

**ITEM NO. 64/2018****(File No. NO/KPC/13/2017/DDA)****Sub: Ratification of constitution of Appellate Authority and adoption of Standard Operating Protocol for Appellate Authority as per DUSIB Guidelines.****1. Background**

For implementation of Kathputli Colony Redevelopment Project near Shadipur Depot, West Delhi an Agenda Item No. 33/2017 was placed before the Authority in its meeting held on 20.7.2018 for earmarking available built up EWS flats for allotment to the squatters of Kathputli Colony and adoption of JJ Rehabilitation and Relocation Policy and Protocol for removal of jhuggies and JJ bastis on DDA land (Annexure-A). As per para 15(iii) of the proposal, the Authority approved to adopt the Policy for Rehabilitation of JJ colonies as promulgated by DUSIB, Govt. of NCT, Delhi and also approved by Government of India MoUD/HUPA in respect of cutoff date, rates to be charged from the perspective beneficiaries under Kathputli Colony and other project of the DDA, guidelines, protocol to be adopted for identification of beneficiaries & removal/shifting of JJ clusters contained in Annexure-VIII and IX of the said Agenda.

Prior to carrying out the demolition of jhuggies and shifting of the beneficiaries to alternative accommodation, Sh. C.K. Chaturvedi, Distt. & Sessions Judge (Retd.) was appointed as an Appellate Authority on the basis of DUSIB guidelines vide orders dated 2.9.2017 (Annexure 'B'). Since Shri C.K. Chaturvedi was pre-occupied, Shri Satish Ahlawat, Retired Additional District and Sessions Judge was appointed as Member of the Appellate Authority vide office orders dated 9.11.2017 (Annexure-C). Based on the DUSIB guidelines constitution of the Appellate Authority and appointment of



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two other members i.e. a retired civil servant of the level of Joint Secretary, Govt. of India and an expert member was approved by the Vice Chairman, DDA vide orders dated 22.9.2017 as per para 3(i) of the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015 (Part B) of DUSIB (Annexure-D).

Now it has come to notice that in Annexure VIII Part 'B' under heading Appellate Authority of the agenda Item No. 33/2017 the constitution of the Appellate Authority has inadvertently been mentioned as under :

- i) PC(LM) or PC (LD) or CLM
- ii) Director (LM)-1
- iii) An expert member to be nominated by VC, DDA or PC(LM) or PC(LD) or CLM
- iv) Dy. Director /LM of the concerned Zone

Therefore, rectification in the constitution of Appellate Authority is required to be made.

Hon'ble Lt. Governor, Delhi/Chairman, DDA while approving the policy on in-situ slum redevelopment/rehabilitation on 'PPP' mode in Delhi has directed that eligibility of beneficiaries to be covered under this policy would be strictly in accordance with DUSIB Policy dated 11.12.2017 including changes made by DUSIB from time to time (Annexure-E).

The DUSIB vide Agenda Item No. 17/7 in its meeting dated held on 28.9.2016 passed the constitution of Appellate Authority and its Standard Operating Protocol (Annexure-F). The same needs to be adopted by DDA.

## 2. Clarification

The copy of the guidelines and the protocol for removal of jhuggies and JJ bastis was annexed as Annexure VIII & IX of the agenda. All the required amendments to replace the various authorities mentioned in the DUSIB guidelines were incorporated in these Annexures. In para 15 (iii) of the agenda No. 33/2017 (Annexure-A) approval for acceptance of guidelines placed at Annexure VIII and protocol placed at Annexure IX to be adopted for identification of beneficiaries and removal/shifting of JJ clusters was sought and approved. However, specific approval for constitution of Appellate

Authority and Accepting Authority as per DUSIB guidelines was not sought. Besides in Annexure VIII under heading Appellate Authority constitution of authority was inadvertently proposed as mentioned in para 1 above.

However, the intention of the DDA was to adopt the constitution of the Appellate Authority as per the DUSIB Policy i.e. Delhi Slum and JJ Rehabilitation and Relocation Policy, 2015 (Part B) - Annexure-D.

