

**MIXED LAND USE REFORMS**

**LAXITY OF MCD AND GOVERNMENTS**

**DESTROYING LIVELIHOODS AND DELHI**

# **PARTS OF MY PRESENTATION**

- ❖ 2006 AND 2018 SIMILARITIES- WHAT THE UNION GOVERNMENT DID THEN?**
- ❖ MPD 2021 & SUBSEQUENT NOTIFICATIONS- HOW THEY CAN BE USED TO SOLVE ISSUES NOW?**
- ❖ 2018- WHAT THE MCD & GOVERNMENTS SHOULD DO NOW?**

# ISSUES CONCERNING DELHI

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- ❖ **LSC ISSUES REGARDING**
  - ❖ **BASEMENTS**
  - ❖ **FAR**
  - ❖ **CONVERSION CHARGES**
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# ISSUES CONCERNING DELHI

- ❖ **SPECIAL AREAS-LIKE KAROL BAGH, SHAHJAHANABAD, PATEL NAGAR, SADAR, CHANDNI CHOWK ETC**
- ❖ **PROBLEMS OF PRE-1962 COMMERCIAL AREAS OR COMMERCIAL UTILIZATION**
- ❖ **PARKING CHARGES AND ITS RATES**
- ❖ **NON-NOTIFIED ROADS**

## **2006- SIMILARITIES THEN & NOW- WHAT WE DID?**

- **16 February, 2006: Supreme Court Passed several directions for taking immediate steps to seal residential premises being used for commercial purpose.**
- **24 March 2006: SC appointed a Monitoring Committee comprising of Mr. K.J.Rao, Mr. Bhure Lal and Maj.Genl. (Retd.) Som Jhingan.**

## **2006- SIMILARITIES THEN & NOW- WHAT WE DID?**

- ❖ February, 2006: The Ministry of Urban Development constituted a 6- Member Committee of Experts headed by Shri Tejendra Khanna**
- ❖ Immediately intervened in the Supreme Court through AG Ghulam Vanavati**
- ❖ 12th May, 2006: The Delhi Laws (Special Provisions) Bill, 2006 was passed by the Lok Sabha-passed on 15th May, 2006 by the Rajya Sabha-The assent of the President on 19th May, 2006 and was notified on the same day. The entire exercise was completed in record 7days!**

## 2006- SIMILARITIES THEN & NOW- WHAT WE DID?

- ❖ **13 May Tejender Khanna Committee Submitted its report to enhance FAR and supporting Mixed Land Use.**
- ❖ **20 May 2006: Government of India issued a notification placing a moratorium in respect of all notices issued by the local authorities and directing them to give effect to the provisions of the Act , which virtually restored the status quo ante.**
- ❖ ***The Master Plan was accordingly amended and on 7th September, 2006 and 15th September 2006 about 2002 patches/streets were notified for mixed use.***

## **2006- SIMILARITIES THEN & NOW- WHAT WE DID?**

- **21<sup>th</sup> September 2006: The Union Cabinet appointed a committee headed by Home Minister Shivraj Patil to go into the issue. The members of the committee were Urban Development Minister Jaipal Reddy, MOS (UD) Ajay Maken, Law Minister Hans Raj Bhardwaj, Science and Technology minister Kapil Sibal, Commerce Minister Kamal Nath, Delhi Lieutenant-Governor B L Joshi and Delhi Chief Minister Shiela Dikshit.**



## **2006- SIMILARITIES THEN & NOW- WHAT WE DID?**

- ❖ MPD 2021 WAS NOTIFIED IN MARCH 2007**
- ❖ SUBSEQUENT AMENDMENTS THOROUGH PUBLIC PARTICIPATION WERE MADE IN 2007 AND 2008 TO REMOVE FLAWS AND MAKE IT SIMPLER**
- ❖ JAN 2012- SUPREME COURT VINDS-UP THE MONITORING COMMITTEE**

# CAN THE MCD TAKE CONVERSION CHARGES AFTER 10 YEARS

वरवमाहन बसल, प्रधान आयुक्त-एव साधन

## DELHI DEVELOPMENT AUTHORITY NOTIFICATION

New Delhi, the 22nd June, 2007

### Delhi Development Authority (Fixation of Charges for Mixed Use and Commercial Use of Premises) Regulations, 2006

S.O. 1015(E).—In exercise of the powers conferred by Section 57 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority with the previous approval of the Central Government hereby makes the following modification to Notification No. S.O. 1993 (E) dated 20th November, 2006 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii):—

(1) Para 3 shall be substituted by the following:—

“3. **APPLICATION.**—These Regulations shall apply to residential premises being used for non-residential activity in accordance with the Mixed Use regulations contained in the Master Plan of Delhi, with the perspective for the year 2021.”

