

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL PRINCIPAL BENCH AT NEW DELHI**

ORIGINAL APPLICATION NO. 63/2024

IN THE MATTER OF:

PRITPAL SHARMA

....APPLICANT

VERSUS

MUNICIPAL CORPORATION OF DELHI

THROUGH THE COMMISSIONER & ORS.

...RESPONDENTS

N.D.O.H.: 12.09.2024

L.D.O.H.: 06.08.2024

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Through
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Place: New Delhi

Filed on: 10.08.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 63/2024

IN THE MATTER OF: -

PRITPAL SHARMA

....APPLICANT

VERSUS

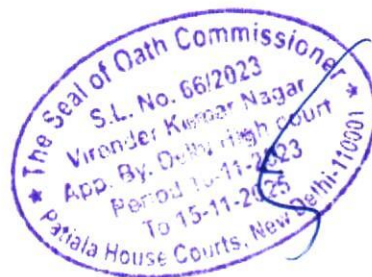
MUNICIPAL CORPORATION OF DELHI

...RESPONDENTS

**REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENT
DELHI STATE INDUSTRIAL & INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD. (DSIIDC)
PURSUANT TO ORDER DATED 19/01/2024.**

I, A. K. Sinha S/o Late. S. N. Sinha aged about 50 years, working as Executive Engineer (Civil), with office at Lajpat Nagar presently present at Lajpat Nagar, do hereby solemnly affirm and sincerely declare as under:-

1. I state that I am the authorized person of the answering respondent, as such I am competent to swear this Reply Affidavit. I state that I am well acquainted with the facts and circumstances of the case based on official records. That nothing material is suppressed thereof.



2. I state that present reply affidavit is being filed in compliance of the order dated 25.04.2024 passed by this Hon'ble Tribunal in the present case.
3. That vide instant O.A. / Petition, the Appellant herein has sought the following reliefs:
- Direct Respondent No. 3 to 6 who are the owners of House no. 1031 C1/1 G-1 Block, 1031 C/1 G-1 Block, 1031 CG-1 Block and 1033 PG- I Block in Aya Nagar, Phase 6. New Delhi- 110047 to demolish the construction of ramps and steps along the street in G-1 Block built by them and restore the drain and allow it to flow without any obstruction and pollution.*
 - Direct Respondent Nos. 1 to 2 to whom representations have been made and under whose jurisdiction the area in question comes to demolish the construction of ramps and steps along the street in G-1 Block built by them and restore the drain and allow it to flow without any obstruction and pollution.*
 - Pass any other order as the Hon'ble Tribunal may deem fit and proper in facts and circumstances of the case."*
4. That Hon'ble Tribunal order dated 19.01.2024 observed as follows:
- "2. The applicant has submitted in the application that respondents no. 3 to 6 are owners of houses no. 1031 C1/1 G-I Block, 1031 C/1 G-I Block, 1031 C G-I Block and 1033 P G-I Block in Aya Nagar, Phase 6, New Delhi. Respondents no. 3 to 6 have encroached upon Government property and constructed stairs and ramps outside their houses without permission and have thereby blocked open drain due to which the cleaning of open drain has been permanently prevented. Construction of the stairs and ramps, which have permanently blocked the open stormwater drain, is in contravention of Section*



81 of the Delhi Water Board Act, 1998 and also Section 24 (1) (b) of the Water (Prevention And Control Of Pollution) Act, 1974 and has resulted in increased toxicity and creating health hazards owing to the gases trapped inside the drain.”

5. The DSIIDC is primarily tasked under The Delhi Industrial Development, Operation and Maintenance Act, 2010 as follows:

“3. Empowerment.-For the purpose of securing and assisting in the rapid and orderly establishment and organisation of industries in industrial areas, industrial estates and flatted factories complexes and for operation and maintenance of industrial areas, industrial estates and flatted factories complexes in Delhi, the Corporation shall, after the commencement of this Act, be empowered by the Government by notification in the official Gazette and by such amendments to the Memorandum of Association of the Corporation as may be necessary.

