Land Pooling Policy
Manifesting the Right Balance for Every Land Owner
Land Pooling Policy of Delhi and its Need

Land Pooling is a new paradigm for the urban development of Delhi, wherein the private sector will play an active role in assembling land and developing physical and social infrastructure. Under this concept, owners or groups of owners will pool land parcels for development as per prescribed norms and guidelines, making them partners in the development process.

Today’s Necessity

The large scale Land Acquisition, Development and Disposal Policy of Delhi approved in 1961 is still in operation. However, land acquisition and planned development has not kept pace with the increasing demand of urbanization. The process of acquisition is increasingly challenged by land owners due to low compensation as compared to market value.

Therefore, Land Pooling Policy is an alternative option for assembly and development of land/ infrastructure with the involvement of the private sector.

Key Pointers of the Policy

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<th>Areas Under LPP</th>
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<td>This policy is applicable in the proposed urbanisable area of the urban Extensions for which Zonal Plans have been approved. The immediate urban extension are in the zone J, K-I, L, N &amp; P (I &amp; II).</td>
<td>The Policy is open to all landowners who own land in the areas notified by DDA/ Government under the Policy. Landowners with any size of land may participate as per application process specified in Regulations.</td>
<td>Land parcels of any size can be brought under pooling, provided they fall in the areas notified by the DDA/ Government under Land Policy</td>
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Benefits of LPP to Farmers

- The value of land will increase soon after the implementation of LPP.
- Planned development will also increase value of their land through provision of infrastructure & public facilities.
- Return of developed land / built-up space with appreciated land value will make land owners partners in the development process.
- The outcomes are expected to be world class ‘smart’ and sustainable neighborhoods, sectors & zones, planned & executed as per availability of water, power & other infrastructure.

Decoding the Operationalisation

Defining Developable Area

The Developable Area is an area falling in the land pooling areas as notified by DDA/Government from time to time, except the land/villages which are notified under Low Density Residential Area (LDRA), green belt, land under unauthorized colonies (which are yet to be regularized), built up Lal Dora areas (abadi), notified extended Lal Dora of villages, land under natural drains, natural water bodies, heritage sites, flood and irrigation department, railways and airport etc. and the areas available for development as per Clause 3 (III) of Regulations.

Defining A Sector

“Sector” means a delineated area in the Zonal Development Plan (ZDP) bound by existing or proposed roads or physical features such as high tensions lines, railway lines, drains etc. as per approved ZDP.
Under the Policy a sector will be considered eligible for development when:

- A minimum 70% of the Developable Area in the sector has been pooled
- The pooled land parcels are contiguous
- The entire pooled land is bounded on at least one side by a road of minimum 30m ROW (existing or proposed) as per ZDP

**Formation of Consortia**

Consortium means a duly registered association having rights, duties & obligations in accordance with law, consisting of multiple landowners/ Developer Entities who have come together to pool land for unified planning, servicing and subdivision/ share of the land or any other defined action for development of sectors under the Land Policy as per prescribed norms and guidelines.

The landowner will be informed about formation of Consortium by DDA. Once 70% contiguous land is achieved within a sector and verification of ownership of pooled lands is confirmed by the Revenue Department, such sectors shall be considered eligible for development and DDA will issue a notice (“Notice for formation of Consortium”) to the constituent landowners, as indicated in Clause 19.1(iii) of Land Policy, to form a single entity called the Consortium.
"Single Window System" means the online facility developed by DDA for providing an interface between DDA and the DE/Consortium/landowner for managing the implementation of the Land Policy.

The entire process of the Policy will be operated through an online Single Window System established by DDA, specifically for this purpose. DDA shall phase the application process through announcement of “Application Window” from time to time.

Such Application Window shall be opened for inviting applications for a fixed duration of time, providing detailed information on the process to be followed.

DDA will make proper announcement of opening of the application window through its website, newspapers etc.

**What Developer Entity (DE) Means**

- An individual land owner who has pooled one or more parcels of land in the sector, adding up to a minimum of 2 hectares
- A group of land owners who have collectively pooled one or more land parcels adding up to a minimum of 2 hectares and who have voluntarily grouped together, through a valid legally enforceable agreement for taking up development.
- An entity (developer/business/corporate entity) which represents a group of landowners who have pooled one or more land parcels adding up to a minimum of 2 hectares, through a legally binding agreement.
Creating Implementation Plan

“Implementation Plan” means the plan submitted by the Consortium, including details of redistribution of developed land/ built space amongst the landowners, or any other form of fair exchange as decided, through a valid contract agreement in accordance with law.