(2) Para 5 shall be substituted by the following:—

#### “5. **ANNUAL MIXED USE CHARGES**

5.1 The premises under mixed use shall be subject to levy of Annual Mixed Use charges for the period upto which the premises remain/likely to remain under mixed use. The Annual Mixed Use Charges for the Financial year 2006-07 for different categories of colonies shall be as under:

(a) For MCD areas:—

(Rates in Rs. Per Sqm. built up area)

S.No.	Type of mixed use	A & B Category of colony	C & D Category of colony	E, F & G Category of colony
1.	Retail Shops	767	511	192
2.	Other Activities	383	256	96
3.	Professional Activities	192	128	48

(a) For NDMC areas:—

(Rates in Rs. Per Sqm. built up area)

S.No.	Type of mixed use	(Rates in Rs. Per Sqm. built up area)
1.	Retail Shops	1534
2.	Other Activities	766
3.	Professional Activities	384

5.2 The payment of annual mixed-use charges shall be made by the owner/allottee/resident user of the premises to the local authority voluntarily before 30th June of every year in respect of the previous assessment year, or part thereof, in proportion to that part. For the 2006-2007, 1/4th of the annual mixed use charges shall be paid on or before 30-06-2007 and the balance 3/4th shall be paid on or before 30-09-2007. For the subsequent assessment years, the entire charges are to be paid on or before 30th June of that year.

5.3 These rates shall remain in force in respect of subsequent years also unless specifically revised and not notified with the approval of the Central Government.

5.4 The owner/allottee/resident/user of the premises shall have option to make one time payment of mixed use charges, which shall be as follows for the year 2006-07:—

(a) For MCD areas:—

(Rates in Rs. Per Sqm. built up area)

S.No.	Type of mixed use	A & B Category of colony	C & D Category of colony	E, F & G Category of colony
1.	Retail Shops	6136	4088	1536
2.	Other Activities	3064	2048	768
3.	Professional Activities	1536	1024	384

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## **BASIS OF THIS CALCULATION-**

- ❖ **DIFFERENCE BETWEEN RESI & COMMERCIAL LAND IN A & B CATEGORY COLONIES- Rs-30,680**
- ❖ **25% OF THIS IS 7670**
- ❖ **THIS DEFICIENCY PAYBLE IN 10 YEARS- THUS Rs767 PER YEAR FOR TEN YEARS**
- ❖ **IF ONE TIME PAYMENT, THEN  $767 \times 8 = \text{Rs}6136$**
- ❖ **C,D CATEGORY IS 66% AND E,F,G IS 25% OF A&B**
- ❖ **THUS THE IDEA WAS TO TAKE 25% OF DEFICIENCY CHARGES IN 10 YEARS**

# LSC ISSUE- CONVERSION CHARGES

PARA 5.6.2 SAYS “LSC/CSC .... COMMERCIAL ACTIVITIES MAY CONTINUE SUBJECT TO CONDITIONS PRESCRIBED UNDER MIXED USE REGULATIONS.”

- 5.6.2 The LSC / CSC will cater to the day-to-day needs of the local population. Some areas developed prior to 1962 like Lajpat Nagar, Rajouri Garden, Tilak Nagar, Kamla Nagar etc. having concentration of commercial activities, may continue subject to conditions prescribed under the Mixed Use Regulations. The existing built-up commercial centres may be redeveloped if need be with enhanced FAR subject to payment of appropriate levies.

# LSC ISSUE- CONVERSION CHARGES

- ❖ **THE ABOVE MENTIONED 22<sup>nd</sup> JUNE 2007 REGULATIONS HAVE NOT BEEN AMENDED**
- ❖ **THUS THE ONE TIME CONVERSION CHARGES OF Rs6136, Rs4088 AND Rs1536 STILL REMAINS**
- ❖ **THE NOTIFICATIONS DATED 29<sup>th</sup> DEC 2017 AND 10<sup>TH</sup> JULY 2012 CONVERSION CHARGES OF Rs89,094 AND Rs22,274 ARE FLAWED AS THEY DO NOT AMEND THE 22<sup>ND</sup> JUNE 2007 REGULATIONS**

# LSC ISSUE- CONVERSION CHARGES

- ❖ **THESE CONVERSION CHARGES HAVE TO BE DIFFERENT FOR DIFFERENT CATEGORIES**
- ❖ **EVEN IF Rs22,274 FIGURE OF FLAWED DEC 2017 NOTIFICATION IS TAKEN THEN, BY APPLYING THE FORMULA, IT SHOULD BE:-**
- ❖ **Rs17,819 FOR A&B CATEGORY**
- ❖ **Rs11,761 FOR C&D CATEGORY**
- ❖ **Rs4,455 FOR E,F,&G CATEGORY COLONIES**

