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**DELHI DEVELOPMENT AUTHORITY
OFFICE OF DIRECTOR (COORDN)/ LAND DISPOSAL**

No. F1 (1)06/DCE/DDA/468

Dated: 28.11.2006

CIRCULAR

Subject: Action against encroachment on govt land and un-authorized construction by the owners of commercial plots/built-up units

The roles of various departments of DDA in checking unauthorized construction/encroachment on Govt. land by the owners of commercial plots/builtup shops are hereby clarified as under:

I- Market in the development area i.e. where services and maintenance have not been handed over to MCD

A- Action against encroachment

The action against encroachment on govt land either by owners of commercial plots or by owners of built-up units, to be taken by the concerned division for removal for the same in co-ordination of the LM Branch. The CL or CE Branch should be intimated about such violations so that action for determination of lease can be taken in case of leased properties if the violations have been done by the Lessee. If the property is free-hold then no action can be taken under the term & conditions of lease.

B- Action against un-authorized construction

The action against un-authorized construction by a owner of commercial plot to be taken by the Building Department and in case of built-up unit action to be taken by the concerned division. The CL or CE Branch should be intimated about such violations so that action for determination of lease can be taken. If the property is free-hold then no action can be taken under the term & conditions of lease.

II- Markets where services and maintenance have been handed over to MCD

A- Action against encroachment

The action against encroachment on govt land either by owners of commercial plots or by owners of built-up units, can be taken by the MCD. The CL or CE Branch should be intimated by MCD about such violations so that action for determination of lease can be taken in case of leased properties if the violations have been done by the Lessee. If the property is free-hold then no action can be taken under the term & conditions of lease.

B- Action against un-authorized construction

(a) If Building activities have also been transferred to MCD

The action against un-authorized construction by an owner of commercial plot/ built-up unit can be taken by the MCD. The CL or CE Branch should be intimated by MCD about such violations so that action for determination of lease can be taken in case of leased properties. If the property is free-hold then no action can be taken under the term & conditions of lease.

(b) If Building activities have not been transferred to MCD

The action against un-authorized construction by a owner of commercial plot to be taken by the Building Department of DDA and in case of built-up unit action to be taken by the concerned division of DDA. The CL or CE Branch of DDA should be intimated about such violations so that action for determination of lease can be taken in case of leased properties. If the property is free-hold then no action can be taken under the term & conditions of lease.

This is issued with the prior approval of VC, DDA.

(Sanjeev Kumar)
Dy. Director (Coordination)/LD

Copy to:

1. Chief Engineer (HQ), DDA
2. Director(Building), DDA
3. Director(Commercial),DDA
4. OSD(Land), DDA
5. OSD(RL),DDA
6. Dy. Director(CL) & Dy. Director(CE), DDA
7. PS to VC,DDA
8. PS to EM for kind information of EM with the request to bring it in the notice of all concerned divisions and other engineering staff
9. PS to CLD for kind information to CLD
10. PS to CLM for kind information of CLM

DELHI DEVELOPMENT AUTHORITY
OFFICE OF COMMISSIONER (LD)

No: F.26(1)07/Coordn(LD)/67

Dated: 9th April 2008

CIRCULAR

In supersession of this office circular No. F26)1)07/Coordn (LD)/ 24 dated 31st March, 2008, revised circular is as follows:-

The conversion policy was formulated by MOUD in 1992 and circulars on the subject have been issued from time to time by DDA. In order to streamline the process of conversion cases, the gist of relevant instructions issued from time to time with necessary clarifications are re-produced below:

[a] Conversion will be allowed without any site inspection. Site inspection should be carried out only if there are previous notings in the file or specific complaints regarding unauthorized construction or misuse in the file.

[b] Conversion of leased properties irrespective of any building violations or use violations will be allowed and a letter will be sent to MCD or Building Department of DDA for taking appropriate actions per rules.

[c] However, in case of commercial property, unauthorized construction within plot area may be taken as misuse since it tantamount to increase in usable area/FAR.

[d] Conversion will be allowed after recovery of past misuse charges as per policy whether earlier demanded or not.

[e] In the cases where allotment has been cancelled or lease has been determined on account of unauthorized sale, conversion will be allowed after obtaining approval of Competent Authority for restoration of allotment/lease deed and on recovery of Restoration Charges.

[f] If lease has been determined and allotment has been cancelled on account of unauthorized construction and misuse, the lease will be restored without insisting on removal of breaches and conversion will be allowed subject to payment of all penal charges. This will also be applicable in the cases wherein GPA and Agreement to sell has been executed after determination of lease deed or cancellation of allotment. *(As modified vide circular no. F.26 (1) 07/Coord/ LD/06 dated 9.2.2009)*

[g] In case of unauthorized encroachment on public land, conversion shall be allowed only after removal of encroachment and recovery of damage till the date of removal of encroachment.

[h] In the cases where lease have been determined or allotment have been cancelled after the date of GPA or Agreement to Sell, conversion may be allowed subject to recovery of restoration charges and other dues payable by the lessee.

[i] In case of any dispute regarding title of property, conversion will not be allowed and the applicant will be advised to settle their claim before the court of law as DDA is not a forum to settle such issues.

[j] In case complaints are received against conversion, the complainant will be given an opportunity to prove his claim. If the complainant does not appear despite giving reasonable opportunity, conversion will be allowed.

