

The Delhi Development Authority (Fixation Of Charges For Mixed Use And Commercial Use Of Premises) Regulations, 2006

DELHI

India

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Rule

THE-DELHI-DEVELOPMENT-AUTHORITY-FIXATION-OF-CHARGES-FO of 2006

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The Delhi Development Authority (Fixation Of Charges For Mixed Use And Commercial Use Of Premises) Regulations, 2006 Published vide S.O. 1993(E), dated 20th November, 2006, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 20th November, 2006. In exercise of the powers conferred by section 57 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority with previous approval of the Central Government, hereby makes the following regulations:

1. Short title and commencement.

- (i) These regulations shall be called the Delhi Development Authority (Fixation of Charges for Mixed Use and Commercial Use of Premises) Regulations, 2006. (ii) These regulations shall come into force with effect from the date of publication of this Notification in the Gazette of India. (iii) All words and expressions used in these regulations but not defined shall have the meaning assigned to them in the Delhi Development Act, 1957 or the Master Plan prepared and approved under the said Act or the Delhi Municipal Corporation Act, 1957 or the New Delhi Municipal Council Act, 1994, as the case may be. (iv) If any, question arises relating to the interpretation of these regulations it shall be decided by the Central Government.

2. Definition.

- In these regulations, unless the context otherwise requires,-(i)"Act" means the Delhi Development Act, 1957 as amended from time to time.(ii)"Assessment Year" means a year starting from the 1st day of April each year and expiring on 31st day of March of the next year.(iii)"Category of colonies" means categorisation of colonies from (A) to (G) as adopted by the MCD for unit area method of property tax assessment.(iv)"Declaration" means a statement given by the owner/allottee/resident/user of the premises subject to mixed use on the prescribed form.(v)"Escrow Account" means a dedicated savings account held by the Local Body concerned not being operative unless the conditions for which it has been opened are fulfilled in accordance with the provisions of these regulations.(vi)"Local Authority" means the concerned local authority such as Delhi Development Authority, Municipal Corporation of Delhi and New Delhi Municipal Council depending on the location of the property.(vii)"Master Plan" means Master Plan for Delhi framed and notified under the provisions of Delhi Development Act.(viii)"Mixed Use" means the provision for permitting non-residential activities in residential premises, and includes non-residential activities in residential premises abutting notified commercial streets/areas, but shall not include those activities, which are not permissible as per the Master Plan.(ix)"User" of the premises shall mean only an authorised occupant of the said premises.

3. [Application. [Substituted by S.O. 1015(E), dated 22nd June, 2007, for para 3. Para 3, before substitution, stood as under: "3. Application. - These regulations shall apply to residential premises being used for non-residential activity in accordance with the Mixed Use regulations contained in the Master Plan of Delhi, as amended vide Notification S.O. No. 1456, dated 7-9-2006."]

- These regulations shall apply to residential premises being used for non-residential activity in accordance with the mixed use regulations contained in the Master Plan of Delhi, with the perspective for the year 2021.]

4. Registration of Mixed Use Premises.

- In respect of residential premises already under mixed use or intended to be put to mixed use/commercial use, the owner/allottee/resident/user of plot/dwelling unit in the case of plotted development and dwelling unit in the case of group housing shall be required to make a declaration to this effect in the prescribed format and deposit one-time registration charges with the local authority concerned at the following rates:

- | | |
|-----------------------------|-----------|
| (a) Retail Shop | Rs. 1,000 |
| (b) Other activities | Rs. 500 |
| (c) Professional activities | Rs. 250 |

5. Annual Mixed Use Charges.

- 5.1. The premises under mixed use shall be subject to levy of Annual Mixed Use charges for the period up to which the premises remain/likely to remain under mixed use. The annual mixed use charges for the financial year 2006-07 for different categories of colonies shall be as under:(a)for MCD areas:(Rates in Rs. Per Sqm. built up area)

S. No.	Type of mixed use	A and B category of colony	C & D category of colony	E, F & G category of colony
1.	Retail Shops	767	511	192
2.	Other Activities	383	256	96
3.	Professional Activities	192	128	48

(a)For NDMC areas: -

S.No.	Type of mixed use	(Rates in Rs. Per Sqm. built up area)
1.	Retail Shops	1534
2.	Other Shops	766
3.	Professional Activities	384

5.2The payment of annual mixed-use charges shall be made by the owner/ allottee/resident user of the premises to the local authority voluntarily before 30th June of every year in respect of the previous assessment year, or part thereof, in proportion to that part. For the 2006-2007, 1 /4th of the annual mixed use charges shall be paid on or before 30-06-2007 and the balance 3/4th shall be paid on or before 30-09-2007. For the subsequent assessment years, the entire charges are to be paid on or before 30th June of that year.5.3These rates shall remain in force in respect of subsequent years also unless specifically revised and not notified with the approval of the Central Government.5.4The owner/allottee/resident/user of the premises shall have option to make one time payment of mixed use charges, which shall be as follows for the year 2006-07:(a)For MCD areas:(Rates in Rs. Per Sqm. built up area)

S. No.	Type of mixed use	A and B category of colony	C & D category of colony	E, F & G category of colony
1.	Retail Shops	6136	4088	1536
2.	Other Activities	3064	2048	768
3.	Professional Activities	1536	1024	384

(a)For NDMC areas:

S.No.	Type of mixed use	(Rates in Rs. Per Sqm. built up area)
1.	Retail Shops	12272
2.	Other Activities	6128
3.	Professional Activities	3072

5.5The payment of one time mixed use charges for the year 2006-07 may be made in four equal quarterly instalments, the first instalment of which shall be paid on or before 30-06-2007.5.6The

mixed use charges of villages and rehabilitation colonies in NDMC areas shall be equal to the charges for the various categories of MCD colonies.]