As per order of the Vice Chairman, DDA mentioned in Para 2 of background, appeals allowed/rejected by the Appellate Authority have been accepted by the then Principal Commissioner (H/PMAY) and Commissioner (Pers./H) whereas as per para 8(ii) of the Standard Operating Protocol of the Appellate Authority orders passed by CEO, DUSIB (in DDA, VC, DDA) shall be final (Annexure-F). As per opinion of Law Department, DDA such cases may not be opened at this stage.

Keeping in view the above and directions of the Hon'ble Lt. Governor, Delhi/Chairman, DDA the following is proposed for approval:

### 3. Proposal

- I) To accord ex-post facto approval for constitution of the Appellate Authority on the line of Delhi Slum Rehabilitation and Relocation Policy, 2015 (Part - A & B) and adoption of the Standard Operating Protocol for Appellate Authority w.e.f. 22.9.2017.
- II) To accord approval for replacing the constitution of Appellate Authority in Annexure-VIII of Authority Resolution No. 33/2017 as under :
  - a) DDA will constitute an Appellate Authority for redressal of the grievances related to the determination of eligibility for allotment of alternative dwelling unit for rehabilitation and relocation of JJ dwellers. The Appellate authority will consist of the following :
    - i) Retired judge of the level of Additional District Judge;



- ii) Retried civil servant of level of Joint Secretary to Government of India;
  - iii) An expert member to be nominated by Vice Chairman, DDA; and
  - iv) Deputy Director, DDA to be nominated by Vice Chairman, DDA as convener.
- III) To accord approval for exercising the powers of CEO, DUSIB in DUSIB Policy with regard to determination of eligibility of JJ dwellers and Standard Operating Protocol for Appellate Authority by VC, DDA for Kathputli Colony in-situ Development Project and other in-situ development projects of DDA.
- IV) To accord approval for not reopening the appeals already allowed/rejected by the Appellate Authority and accepted by the then Principal Commissioner (Housing/PMAY) and Commissioner (Pers./Housing).

**RESOLUTION**

The proposal contained in the agenda item was approved.

## DELHI DEVELOPMENT AUTHORITY

Minutes of the meeting of the Delhi Development Authority held on 14<sup>th</sup> December, 2018 at 10.30 a.m. at Raj Niwas, Delhi.

Following were present:

### CHAIRMAN

Shri Anil Baijal  
Lt. Governor, Delhi

### VICE CHAIRMAN

Shri Tarun Kapoor

### MEMBERS

- 1 Shri K Vinayak Rao  
Finance Member, DDA
- 2 Shri Shailendra Sharma  
Engineer Member, DDA
- 3 Shri K Sanjay Murthy  
Addl. Secretary, Ministry of Housing & Urban Affairs, Govt. of India
- 4 Member Secretary  
NCR Planning Board
- 5 Shri Vijender Gupta, MLA &  
Leader of Opposition in the Legislative Assembly of NCT of Delhi
- 6 Shri Somnath Bharti, MLA
- 7 Shri S K Bagga, MLA
- 8 Shri O P Sharma, MLA
- 9 Shri Manish Aggarwal  
Municipal Councillor, South Delhi Municipal Corporation
- 10 Shri Jayender Kumar Dabás  
Municipal Councillor, North Delhi Municipal Corporation

Please take further action  
as per approval of Agenda  
vide item No 64/2018.

Nodal Officer (R&D) 10/11/19

10/11/19  
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**Item No. 47/2018**

**Confirmation of minutes of the meeting of the Delhi Development Authority held on 7.09.2018 at Raj Niwas.**

**F. 2(2)2018/MC/DDA**

Principal Secretary (Finance), GNCTD observed that notification for exemption of Stamp duty would be required to be issued by Divisional Commissioner with regard to minutes of the meeting of the Authority for Item No. 28/2018 regarding modifications in clause 15 of the approved regulations for operationalization of land policy vide which it is recorded that no stamp duty shall be applicable on transfer of land to service providing agency/DDA by the land owners.

The remaining minutes of the meeting of the Authority held on 7.9.2018 were confirmed as circulated.

