Delhi Development Authority / Central Government have proposed ‘Draft Policy Development / Utilization of Privately Owned Lands’. In order to operationalize this policy, the draft detailed “Regulations for Enabling the Planned Development of Privately Owned Lands” have been prepared under Section 57 of Delhi Development Act, 1957 and approved by Authority in its meeting held on 21.12.2017. It has been decided to put up these regulations in Public Domain to get the feedback/ views of the stake holders/ general public. Accordingly these Regulations have been put up in public domain on DDA’s website i.e. www.dda.org.in (under ‘HOT LINKS’ and ‘PUBLIC NOTICES’) for inviting views of all the stake holders / public within a period of Thirty Days from the date of issue of this Notice.

Any person having any views / suggestions with respect to the proposed Regulations may send the same in writing to the Commissioner-cum-Secretary, Delhi Development Authority, ‘B’ Block, Vikas Sadan, New Delhi-110023, within the above stipulated time period. The person making the views / suggestions should also give his / her name, address and telephone / contact number(s) which should be readable.

The text of draft Regulations shall also be available for reference at the Office of the Dy. Director, Master Plan Section, 6th Floor, Vikas Minar, IP Estate, New Delhi-110002, on all working days within the period referred above.

File No: F15(12)2017/MP
Date: 13.01.2018
Place: New Delhi

Sd/-
Commissioner-cum- Secretary,
Delhi Development Authority
DELHI DEVELOPMENT AUTHORITY
NOTIFICATION

S. O. ................. - In exercise of the powers conferred by sub-section (1) of Section 57 of the Delhi Development Act, 1957, the Delhi Development Authority, with the previous approval of Central Government, hereby makes the following Regulations:

1. SHORT TITLE AND COMMENCEMENT

1.1 These Regulations shall be called “Regulations for Enabling the Planned Development of Privately Owned Lands”.

1.2 These Regulations are to be read along with the prevailing Master Plan for Delhi (MPD) and Unified Building Bye Laws (UBBL).

1.3 These Regulations shall be applicable to privately owned lands (as per applicability set out in Clause 3.1 of these Regulations) in National Capital Territory of Delhi and shall come into force with effect from the date of notification.

1.4 All words and expressions used in these Regulations, but not defined shall have the meaning as assigned to them in the Delhi Development Act, 1957 or the MPD prepared and approved under the said Act or the Delhi Municipal Corporation (DMC) Act, 1957 or the UBBL, as the case may be.

1.5 In case of conflict the provisions / stipulations of prevailing MPD shall prevail and these Regulations shall not supercede orders of the Hon'ble Courts, if issued in any specific case.

1.6 Any issues relating to the interpretation of these Regulations, shall be referred to the Authority for necessary directions and appropraite action.

2. DEFINITIONS

2.1 In these Regulations, unless anything repugnant in the subject or context:

2.1.1 “Act” means the Delhi Development Act, 1957 as amended from time to time.

2.1.2 “Authority” or “Delhi Development Authority” or “DDA” means the Delhi Development Authority constituted under section 3 of the Act.
2.1.3 "Private Land / Privately Owned Land" means any unacquired / freehold land or property, which is not open to the use and enjoyment of the public and the ownership of the said land vests with an individual land owner or a company or a society or a group of land owners voluntarily agreeing to participate pursuant to an agreement. This is subject to applicability set out in Clause 3.1 of these Regulations.

2.1.4 “Master Plan” or “MPD” means the Master Plan for Delhi, prepared and approved under the Act, for the time being in force.

2.1.5 "Competent Authority" means the Vice Chairman or any other officer/Committee as nominated by the Vice Chairman in this regard, for grant of permission in notified development areas of the Authority. In case of other local bodies, the Competent Authority would be as notified by the concerned local body as per provisions of the relevant act and orders of the local body for approval of layout plans.

2.2 Other definitions shall be in accordance with the relevant Acts, MPD, Zonal Development Plan (ZDP), UBBL, etc.

3. APPLICABILITY

3.1 These regulations shall APPLY to the following types of privately owned land parcels:

3.1.1 Land parcels having activities/uses that were already in existence before the notification of MPD 1962.

3.1.2 Land parcels that were left out and could not form a part of any layout plan/planned development during the implementation of the MPD.

3.1.3 Land parcels that could not be acquired by DDA because:
   a) Acquisition proceedings were challenged by the land owners and quashed by the courts
   b) Acquisition lapsed as per sub-section 2 of section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (the ‘New Land Acquisition Act’)

3.1.4 Land parcels assigned ‘Recreational use’ in the layout plan, resulting in restricting their development are also included (except for notified or reserved forest area, Regional Park and Monument Regulated Zones as per MPD 2021).
3.2 These regulations shall **NOT BE APPLICABLE** on the following types of land parcels:

3.2.1 Land parcels in Zone ‘O’

3.2.2 Land parcels in Notified Green Belt

3.2.3 Land parcels covered under water bodies

3.2.4 Land parcels in the Ridge, Regional Park, Reserved Forest areas

3.2.5 Land parcels in Monument Regulated Zones

3.2.6 Land parcels already eligible for land pooling as per the notified Land Policy

3.2.7 Disputed land parcels wherein the land acquisition proceedings are pending/ matter is sub judice. The owner can apply after getting the land free from all legal encumbrances.