6. [[Substituted by S.O. 1015(E), dated 22nd June, 2007, for para o. Para 6, before substitution, stood as under: "6. Special Conversion Charges. - 6.1. The owner/allottee/resident/user of the plot/ dwelling unit on the notified commercial streets/areas shall be liable to pay Special Conversion Charges in the manner provided for in para 10.12.3(iv) of the notification dated 7-9-2006. 6.2. The annual special conversion charges for permitting commercial use on upper floors in residential premises on notified commercial streets/areas would be twice the annual mixed land use charges applicable in the relevant category of colony for mixed use streets as mentioned in para 5 above. 6.3. Retail shops on ground floors, other activities and professional activities being carried out in residential premises on notified commercial streets and commercial areas would only be liable for payment of annual mixed use charges to the extent of mixed use, as applicable to the relevant category of colonies as indicated in para 5 above."]]

The Annual mixed use charges for mixed land streets /commercial streets/areas shall be the same.]

7. [One time Charges for Development of Parking. [Substituted by S.O. 1015(E), dated 22nd June, 2007, for para 7. Para 7, before substitution, stood as under: "7. Onetime Cost for Development of Parking. 7.1. As provided in para 10.4 and para 10.12.3 of the Notification dated 7-9-2006, the owner/allottee/resident/user of the plot/ dwelling unit under mixed land use shall also be liable to pay one time cost for development of parking and such rate for 1 ECS per 50 sq m of plot area shall be as under for the year 2006-07: A and B category of colonies----Rs. 2,10,500 C and D category of colonies----Rs. 1,49,750 E, F and G category of colonies-----Rs. 66,500 7.2. These rates will remain in force in respect of subsequent years unless specifically revised and notified with the approval of the Central Government. 7.3. One time parking charges would not be required to be levied in streets notified as pedestrian shopping streets."]]

- 7.1 The owner/ allottee/resident user of the plot/dwelling unit under the mixed land use shall also be liable to pay one time charges for development of parking and such rate for one ECS per 50 Sqm. of plot area shall be as under for the year 2006-07:-(a)for MCD areas: -

A & B Category of colonies Rs., 2,10,500

C & D Category of colonies Rs. 1,49,750

E, F & D Category of colonies Rs. 66,500

(b)for NDMC areas:-Rs. 2,10,500 for one ECS per 50 sqm. of plot area.7.2Out of the total one time charges for development of parking 1 /3rd shall be paid on or before 30-06-2007 and the remaining 2/3rd by 31-03-2008.7.3No development charges for parking shall be payable by small shop owners of area upto 20 sqm. dealing with the items/ activities as defined in para 15.6.3 of the Master Plan for Delhi 2021 in respect of any category of colonies.7.4Development charges shall also not be payable by owner/allottee/ resident/user of the plot/dwelling units falling under notified pedestrian shopping streets.]

8. Utilization.

- 8.1. The amount so collected shall be deposited in an Escrow Account by the local body concerned for incurring expenditure for developing parking sites, augmentation of amenities/ infrastructure and environmental improvement programmes, for the areas in which the mixed use/commercial use streets fall, after consulting all stakeholders including traders in the area.8.2A separate account of the income and expenditure of the Escrow Account shall be maintained by the local authority and a quarterly statement of the same shall be rendered by the local authority to the Government.

9. [Penalty. [[Substituted by S.O. 1015(E), dated 22nd June, 2007, for para 9, Para 9, before substitution, stood as under:

"Penalty. - 9.1. The delay in payment of Mixed Use and special conversion charges beyond 30th June of the relevant financial year shall be compoundable on payment of interest at 8% provided it is paid before 31st march of the same financial Year.9.2The property found under mixed-use that is without declaration or Registration or in violation of the provisions of the Notification dated 7-9-2006 and these regulations, shall be liable for penal action available under the relevant Act by the local body concerned and also a penalty amounting to 10 times the annual conversion charges for mixed-use shall be imposed."]- 9.1 Delay in payment of development charges for parking or mixed use charges of the relevant financial year shall be compoundable on payment of interest at 8% p.a.9.2The property found under mixed use without declaration or registration or in violation of the relevant provisions of the Master Plan for Delhi 2021 and these regulations, shall be liable for penal action under the relevant Act by the local body concerned and also a penalty amounting to 10 times the annual conversion charges for mixed use shall be imposed.]