**Item No. 48/2018**

**Action Taken Reports on the minutes of the meetings of the Delhi Development Authority held on 7.09.2018.**

**F.2(3)2018/MC/DDA**

The members of the Authority made the following observations with regard to the Action Taken Reports (ATRs) on the minutes of the meeting of the Authority held on 7.9.2018:-

**Shri Vijender Gupta**

- i) Meetings of the Authority should be held monthly and valid issues raised by the Members of the Authority should be responded to well in time.
- ii) No properties of DDA could be auctioned in the last few years as the reserve prices were unrealistically high. However, even after reserve prices have been reduced, no plot has been auctioned in the last one year due to which DDA has to unnecessarily bear the cost of protection of land. Besides, vacant plots get encroached upon. Utilization of these plots for the intended purpose would help in developing these areas.
- iii) The area around the old slaughter house at Idgah is a very congested part of the city and development of a multi-level car parking at the site is necessary. Since there are several schools in the area, the land should instead be utilized for a multi-level parking.
- iv) Atleast 50% of the posts of the Chief Engineers should be filled in by DDA cadre officers by making ad hoc promotion or providing current duty charge to senior most Superintending Engineers, if required.
- v) The matter regarding compassionate appointment should be expedited.



- iii) Since the stay orders on the unauthorized construction on khasra No. 277 at Hauz Khas have been vacated, demolition of the unauthorized construction should be undertaken.
- iv) Allot alternative land for community services for residents of Gautam Nagar after request for allotment of land is received from South Delhi Municipal Corporation.
- v) Since as per an order of 1954, nursery school plots can be used for community services, there is no need for policy formulation in the matter. Utilization of such plots would also stop unauthorized encroachment of these plots.

Shri O P Sharma

- i) No proper reply has been provided to matters raised by him during Authority meetings. The minutes of meetings of the Authority are not properly recorded and in camera proceedings should be introduced.
- ii) Even after taking up the matter of removal of encroachment from 60 ft. ROW public road for the last four years, no action has been taken by DDA, even though DDA had been assigned the role of the nodal agency in the matter. No encroacher on public roads should be compensated. The Hon'ble High Court of Delhi had also directed that encroachments on public roads should be cleared and the road in his constituency was included in the order of the Hon'ble Court.
- iii) Though he had taken up the matter regarding unauthorized construction on the river bed at Okhla, no action has been taken in removing these in the last six months. Action should be taken against officers responsible. VC, DDA to get the site inspected and prepare time bound action plan within 15 days.
- iv) DDA officials do not lodge FIRs against unauthorized encroachment. Commercial activity is being carried out on encroached government land at Saini Enclave, ChitraVihar, Rajdhani Enclave and Karkardooma.
- v) Expressed his dissatisfaction with the action taken report submitted and desired that a more elaborate report with all the facts should be placed before the Authority after taking views from the concerned departments.
- vi) With regard to the matter regarding compilation of different types of leases executed for allotment of land and preparing a policy for regularization of expired leases or to take back such land, the information furnished in the Action Taken Report is not comprehensive. DDA to prepare a list of different types of leases executed and how many of these are pending for conversion to freehold. All types of leases should be examined and, thereafter, proposal for providing relief should be considered. Extension of leases should be done as per policy and not in individual cases.
- vii) Allotment of land to Badarpur Traders Union be regularized.



**Item No. 52/2018**

**Policy on in-situ Slum Redevelopment/ Rehabilitation on PPP mode in Delhi to be adopted in DDA.**

**F.2(43)2018/PMAY**

1. Shri Vijender Gupta observed that beneficiaries should be allowed to pay the cost fixed by the Government beyond the time limit prescribed by DDA with penal clause. It was accordingly decided to amend para D(i) of the policy for in-situ slum redevelopment/rehabilitation by DDA. Para D(i) be amended as follows:-

"If beneficiary does not pay the cost fixed by the Government within the prescribed time limit to the DDA, beneficiary will have to pay penal interest/penalty on the delayed payment as per DDA's rules prevalent on date upto time period which will be defined in the guidelines of scheme."

