

**DELHI DEVELOPMENT AUTHORITY
[LAND DISPOSAL DEPARTMENT]**

VIKAS SADAN, INA,
NEW DELHI-110023

No. F.1 (1)/2014-Coord.(LD)/DDA/32

New Delhi dated 22.04.2014

Sub.: Levy of Misuse charges – policy regarding

In pursuance of the directions of the Hon'ble Supreme Court as well as High Court to limit the time period for which the misuse charges should be levied, the issue of recovery of misuse charges etc. was deliberated at length in the meeting of the Authority held on 24.02.2014 and in continuation of the existing policy finalized by the Authority vide Resolution No. 35/2010 passed by the Authority in its meeting held on 17.2.2010 and issued vide Circular No. Misc/Sr. AO (RL)/Misuse Policy/2008/F.1(07(2008/DD/Co-ordination/LD/101 dated 26.03.2010, the Authority decided *vide* item No. 41/2014, that the maximum period for levying the misuse charges may be restricted to 5 years from the date of detection of the misuse, subject to the following conditions:

- (i) All decided cases of misuse, including the cases where misuse charges have been demanded in accordance with the existing policy and paid, shall not be reopened.
- (ii) Where misuse has been detected, the misuse charges may be restricted to the period of maximum of five years from the date of detection of the misuse or the date of filing of application whichever is earlier.
- (iii) Where certain permissible activities in flats/plots/premises are detected and even such use of the premises is reported as misuse by the field staff, such cases should be exempted from levy of misuse charges.
- (iv) The cases in which demand has been raised and as per existing policy, interest from the demand to the date of payment on the amount of revised misuse charges is payable, with the fresh policy coming into being, no such interest may be recovered.
- (v) There are cases in which demand has been sent but the allottee/applicant has not made the payment due to his

disagreement with the demand. Such cases may be treated as unsettled and may be treated under the fresh policy.

- (vi) The procedure for misuse charges calculation will be as was being followed earlier.
- (vii) The misuse charges will be levied only upto the date of receipt of conversion application irrespective of the fact whether the misuse is continuing or not. In no case updation of misuse charges will be made.



**[ASMA MANZAR]
COMMISSIONER (LD)**

Copy to:

- (i) Pr. Secretary to LG for kind information of LG
- (ii) OSD to VC for kind information of VC
- (iii) PSs to FM/EM/PC (LD)/PC (Housing)/CLA/CLM for kind information of the latter.
- (iv) Commissioner (LD)/Commissioner (H)/Commissioner (Planning)
- (v) All Directors and Dy. Directors of LD Department/Housing Department.
- (vi) Director (LC)/Dy. CAO (LC)
- (vii) Financial Advisor(H)/CAO
- (viii) Director (Building)

**DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE DIRECTOR (RL)**

'A' Block, Vikas Sadan,
New Delhi-110023

No. PA/DD/LAB(Ro)/07/DDA/EOT/38/25

Dated 21.03.2014

C I R C U L A R

Sub.: Grant of extension of time for construction in respect of Residential, Commercial, Industrial and Institutional plots.

The maximum permissible period for construction of various categories of plots allotted or auctioned by DDA was earlier notified upto 31.12.2012 vide Office Order No.PA/DD/LAB (Ro)/07/DDA/EOT/38/355 dated 02.03.2012.

2. Now, taking into account various representations/requests, it has been decided by the Competent Authority to extend the period of construction upto 31.03.2015 in case of Residential, Commercial, Industrial and Institutional plots subject to payment of composition charges as per policy, as under:

- (i) In cases where construction could not be started or construction is less than 1/3rd of the permissible FAR due to encroachment, which could not be removed so far by DDA or on-going litigations or any other genuine reason beyond the control of the allottee (like death of the allottee and mutation is pending etc.), extension of time (EOT) may be granted at the level of Vice Chairman, DDA, on case to case basis after assessing the merit of the request.
- (ii) In cases where construction is in progress and more than 1/3rd of the permissible FAR has been achieved (certificate to this affect from the certified Architect to be furnished by the applicant and inspection to be carried out, wherever required) or where No Objection Certificate is required only for obtaining completion certificate, the extension of time (EOT) may be granted, as per existing delegation of powers.


3. It may be noted that this is the last and final opportunity and in case of failure to complete the construction by above mentioned date, as

applicable to particular category of the plot, it would result in determination of lease/resumption of property by DDA without any further notice.


(S.N.GUPTA)
Director (RL)

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4. Commissioner (LD) / (Housing)
5. All Directors/Dy. Directors of Land Disposal/Housing Department.
6. Director (LC) / Dy.CAO (LC).
7. Financial Advisor (H) / CAO.
8. Director (Building).


Director (RL)

361/c

No. F7(5)LSA-1/Okhla/2010-11

Plot No.D-166 Okhla Ph-1

Instructions ✓ ✓ ✓
Industrial plot being used for commercial purposes
Calculation of Misuse charges in respect of

1. Area of Plot : 539.05 Sq. Mtrs
2. Area of Misuse : 248.03 Sq. mtrs.
3. Period of Misuse : 14.10.91 to 13.10.94
4. Lease rate as per lease deed Rs.587341.40 or 1089.59 P/Sq. Mtrs
5. F.A.R.: (a) 50%= 269.525
(b) 100%= 539.05
(c) 200%= 1078.10
6. Ground coverage : 50%
7. Commercial Rate Rs. 24150.00 per Sq. Mtrs.

8. Formula Factor:

Size of plot x Misuse area x {Present Commercial (-) the land Rate on the date} x 13.9% p.a. x period
 Permissible {rates of land of last transaction for }
 Covered {for the purpose purpose for which }
 Area { for which property land was leased. }
 { Is misused }

Rate	Calculations
(1) If the commercial rates are adopted for 50 FAR	$\frac{539.05 \times 248.03 \{12075 - 1089.59\} \times 13.9 \times 36}{269.525 \times 1200} = 2272409.18$ <p style="text-align: right;">Say Rs.2272409/-</p>
(2) If the commercial rates are adopted for 100 FAR	$\frac{539.05 \times 248.03 \{24150 - 2179.18\} \times 13.9 \times 36}{539.05 \times 1200} = 2272409.18$ <p style="text-align: right;">Say Rs.2272409/-</p>
(3) If the commercial rates are adopted for 200 FAR	$\frac{539.05 \times 248.03 \{48300 - 4358.36\} \times 13.9 \times 36}{1078.10 \times 1200} = 2272409.18$ <p style="text-align: right;">Say Rs.2272409/-</p>
(4) If the commercial rates are not adjusted according to FAR and full commercial rates are adopted	$\frac{539.05 \times 248.03 \{24150 - 1089.59\} \times 13.9 \times 36}{269.525 \times 1200} = 4770207.69$ <p style="text-align: right;">Say Rs.4770208/-</p>