shri SK Mittal, EE and DV Singh, AE on receipt of a written complaint from one Shri R.K.Sharma, Contractor working in DDA alleging demand of bribe by the accused persons.

CBI arranged a trap on 5/2/91 in the presence of two independent witnesses Shri R.K.Gupta, and Ram Gopal of NBCC. After completing the pre-trap formalities the trap team reached the Office of Shri DV Singh around 2.30 PM. The complainant and shadow witness met Shri DV Singh who demanded and accepted a sum of Rs.3000/- from the complainant. Shri DV Singh also asked the complainant to clear the demand of other accused Shri S.K.Mittal, EE, so that his work could be expedited. Immediately after meeting Shri DV Singh, the complainant went to Shri S.K.Mittal, EE's room and handed over the bribe amount of Rs.3000/- to him also saying that this was his share and requested to expedite the work. Shri Mittal after receiving the money kept the money in his left side shirt pocket. Soon thereafter, the complainant came out of his room and gave the pre-appointed signal to the members of trap party for having completed both the transactions.

The trap team challenged Shri DV Singh, AE and Shri S.K.Mittal, EE for having accepted the bribe amount. On personal search Rs.3000/- each were recovered from both the officials in the presence of two independent witnesses. The right hand wash of both the official was taken by the trap team. The solution of sodium carbonate turned pink in colour which shows that they had accepted the notes treated with phenolphthalein powder.

Investigations revealed that the work relating to CC Path and covering of drain was awarded to Shri Mool Chand by Shri S.K.Mittal, EE on 23/10/90. The work was executed by Shri R.K.Sharma who was holding a power of attorney from Shri Mool Chand. There is evidence on record that the said work could not be completed by the Contractor as the required land was not made available to him, due to some encroachment and on 4/12/90, it was decided by the department to stop the work. By that time the contractor was able to complete 60% of the work, there are circumstances available to prove that the contractor requested the accused officers for allotment of additional site and both the accused officers assured him of the same but did not allot any alternative work nor did they take any step to close the contract or even though a decision has been taken on 4/12/90 to stop the work at the given site. On the other hand, the complainant vide his letter dated 26/12/90 and 31/1/91 requested for site and the matter was kept pending by accused persons for their ulterior motive and to accept bribe. The work was finally closed on 12/3/91 i.e. after the trap. Thus, there are reasons to believe that the accused persons have demanded bribe from the complainant in order to accommodate him. From the position explained above, it is clear that there were reasons for demand and acceptance of bribe by the accused persons. This fact was also confirmed by the two independent witnesses in whose presence the bribe was demanded and accepted and bribe amount was subsequently recovered from them. The conversation, which the complainant had with Shri D.V.Singh, AE shows that the bribe was demanded and accepted with the prior knowledge of Shri S.K.Mittal and thus both the officials are equally guilty for demanding and accepting the bribe.

Initially CBI sought prosecution sanction against Shri DV Singh, AE and Shri S.K.Mittal, EE on 21/5/91. The prosecution sanction in respect of Shri DV Singh and Shri SK Mittal was accorded by VC, DDA vide order dated 15/6/91. However, the Special Judge, Delhi vide order dated 26/2/96 held the sanction for prosecution as invalid on the ground that Vice-Chairman had no power to impose major penalty against an Assistant Engineer which includes penalty of removing him from the service. On this CBI vide letter dated 7/4/96 again sought sanction of the competent authority in respect of both the accused officers, Shri S.K.Mittal and Shri DV Singh.

Consequently, fresh sanction order dated 4/10/96 was conveyed in respect of Shri DV Singh, AE and Shri S.K.Mittal, EE. The prosecution sanction in respect of Shri S.K.Mittal, EE was given by VC, DDA and in respect of Shri DV Singh, AE by FM, DDA as per the delegation of disciplinary powers notified vide Gazette of India Notification dated 1/3/1994.

CBI vide letter dated 27/5/2002 intimated that the accused persons have been discharged on account of invalid sanction. The court has observed that in the present case notification dated 1/3/94 cannot be construed out as delegation of power by DDA, a delegation which is subsequent in terms of time and therefore inapplicable with regard to Shri DV Singh and Shri SK Mittal who were employees of DDA from period prior to coming into force of the said amendment.

Now, therefore, CBI has sought fresh prosecution sanction (for the third time) in respect of Shri DV Singh, AE and Shri SK Mittal, EE. CBI has also mentioned that DDA (Validation and Disciplinary Powers) Act 1999 may not be applicable in this case as the accused persons may have been appointed prior to 22/11/79.

