

**Government of India
Ministry of Urban Affairs & Employment
(Land Division)**

No. J-22011/1/96-LD

New Delhi, Dt. 1-2-1999

To,

The Land & Development Officer,
Nirman Bhawan, New Delhi

Sub: Revision of ground rent in respect of lease lands in Delhi/New Delhi

With reference to Ministry's order or eve number dated the 29.6.1998 on the subject cited above certain points have been raised by the Land & Development Office for clarification. The matter has been examined further in the Ministry and the following clarifications are issued for information and guidance of the lease administering authorities

Issue No. 1: Whether complaints have to be filed in the court of collector/Dy. Commissioner in each case.

As per para 4 of Ministry's letter of December, 1983 "The L&DO may file complaints/revise complaints already filed, where necessary, in all cases, according to a time-bound manner". It appears from this para that L&DO is required to file complaints in all cases even if the ground rent is to be revised as per the procedure/formula given in para 1 of Ministry's letter of December, 1983.

Clarification: The interpretation drawn by L&DO is confirmed.

Issue No. 2: Whether letting value of the site is to be determined before revision of ground rent to specific multiple of existing ground rent.

It is seen from para 1(ii) that the revised ground rent is to be the specific multiple of the existing ground rent based on the number of years elapsed since revision had fallen due, subject to the upper limit of the ground rent worked on the basis of the letting value. As such, it appears that the rental value/letting value is required to be determined before revision of the ground rent to a specific multiple of the existing ground rent as per the formula prescribed. The letting value is required to be determined base on the municipal record etc. If it is so, it will be a cumbersome and tedious exercise and it may defeat the very purpose for which the guidelines/instructions have been prescribed.

Clarification: As per order dated 29.6.98, the revised ground rent is to be the specific multiple of existing ground rent based on the number of years elapsed since revision has fallen due.

Issue No. 3: Whether second revision would be due 30 years after the date of the first revision.

It is seen from the guidelines that these are applicable only at the time of the first revision. The leases prescribe that revision of ground rent would become due at the end of each successive period of not less than 30 years. In a specific test case, the first revision was due with effect from 1.1.1974. However, the first revision is being taken now and it may be effective from January, 1999. The point for consideration is whether the second revision will require to be done in 2004 or in 2029. It appears that the second revision will be effective from 2029. This needs confirmation.

Clarification: The second revision would fall due as per the terms of the lease i.e. at the end of each successive period of not less than 30 years.

Issue No. 4: In cases where more than 40 years have elapsed since the revision became due, what multiple of the existing ground rent is to be applied for fixing the revised ground rent.

The guidelines of December, 1983 prescribe that where 31 to 40 years have elapsed since revision had fallen due, the existing ground rent is to be multiplied by 10 for fixing the revised ground rent. In cases, where more than 10 years have elapsed, Ministry may kindly clarify as to whether existing ground rent is to be multiplied by 10 or by some higher multiplier for fixing the revised ground rent.

Clarification: The guidelines cover period upto 40 years and not beyond.

Issue No. 5: The basis on which the second revision of ground rent is to be determined.

In a few cases, plaints for revision of ground rent had been filed as back as 1969-70. In such cases, first revision will take effect from the date of filing of the plaint, i.e. 1969-70. In these cases, the second revision will also become due after 30 years i.e. 1999/2000. It is not clear from guidelines/instructions as to the procedure/formula for determining the second revision of ground rent.

Clarification: The existing guidelines are in respect of first revision of ground rent only.

This issues with the concurrence of Finance Division vide their I.D. No. 47-F dated 11.1.99.

Yours faithfully

(Labh Singh Chane)
Under Secretary to the Government of India

1. Director of Audit, CW&M, AGCR Bldg., New Delhi.
2. Finance Division (Land Unit)
3. Cabinet Secretariat, New Delhi, w.r.t. their No. 30/OM/83(i) dated 10.12.1983.
4. VC, DDA, Vikas Sadan, New Delhi
5. All Desk Officers in Lands/Delhi Division.
6. Delhi Administration (Land & Building Department), Vikas Bhawan, New Delhi
7. PS to UAEM/PS to MOS (UAE)/PS to Secretary (UAE)

Under Secretary to the government of India