# LSC ISSUE- FAR

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# LSC ISSUE- FAR

- ❖ **THE MIXED USE REGULATIONS ARE FOR RESIDENTIAL AREA- THUS AS PER THE MASTER PLAN THE LSC SHOULD GET THE FAR OF RESIDENTIAL AREAS**
- ❖ **OR, FOR LSC/CSC, THE FAR GRANTED IS NOT FOR INDIVIDUAL SHOPS, IT IS FOR THE ENTIRE COMPLEX, INCLUDING THE PARKING, PARK ETC. THUS, IF THE FAR IS 150, THEN THE PARK/PARKING/ROAD CIRCULATION SHOULD BE ALSO COUNTED**

# LSC ISSUE- BASEMENT

**PARA 15.12.3 (vii) OF THE MPD SAYS  
“COMMERCIAL ACTIVITY IN BASEMENT ON SUCH  
STREETS SHALL BE PERMITTED....”**

<sup>3</sup>[vii. Commercial activity in basement on such streets shall be permitted, subject to relevant provisions of building bye laws, structural safety and fire safety clearance. However, if such use of basement leads to exceeding the permissible FAR on the plot, such FAR in excess shall be used subject to payment of appropriate charges prescribed with the approval of Government.]

# LSC ISSUE- PARKING CHARGES

- ❖ **THE MCD IS CHARGING PARKING CHARGES ON THE BASIS OF CONSTRUCTED FLOOR AREA-THE 22 JUNE, 2007 REGULATIONS PROVIDE FOR CHARGES ON PLOT AREA**

## **“7. ONE TIME CHARGES FOR DEVELOPMENT OF PARKING**

7.1 The owner/allottee/resident/user of the plot/dwelling unit under the mixed land use shall also be liable to pay one time charges for development of parking and such rate for **one ECS per 50 Sqm. of plot area** shall be as under for the year 2006-07:—

## **SPECIAL AREAS-LIKE KAROL BAGH, SHAHJAHANABAD, PATEL NAGAR, SADAR, CHANDNI CHOWK ETC**

**PARA 16.2.5 OF THE MPD 2021 SAYS- “REDEVELOPMENT PLAN..FOR THE SPECIAL AREA SHOULD BE PREPARED BY THE LOCAL BODY WITHIN 3 YEARS.....TILL SUCH TIME, STATUS QUO SHALL BE MAINTAINED.**

5. Re-development Plan and Schemes for the Special Area should be prepared by the local body within three years of approval of the MPD 2021. In this Plan, the Metropolitan City Centres as referred in 5.3, Chapter 5.0 Trade and Commerce, shall be delineated based on survey. Till such time, status quo shall be maintained.