4. Functions.-The functions of the Corporation shall be-

(i) generally to promote and assist in the rapid and orderly establishment, growth and development of industries in Delhi, and

(ii) in particular, and without prejudice to the generality of clause (i) ,to-

(a) establish, operate, maintain and manage industrial estates at place selected and notified by the Government including the existing industrial areas, industrial estates and flatted factory complexes being maintained by the Municipal Corporation of Delhi constituted under section 3 of the Delhi Municipal Corporation Act, 1957 (66 of 1957). All industrial estates/ areas of Delhi will stand transferred to the Corporation for this purpose within prescribed time frame;



(b) develop industrial areas selected and notified by the Government for the purpose and make them available for undertakings to establish themselves;

(c) build, flatted factories complexes at sites selected and notified by the Government for the purpose and make them available for any industries and class of industries;

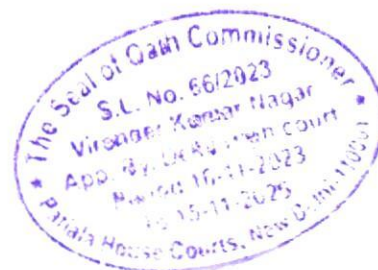
(d) redevelopment of clusters of industrial concentration in nonconforming areas identified and notified for redevelopment by the Government;

(e) undertake schemes or works, either jointly with other corporate bodies or institutions, or with Government or local authorities, or on an agency basis, in furtherance of the purposes for which the Corporation is established and all matters connected therewith; (f) all functions listed in the objects clause of the Memorandum of Association of the Corporation;

(g) any other function as the Government may, by notification in the official Gazette and by such amendments to the Memorandum of Association of the Corporation as may be necessary, prescribe for the purposes of this Act;

(h) the Corporation shall make such amendments to the Memorandum of Association as may be necessary to incorporate the functions under this section which are not part of the Memorandum of Association.

6. As an Additional charge DSIIDC was also tasked with construction of road and construction of drain for rainwater in unauthorized colonies along with their maintenance for five



years. It is submitted that DSIIDC is only a construction agency and that to for limited purpose in unauthorized colonies. Copy of notification giving additional charge to DSIIDC is attached as **Annexure – R8-A**

7. It is submitted that DSIIDC does not have any powers to remove any type of encroachments in any areas – whether Industrial or Unauthorized Colonies. It is submitted that such powers lie only with MCD. The Delhi Municipal Corporation Act, 1957 Specifically states:

“Encroachments on streets

317. Prohibition of projections upon streets, etc.

*(1) Except as provided in section 318, no person shall erect, set up, add to, or place against or in front of any premises any structure or fixture which will— (a) overhang, jut or project into, or in any way encroach upon, and obstruct in any way the safe or convenient passage of the public along, any street, or **(b) jut or project into or encroach upon any drain or open channel in any street so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.***

(2) The Commissioner may by notice require the owner or occupier of any premises to remove, or to take such other action as he may direct in relation to, any structure or fixture which has been erected, set up, added to or placed against, or in front of, the said premises in contravention of this section.

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit into account with the owner of the



premises for all reasonable expenses incurred by him in complying with the notice."

Copy of Statute showing anti-encroachment powers lie with MCD is attached as **Annexure – R8-B.**

8. It is submitted desilting of drains is not done by DSIIDC as they have not been tasked to do so in unauthorized colonies. It is submitted that such powers lie only with MCD. The Delhi Municipal Corporation Act, 1957 Specifically states:

*"42. Obligatory functions of the Corporation
Subject to the provisions of this Act and any other law for the time being in force, it shall be incumbent on the Corporation to make adequate provision by any means or measures which it may lawfully use or take, for each of the following matters, namely:— (a) the construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences;"*

9. That through Order dt. 19.12.2012, GNCT Delhi issued Guidelines for development work in unauthorized colonies as per Cabinet Decision dated 10.12.2012 which specifically states:

Pursuant to approval of Cabinet vide Decision No. 1966 Dated 10.12.2012 and in supersession of all previous guidelines/Instructions for development work in Unauthorized Regularized Colonies and Unauthorized Colonies, following guidelines are issued: -

...

(v) Executing agencies shall make provisions for outfall drains in consultation with Delhi Jal



**Board and irrigation and Flood Control
Department.**

...

(xv) In all the colonies scavenging and cleaning of said drains is to be done by the respective municipal corporations. Streetlights are to be maintained by the DISCOMS for which provision could be done in initial estimates of the work.

Copy of Order dt. 19.12.2012 is attached as **Annexure – R8-C.**

10. It is submitted that construction and maintenance of Potable Water line and sewer line lies with DJB (Delhi Jal Board) and not with DSIIDC.