[k] Conversion is allowed on the basis of completion certificate or Form 'D'. If completion certificate of form 'D' is not available, conversion is being allowed on the basis of house tax assessment order alongwith supporting documents. A site inspection should be carried out only where conversion is being sought on the basis of House Tax Assessment order where built up area is not indicated and in case of Self Assessment of House Tax on unit method adopted by MCD w.e.f. 1.4.2004. However, the scope of inspection should be limited to ascertain whether allottee has utilized/constructed 100% FAR in commercial & industrial plot and in residential plots, 1/3rd of the permissible coverage at ground floor by constructing self contained dwelling unit. The self contained dwelling unit means a minimum accommodation for a family with living room, kitchen, bath WC or a toilet. (As modified vide circular no. F.26 (1) 07/Coord/LD/19 dated 8.4.2009)

[l] In case of unauthorised construction and misuse, irrespective of any building violations or use violations of Master Plan, the conversion of all leased properties would be permitted subject to recovery of misuse charges whether earlier demanded or not. The violations of building bye-laws or master plan is a subject matter of Enforcement Branch, MCD/DDA.

No site inspection should be carried out before allowing conversion except if in the file or in the survey report or any document establishes that premises is being misused. In such cases, site inspection should be carried out to ascertain the area and period of misuse for calculating misuse charges.

[m] In order to ascertain clearance of all the dues, the Lease Administration Officer before execution of the conveyance deed must ensure that all the payments

received have been realised/verified and no dues report obtained from Finance Wing.

[n] Where a Show Cause Notice is issued for unauthorized sale for committing breach of terms and conditions of the lease deed and thereafter, conversion application is received from the GPA, the Show Cause Notice shall be deemed to be withdrawn and conversion applications be processed.

[o] House Tax Receipts issued by MCD after adoption of Self House Tax Assessment on Unit method shall not be considered as proof of physical possession for the purpose of conversion.

All concerned officers should dispose of conversion applications keeping in view the above parameters/instructions.

Sd/-
(Asma Manzar)
Commissioner (LD)

1. Director (RL)
2. Director (Lands)
3. Director (CL)
4. Director (Housing) I
5. Director (Housing) II
6. F.A. (H)
7. Director (LC)
8. All Dy. Directors of LD/Housing Deptt.
9. P.S. to P.C for kind information of the latter.

**DELHI DEVELOPMENT AUTHORITY
OFFICE OF COMMISSIONER (LAND DISPOSAL)**

No. F.2 (163)07/A.O. (P)/DDA /38

Dated: 2nd June, 2008

CIRCULAR

In order to further streamline the process of conversion of industrial properties from leasehold to freehold, it has been decided with the approval of competent authority that no misuse charges will be levied in case industrial property has been used for **industrial activities** other than the ones permitted as per allotment letter/lease deed provided such other industrial activities on the particular property are in conformity of Master Plan.

Provided that non- levy of misuse charges, at the time of conversion, as per above will not amount to change of use/land use of the property unless use/land use of the property has been specifically changed on payment of applicable charges if any.

Further provided that use of basement for any industrial or commercial activities will continue to be treated as misuse and misuse charges to be levied unless such use is specifically permitted as per allotment letter/lease deed/disposal conditions.

Note: Past cases where misuse charges have already been deposited will not be re-opened and no refund claim will be allowed. However, cases at different stages of processing for levying misuse charges will be covered under this circular.

[Clarification vide letter no. F.64 (4)80/Impl/CL3133 dated 10th September 2009 that the circular specifically exclude those cases where misuse charges have already been deposited. Hence cases where misuse charges have been communicated but not deposited are covered under this circular.]

[Clarification vide letter no. F.8(4)71LSB(I)/2512 dated 20th August 2009 that in case of use of basement/mezzanine floor for any permissible industrial activity will not be treated as misuse of the industrial plot if the basement/mezzanine was a part of FAR]

**(ASMA MANZAR)
Commissioner, LD**

Copy to:

1. All Directors and Dy. Directors of LD Department
2. Director(LC)
3. Financial Advisor (Housing)
4. OSD to LG for kind information of LG

5. OSD for VC for kind information of VC
6. PSs to FM/EM/ PC for kind information of later

**DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE COMMISSIONER [LD]**

No.F.4(10)08/Misc/AD(Cordn)/57

Dated :27th August, 2008

CIRCULAR

In order to further streamline the process of conversion of commercial plots from leasehold to freehold, it has been decided with the approval of the competent authority that:

1. General Commercial Plots (use zone C1)

No misuse charges shall be levied in case 'general commercial plot' (use zone C1) is/has been used for commercial activities other than the one specified in the allotment letter/lease deed/terms of disposal subject to the condition that such other commercial activities on that particular plot are in conformity with the activities admissible on general commercial plot (use zone C1) under MPD-2021.

2. Commercial plots of specific use

However, misuse charges shall continue to be levied if the plot which was allotted/ disposed of for a specific use/activity is used for general commercial activities or commercial use/activity other than the use/activity specified in the allotment letter/lease deed/terms of disposal of such plot. Illustrative list of such plots of specific activities are hotel plot/service apartment plot/ Guest house plot/ multiplex plot/parking plot/banquet hall plot/fuel depot plot/restaurant plot/nursing home etc.