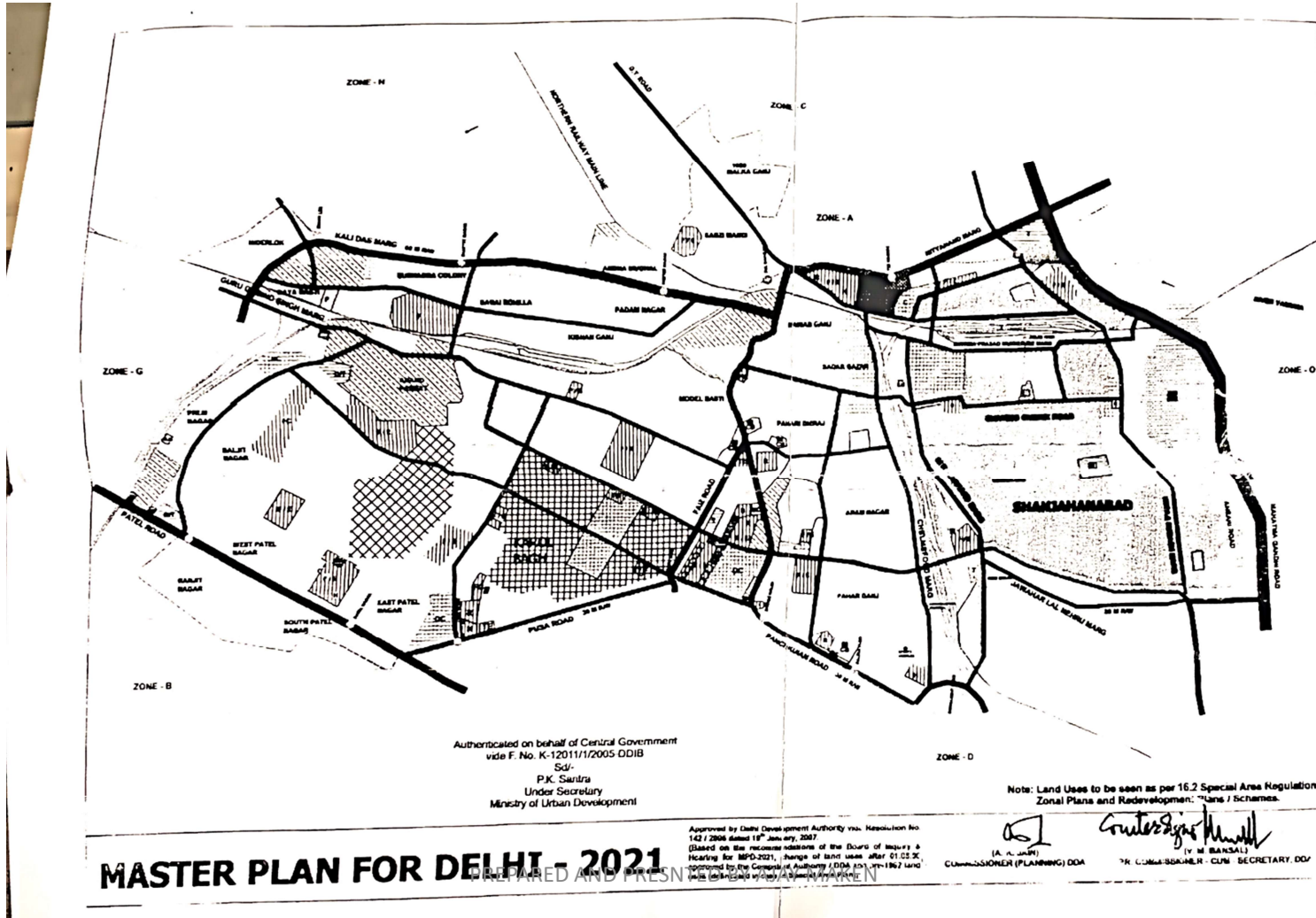
# PROBLEMS OF PRE-1962 COMMERCIAL AREAS OR COMMERCIAL UTILIZATION

**PARA 5.1 OF THE MPD SAYS THAT- “...WHERE  
COMMERCIAL USE WAS ALLOWED IN MPD-1962  
SHALL CONTINUE TO USE AT LEAST TO THE EXTENT  
AS PERMISSIBLE IN MPD-1962”**

## 5.1 PRE 1962 / MPD-1962 COMMERCIAL AREAS

Residential areas and streets / stretches earlier declared as commercial areas / streets or where commercial use was allowed in MPD-1962 shall continue such use at least to the extent as permissible in MPD-1962. Commercial activity existing from prior to 1962 in residential areas are also permitted subject to documentary proof thereof.

# 1962-SPECIAL AREA MAP FOR MPD 2021



25-01-2018

22

# PAGE 61 OF THE MPD 1962, LISTS THESE COMMERCIAL AREAS

*List of already built-up commercial areas.*

1. Jama Masjid.
2. Chitli Qabar.
3. Bazar Sita Ram.
4. Ajmere Gate.
5. Chandni Chowk.
6. Fatehpuri.
7. Lajpat Rai Market.
8. Kashmere Gate and Mori Gate.
9. Malka Ganj.
10. Subzimandi.
11. Bara Hindu Rao.
12. Sadar Bazar.
13. Nabi Karim.
14. Qadam Sharif.
15. Ram Nagar.
16. Paharganj.
17. Model Busti.
18. Manakpura.
19. Shahdara Town.
20. Jhandewala Scheme - Block E.

23-01-2018

PREPARED AND PRESENTED BY AJAY MAKEN

# WHAT THE MCD & GOVERNMENTS SHOULD DO NOW?

- ❖ **THE UNION AND STATE GOVERNMENT SHOULD IMMEDIATELY INTERVENE IN THE SUPREME COURT**
- ❖ **CLARIFY THE ANOMALIES**
- ❖ **INCREASE THE FAR FOR LSC**
- ❖ **DE-SEAL THE BASEMENTS AND OTHER PREMISES IMMEDIATELY**
- ❖ **CLARIFY OR AMEND THE MPD 2021**
- ❖ **STATUS QUO IN SPECIAL ARE TILL RE-DEVELOPMENT PLAN IS MADE**
- ❖ **DELHI GOVT SHOULD IMMEDIATELY NOTIFY PENDING ROADS**
- ❖ **UNION GOVT SHOULD BRING AN ORDINANCE**