The Consortium will prepare an Implementation Plan containing details as defined in Clause 2 (XIII) of Regulations, with the consent of all landowners/DEs, along with the contract agreement amongst the constituent landowners/DEs of the Consortium.

Having a Development Agreement

“Development Agreement” means a valid and legally enforceable agreement between DDA/ Service Providing Agency and Consortium to jointly undertake the planning and development of the land pooled as per provisions in the Land Policy and the Regulations.

Defining Zonal Development Plan

Zonal Development Plan means a plan for one of the zones (divisions) of the National Capital Territory of Delhi containing detailed information regarding provision of social infrastructure, parks and open spaces, circulation system, etc.

DDA will prepare a plan at the sector level specifying the location of 40% land required for development of city level physical infrastructure, roads, industrial, recreational and public/semi-public (PSP) facilities, and the location of 60% land available for development by the Consortium.
Provisional Development License (PDL) means a license issued pursuant to Clause 7 of Regulations for operationalization of Land Policy. It is an important stage in the process of obtaining Final Development License where the layout plan shall be approved by DDA and enter into an agreement with consortium.

Once the final entitlement certificate is issued by DDA, the consortium shall prepare a layout plan indicating all neighborhood facilities location, size of land/built spaces (amongst the constituent landowners) for approval of DDA. DDA shall enter into an agreement with consortium after approval of layout plan and issue Provisional Development License.

After applying for Final Development License (FDL) in the prescribed performa and satisfactory compliance of Clause 8(III) of Regulations of Land Policy, DDA will issue the Final Development License to DE/Consortium upon payment of the first installment equivalent to 20% of the EDC and other charges as may be prescribed before the Policy is operationalized. The EDC shall be payable on the total pooled land.
“Tradable FAR” means FAR which remains unutilized due to various conditions as specified in Clause 5(IV) of Regulations, and which can be traded or used elsewhere as per the Policy.

Some of the cases where Tradable FAR could be generated are as follows:

- Mandatory buffer zones near heritage sites, environmentally sensitive sites, high tension lines etc.
- There is a shortfall/reduction of plot size/land in any sector due to site conditions.
- Height restrictions prescribed by Airports Authority of India.

Tradable FAR shall be utilized on the receiving sites as identified by the Authority from time to time only after Provisional Development License has been granted by the Authority.

The DE/Consortium shall be compensated in the form of Tradable FAR, only if it is unable to utilize the entire allowable FAR within 60% land. The sites identified for Tradable FAR, would be based on availability of critical resources such as water, proximity to transport infrastructure, etc.
A maximum of 60% of pooled land in every sector shall be available to DE/Consortium for development and remaining 40% land to be surrendered as and when required to DDA and service providing agency for development of city level physical infrastructure, recreational and public/semi-public (PSP) facilities.

The land retained by the Landowner/ DE/ Consortium shall be 60% of the pooled land. This land shall be utilized for development of gross residential (53%) (including neighborhood level facilities), city level commercial (5%) and city level public/semi-public facilities (2%) as per the provision of Master Plan, notified ZDPs and sector plans.

This is one of the Component (53%) to be retained by the DE/Consortium for development consisting of net residential area as well as local roads, neighborhood parks, neighborhood facilities such as Local Convenience shopping, Schools, Dispensary, religious building and neighborhood utilities such as Dhalao, 11 KV ESS, waste water treatment plant etc. and other neighborhood level facilities and utilities as per MPD-2021 (wherever applicable) in the ratio of 55 % as net Residential and 45% other facilities and utilities..

Net Residential land is the area upto a maximum of 55% of Gross Residential land on which residential FAR of 200 is applicable.
Of the total pooled land, 60% component is proposed to be utilized by the DE/Consortium for Residential, Commercial, Public and Semi Public and other uses for which the FAR shall be as per prevailing Master Plan. Residential FAR for Group Housing to be applicable on Net Residential land. The 40% land component shall be utilized for various city level facilities by DDA/ Service providing agencies as per the provision of master plan/ZDPs/ Sector Plan.

### City level commercials & PSP Facilities

These are the areas wherein the uses/activities as permitted in Community Centre (Commercial) and District Centre are allowed as per Master Plan of Delhi-2021.