3.3 These regulations shall not entitle any land owner for regularization of any already existing unauthorized / illegal development on its property.

4. **PRE-REQUISITES AND PLANNING REGULATIONS**

4.1 Development on the privately owned land shall be in consonance with the land use as notified in prevailing MPD / ZDP or land use / use premise mentioned in already approved layout plans / schemes, if any or as specified in these Regulations.

4.2 DDA (in the ‘development area’) / ULB (in the ‘non-development area’) shall take up the master planning for external development of the plots i.e. roads and linkages required for provision of infrastructure and services (subject to payment of applicable external development charges by the land owner).

4.3 Where land is required for providing infrastructure, the owner shall surrender the portion(s) of land as determined by DDA/ ULB/ concerned agency, for development to the respective agency. In such cases, the owner shall continue to be eligible to consume the entire FAR permissible on the original plot.

4.4 Amalgamation, reconstitution and subdivision of plots within the same land use category will be permitted as per the prevailing MPD for the planning purpose.
4.5 The layout plans / schemes along with the infrastructure planning shall be prepared by the DDA / ULBs in a time bound manner.

4.6 The landowners shall be responsible for preparing all detailed plans (covering inter-alia, aspects such as site layout, buildings, services), as per the prevailing MPD and ZDP and applicable development controls, for undertaking internal development within their land parcel. Landowners will also be responsible for obtaining all requisite NOCs from concerned agencies and procuring necessary services (electricity, sewerage, water supply, etc.) upon payment of applicable charges to respective service providing agencies.

4.7 Request of NOC shall be processed by the respective government department / Urban Local Body / service providing agency in a time bound manner on payment of requisite charges, if any.

4.8 Land pocket/s required for effectuation of any approved layout plan / scheme / infrastructure development in an area, shall be acquired by the concerned implementing agency under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and appropriate compensation to be paid accordingly by the agency concerned.

5. DEVELOPMENT CONTROL NORMS

5.1 Land owner shall abide by the development control norms as prescribed in the prevailing MPD and UBBL or specifically mentioned in these regulations, if any.

5.2 Planning and development of privately owned land falling within facility corridors shall be as per the development control norms specified in prevailing MPD/ZDP for Public Semi-Public facilities and District / Commercial Centres (in case of Commercial / Industrial use) with maximum FAR 150 and Ground Coverage 50%. Of the remaining 50% plot area, 30% shall be developed as Green/ Open Spaces, and 20% for Transportation (roads, parking etc.).

5.3 The land parcels falling under “Residential” land use, within Low Density Residential Area (LDRA) shall be governed as per the provisions given under Para 4.4.3 (G) Low density Residential Plot of Chapter 4 in MPD-2021.

5.4 Any land pocket being utilized for any specific commercial/ PSP activity, for which no development controls have been specified, shall be permitted FAR 120, Ground Coverage of 30% and Height not restricted, subject to approval of statutory authorities or as per surrounding development, whichever is lower. Rest of the development control norms shall be as per prevailing MPD / ZDP and UBBL.
5.5 Land parcels falling within the already approved or developed schemes of DDA/ULBs/other government bodies shall be in conformity with the surrounding development, irrespective of applicable development control norms. The development of such lands will be governed by the use/activity and the development control norms of the surrounding development (subject to availability of required infrastructure services), maintaining the urban form, design and planned development around the land parcel.

5.6 Privately owned land falling within a layout plan, which has been assigned the use premise namely “Government” or “Utility”, the owner shall be allowed to develop any compatible PSP use as per requirement of the neighbourhood with prevailing development control norms. The same shall be subject to NOC from the concerned government agency/authority and change in the layout plan as per standard operating procedure.

5.7 Privately owned lands with pre-MPD 1962 activities/use, can choose to continue with the same activity/use provided that all provisions specified in the Regulations are met. The landowner can also opt to develop as per the use specified in the prevailing MPD/ZDP/approved layout plan subject to payment of requisite charges.

5.8 Any activities/uses existing on privately owned land prior to MPD-1962 will be allowed to continue, irrespective of the land use specified in prevailing MPD/ZDP, provided their purpose and extent (dimensions, area, FAR, height etc.) remain the same, subject to documentary proof thereof, as contained in proviso to Section 14 of Delhi Development Act, 1957, with the following controls:

5.8.1 Activities/uses existing/permitted prior to MPD-1962 for such areas shall be allowed to continue in all compatible land use categories including those the provision stipulated under Chapter 15.0 on Mixed Use Regulations in MPD-2021, if any.

5.8.2 Any portion of land if required for infrastructure development (like road, drainage, sewerage, drinking water supply, etc.); has to be surrendered by the owner to the concerned implementing agency. In such cases, the owner shall continue to be eligible to consume the entire FAR permissible on the original plot.

