

Research Paper on Master Plan for Delhi

1. On 2.08.2008 modifications were made in the Master Plan for Delhi 2021, thereafter on 10.10.2008, a Policy duly notified in the Gazette for Fixation of Rates to be applied for use conversion, mix land use and other charges for enhanced FAR arising out of MPD 2021.

2. Thereafter on 23.12.2008 Policy was duly notified in the Gazette for Fixation of Rates to be applied for use conversion, mix land use and other charges for enhanced FAR arising out of MPD 2021.

3. It may further be noted that the Government vide its subsequent policy dated 25.02.2009 modified the rates for use conversion, mix land use and other charges for enhanced FAR arising out of Master Plan Delhi 2021.

4. That on 07.06.2010 an office order by MCD with regard to realization/ payment of the use conversion charges for industrial premises to commercial/ banquet hall clearly distinguished the mode of payment in two limbs i.e. (a) One time use conversion charges. (b) Annual use conversion charges.

5. In regard to the aforementioned notifications and office order the many of our members/banquet hall owners added banqueting activities by starting banquet hall by fulfilling and adhering all the conditions requisite as envisaged under the various policies and office orders issued by the Government Of India arising under the MPD 2021. The applications was duly allowed / acceded to and was advised to deposit the one time parking charges, conversion charges on

Annual Basis / Charges, on self-assessment basis as was duly stipulated in the notification issued by the Government of India as referred above.

6. Basis the above many of our members/banquet hall owners had been continuously paying the use conversion charges on annual basis without any fail for all the period (s) during which they had been using the said property or its part thereof for the banqueting purposes.

7. That the Government of India vide its notification dated 13.05.2013 further widened the scope and use of industrial units/plots by getting the same converted for various other purposes such as co-operative group housing societies, hospitals etc. It may kindly be noted that the said policy did not touch upon any aspect in relation to modification or fixation vis-à-vis the use conversion charges of an industrial Building to a banquet hall or of any other nature.

8. That on 03.07.2018 a Gazette notifications issued by the Govt. of India for fixation of charges also for revision/ fixation for one time use conversion charges for industrial to group housing & industrial to commercial & hospital on industrial plots /units abutting 24 meter & above in lines with modifications done on 13.05.2013.

9. That Charges for annual use charges from Industrial use to Banquet use was clarified by M.C.D Office order No 55/addl.Com. Engg./2010 dated 07-06-2010 on annual basis by way of self-assessment and as explained above any subsequent policies, office orders including the Gazette notification dated

03.07.2018 has not touched upon any aspect with relation to the rates for use conversion charges on build up area basis for banquet hall use on industrial buildings abutting 12 meter & above ROW.

10. It may further be added the members/banquet hall owners have already duly deposited applicable amount towards the Annual Conversion Charges of the said property.

11. That the our members/banquet hall owners have received letters dated from MCD departments directing them to deposit the amount towards Conversion Charge and misuse charges referring to the notification dated 03.07.2018 issued by the D.D.A. and in pursuance of which Show Cause Notice have also been issued.

12. It may also be submitted that many banquet hall owners have opted annual use charges policy as per office MCD Oder 07-06-2010 & are regularly paying applicable annual use charges from start of banquet hall use activity till 2018 .

13. That after 2018 mcd department stopped accepting annual use charges from our members despite regular requests from members & association without specifying any reason /office order and are issuing demand letters/show cause notice & ceiling orders demanding one time use conversion charges on plot area basis as per DDA notification dated 3 rd July 2018 order which is only applicable on industrial units /plot situated on 24 meter row & above for group housing /commercial/hospitals use and not on banquet hall use on industrial

premises which is a permitted mixed use activity as per master plan & is allowed on 12 meter & above ROW as per banquet hall regulations 2010 .

14. That it may also be pertinent to mention here that Banquet hall use is a mixed use permitted activity on industrial & residential premises as per master plan 2021 & is allowed on 12 m row & above as per banquet hall regulations 2010 .

15. That banquet hall owners are suffering harassment & business losses due to unfair notices /demands from mcd departments.

In light of the above we believe that the following should be instructed to the concerned departments:-

1. To accept applicable annual use charges as per 07/06/2010 office order & adjust annual use charges paid against one time use charges as applicable on mixed use vide notification DT 29 /7/2018 SO 3173(E) activities on residential premises.
2. To accept one time use conversion charges on build up area basis for banquet use on industrial premises (as per office order 07-06-2010) as banquet hall use is permitted mixed use activity & is totally different from commercial / group housing activity .
3. As per office order dated 07-06-2010 option for payment in 5 years instalment is clearly defined. So Department should also accept one time use conversion charges in 5 year instalments from our members.

4. As per office order 07-06-2010 Conversion charges rates are applicable as per applicable rates as on the date of start of banquet activity/registration/ first instalment for enrollment for payment of conversion charges. Therefore we request you to accept one time use charges applicable on the date of start of commercial activity and adjust annual use charges paid if department wishes to discontinue annual use charge policy .

It may also be submitted that New rates cannot be applicable retrospectively i.e. New rates if any should be applicable for the units which are enrolled thereafter the listing of any new notification /order.