Note:

1. Use of basement/mezzanine for any industrial commercial/residential activities will continue to be treated as misuse and misuse charges to be levied unless such use is specifically permitted as per allotment letter/lease deed/disposal conditions.
2. Non levy of misuse charges, at the time of conversion, as per above will not amount to change of use/land use of the property unless use/land use of the property has been specifically changed on payment of applicable charges, if any.
3. Past cases where misuse charges have already been deposited will not be re-opened and no refund claim will be allowed. However, cases at different stages of processing for levying misuse charges will be covered under this circular.

[Clarification vide letter no. F.64 (4)80/Impl/CL3133 dated 10th September 2009 that the circular specifically exclude those cases where misuse charges have already been deposited. Hence cases where misuse charges have been communicated but not deposited are covered under this circular.]

[Clarification vide letter no. F.8(4)71LSB(I)/2512 dated 20th August 2009 that in case of use of basement/mezzanine floor for any permissible commercial activity will not be treated as misuse of the commercial plot if the basement/mezzanine was a part of FAR]

**(Asma Manzar)
Commissioner (LD)**

Copy to:-

1. All Directors and Dy. Directors of LD Department.
2. Director (LC).
3. Financial Advisor(H)
4. Director (Building).
5. Commissioner(Planning)
6. OSD to LG for kind information of LG
7. OSD to VC for kind information of VC
8. PSs to FM/EM/PC for kind information of the later.

DELHI DEVELOPMENT AUTHORITY
LANDS SALES BRANCH (INDL)

No. F.6A (34)83/LSB (I)/1361

Dated 6.4.09

CIRCULAR

Subject: Use of industrial Properties for industrial activities other than one given in the allotment-lease hold

In its various industrial Schemes, DDA have been allowing industrial activities specifying the purpose in the allotment letter/lease deed. It has been decided that wherever specific activity (ies) has been mentioned the relevant clause of allotment letter/lease deed are substituted by word "industrial activity (ies)" as per MPD-2021.

This issue with the approval of CLD

Sd/-
Dy. Director (Indl)

Copy to:

1. Commissioner (Plg.), DDA
2. Commissioner (LD), DDA
3. Addl. Commissioner (Plg.), DDA
4. Director (Land) DDA
5. Director (LC), DDA
6. Director (CL), DDA
7. Director (Bldg.), DDA
8. Dy. Director (Bldg.) DDA
9. PS to PC for kind information of latter
10. PS to VC for kind information of the latter.

**DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE COMMISSIONER [LD] & COMMISSIONER [HOUSING]**

No.F.4 (10)08/AD/Coord/LD/64

Dated: 18th September, 2008

CIRCULAR

It has been observed that a number of conversion cases are pending in both Land Department and Housing Department wherein the applications were filed more than six months earlier. Though Citizen Charter provides finalization of conversion cases within three months but this time frame is not being adhered in most of the cases. Complaints are being received in public hearing regarding undue delay in conversion cases. In order to further streamline the process of conversion from leasehold to freehold, it has been decided that:

1. All conversion cases where conversion application is pending for more than six months will be decided by 30.9.2008. All undecided cases as on 1.10.2008 or applications received after 1.10.2008, which could not be decided within a maximum period of 6 months will have to be placed before Commissioner (LD)/Commissioner (Housing) listing reasons for the delay and the expected time by which the case is likely to be finalized. In case it is observed by the competent authority that the delay has been due to unnecessary queries, raising piece-meal objections or due to any other un-justifiable reason then responsibility for the same will be fixed and disciplinary proceedings will be initiated.
2. Conversion cases pending either due to non- response from applicant or failure to complete deficiencies/ outstanding dues need not be kept pending in view of previous instructions issued in this regard. Such cases will be rejected if there is no response from the applicant even after issue of fresh and final show cause notice. Such rejected cases will be restored by the concerned competent authority only on removal of the deficiencies/payment of dues and payment of conversion charges at current rate (conversion charges already paid will have to be adjusted). These cases however will not be equated with the cases where applicants are disputing dues/deficiencies.
3. A Committee is hereby constituted to consider all such cases wherein concerned competent officer is unable to finalize conversion case either due to non-availability of specific policy on the issue involved or because of any other reasons to be specified by him. Composition of the Committee will be as under:
 - a. Concerned Director
 - b. Concerned Dy. Director

- c. Dy. CLA
- d. Director(LC) / FA(H) [as the case may be]

The Committee will hold a meeting every month in the first week for Land Department and in second week for Housing Department. Meeting notices of the Committee will be issued by respective Directors (Coordination) atleast one week in advance so that branches may place all the deserving cases before the committee alongwith status note, reasons for delay and points to be decided. Recommendations of the Committee will be considered by the respective Competent Authority for immediate appropriate decision.

In case the concerned Competent Authority differs with the recommendations and decides to take a different view than the file will be put up to the respective HOD for taking final decision along with justification etc.

- 4. Any un-justified delay in either deciding a conversion case or in placing it before committee or in taking final decision after recommendations of the Committee will be viewed seriously.

(Asma Manzar)
Commissioner (LD)

- 1. All Directors and Dy. Directors of LD Department
- 2. All Directors and Dy. Directors of Housing Department
- 3. Director (LC) and Financial Advisor(H)
- 4. OSD to LG for kind information of LG
- 5. OSD to VC for kind information of VC
- 6. PSs to FM/EM/PC for kind information of the later.

**DELHI DEVELOPMENT AUTHORITY
COMMERCIAL ESTATE BRANCH**

File No. F. 1(61(86) Impl /CE

Dated: 1.2.2008

CIRCULAR

Subject: Restoration of allotment in re-location schemes/evictees and allotment under ST and SC reserve categories.