The Social Infrastructure facilities pertaining to health, education, sports facilities, socio-cultural activities, security, communication other community facilities as given in MPD-2021.

### Having Green Areas

As per policy, 16% of land will be kept for city level recreational/green areas. Also, there will be adequate green areas in residential areas in the form of neighborhood parks, tot–lots which will be developed by Developer Entity/Consortium.

Land Pooling will be implemented simultaneously in all the villages notified under Land Pooling Policy.
Land Pooling Policy Ensuring Housing for EWS

Under the Policy, 15% over & above of the maximum permissible residential FAR is to be utilized for providing EWS Housing. 50% of the EWS Housing Stock shall be retained by Developer Entity (DE) and disposed only to the Apartment owners, at market rates to house Community Service Personnel. Remaining 50% of the EWS housing stock shall be sold to DDA at a base cost prescribed by the latest CPWD index (plus cost of EWS parking) or actual cost whichever is less, at the time of actual handing over. The DE/Consortium will develop such 50% housing stock as a separate block and provide all necessary parking, commercial and PSP facilities for this separate housing pocket.

The size of EWS Housing unit shall range between 30-40 sq.m.

Provisions for Parking: Adequate parking shall be provided by the DE/Consortium as per MPD. In case of the EWS housing component, a norm of 0.5 ECS/100 sq.m. of BUA shall be followed.

Documentations & Charges

Levies and Charges to be Paid by Applicant

External Development Charges (EDC), processing fees and any other development charges incurred for the city infrastructure shall be payable by the DE/consortium on actual cost basis.
EDC Payable by a DE/Landowner

A DE/Landowner will have to bear proportionate share of EDC on the entire pooled land which has been offered in land pooling. This EDC will be based on the actual cost or laying city level infrastructure. The rate of EDC will be as decided by the Govt. time to time.

Time Frame for Payment of EDC

External Development Charges shall be payable by DE/Consortium (excluding the first installment) either in lump sum within 90 days from the date of issuance of FDL or in 8 six-monthly installments spread over 48 months along with interest to be charged on deferred payment of EDC in installments which shall be as notified from time to time by the Government/DDA. However, the final amount to be recovered on account of EDC shall be based on the completion cost of the development works.

Loan Facility for Various Projects

Loan facility may be provided by the banks/financial institutions/ housing finance companies as per rules once the policy is operationized. DDA has no role to play.
Certification of Documents

The documents shall be self-attested by the landowners who shall at all times remain liable for any false information, misrepresentation, or error of any nature whatsoever. In addition to being proceeded against, in accordance with law, the application of such landowner shall be deemed to be void ab initio and shall automatically stand rejected. Any action that has been taken pursuant to such application shall stand automatically revoked and the registration amount will be forfeited.

Whether landowners him/her self get verify their land record from Revenue Department? -- No, DDA shall facilitate verification of pooled lands from the Revenue Department, GNCTD through Single Window System.

Entire procedure, policy documents and other information required for participating in Land Pooling Policy will be available on DDA website.
Grievances among the landowners/ DEs/ service providing agency will be resolved/ redressed as per clause 12(ii) of Regulations as under:

a. There should be in built provision in the agreement entered/to be entered between Consortium and DEs and also in the agreement between Consortium/DEs with the Service Providing Agencies.

b. If the disputes between the parties are not settled through conciliation process they may resort to mediation.

c. If the process of mediation fails to resolve the disputes, the parties should resort to arbitration. Selection of arbitrators, functions and duties should be in accordance with ‘The Arbitration and conciliation Act, 1996’.

d. Further if all the processes of conciliation, mediation & arbitration fail to resolve disputes between parties, in that eventuality aggrieved party may take recourse to courts of law and jurisdiction of the courts for the purpose shall be at Delhi/New Delhi.