11. It is submitted that the Hon'ble LT. Governor in Minutes of the meeting 22.08.2014 specifically held regarding industrial areas as follows:

“Cleanliness and sanitization in Industrial areas would be done exclusively by the respective DMC's... The DMC would take necessary steps for the removal of encroachments from common areas in joint operations with DSIIDC and Delhi Police.”

Copy of minutes of the meeting dated 22.08.2014 is attached as **Annexure – R8-D.**

Hence, in view of the given facts and circumstances the answering respondent- DSIIDC may kindly be deleted from array of parties, in the Interest of Justice.


DEPONENT

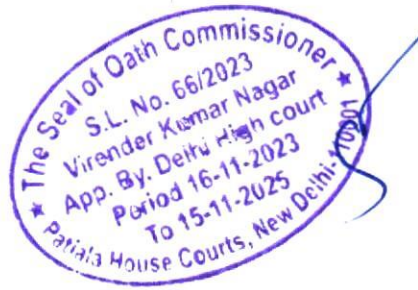


VERIFICATION: 11 SEP 2024

Verified at New Delhi on this day of 09 day of September 2024 that the contents of my above affidavit are true and correct to my knowledge based on the official records and no part of it is false and nothing material had been concealed there from.

[Signature]
DEPONENT

Nasir Khan
I identified the Deponent who has signed in my presence.



Solemnly sworn before me read over & explained to the deponent Admitted to be correct.
[Signature]
Oath Commissioner, New Delhi

11 SEP 2024

4204

OFFICE OF MINISTER OF POWER, PWD,
UD, HEALTH, INDUSTRIES & HOME
GOVT. OF DELHI: DELHI SECRETARIAT
ROOM NO.702: 7TH LEVEL: 'A' WING
I.P. ESTATE: NEW DELHI

It has been conveyed to both the Chief Engineers, I&FC Department, present in the meeting held in my chamber today i.e.9/11/2017 that the new developmental works in unauthorized colonies in the following Assembly Constituencies shall be undertaken by I&FC Department with immediate effect:-

Sl.No.	Name of Assembly Costituency
1.	Mustafabad/AC-69
2.	Ambedkar Nagar/AC-48
3.	Tughalkabad/AC-52
4.	Okhla/AC-54
5.	Kondli/AC-56
6.	Vishwas Nagar/AC-59
7.	Seemapuri/AC-63
8.	Rohtas Nagar/AC-64
9.	Shalimar Bagh/AC-14
10.	Sultanpur Majra/AC-10
11.	Janakpuri/AC-30
12.	Mehrauli/AC-45
13.	Patparganj/AC-57
14.	Chandni Chowk/AC-20
15.	Malviya Nagar/AC-43
16.	Greater Kailash/AC-50
17.	Kasturba Nagar/AC-42
18.	Jangpura/AC-41
19.	R.K. Puram/AC-44
20.	Wazirpur/AC-17
21.	Timarpur/AC-03
22.	Model Town/AC-18
23.	Mangol Puri/AC-12
24.	Karol Bagh/AC-23
25.	Patel Nagar/AC-24
26.	Adarsh Nagar/AC-04
27.	Madipur/AC-26
28.	Moti Nagar/AC-25
29.	Rajouri Garden/AC-27
30.	Nangloi Jat/AC-11
31.	Laxmi Nagar/AC-58
32.	Ghonda/AC-66
33.	Trilok Puri/AC-55
34.	Shahdara/AC-62

The Assembly Constituencies where developmental works in unauthorized colonies are being undertaken by the DSIIDC are as under:-

Sl.No.	Name of Assembly Costituency
1.	Narela/AC-1
2.	Burari/AC-2
3.	Badli/AC-5
4.	Rithala/AC-6
5.	Bawana/AC-7
6.	Mundka/AC-8

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10-11-17

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Date: 17/11/17
DSIIDC

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Central Diary Dispatch Section
Lajpat Nagar
Dispatch No 1070
Date 20/11/17