It has been decided by the Competent Authority that in cases of built-up commercial properties where the allotments have been cancelled because of delay in payment of premium/installments/interest, but possession is still with the allottee, allotment can be restored at the level of the Commissioner (LD) subject to payment of balance premium, interest, restoration charges and other applicable charges. The restoration charges in such cases will be levied @ 2.5% of the current average auction rate of the concerned area. [For example: If current average auction rate of the area is Rs. 75,000 per sqmtr then restoration charges for a shop measuring 10 sq mtr will be Rs. 18750/-].

This circular will apply only to past allotment cases where the term & conditions provides for handing over of possession on certain part payment.

Explanation: This circular will not apply to cases:-

1. Where allotment of built-up commercial property has been done after issuance of this circular though the category of allotment is one of the above mentioned categories.
2. Where disposal of built-up commercial property has been done through auction/tender mode.

(Asma Manzar)
Commissioner (LD)

Copy to:

1. OSD to VC, DDA
2. PS to FM, DDA
3. PS to EM, DDA
4. PS to PC, DDA
5. Director (CL) & Dy. Director (CE), DDA
5. CAO/FA (H), Dir (LC) DDA
6. Sr.L.O/LD, DDA
7. Dy. Director (Co-ordn.)LD, DDA

**DELHI DEVELOPMENT AUTHORITY
COORDINATION (LD)**

No. F.1 (5)2006/Coordn(LD)/DDA/477

Dated 16.3.06

CIRCULAR

In compliance of the decision taken in the meeting held on 20.1.2006 under the chairmanship of Vice-Chairman, DDA, following guidelines are issued for site inspection by the field staff for strict compliance in future:

“Site inspection should be carried out only if there are previous notings in the file about misuse etc. or some specific complaint regarding unauthorised construction, misuse or encroachment on public land has been received. In other cases conversion should be allowed without any site inspection. Further, in case where site inspections are required to be carried out, prescribed proforma, instead of the main file, which is the existing practice, should be given to then inspecting staff for submission of the field report about misuse/unauthorised construction etc.”

The report in respect of the said inspection in the prescribed proforma (attached) shall be submitted within seven days of issue of letter for conducting the site inspection. The inspection report is to be recorded by concerned field staff within a day of conducting inspection.

Sd’/
Sanjeev Kumar
Dy. Director (Coordn.)LD

Copy to:

1. OSD to VC, DDA for information of later
2. PS to Commissioner (LD)
3. Director (RL), (Land) & (CL)
4. Dy. Director (Survey)
5. All Dy. Directors of Land Disposal wing.

Sd/-
Dy. Director (Coordn.)LD

**DELHI DEVELOPMENT AUTHORITY
O/O DEPUTY DIRECTOR (COORDN.)LD**

No. 37(890)78/LAB(R)/73

Dated 7.10.08

CIRCULAR

It has been desired by the Competent Authority that before sending the file for restoration of lease/sub-lease deed, misuse charges should be calculated and consent of the lessee/sub lessee/applicant in the shape of an undertaking be obtained stating that the same shall be paid before restoration of the lease/sub-lease.

All concerned are requested to take necessary action as per the above orders.

Sd/-
(B.M. Sareen)
Dy. Director (Coordn.)LD

Copy for necessary action and compliance to:

1. Director (CL)
2. Director (Lands)
3. Director (RL)
4. All Dy. Directors of Land Disposal Branch.

Sd/-
Dy. Director (Coordn.)LD

**DELHI DEVELOPMENT AUTHORITY
COMMERCIAL ESTATE BRANCH**

File No. F37 (11)1975/IMPL/2490

Dated: 6.5.08

CIRCULAR

In partial modification of earlier Circular No. F.93(234)2000/ CE/1048 dated 28.11.2003 amalgamation of two or more built up shops of DDA are permitted subject to following conditions.

- 1) Structural safety certificate from the concerned Divisional Engineer of DDA.
- 2) Common ownership of shops proposed for amalgamation.
- 3) Payment of 10% of the market value of the total area of all the amalgamated shops prevalent at the time of application for amalgamation or the market value of the extra floor space generated by way of amalgamation, whichever is greater, as amalgamation charges.

This is issued with the approval of Competent Authority.

Sd/-
Commissioner (LD), DDA

Copy to:

1. All Chief Engineer with the request to circulate it among the Engineering Wing.
2. Chief Architect, DDA
3. Director (CL), DDA
4. Director (Bldg.), DDA
5. Director (LC), DDA
6. FA (H), DDA
7. Dy. Director (CE), DDA
8. OSD to VC, DDA
9. PS to Principal Commissioner, for information of PC
10. PS to FM for the information of FM

**DELHI DEVELOPMENT AUTHORITY
COMMERCIAL ESTATE BRANCH**

File No. F.64 (Misc) 2006/CE/4/Evi/CR Park/1683

Dt: 30.5.06

OFFICE ORDER

Considering the problems being faced by evictees in relocation schemes such as the C.R. Park market development scheme, the delegation of powers vide office order No. F4 (20)2000/Coordn./ LD/ 713 dated 24th November, 2000 is hereby partially modified for regularisation of delay in payment beyond 180 days.

