

Dated: 29th November, 2016

OFFICE ORDER No.13/2016

Subject: Clarifications regarding guidelines for 'C' Type Double Storey Tenements in Rehabilitation Colonies in Delhi/New Delhi.

In continuation of the guidelines of the erstwhile Ministry of Works and Housing contained in letter No.J-20011/2/74-LD dated 11th November, 1983 on the subject mentioned above, the issue of execution of Supplementary Lease has been reviewed in view of the Office Orders issued in this regard and it is seen that the policy of 'C' type tenements, issued by this Ministry vide Guidelines/office order No. J-20011/2/74-LD dated 11th Nov. 1983, Office order No. 17/87 dated 06.07.1987 and office order No.24/90 dated 23.10.1990 already exist and till date, this office has not withdrawn or withheld the scheme so far, as such the same is alive.

2. It is seen that the tenement holders are not coming forward for execution of supplementary lease due to disputes amongst themselves and due to non-clarity on the issue.
3. Therefore, it has been decided to simplify the matter by clarifying the issues as following:

- (i) Since the policy of 'C' type tenements, issued by this Ministry vide Guidelines/office order No. J-20011/2/74-LD dated 11th Nov. 1983, Office order No. 17/87 dated 06.07.1987 and office order No.24/90 dated 23.10.1990 already exist and till date, this office has not withdrawn or withhold the scheme so far, as such the same is alive. To give the benefit of the policy of leasehold to freehold to the 'C' type tenements holder, it has been decided that even a single allottee/lessee who has constructed his W.C. kitchen & bath with in the permissible limit and comes forward and agrees to surrender his rights in the lavatory block or in the center court yard (as the case may be), supplementary deed for additional construction measuring 5.334 meter/ 17½ feet for W.C. kitchen and bath will be executed as per the other terms and conditions of the policy on this issue. The additional construction beyond 5.334 meter/ 17 ½" should be required to be demolished by the lessee/allottee.
- (ii) As already decided in 1978 by the Ministry, the common land on the front side may also be individually leased out to all the lessees of the block, the ground floor and first floor lessees having 50:50 share in the

land so leased out as one lot) the Urban Land (Ceiling and Regulation) Act, 1976 has been repealed. Since the land on front side is common to the lessees of all the 64 tenements, all the lessees will have to surrender their right in the common land on the front side to enable execution of the supplementary lease deed by virtue of which each lessee would individually acquire leasehold right of the land on the front side.

- (iii) As per the Office Order No.24/90 dated 23.10.1990, it has already been decided for temporary regularization of unauthorized construction/occupation in the front side of the tenements and for this purpose, the lessees were required to give an undertaking for payment of usual charges as levied by the Govt. from time to time and abide by the Govt. policy in this regard.
 - (iv) The additional allotment (common land) on front side of the tenement will be allowed subject to the payment of unauthorized occupation charges upto the date of regularization/allotment.
 - (v) Supplementary lease deed for additional land measuring 5.334 meter/ 17½ feet in the rear court yard, will be executed only when the construction is within the limits of 5.334 meter/ 17½ feet in other words, any construction beyond 5.334 meter/ 17½ feet will have to be removed before execution of Supplementary Deed .
 - (vi) The additional construction made by the lessee/allottee beyond 5.334 meter/ 17½ feet in rear court yard of the tenements will be treated as encroachment on common land.
 - (vii) Any construction on Public land in front side of the tenement, made by the lessee/allottee will be treated as encroachment on Govt./public land.
 - (viii) The ground rent would be recovered at the rate of Re1/- per annum per 100 sq yards (as already contained in Lease Deed).
4. This issues with the approval of Land & Development Officer.


(S.K.Babbar)
Dy.Land & Development Officer

To

- 1 All Dy.L&DO's/ Officers/Sections
- 2 Guard file/CDN