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7.	Kirari/AC-9
8.	Rohini/AC-13
9.	Vikas Puri/AC-31
10.	Uttam Nagar/AC-32
11.	Dwarka/AC-33
12.	Matiala/AC-34
13.	Najafgarh/AC-35
14.	Bijwasan/AC-30
15.	Palam/AC-37
16.	Deoli/AC-47
17.	Badarpur/AC-53
18.	Gokal Puri/AC-68
19.	Karawal Nagar/AC-70
20.	Chattarpur/AC-46
21.	Krishna Nagar/AC-60
22.	Badarpur/AC-67
23.	Delhi Cantt./AC-38
24.	Sangam Vihar/AC-49
25.	Gandhi Nagar/AC-61

Accordingly, it is hereby directed that necessary instructions may be issued to the I&FC Department that tenders are to be floated for the execution of the developmental works on the basis of the estimates already prepared by DSIIDC or by framing new estimates by 15/12/2017. However, the works which are under progress in different unauthorized colonies will be completed by DSIIDC.


(SATYENDAR JAIN)
MINISTER (UD/INDUSTRIES)
09/11/2017

PR. SECRETARY (UD).

U.O.No. minhealth/2017/0318 dated the 9th Nov., 2017.

Copy for information to:-

1. Hon'ble Minister of I&FC Department
2. Pr. Secretary, I&FC Department
3. MD, DSIIDC


TRUE COPY

THE DELHI MUNICIPAL CORPORATION ACT, 1957

INTRODUCTION

Municipal Government of Delhi was being administered as per the provisions of the Punjab District Boards Act, 1883 (2 of 1883) and the Punjab Municipal Act, 1911 (3 of 1911). To run the municipal affairs of Delhi, there were various bodies and local authorities viz., (1) The Municipal Committee, Delhi; (2) The Notified Area Committee, Civil Station; (3) The Notified Area Committee, Red Fort; (4) The Municipal Committee, Delhi-Shahdara; (5) The Municipal Committee, West Delhi; (6) The Municipal Committee, South Delhi; (7) The Notified Area Committee, Mehrauli; (8) The Notified Area Committee, Najafgarh; (9) The Notified Area Committee, Narela; (10) The District Board, Delhi; (11) The Delhi State Electricity Board; (12) The Delhi Road Transport Authority; and (13) The Delhi Joint Water and Sewage Board. With so many bodies and local authorities looking after the municipal affairs, complications and problems were being faced by the various authorities as well as by the public. A need to have a unified body to administer the Municipal Government of Delhi was strongly felt. Accordingly to consolidate and amend the laws relating to the Municipal Government of Delhi the Delhi Municipal Corporation Bill was introduced in the Parliament.

Act 66 of 1957

The Delhi Municipal Corporation Bill having been passed by both the Houses of the Parliament was assented by the President on 28th December, 1957. It came on the Statute Book as THE MUNICIPAL CORPORATION ACT, 1957 (66 of 1957).

List of Amending Acts

1. The Repealing and Amending Act, 1960 (58 of 1960).
2. The Delhi Municipal Corporation (Amendment) Act, 1961 (42 of 1961).
3. The Delhi Motor Vehicles Taxation Act, 1962 (57 of 1962).
4. The Repealing and Amending Act, 1964 (52 of 1964).
5. The Delhi Municipal Corporation (Amendment) Act, 1968 (2 of 1968).
6. The Delhi Road Transport Laws (Amendment) Act, 1971 (71 of 1971).
7. The Delhi Municipal Corporation (Amendment) Act, 1974 (55 of 1974).
8. The Delhi Municipal Corporation (Amendment) Act, 1983 (8 of 1983).
9. The Delegated Legislation Provisions (Amendment) Act, 1983 (20 of 1983).

10. The Delhi Municipal Corporation (Amendment) Act, 1984 (42 of 1984).
11. The Delhi Municipal Corporation (Amendment) Act, 1987 (8 of 1987).
12. The Delhi Municipal Corporation (Amendment) Act, 1988 (11 of 1988).
13. The Delhi Municipal Corporation (Amendment) Act, 1993 (67 of 1993).

An Act to consolidate and amend the law relating to the Municipal Government of Delhi.