Henceforth, regularisation of delay in payment in the cases of allotment under rehabilitation scheme will be as under:

| Period of Delay | Delegation of powers | |
|--------------------|----------------------|-------------------|
| | Existing | Proposed |
| 1. Upto 90 days | Director(CL) | Director(CL) |
| 2. Upto 180 days | Director(LD) | Commissioner (LD) |
| 3. Upto 360 days | | Vice Chairman |
| 4. Beyond 360 days | | Lt. Governor |

The regularization of delay beyond one year would be considered only in exceptional or compassionate circumstances.

Sd/-
(R.K. Singh)
Commissioner (Land Disposal)

Copy to:

1. OSD to V.C., DDA
2. PS to Finance Member, DDA
3. PS to Engineer Member, DDA
4. PS to Principal Commissioner, DDA
5. CVO/CLA, DDA
6. C.A.O/FA(H)/Director(LC), DDA
7. All Directors/Joint Dy. Directors of LD Deptt.
8. Sr.L.O.(LD), DDA

**DELHI DEVELOPMENT AUTHORITY
COMMERCIAL LAND BRANCH**

No. F.28(49)07/CL/2427

Dated 10.6.08

OFFICE ORDER

The office order No.F.64(Misc.)2006/CE/4/Evi/CR Park/1683 dated 30.5.06 regarding regularisation of delay in payment in the cases of allotment of built up commercial properties under rehabilitation scheme, will also be applicable for re-location scheme for paper merchants at IFC Gazipur. Henceforth, regularisation of delay in payment beyond 180 days subject to payment of interest as per applicable rate will be as under:

Delegation of powers

| Period of delay | Existing | Proposed |
|-----------------|------------------|--------------------|
| Upto 90 days | Director(CL) | Director(CL) |
| Upto 180 days | Commissioner(LD) | Commissioner(LD) |
| Upto 360 days | | Vice Chairman, DDA |
| Beyond 360 days | | Lt. Governor |

This issue with the approval of competent authority.

Regularization of delay beyond one year would be considered only in exceptional or compassionate circumstances.

Sd/-
(Asma Manzar)
Commissioner (LD)

Copy to:

1. OSD to VC, DDA
2. PS to Finance Member, DDA
3. PS to Engineer Member, DDA
4. PS to Prinipal commissioner, DDA
5. CVO/CLA, DDA
6. Diriecter (LC) DDA
7. All Directors/Jt./Dy.Directors of LD Deptt.

**DELHI DEVELOPMENT AUTHORITY
COMMERCIAL LAND BRANCH**

File No. F.97 (44)2008/CL/1378

Dated 16.4.09

OFFICE ORDER

The office order No. F.28(49)07/CL/2427 dated:10.6.08 regarding regularisation of delay in payment in the cases of relocation scheme for paper merchants at IFC Gaziipur will also be applicable for re-allocation Scheme for IFC Holambi Kalan (Narela). Henceforth, regularisation of delay in payment beyond 180 days subject to payment of interest as per applicable rate will be as under:

DELEGATION OF POWERS

| Period of delay | Existing | Proposed |
|-----------------|------------------|------------------|
| Upto 90 days | Director(CL) | Director(CL) |
| Upto 180 days | Commissioner(LD) | Commissioner(LD) |
| Upto 360 days | | Vice-Chairman |
| Beyond 360 days | | Lt. Governor |

This issue with the approval of competent authority. Regularization of delay beyond one year would be considered only in exceptional or compassionate circumstances.

Sd/-
(Asma Manzar)
Commissioner (LD)

Copy to:

1. OSD to VC, DDA
2. PS. To Finance Member, DDA
3. PS to Engineer Member, DDA
4. PS to Principal Commissioner, DDA
5. CVO/CLA, DDA
6. Director (LC), DDA
7. All Directors/Jt./Dy. Directors of LD Deptt.

**DELHI DEVELOPMENT AUTHORITY
(O/o DY.DIRECTOR (COORDN.))**

No: F.4 (10)2008/AD (Coordn)/LD/24

Dated: 5.5.09

CIRCULAR

Subject: Modification of policy for calculation of composition fee for delay in construction of Residential, commercial, Institutional and Co-Operative Group Housing Societies plots

In partial modification of para 1.4(iii) of the circular No. AO(Proj.)/Misc/Comp./Pt.1/3 dated 31.10.1995 issued by Director(RL) and circular No. F.4(36)95/Coordn./LD dated 5.3.1997, Lt. Governor, Delhi has been pleased to revise the procedure for exemption of the period from the composition fee where the size of plot attracts, the provision of ULCR Act, 1976 as under:

1) Irrespective of the size of the plot, where the size of the plot attracts the provision of ULCR Act, 1976, the period taken from the date of submission of application under ULCR Act, 1976 to the respective competent authority to the date of repeal of the Act i.e. 11.1.1999 shall be excluded from the calculation of the composition fee treating the period as zero period. Thereafter, composition fee/rates shall be charged as per guidelines.

Sd/-
Dy. Director
(Coordn.)/DDA

Copy to:

1. Director (RL)
2. Director (Land)
3. Director (CL)
4. Director (LC)
5. All Dy. Directors of L.D
6. PS to CLD for kind information please
7. PS to PC for kind information please.