Shri DV Singh, AE was initially appointed as JE(C) on 4/6/76. Thus his case is to be governed by DDA (Salaries, Allowances and Conditions of Service) Regulations 1961. As per DDA Regulation 1961, "Authority" was the Competent Authority to make appointment to Class-II posts (Assistant Engineer) and to impose major penalty of removal and dismissal. These Regulations were substituted vide Gazette Notification dated 1/3/94. Thus, the prosecution sanction in respect of Shri DV Singh, AE can be granted only by the "Authority".

The case of Shri DV Singh, AE is hereby placed before the Delhi Development Authority to consider the request of CBI for grant of prosecution sanction.

RESOLUTION

**The Authority accorded prosecution sanction against
Shri D.V. Singh, A.E.**

ITEM NO.
84/2002

No F. 21(Misc.9)INT/HAC/2002

Sub: RATIONALIZATION OF INTEREST STRUCTURE
P R E C I S E

DDA had rationalized interest structure/rates for flats vide Authority Resolution Nos. 9/2002 & 53/2002, Now, the proposal is to rationalize interest structure for the shops, interest where DDA is at fault and interest on registration money in respect of NPRS 1979.

2. INTEREST ON DEFAULT IN HIRE-PURCHASE INSTALLMENTS:

- A. As per the existing policy, DDA allots shops to SC/ST categories on hire purchase basis at reserve price. 25% of the disposal cost is taken before issue of possession letter and balance is recovered in 24 equated monthly installments calculated @ 6% per annum interest. If the allottee does not pay the installment on time, interest/penalty is recovered @ 18% p.a. for the first month and 25% p.a. for subsequent months. DDA has reduced the interest rate on default of installments in the case of flats, now it is proposed to reduce the rates of interest/penalty in respect of shops allotted on hire purchase system.
- B. It is proposed to charge simple rate of interest @ 12% p.a. for the first month and @ 18% p.a. for the subsequent period, in the case of default in installments of Hire Purchase Schemes. However if the allottee had already deposited interest/penalty as per original terms of the schemes and interest/penalty under this Resolution is less than the amount deposited, no refund will be given and amount deposited will be treated as interest/penalty upto the date of deposit.

3. INTEREST WHERE DDA IS AT FAULT:

As per Authority Resolution No. 53/2002, it was approved that where DDA is at fault, interest will be charged @ 10% p.a. compounded annually. It is proposed to reduce this rate to 7% p.a. compounded annually. It is also proposed to apply the same to shops in LSC/CSC. In

case demand letter is already issued at hire-purchase, principal amount will be updated with interest, then installments will be reworked.

4. INTEREST WHERE DEMAND LETTERS ARE DELAYED/DEFAULT BY ALLOTTEES OF CASH DOWN.

As per Authority's Resolution the date of draw would form the basis of pricing in all allotment cases. Interest will be charged between the date of actual issue of demand letter and date of draw and also on default on initial payment (i.e. 25% of disposal cost minus earnest money). Similarly, there may be default in payment where there is allotment on cash down basis, this may be in case of allotment on tender/auction basis also. Presently interest on default is charged @ 18% per annum for the first month and 25% per annum subsequently. As per Authority Resolution Nos. 9/2002 & 53/2002, it was approved that interest will be charged @ 10% compounded yearly before issue of demand letter and thereafter 15% p.a. compounded yearly in the case of flats.

It is proposed that where DDA is at fault interest will be charged as per Para 3 above, however in other cases interest will be charged @ 10% compounded yearly before issue of demand letter and thereafter 15% p.a. compounded yearly on shops in LSC/CSC. However, these rates will have prospective effect. In case of continued default, the defaults after 31st March 2002 will be charged at these rates.

5. It is also proposed that like for flats, compounding of interest will be done as on last day of the accounting year of the DDA.

6. INTEREST PAID/ADJUSTED ON REGISTRATION MONEY:


As per the terms and conditions of New Pattern Registration Scheme 1979, interest on registration money is paid @ 7% p.a. compound annually, if allotment is made. However, if the allottee seeks refund, simple interest on registration money is paid @ 7% p.a. This creates resentment among the registrants who take refund of registration money after allotment of flat as 7% compounding interest becomes around 16% after 22 years. It is


proposed that simple interest @ 7% p.a. would be adjusted/paid in allotment cases.

7. The proposals containing Para 2B & ? to Para 6 are submitted for consideration and approval of the Authority.

RESOLUTION

Proposals contained in the agenda items were approved by the Authority.


सचिव
दिल्ली विकास प्राधिकरण
बई दिल्ली
25/11/2002


अध्यक्ष
दिल्ली विकास प्राधिकरण
बई दिल्ली

DEPARTMENT AUTHORITY

Delhi Development Authority held on 25th
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