5.8.3 Individual cases based on documentary proof and scrutiny shall be approved by the DDA/concerned Local Body.

5.8.4 Charges for use conversion shall not be applicable if the use prior to Master Plan 1962 is continued.
5.8.5 Local body may levy any other charges to the beneficiaries for the continuation of pre – MPD 1962 activities/ uses, if any addition/ alteration is proposed.

5.9 Land parcels falling in more than one land use category mentioned in MPD / ZDP, the land owner shall be permitted to utilize the land as an integrated development proportionately as per built-up space permissible in the specific land use category.

5.10 Land parcel being proposed to be used for multiple use premises shall be considered only for activities permitted in the same specific land use / use category in which the property falls, subject to payment of mixed use charges prescribed by the Government from time to time.

5.11 Owners of privately owned land parcels shown under "Recreational" land use as per ZDP/ approved layout plan shall be permitted to utilize their land as per the following provisions.

5.11.1 The owner shall develop such land based as follows:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Extent</th>
<th>Percentage to be dedicated / maintained as Green (through tree plantation)</th>
<th>Percentage to be developed by the owner as a remunerative component in accordance with these regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Up to 2000 sq. mtr. (including the first 2000 sq.mts. of the larger plot)</td>
<td>-</td>
<td>100*</td>
</tr>
<tr>
<td>2.</td>
<td>0.2 to 5.0 ha.</td>
<td>57</td>
<td>43</td>
</tr>
<tr>
<td>3.</td>
<td>5.0 ha. to 10 ha.</td>
<td>65</td>
<td>35</td>
</tr>
<tr>
<td>4.</td>
<td>Over 10 ha.</td>
<td>68</td>
<td>32</td>
</tr>
</tbody>
</table>

*Open spaces within the plot to be maintained as "Green"

5.11.2 The change of land use in ZDP or use premise in layout plans (only for the area / portion of land proposed for building development) shall be taken up as laid down procedure, subject to payment of charges and meeting the requirements of compensatory plantation as prescribed by the Government from time to time.
5.11.3 Afforestation / tree plantation on the portion of land to be maintained as green, shall be taken up by the land owner as per guidelines of Forest Deptt., GNCTD/ Central Government for compensatory plantation w.r.t. percentage of land brought under development.

6. **PROCEDURE FOR GRANT OF PERMISSION FOR DEVELOPMENT**

6.1 Owner satisfying the prescribed applicability and conditions laid down in the Regulations, shall submit an application of intent for development on its land to DDA (in ‘development areas) or respective ULB (in ‘non-development areas’), along with dimensioned survey plan on a scale of 1: 1000 showing the boundaries and dimensions of its land, the locations of existing streets, surrounding buildings and premises etc.

6.2 The application shall be processed by DDA/ ULB and the owner/ applicant shall be informed about the details of requisite NOCs/ permissions, documents, applicable charges etc.

6.3 Upon granting of permission by DDA/ ULB to develop a privately owned land parcel recognized under these regulations and after the owner has obtained the requisite NOCs from all concerned agencies, DDA / ULB will make the necessary amendments in land use plan, wherever applicable, as per the procedure laid down for ‘change of land use’ under Delhi Development Act, 1957 or to the layout plans, as the case may be.

6.4 Thereafter, the landowner shall prepare the layout plan of their respective land parcels within the provisions of prevailing MPD/ ZDP/ approved layout plans or as specified in these Regulations, as the case may be.

6.5 The proposal shall be submitted to the plan sanctioning authority for approval along with all the requisite documents and NOCs from statutory bodies / service providing agencies etc. as the case may be.

6.6 The approval of the layout plan submitted by the land owner shall be processed by the concerned plan sanctioning authority in a time bound manner as per its standard operating procedure.

6.7 DDA, concerned local bodies and government departments / agencies shall take up necessary amendments in the statutory documents like allotment letters, sale deeds etc. for incorporation of the appropriate use/ use premise as per approval granted under these regulations, wherever required.
7. **APPLICABLE CHARGES**

7.1 All requisite charges for the provision of infrastructure which inter alia would include external development charges shall be payable by the owner to the service providers on cost prevailing at the time of development.

7.2 The owner shall have to pay conversion charges and all other charges, if any, applicable and prescribed by the Government from time to time.

7.3 Payment of all the requisite charges i.e. development / betterment charges, conversion charges etc. as applicable, shall be made by the land owner at the time of processing the case and before taking up of any development activity on its land, or as may be prescribed by the Government from time to time.

8. **CONDITION FOR DENIAL / WITHDRAWAL OF PERMISSION**

Permission or registration granted under these Regulations can be revoked or suspended by the Authority or the concerned local body in case of violation of any of the conditions under which such permissions / registration was granted.

9. **PENAL ACTION**

In case of violation of the above said provisions, action shall be taken under the relevant provisions of the Delhi Development Act or Delhi Municipal Corporation Act or any other relevant applicable statute.

---------------------
Commissioner - cum - Secretary / DDA  
[F.15(12)2017/MP]