Sd/-
(Coorn,)/DDA

**DELHI DEVELOPMENT AUTHORITY
OFFICE OF DY.DIRECTOR (COORDN.) LAND DISPOSAL**

No. PA/DDA/LAB/RO/07/DDA/EOT/38/69

Dated: 25th Sept., 2008

OFFICE ORDER

Earlier it was notified that the maximum permissible period for construction of various categories of plots allotted or auctioned by DDA was extended upto 31.12.2008.

Now taking into account various representations/ requests, it has been decided by the competent authority to extend the period of construction as follows subject to payment of composition charges as per policy.

1. In case of institutional plots upto 31.12.2009 considering that the basic aim of concessional allotment was to provide facilities in the city.
2. In case of Residential, commercial and industrial plots upto 31.12.2011.

It may be noted that this is the last and final opportunity and in case of failure to complete the construction by above mentioned dates, as applicable to particular category of the plot, it would result in determination of lease/resumption of property by DDA without any further notice.

Sd/-
(B.M. Sareen)
Dy. Director (Coordn) Land Disposal

Copy to:

1. Director (Land)
2. Director (RL)
3. Director (CL)
4. Director (Land costing) with a copy extra taken from file No. PA/DD/LAB/RO/07/dda/EOT/38 for further necessary action.
5. All Deputy Directors of Land Disposal Wing.

Sd/-
Dy. Director (Coordn.)Land Disposal

**DELHI DEVELOPMENT AUTHORITY
COORDINATION (LAND DISPOSAL)**

F.6(09)/2005/coordn.(LD)/UEI/286

Dated 16.8.05

CIRCULAR

In supersession of all previous circulars, the following guidelines for computing Unearned Increase (UEI), are issued:

1) The crucial date for determining the market rate of calculation of UEI would be the date of transacton; whether in the form of sale/transfer of shares etc. In cases of 'WILL' which is not in blood relation, the crucial date would be the date of death of lessee/allottee.

2) The amount of UEI thus calculated on the basis of crucial date would be updated at the rate of 18% annum till the date of intimation of transfer/application for conversion or mutation is received, complete in all respects.

3) No interest would be charged from the date of submission of complete application for transfer/change in ownership/constitution till the date on which the formal communication of demand is issued after approval of transfer, change in constitution etc. Further, no interest will be charged upto 60 days from the date of issue of demand. Thereafter, interest @ 18% per annum would be levied till the date of payment. Rate of interest in such cases will be at the rate of 12.5% per annum where the demand letter has been issued after 31st March, 2001, when the delay is 30 days or less and at the rate of 15% per annum for the period of delay beyond 30 days.

4) All the old settled cases where demand has been realised will not be re-opened. In cases where demand has been issued and the same is revised in view of these guidelines interest would be payable from the date of issue of Demand letter as stated in para 3 above.

This issues with the approval of LG in file No. 6A(193)67/LSB(I).

Sd/-

(SANJEEV KUMAR)
DY.DIRECTOR (COORDN.)LD

Copy to:

1. Commissioner(Housing)
2. Chief Legal Adviser
3. Financial Adviser(Housing)
4. All Director (Land Disposal), DDA
5. Director (Building)
6. Dy.CAO(LC)

7. All Dy.Directors(Coordn)LD
8. OSD to VC for kind information of the later
9. OSD to FM for kind information of the later
10. All Sr.A.Os/Aos in Land Costing Wing.

Sd/-
DY. DIRECTOR (COORDN.)

**DELHI DEVELOPMENT AUTHORITY
(LAND SALES BRANCH (INDUSTRIAL))**

NO. F. 11(61)77/LSB(I)/2989

Dated. 13.7.07

CIRCULAR

In supersession of circular of even number dated. 5.2.07, it has been decided that violations in setbacks should be no bar for conversion of leasehold right into freehold in respect of the industrial properties and the cases be dealt in following manner:

1. In cases, where no use violation exist in the setbacks, the conversion be processed without charging any penalty. In such cases a letter be sent simultaneously to the concerned department of DDA or MCD as the case may be for removal of the set back violations.
2. In cases where use violations exist in the setbacks and the setbacks are being used for other than the industrial use vis Residential/Commercial, the conversion will be processed after charging misuse for the use violations. Thereafter, the matter will be referred to the concerned department of DDA or MCD, as the case may be.

This issues with the approval of Vice Chairman, DDA

Sd/-

(Asma Manzar)
Commissioner (LD)

Copy to:

1. Director (lands)
2. Dy.Director(coordn)
3. Dy.Director(Indl.)
4. Asstt.Director (Indl.)1 & 2
5. Sr.Accounts Officer (IL)
6. All Dealing Assistants.

**DELHI DEVELOPMENT AUTHORITY
LAND SALES BRANCH (INDUSTRIAL)**

File No. F.9 (50)/79/LSB (I)/2951

Dated 30.9.09

CIRCULAR

The issue relating to conversion of industrial plot from lease hold to free hold where 100% FAR has not been achieved was under consideration of the Authority.

In order to further streamline the process of conversion of industrial properties from lease hold to free hold, it has been decided by the Competent Authority that if the building plan has been sanctioned for less than 100% FAR, then conversion is to be allowed on submission of completion certificate/D form for such sanctioned building plan. If the unit, in absence of completion certificate or D form, applies for free hold on the basis of House Tax Assessment and other supporting documents, then free hold should be allowed subject to physical verification (based on the site visit report) that FAR has been achieved as per the sanctioned building plan. The scope of physical verification should be limited to ascertaining whether the unit has utilized/constructed FAR as per sanctioned plan.