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

Chapter I

Preliminary

1. Short title, extent and commencement

- (1) This Act may be called the Delhi Municipal Corporation Act, 1957.
- (2) Except as otherwise provided in this Act, it extends only to Delhi.
- (3) The provisions of this Act, except this section which shall come into force at once, shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions

In this Act, unless the context otherwise requires,—

- (1) "Administrator" means the Lieutenant Governor of the National Capital Territory of Delhi;
- (1A) "Appellate Tribunal" means an Appellate Tribunal constituted under section 347A;
- (2) "budget-grant" means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the Corporation and includes any sum by which such budget-grant may be increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the regulations made thereunder;
- (3) "building" means a house, out-house, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material but does not include any portable shelter;
- (4) "bye-law" means a bye-law made under this Act, by notification in the Official Gazette;

(6) The lay-out plan referred to earlier in this section shall, if so required by the Standing Committee, be prepared by a licensed town planner.

314. Alteration or demolition of street made in breach of section 313

(1) If any person lays-out or makes any street referred to in section 313, without or otherwise than in conformity with the orders of the Standing Committee, the Commissioner may, whether or not the offender be prosecuted under this Act, by notice—

(a) require the offender to show cause by a written statement signed by him and sent to the Commissioner on or before such date as may be specified in the notice, why such street should not be altered to the satisfaction of the Commissioner or if such alteration be impracticable, why such street should not be demolished; or

(b) require the offender to appear before the Commissioner either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show cause to the satisfaction of the Commissioner why such street should not be so altered or demolished, the Commissioner may pass an order directing the alteration or demolition of such street.

315. Power of Commissioner to order work to be carried out or to carry it out himself in default

(1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewerred, drained, conserved or lighted to the satisfaction of Commissioner, he may by notice require the owners of such street or part and the owners of the lands and buildings fronting or abutting on such street or part to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the Commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners referred to in sub-section (1) in such proportion as may be determined by the Commissioner and shall be recoverable from them as an arrear of tax under this Act.

316. Right of owners to require streets to be declared public

If any street has been levelled, paved, metalled, flagged, channelled, sewerred, drained, conserved and lighted under the provisions of section 315, the Commissioner may, and on the requisition of a majority of the owners referred to in sub-section (1) of that section shall, declare such a street to be a public street and thereupon the street shall vest in the Corporation.

Encroachments on streets

317. Prohibition of projections upon streets, etc.

(1) Except as provided in section 318, no person shall erect, set up, add to, or place against or in front of any premises any structure or fixture which will—

(a) overhang, jut or project into, or in any way encroach upon, and obstruct in any way the safe or convenient passage of the public along, any street, or

(b) jut or project into or encroach upon any drain or open channel in any street so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(2) The Commissioner may by notice require the owner or occupier of any premises to remove, or to take such other action as he may direct in relation to, any structure or fixture which has been erected, set up, added to or placed against, or in front of, the said premises in contravention of this section.

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit into account with the owner of the premises for all reasonable expenses incurred by him in complying with the notice.

318. Projections over streets may be permitted in certain cases

(1) The Commissioner may give a written permission, on such terms and on payment of such fee as he in each case thinks fit, to the owner or occupier of the building abutting on any street—

(a) to erect an arcade over such street or any portion thereof; or

(b) to put up a verandah, balcony, arch, connecting passage, sun-shade, weather frame, canopy, awning or other such structure or thing projecting from any storey over or across any street or portion thereof:

Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which construction of an arcade has not been generally sanctioned by the Corporation.

(2) The Commissioner may at any time by notice require the owner or occupier of any building to remove a verandah, balcony, sun-shade, weather frame or the like put up in accordance with the provisions of any law and such owner or occupier shall be bound to take action accordingly but shall be entitled to compensation for the loss caused to him by such removal and the cost incurred thereon.

319. Ground floor doors, etc., not to open outwards on streets

The Commissioner may at any time by notice require the owner of any premises on the ground floor of which any door, gate, bar, or window opens outwards upon a street or upon any land required for the improvement of a street in such manner, as in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards.

320. Prohibition of structures or fixtures which cause obstruction in streets

(1) No person shall, except with the permission of the Commissioner granted in this behalf, erect or set up any wall, fence, rail, post, step, booth or other structure whether fixed or movable or whether of a permanent or temporary nature, or any fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy any portion of such street, channel, drain, well or tank.

(2) Nothing in this section shall apply to any erection or thing to which clause (c) of sub-section (1) of section 325 applies.

321. Prohibition of deposit, etc., of things in streets.—

(1) No person shall, except with the permission of the Commissioner and on payment of such fee as he in each case thinks fit, place or deposit upon any street, or upon any open channel, drain or well in any street or upon any public place any stall, chair, bench, box, ladder, bale or other thing whatsoever so as to form an obstruction thereto or encroachment thereon.