2. The proposal contained in the agenda item was approved with the above amendments.

**Item No. 53/2018**

**Agenda note for carrying out modification to Clause 16 (c) and 16 (d) relating to lock in period of 5 years for execution of Conveyance Deed in respect of allottees/legal heirs who were allotted flat under DDA Housing Scheme 2014.**

**F.1(303)N&C(H)/2013/Pt.I**

The proposal contained in the agenda item was approved.

**Item No. 54/2018**

- (i) Fixation of rates for the purpose of calculating conversion charges from leasehold to freehold in respect of commercial & industrial properties for the year 2018-19.
- (ii) Fixation of land rates for the purpose of calculating conversion charges from leasehold to freehold in respect of area under multi-level parking for the year 2018-19.

**F.2(34)99/AO(P)/DDA/Pt.**

The proposal contained in the agenda item was approved.

**Item No. 55/2018**

**Fixation of land rates for the purpose of calculation of misuse charges for the year 2018-19.**

**F.2(14)96-97/AO(P)/DDA/Part-II**

The proposal contained in the agenda item was approved.



**Item No. 60/2018**

**Proposed modification in MPD-2021 regarding permissible commercial activities in in-situ up-gradation/ rehabilitation projects.**  
**F.3(36)1996/MP/Pt.-1**

The proposal contained in the agenda item was approved. The matter be referred to the Ministry of Housing and Urban Affairs, Govt. of India for issue of final notification.

**Item No. 61/2018**

**Change of land use of site measuring 8.83 acres (3.57 ha) from 'Residential' to 'Public & Semi Public Facilities' (PSP) at BCS Andheria More for CRPF, New Delhi.**  
**F.3(46)/2006/MP**

The proposal contained in the agenda item was approved. The matter be referred to the Ministry of Housing and Urban Affairs, Govt. of India for issue of final notification.

**Item No. 62/2018**

**Regarding provision for land use category of 'Government land- use undetermined' in MPD-2021.**  
**F.20(01)2016/MP**

1. The proposal contained in the agenda item was approved with the following modifications:

The point (vii) in the proposal be read as under:

'vii. The norms of Govt. land (use undetermined), shall be as per approved layout/scheme, for which development controls shall be as per respective use premises.'

2. The matter be referred to the Ministry of Housing and Urban Affairs, Government of India for issue of final notification.

**Item No. 63/2018**

**Proposed modification in MPD-2021 for setting up of microbreweries in hotels and restaurants in NCT of Delhi.**  
**F.3(29)2009/MP**

The proposal contained in the agenda item was approved. The matter be referred to the Ministry of Housing and Urban Affairs, Govt. of India for issue of final notification.

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judice. However, CNG stations may be permitted in undeveloped recreational areas (with the exception of Ridge/Recreational Park) subject to all statutory clearances.”

2. The matter be referred to the Ministry of Housing and Urban Affairs, Govt. of India for approval.

**Item No. 69/2018**

**Offering one bed room flats to Air Force Naval Housing Board and Welfare Housing Societies of Armed forces and other Government Departments.  
F.1(372)2018/Coord/H**

The proposal contained in the agenda item was approved.

**Item No. 70/2018**

**Proposal for allotment of MIG Flats at Narela to Para Military Forces and Delhi Police.  
F.1(372)2018/Coord/H**

The proposal contained in the agenda item was approved.

**Item No. 71/2018**

**Proposal for launching Online Running Scheme.  
F.1(372)2018/Coord/H**

The proposal contained in the agenda item was approved.

**Other Points raised by the Members of the Authority**

**Shri Vijender Gupta**

- i) There is no proper management of green waste in DDA parks.
- ii) Most DDA parks have security problems.
- iii) Several newly built community halls are not operational and have become dump yards. As decided by the Authority, these should be operated by RWAs.

**Shri Somnath Bharti**

- i) There is traffic congestion near Sharda Park at Hauz Khas.
- ii) Despite amendment in the Master Plan, there has been no relief to shopkeepers from sealing.
- iii) There is dog menace and security problem at Hauz Khas Deer Park.