Here, it is clarified that conversion into free hold cannot be allowed where either part completion have been issued or the party has not achieved the FAR for which building plan was sanctioned.

Sd/-

(Asma Manzar)
Commissioner (LD)

Copy to:

1. OSD to V.C., DDA
2. OSD to P.C., DDA
3. Director (Lands)/Director (CL)
4. Director (Coordn.)LD, DDA
5. Director (LC)
6. Deputy Director (Indl.), DDA

**DELHI DEVELOPMENT AUTHORITY
LAND COORDINATION BRANCH**

No. F.4(08/LD/Coordn/21

Dated 9.11.09

ORDER

Sub: Levy of Composition Fee

Vide Order No.F.7 (2)2005/Coordn/LD/99 dated 22.03.2005, policy for calculation of composition fee has been decided. This policy is hereby further modified/clarified by adding a clause with the approval of VC, DDA. The policy and the clarification is as follows:

Keeping in view the decision of Hon'ble High Court in the case DDA Vs. S.K. Kapoor LPA No. 546/2003 pertaining to the calculation of composition fee, the following policy has been decided with the approval of Hon'ble L.G., Delhi:-

1. "Where exemption for delay in construction is granted for any reason, the slabs for the purpose of computation of composition fee would be calculated by excluding such period."
2. "The period for which the exemption is granted is to be treated as zero period for reckoning the slab for computation of composition fee."

The decision of LG and further modification as approved by VC, DDA should be complied with immediate prospective effect.

Sd/-
Dy. Director (Coordn.) Lands

Copy to:

1. Pr. Commissioner, DDA
2. Chief Vigilance Officer, DDA
3. Commissioner (LD), DDA
4. Chief Legal Adviser, DDA
5. All Directors of Land Department
6. OSD to VC, DDA
7. All Dy. Directors of Land Department

Sd/-
Dy. Director (Coordn.) Lands

DELHI DEVELOPMENT AUTHORITY
MASTER PLAN FOR DELHI – 2021
D-6, VASANT KUNJ, NEAR FLYOVER
NEW DELHI – 110070

No. MPPR/DDA/2009/D-239

Dated 15th June, 2009

CIRCULAR

As per the minutes of the meeting held on 23rd March, 2009 under the chairmanship of VC, DDA, it has been decided to allow industrial properties for the use of all other industrial activities which are permitted under the MPD-2021, even though they may be different from the specific activity indicated in the layout plan. Therefore, the specific industrial activity mentioned in all the layout plans stands substituted by the work **“indsutrial activity(ies)”** as per MPD-2021.

Sd/-

(M.Z. Bawa)
Director(MPPR)

Copy to:

1. PS to Vice Chairman
2. OS to Finance Member
3. PS to Engineer Member
4. PS to Principal Commissioner
5. PS to Principal Commissioner (CWG)
6. PS to Pr. Commissioner-cum-Secy.
7. Commissioner (LD)
8. Chief Architect/HUPW
9. Addl. Commissioners(Plg.)I,II,III
10. OSD (Plg.)
11. All Directors (Plg.)
12. Director (Bldg.)
13. Director (Lands)
14. Jt. Director (MP)

**DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE COMMISSIONER [LD]**

[No. Misc/Sr AO (RL)/Misuse Policy/2008]
F.1(07(2008/DD/Co-ordination/LD/101

Dated: 26th March 2010

CIRCULAR

Sub: Rationalization of procedure for levying misuse charges

In accordance with the Resolution No. 35/2010 passed by the Authority in its meeting held on 17.2.2010, following procedure is laid down for levying of misuse charges:

(i) **Criterion for ascertaining the period of misuse:**

| Category | Particulars | Views finalized during meeting |
|----------|--|---|
| I | Cases where complaint/report about misuse is available on file but Show Cause Notices were not issued. | Fresh inspection to be done. In case the misuse is noticed then misuse charges to be levied for a period from initial date of detection to the date of filing of conversion application. Before levying such misuse, SCN to be issued at this stage. However if the misuse is not found during the fresh inspection, then misuse charges should not be levied. |
| II | Cases where complaint/report about misuse is available on file and Show Cause Notices were issued but there was no response from the allottee. | Fresh site inspection to be done. In case the misuse is noticed then misuse charges to be levied from initial date of detection of misuse to the date of filing of conversion application. However if the misuse is not found during the fresh inspection then misuse charges to be levied for a period from initial date of detection upto : <ul style="list-style-type: none"> • three years after the last report about the misuse. OR • the date of first sale after the last report about the misuse, whichever is earlier. |
| III | Cases where | Fresh inspection to be done. In case the |