A two-stage Grievance Redressal Mechanism will be constituted by the DDA for resolving disputes/grievances in the land pooling process:

- First stage Grievances Redressal Committee headed by the Principal Commissioner (Land Pooling) consisting of Chief Engineer (HQ), ddl Chief Legal Advisor, Director (Land Costing), Director (Building), Director (Plg) Land Pooling, Director (Land Pooling), Director (NIUA) or his nominee and representatives of concerned Service Providing Agencies. The committee will dispose of the grievance within 30 days of receipt of grievance.
If any landowner/DE/Consortium is aggrieved by the decision of the first stage Grievance Redressal Committee, the same may be represented before the second Grievances Redressal Committee within 30 days. This Committee will be headed by Vice Chairman, DDA consisting of Finance Member, Engineer Member, Commissioner (Plg), Chief Legal Advisor of DDA and concerned representatives of Service Providing Agencies. The Committee may co-opt other members, as it may require for resolution of grievances. The committee will dispose of the grievance within 45 days of receipt of grievance.

**Penalties in Case of Delays**

Service Providing Agencies and DDA shall try to ensure to complete the external development within a period of five years from the issue of Final Development License to DE/Consortium subject to availability of land, utilizing the External Development Charges deposited in pooling process.

In case of delays in completion of development works by Service Providing Agencies/DDA, the concerned agency shall pay proportionate penalty of 2% of EDC per year for first two years and 3% of EDC per year thereafter to affected DE/Consortium for delay beyond the date of completion of the construction by DE/Consortium or five years whichever is later till the external development works are completed, provided that all the EDC charges have been paid by DE/Consortium within the stipulated time period.
Provisions for Unpooled Land Parcels Participating at Later Stage

Any un-pooled land imposes a cost on public infrastructure, as services have to be provided to all land parcels in the sectors. The planning process/ layout plans for the un-pooled land parcels remaining in any sector coming forward later may be allowed.

Exits from Pool During the Process

As per clause 6 (x) of Regulations, If any constituent landowner exits the pool during the process, then the sector will still be processed, provided all eligibility conditions given in Clause 4 of Regulation continue to be fulfilled. Where such exit affects the eligibility conditions, the processing of such sectors may be resumed once the eligibility conditions are fulfilled, either within the same or subsequent application Windows.

However, once the application is accepted by DDA it is mandatory for constituents to remain with the consortium till issue of Provisional Development License.

Workability of the overall plan in terms of accessibility and other factors required for unified/integrated planning

Making minimum 45% land available for city level infrastructure/facilities or higher as determined by the Authority from time to time.

Payment of updated applicable external development charges (EDC) for infrastructure and services.
Lands not Participating in LPP

Land Pooling is a voluntarily participation scheme. However, any land, which has not been offered under land policy & is required for the public purpose of ensuring planned development of infrastructure in zones and sectors where Land Policy is applicable may be acquired.

Zonal Development Plan indicates the actual & proposed use-zones designated in the 9 ‘land use’ categories stated in the Master Plan according to which the area in the Zone is to be finally developed. Uses indicated in the Zonal Development Plan will not give automatic right to the owners to use their property/land for the designated use. At a later stage, if the owner wants to participate in land pooling, he/she will have to surrender more land for infrastructure purposes.

Sanctioned Land not Participating in LPP

If one has 5 Ha land and a farmhouse sanctioned and constructed over it in the land pooling area, but does not participate in land pooling what else can the land be used for?--

The earlier sanctioned and constructed farm houses in Land Pooling area can continue to exist as per the regularization policy of farm houses. However, if land is required for effectuating policy or for infrastructure, the same will be dealt as per Land Pooling Policy. No further development is allowed on such lands except through land policy in the land pooling areas.
Cities that provide core infrastructure and give a decent quality of life to its citizens, a clean and sustainable environment and application of ‘Smart’ Solutions. The focus is on sustainable and inclusive development. The core infrastructure elements in a smart city would include like adequate water supply, assured electricity supply, sanitation, including solid waste management, efficient urban mobility and public transport, affordable housing, especially for the poor, good governance, especially e-Governance and citizen participation, sustainable environment, safety and security of citizens, health and education.

Yes, it is proposed to develop world class ‘smart’ and sustainable neighborhoods, sectors and zones under Land Pooling Policy. In order to ensure predictable built results, ensure safer neighborhoods built on principles of universal accessibility and fostering a vibrant public realm, all the developments under the Land Policy shall also comply with additional development controls that will regulate both building level and site level aspects of new developments.

**Delhi Land Pooling Policy- Embracing Public Private Partnership model to create Smart City Infrastructures**
Sources

Land Policy &
(Chapter – 19 of MPD-2021)
Regulations for Operationalization of Land Policy

www.dda.org.in

www.Delhilpp.org

Dessign, Creative & Compilation : www.corporatecollateral.com

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