(2) Nothing in sub-section (1) applies to building materials.

322. Power to remove anything deposited or exposed for sale in contravention of this Act

The Commissioner may, without notice, cause to be removed—

(a) any stall, chair, bench, box, ladder, bale or other thing whatsoever, placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of this Act;

(b) any article whatsoever hawked or exposed for sale on any public street or in other public place in contravention of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

323. Prohibition of the tethering of animals and milking of cattle

(1) No person shall tether any animal or cause or permit the same to be tethered in any public street.

(2) No person shall milk or cause or permit to be milked any cow or buffalo in any street.

(3) Any animal tethered or any cow or buffalo found being milked as aforesaid in any street may be removed by the Commissioner or any municipal officer or employee and be impounded and dealt with under the provisions of the Cattle-trespass Act, 1871 (1 of 1871).

Provision concerning execution of works in or near to streets

324. Precautions during repair of streets

(1) The Commissioner shall, so far as is practicable during the construction or repair of any public street, or any municipal drain or any premises vested in the Corporation—

(a) cause the same to be fenced and guarded,

(b) take proper precautions against accident by shoring up and protecting the adjoining buildings,

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work of construction or repair is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The Commissioner shall cause such street, drain or premises to be sufficiently lighted or guarded during night while under construction or repair.

M.

TRUE COPY

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF URBAN DEVELOPMENT
(Unauthorized Colonies Cell)
9TH LEVEL, C-WING, DELHI SECRETARIAT, NEW DELHI

F. No. 627/UC/UD/2012/CD - 021186912/168-178

Dated: 19-12-2012

Central Diary Dispatch Section
DESP No. WZP..... 2968
Date..... 23/12/12
DSIIDC, GAD

ORDER

Sub: Guidelines/Instructions for development work in unauthorized colonies as per Cabinet Decision dated 10.12.2012.

Pursuant to approval of Cabinet vide Decision No. 1966 dated 10.12.2012 and in supersession of all previous guidelines/instructions for development work in Unauthorized Regularized Colonies and Unauthorized Colonies, following guidelines are issued:-

A: Development Work in unauthorized regularised colonies including 895 colonies governed by order dated 4.9.2012

Proj. No. (UC)
D. No. 646
Dt. 11/1/13
DSIIDC

- i. Priority for development work in unauthorized colonies will be for those unauthorized colonies where no development work has been taken up so far.
- ii. Cement concrete roads in unauthorized colonies shall be normally laid only after the laying of water lines and sewer lines. However, the executing agencies may take up the CC road work in unauthorized colonies if it is considered appropriate and justified in technical assessment of the executing agency, after confirming it from the DJB that the work of water lines and sewer lines is not likely to be undertaken in the said unauthorized colony/area for at least next three years in order to avoid the wasteful expenditure due to damages caused to CC road while laying water lines and sewer lines.
- iii. C.C. Roads relaying is permitted after completion of five years as an general rule but as an exceptional case in compulsive circumstances and in extreme necessity & feasibility, in the opinion of executing agency on case to case basis relaxation in 5 years time limit for next work may be considered by the Minister, Urban Development in Unauthorized Regularized Colonies where specific recommendations are made by executing agency.
- iv. The work of construction of roads and drainage has to be carried out in the unauthorized colony as a single work without splitting the estimate and with due observance of norms for quality control and financial prudence as provided in rules and instructions issued from time to time.