| | | |
|------|---|--|
| | complaint/report about misuse is available on file and Show Cause Notices were issued but the allottee denied violations but no further action/inspection was undertaken by DDA. | misuse is noticed then misuse charges to be levied for a period from initial date of detection to the date of filing of conversion application. Before levying such misuse, SCN to be issued. However if the misuse is not found during the fresh inspection, then misuse charges should not be levied. |
| IV | Cases where complaint/report about misuse is available on file and Show Cause Notices were issued and allottee informed about removal of violations but no further action/inspection was undertaken by DDA. | Fresh inspection to be done. In case the misuse is noticed then misuse charges to be levied for a period from initial date of detection to the date filing of conversion application. Before levying such misuse, SCN to be issued. However if the misuse is not found during the fresh inspection, then misuse charges to be levied for a period from the initial date to the date of removal of violations as informed by the allottee in response to earlier SCN. |
| V | Cases where complaint/report about misuse is available on file and Show Cause Notices were issued and allottee informed about removal of violations. During inspection removal of violations confirmed by DDA officials. | Misuse charges to be levied for the period from the initial date of detection to the date of removal of violations as informed by the allottee in response to earlier SCN |
| VI-a | Cases where complaint/report about misuse is available on file and Show Cause Notices were issued and allottee informed about removal of violations and further inspection was undertaken by DDA confirming existence of violations at the time of inspection. After confirmation of violation next SCN was also issued | Fresh site inspection to be done. In case misuse is noticed then misuse charges to be levied from the initial date of detection to the date of filing of conversion application. However if the misuse is not found during the fresh inspection then misuse charges to be levied for a period from initial date of detection upto : <ul style="list-style-type: none"> • three years after the last confirmation of the misuse. OR • the date of first sale after the confirmation of the misuse, |

| | | |
|------|--|---|
| | negating reply of the allottee about removal of violations but there was no response from the allottee. | whichever is earlier |
| VI-b | Cases where complaint/report about misuse is available on file and Show Cause Notices were issued and allottee informed about removal of violations and further inspection was undertaken by DDA confirming existence of violations at the time of inspection. After confirmation of violation next SCN was also issued negating reply of the allottee about removal of violations and the allottee again responded saying removal of violations but no further action/inspection was undertaken by DDA. | Fresh inspection to be done. In case the misuse is noticed then misuse charges to be levied for a period from initial date of detection to the date of filing of conversion application. Before levying such misuse, fresh SCN to be issued. However if the misuse is not found during the fresh inspection, then misuse charges to be levied for a period from the initial date to the date of subsequent removal of violations as informed by the allottee in response to the SCN issued after earlier confirmation of violation. |
| VII | Cases where complaint/report about misuse is available on file and Show Cause Notices were issued and allottee informed about removal of violations and further inspection was undertaken by DDA confirming existence of violations at the time of inspection. After confirmation of violation, SCN was not issued negating reply of the allottee about removal of violations. | Fresh inspection to be done. In case misuse is noticed then misuse charges to be levied for the period from initial date of detection to the date filing of conversion application. Before levying such misuse, SCN to be issued at this stage. However if the misuse is not found during the fresh inspection, then misuse charges should be levied only upto the date of removal of violations as informed by the allottee in response to earlier SCN. |

- (ii) Misuse charges in respect of the misuse which was/is continuing after the date of submission of conversion application, the quantum of misuse charges

shall be worked out upto the date of such application. Such charges shall be updated @ 12% p.a. (without compounding) upto the date of issue of demand for misuse charges OR closure of misuse whichever is earlier.

- (iii) The unsettled cases where the demand of misuse charges has been raised by DDA but the lessees have not deposited it and consequently their cases of conversion are pending should be reviewed and fresh demand to be raised under this proposed policy. However cases where misuse charges have already been paid will not be re-opened and no refund will be made on this account.
- (iv) So far as determination of the date of receipt of application for conversion is concerned, it should be the date on which a conversion application has been received in the prescribed format with full conversion charges and processing fee in the bank in conformity with the circular issued by Director (LC) vide no. F.4 (2)/2002/AO(R)/Misc./152 dated 14.12.2003. Non submission of any document/ information will not affect the date of conversion application if application in prescribed format is submitted with required conversion charges and processing fees.
- (v) As per existing instructions, after filing of conversion application, no field inspection can be done in absence of report in record about misuse/ unauthorised construction. If any inspection is required/ ordered after filing of conversion application, either because of non submission of 'D' form or due to any other reason like complaint etc. and during inspection any misuse/ unauthorised construction is noticed, then no misuse charges be levied as there was no report in this regard on file prior to the submission of conversion application.
- (vi) In such cases, however, where unauthorised construction or misuse stands reported on record, after submission of conversion application, a letter may simultaneously be sent to the Enforcement Branch of the DDA in case of misuse while in case of unauthorised constructions to the Building Department of the DDA or MCD (if services of the area stand transferred) for violation of building bye-laws for taking appropriate action under relevant law/ regulation.
- (vii) As far as the area of misuse which is under dispute, a Committee of Senior Officers comprising administrative wing and field staff, will be constituted in each branch separately which will look after such cases wherein the area of misuse is under dispute. Such committees will inspect the premises and

ascertain the area in consultation with the Residents Welfare Associations/ Market Welfare Associations. The proforma of such inspection and other modalities will be worked out separately by residential, commercial and industrial branch as the problem of area varies from one branch to another.

Note: As per existing system revision/review of misuse data on lower side require approval of next higher authority i.e. Commissioner (LD)/Housing. Accordingly in all cases approval of respective Commissioner would be required at the time of revision/review of data in accordance with this circular.

(Manoj Kumar Agarwal)
Commissioner (LD)

Copy to:-

9. Commissioner(LD)/Commissioner(Housing)/Commissioner(Planning)
10. All Directors and Dy. Directors of LD Department/Housing Department.
11. Director (LC)/Dy. CAO(LC)
12. Financial Advisor(H)/CAO
13. Director (Building)
14. OSD to LG for kind information of LG
15. OSD to VC for kind information of VC
16. PSs to FM/EM/PC (LD)/PC (Housing)/CLA/CLM for kind information of the later.