

**DELHI DEVELOPMENT AUTHORITY
COORDINATION (HOUSING) BRANCH
D-BLOCK, VIKAS SADAN, INA**

No F.125(201)94/SFS/VK-II/

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CIRCULAR

Subject: Guidelines for dealing with conversion/mutation applications in case of complaints/disputes.

Instances have come to the notice where the process of conversion of flats/ plots from leasehold to freehold has been lying stalled because of complaints from either some third party or subsequent purchaser etc. The Standard Operating Procedures for dealing with conversion applications in case of complaints and disputes has been formulated and is as under:

A. Application of these guidelines:

The guidelines hereinafter provided are applicable only in the following cases:

- i. Where there is an application for conversion of a property: and
- ii. There is/are complaints in writing, duly signed by the complainant or on his behalf by his/her authorized signatory, whose address and contact details are clearly mentioned therein disputing rights of any other applicant for conversion of the property;
- iii. Details of the property is clearly mentioned in the complaint.
- iv. The complaints can be categorized into the following categories:-
 - a. Anonymous/pseudonymous complaints;
 - b. Simple complaints/objections;
 - c. Dispute but parties have not gone to the court i.e the dispute means where both the parties have rival competing documents like Agreement to Sell (ATS), General Power of Attorney (GPA), receipt etc., and claim possession; and
 - d. Legal dispute.

B. Procedure:


Any written complaint received by the department during pendency of a case of mutation or conversion of any flat/plot, may be disposed of in accordance with the following procedure:

1. The complaint so received should be diarised immediately upon receipt and it should be placed in the concerned file by the Dealing Assistant.
2. The Dealing Assistant should then proceed to identify the complainant and do necessary verification w.r.t possession/ owner of the plot/flat and if required, the site may be visited.
3. In case of Anonymous/ pseudonymous complaints as mentioned in **Category "a"** should be filed and matter be processed as per the CVC guidelines. No action should be taken upon such complaints.
4. In case, the complainant is identified, the following procedures for **Category "b"** and **Category "c"** shall be followed:
 - a. Dealing Assistant (DA) shall send a letter under his signatures along-with the copy of complaint so received, calling all the parties to the dispute to appear before Assistant Director (AD) concerned within 15 days along-with all or any documentary proof in support of their claim(s).

- b. The aforesaid letter should clearly stipulate that the parties should carry a copy of valid photo-id proof, duly self-attested, along-with them while visiting the office of AD so that their identity could be established. The AD should place the copy of photo-id proof in the file and make a noting to the effect that he has identified the parties in person and that a copy of their photo id proof is placed at the specified number page in the file.
- c. In case of non-appearance of either the complainant/applicant of conversion application, a second chance may be given of another 15 days to appear before AD along with all or any documentary proof(s) in support of their claim(s).
- d. In case, the complainant submits the documents in support of their claim(s), then the concerned AD should take all the documents/material from the parties and place them in file, which should be consecutively paginated. During personal interaction with the parties, AD should specifically ascertain the following points:
 - if there is a legal dispute pending in any court of law between the complainant and applicant; and
 - if the complaint is on account of legal dispute is between original allottee and sub-lessee/POA holder.
 - If the complaint though not in court but both parties are in possession of legal documents pertaining to the property like GPA, ATS, payment receipt, registered sale deed, proof of possession.
 - Who is actually in possession of property and since when?
- e. The AD should then record his observations and prepare a self-contained note giving his recommendation on the issue of whether conversion application should be disposed off. Being a mere complaint where one party is having proof of ownership, which the other party is not able to disprove, or the case is in the nature of a dispute, which should be settled in Court of law. The recommendations of AD be then forwarded to concerned Deputy Director(DD) within 3 days from the date of visit of the all the parties.
- f. The DD concerned should consider the recommendations and take a decision on the complaint, based upon the supporting documents and noting available in the file within 2 days from the date of receipt of file in his office. If deemed necessary, then he may again call the parties on a specified date/time, to appear and present before him after recording clear reasons.
- g. A copy of the decision, so taken by the DD concerned shall be given/sent through registered post to all the parties against due acknowledgment of receipt/post.
- h. If any of the parties is not satisfied with the decision of the DD and an appeal against such decision is preferred by such party before Director concerned then the Director shall call the file from the department and examine the appeal and previous disposal of complaint by DD.
- i. Upon examination of the facts of the case the Director shall record his own decision on the appeal either confirming the DD's decision or pass any other suitable decision on sustainability of conversion application.

- j. In case, both the parties have some certain agreements/ some nature of dispute is being established and DD comes to the conclusion that there is a case for taking up in courts i.e **Category "c"**. DD shall direct the conversion application be kept pending and complainant be given 03 months' time to relegate the dispute to court of law.
- k. In case of non-filing of any case within the said period, the party may ask extension of time with valid reasons and if DD is satisfied, the party may be given up to additional 3-months to file the case.
- l. In case, non-filing of any court case, the Authorities have the right to draw the conclusion and proceed with conversion.
5. In case of a case falling under **Category "d"** above, the verdict of the court should be awaited and matter be dealt thereafter as per the directions of the Court.
6. In case of a person belonging to vulnerable group or a physically/ mentally disabled person, the AD and DD should not insist on personal appearance and may be accept their statement/ documents in support of their claims by way of an affidavit duly sworn in by them or on their behalf before a notary public.
7. The file should not be sent un-necessarily to higher officer only for his signatures/approval. In case the approval/intervention of any higher officer is required for dealing with the complaint then the noting should clearly indicate the reasons for sending the file to higher officer.
8. Respective Head of the Departments i.e Commissioner should randomly check the cases on quarterly basis and a report in this regard will be submitted to VC, DDA.
9. The above guidelines will be applicable to all departments of DDA i.e Housing, LD and other departments having similar cases.

This is issued with the approval of VC, DDA.


30/4/20

(Sheela Vati)

Dy. Director (Coordination)-H