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- v. Executing agencies shall make provisions for outfall drains in consultation with Delhi Jal Board and Irrigation and Flood Control Department.
- vi. Executing agencies are bound by the discipline imposed by court orders, government of India regulations, Delhi government decisions, Urban Development Department guidelines/ sanction orders, CPWD manual and the general principles of financial prudence.
- vii. Standard specifications for construction of roads and drains across colonies shall be followed by executing agencies.
- viii. Executing agencies shall furnish required progress reports and utilization certificates to Planning wing of Urban Development Department, Planning Deptt. & Finance Deptt., Govt. of NCT of Delhi on monthly / quarterly basis.
- ix. The development work in 895 unauthorized colonies considered for regularization vide order dated 04.09.2012 shall only be carried out within outer boundaries fixed on the map by the SOI. The said maps can be downloaded from the website of the UD department.
- x. The executing agency need not send any estimate to UD department for sanction or getting approval for the scope of work. In case the estimates are beyond the administrative competence/powers of the administrative head of the department of the executing agency, the estimate shall directly be routed to the Finance Department/Planning Department for their concurrence.
- xi. The following activities shall be covered under the scope of the development work in the unauthorized colonies under the Plan Scheme "Provision of Essential Services in Unauthorised colonies"
- (iv) Construction of roads and storm water drainage
 - (v) Installation of street lights
 - (vi) Installation of sewerage and water supply lines
- xii. The executing agencies may take up repair or maintenance or relaying work in 895 colonies if the executing agency considers it necessary and justified in their technical assessment after a field inspection. As regards work now undertaken, provision for repair and maintenance upto prescribed life/tilt taken over by local bodies be incorporated in the original estimate. No separate estimate could be formulated for the minor repair work by any of the executive agency in the work now proposed to be undertaken.
- xiii. The civic agencies assigned the development work in unauthorized colonies shall ensure that they maintain the

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development work so carried out for not **400** years and carry out the necessary minor repair works for which the provisions in the estimate could be made while formulating the initial estimates.

xiv. Drains should not be covered. However, a small board showing street numbers could be installed.

xv. In all the colonies scavenging and clearing of said drains is to be done by the respective municipal corporations. Street lights are to be maintained by the DISCOMS and its augmentation shall also be done by the respective DISCOMS for which provision could be done in initial estimates of the work.

xvi. MLALAD Scheme shall be applicable in the unauthorized regularizes colonies for all works covered under the scheme including the work relating to removal of overhead HT/LT lines.

B-DEVELOPMENT WORK IN OTHER UNAUTHORISED COLONIES:

The development work in other colonies shall be undertaken / carried out with following changes in applicable instruction:

- i. This category of colony shall include only such colonies as are declared by UD Department to be eligible for development work in terms of clause 5.10 of the Regulations or other general or specific orders. The ongoing development work shall continue to be allowed in colonies included in the list of 1018 (733+ 285) vide order No. 1887 dated 10.05.2012 of Urban Development Department but not included in 895 colonies regarding regularization of which orders were issued on 04.09.2012.
- ii. Relaxation provided in instruction No. (ii) and (iii) in category A shall not be applicable.
- iii. The expenditure shall be permissible from the funds of MLALAD scheme for any approved work as per scheme and norms in the unauthorised regularized colonies but no fund from MLALAD scheme shall be permitted in unauthorised colonies except for removal of overhead HT/LT lines.
- iv. Repair and maintenance work shall not be allowed unless executing agency certifies that it is appropriate and necessary to undertake repair/ maintenance and special approval in this behalf is given by GNCTD.

[Signature]

- v All other instructions shall also be applicable..In this category as applicable to category A above"

GENERAL:-

The executing agencies are advised to take up the development works in colony as a whole and frame estimates accordingly. However, in case there are more than one executive agency working in a particular colony the matter, should be brought to the notice of the Urban Development Department for appropriate instructions in the matter.

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19/12/2012

(K.S. MEENA)
JOINT SECRETARY (UC)

Copy to -

- 1 Comissioner MCD, Town Hall Delhi
- 2 Principal Secretary, PWD, Delhi Sectt., Delhi
- 3 Principal Secretary, I&FC Department, 5/9 Under Hill Road, Delhi
- 4 C E O., Delhi Jal Board, Varunalaya Jhandewalan Delhi
- 5 Managing Director, DSIDC, Connaught Place, New Delhi
- 6 C E O., NDPL, Kingsway Camp Delhi
- 7 C E O., BSES, Nehru Place, New Delhi
- 8 C E O., BYPL, Karkardooma, New Delhi

Copy for information to:-

- 1 Principal Secretary to Hon'ble Chief Minister, Govt. of NCT of Delhi
- 2 P S to Hon'ble Urban Development Minister
- 3 P S to Principal Secretary, Urban Development Department.

Kalpana
19/12/2012

(K.S. MEENA)
JOINT SECRETARY (UC)

(7)

TRUE COPY

10/2/14



राज निवास
दिल्ली-110044
RAJ NIWAS
DELHI-110044

Please find enclosed the minutes of the meeting held under the Chairmanship of Hon'ble Lt. Governor on 22nd August 2014 at 10.30 A.M. at Raj Niwas regarding Public Private Partnership in development / maintenance of Industrial areas and transfer of Industrial areas of DDA to DSIIDC, for kind information and necessary follow up.

(Signature)
Additional Secretary to LG

- 1. Chief Secretary, GNCTD
 - 2. VG, DDA
 - 3. Principal Secretary, Finance
 - 4. MD, DSIIDC
 - 5. Commissioner, North DMC
 - 6. Commissioner, South DMC
 - 7. Commissioner, East DMC
- U.O.No. 18001/14/29/2014

Dated: 27 August, 2014

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2/9/2014

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2/9/14

(Signature)
27/8/14
CE-VI

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1. SE(UA)
2. SE(UA) 2

all estate Manager

copy sent

copy to
EE (O.D.M.)
RA (CO-1) & (CO-2)

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2443/18/14
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27/8/14

P.T.O

Minutes of the meeting held under the Chairmanship of Hon'ble Lt. Governor on 22nd August 2014 at 10.30 A.M. at Raj Niwas regarding Public Private Partnership in development / maintenance of Industrial areas and transfer of Industrial areas of DDA to DSIIDC.

A list of participants is given in the marginal box.

Participants

1. Shri S.K. Srivastava, Chief Secretary, GNCTD
2. Dr. M.M. Kulkarni, Pr. Secretary, Finance
3. Shri Anand Yadav, MD, DSIIDC
4. Shri T. Ghoshal, PC, DDA
5. Shri S.K. Jain, Director (In-charge) DDA
6. Shri Yashpal Singh, ED, DSIIDC
7. Shri Deepak Vimal, GM, DSIIDC
8. Shri Bhashi Kant, CE, DSIIDC

- Govt. Secretariat
1. Pr Secy to LG
 2. Advisor to LG
 3. Secy to LG
 4. Addl Secy to LG (ES)
 5. Addl Secy to LG (MM)
 6. Addl Secy to LG (OV)
 7. OSD to LG
 8. PS to LG

Hon'ble Lt. Governor welcomed the participants to the meeting. The following discussions were held & decisions were taken:-

MD, DSIIDC briefed Hon'ble Lt. Governor on the steps taken to explore the possibilities of PPP in the development & maintenance of Industrial areas but none of the Associations of the Industrial areas came forward to look after the developmental works in the Industrial areas. He informed that DSIIDC, Municipal Corporations, PWD & Private Societies are carrying out

development works in 22, 08, 02 & 03 Industrial areas respectively. He also informed that comprehensive development work, after EFC approval in June 2014, is being undertaken in 6 Industrial areas with funds amounting to about ₹175 crores.

MD, DSIIDC informed that a meeting with various Industrial Associations was held to discuss on the possibility of Industries contributing to the development & maintenance of their areas. He informed that the Associations expressed their unwillingness to contribute to the development / maintenance of their areas as they have already paid development charges at the time of allotment of industrial plots and are paying House Tax, Ground Rent, CETR charges, Conversion charges etc. He further informed that there is an urgent need for transferring the amount collected on account of ground rent & conversion charges by DDA and Property Tax collected by DMCs to the DSIIDC. He also informed that steps are being taken to get financial assistance from the Central Govt.

Hon'ble Lt. Governor directed that the day to day maintenance of parks as well as the cleanliness & sanitation in Industrial areas would be done exclusively by the respective DMCs. He further directed that the DMCs would take necessary steps for the removal of encroachments from common areas in joint operations with DSIIDC & Delhi Police.

Hon'ble Lt. Governor instructed DSIIDC to collect information on the development works of Industrial areas being done in highly Industrial States like Karnataka, Maharashtra, Gujarat, Punjab etc. and also to take necessary steps to appoint a Consultant to do a study to explore the feasibility of PPP in the Industrial areas, suggesting a financially viable model.

Principal Commissioner, DDA informed that all necessary steps are being taken to transfer the Lease Administration of the Industrial areas of DDA to DSIIDC as well as the amount collected on account of ground rent & conversion charges by DDA to DSIIDC and the proposal is under submission to the Ministry of Urban Development, GOI. Hon'ble Lt. Governor instructed DDA to expedite the case.

The meeting ended with vote of thanks to the Chair.

(Signature)

TRUS