

COORDINATION SECTION

'BREACHES'

S. No.	Order/Circular No	Subject	Page No
1.	o/o dt 20.8.64	Breaches	1
2.	OM dt 15.3.67	Condonation of breaches in lease terms-use of rooms in residential premises for storage purpose	5
3.	o/o 48 of 67-68	Condonation of breaches	7
4.	o/o 75 of 67-68	Recovery of charges for past breaches in App XI leases-Action for	9
5.	o/o 101 of 67-68	Recovery of damages/addl charges in r/o past breaches	11
6.	o/o 135 of 68-69	Orders reg condonable breaches- whether these are effective with retrospective effect or from the date of issue of the orders	13
7.	o/o 156 of 68-69	Breach of the terms of the lease i.e. putting up of temporary loose sheds and vacation of the breach	14
8.	o/o 168 of 68-69	Addl Clause in the letters of the terms for regularization of breaches	15
9.	Cir. 22 of 68-69	Recovery of damages for breaches from a particular date commitment by this office-M/o Finance observations thereof	17
10.	o/o 171 of 68-69	Orders reg condonable breaches-whether these are effective with retrospective effect or from the date of issue of the orders	19
11.	o/o of 200/70	Putting up of tin shed-should it be objected to or not-decision thereof	20
12.	o/o 206/70	-do-	21
13.	o/o 215 of 69-70	Recovery of damages/addl charges in r/o past breaches	23

14.	o/o 230/70	Administration of leases-rationalisation of policy reg breaches	28
15.	o/o 241 of 70-71	Lessees request for temporary regularization of breaches, issue of a show cause notice etc	31
16.	o/o 262 of 70-71	Recovery of damages/addl charges for breaches from the lessees who have taken action against their tenants	33
17.	o/o 263 of 70-71	Expeditious action to be taken for breaches	35
18.	o/o 267 of 70-71	List of condonable items	36
19.	o/o 272 of 70-71	Orders reg condonable breaches-whether these are effective with retrospective effect or from the date of issue of the orders	37
20.	o/o 305 of 72	Issue of notices for breach of use of the premises	38
21.	o/o 306 of 72	Treating the Mezzanine floor as a breach of the terms of lease or not	39
22.	Cir. 10 of 71-72	Minor items being objected to	40
23.	o/o 347/72	Administration of Leases- Rationalisation of policy reg breaches	42A
24.	o/o 349 of 72	Breaches in the lease terms such as change of purpose in premises taken over by the govt under requisition or o lease	43
25.	Cir. 37 of 73	Condonation of breaches	47
26.	o/o 360 of 73	Administration of leases-rationalisation of policy reg breaches	49
27.	o/o 364 of 73	Misuse of residential properties by professionals like Doctors, Engineers etc	51
28.	o/o 382 of 73	Register of breaches of the terms of the lease to be maintained by each section	52
29.	Cir. 48 of 73	Condonation of breaches	53
30.	o/o 401/73	Coverage of central court yard in Babar rd	55

		area	
31.	o/o 404/73	Administration of leases-rationalisation of policy reg breaches	57
32.	o/o 422/74	Breaches	59
33.	o/o 444/74	Finalisation of terms of regularization of breaches	61
34.	o/o 451/74	Recovery of damages/addl charges in r/o past breaches for pas period	65
35.	o/o 491/75	Breaches	66
36.	o/o 499/75	Delay in finalization of terms of regularization of breaches	67
37.	o/o 504/75	Condonation of breaches	68
38.	o/o 23/76	Breaches (charges for change of use/u/a cons etc)	74
39.	Corrig dt 31.5.76	-do-	78
40.	o/o 33/76	Condonation of breaches-addl. Items as per decision on the recommendations of DLMIC	79
41.	o/o 35/76	Conversion of balconies into flower beds	81
42.	o/o 49/76	Use of premises for guest houses by State Govt	82
43.	OM dt 24.7.77	u/a cons of spiral stair case with riser etc condonation of	83
44.	o/o 26/77	Conversion of balconies into flower beds	84
45.	o/o 28/77	Expeditious finalization of the terms for regularization of breaches	85
46.	o/o 37/77	Issue of notices for breaches	86
47.	Corrig. Dt 7.3.78	Breaches (chare for change of use/u/a cons.etc)	89
48.	o/o 10/78	Cons. Of balconies in the front as well as in the rear set backs of residential buildings	90

49.	o/o 13/78	Breaches (charges for change of use/u/a cons. etc)- date of determination thereof	91
50.	o/o 7/80	Endorsement of copies of notices for breaches to the tenants	92
51.	Cir. 1/80	Condonable item no 30-clarification thereof reg property dealers work in residential premises	93
52.	o/o 15/80	Withdrawal of Ban of Issuance of notices etc	94A
53.	Corrig dt 23/3/81	Withdrawal of Ban of Issuance of notices etc	96A
54.	o/o 17/81	Condonable item no 30-clarification thereof reg property dealers work in residential premises	97
55.	o/o 29/81	Breaches	98
56.	o/o 8/82	Maintenance of breach/GR register	99
57.	o/o 14/82	List of Condonable items-rationalisation of formula for recovery of misuse charges in r/o residential premises used for purpose indicated against item no 30	103
58.	o/o 16/82	List of Condonable items-rationalisation of formula for recovery of misuse charges in r/o residential premises used for purpose indicated against item no 71	105
59.	o/o 18/82	Rationalization of formula for recovery of misuse charges in r/o rehab leases-inclusion of coaching classes in the list of condonable items	107
60.	o/o 2/83	Misuse in residential premises for trade purpose in rehab leases-list of condonable items	110
61.	o/o 5/83	List of Condonable items- rationalization of orders in r/o misuse for constructions with CGI sheets against item no 75 of o/o 504 dt 24.11.75	112
62.	o/o 7/83	Condonation of breaches	114

63.	Cir 13/83	Clarification with regard to the effective date of applicability of M/o W &H letter no J-23015/1/82-LD II dt 26.6.82 circulated under o/o 16/82	123
64.	o/o 15/83	List of Condonable items- rationalization of orders in r/o misuse for constructions with CGI sheets against item no 75 of o/o 504 dt 24.11.75	126
65.	Cir. 18/83	Recovery of charges for past breaches in Appendix XI lease-Action for	128
66.	o/o 24/83	Condonation of running of canteen & chemist shop in the Hospital Premises	135
67.	o/o 3/84	Reg. o/o 29/81	136
68.	o/o 1/85	Breaches (charges for change of use/u cons. etc) date of determination thereof	137
69.	o/o 8/85	Decision reg the problems of Shankar Mkt	138
70.	o/o 2/86	List of condonable items-inclusion of temporary canteen etc in a school/college for exclusive use of students	139
71.	o/o 10/88	Decision reg the problems of Shankar Mkt	141
72.	o/o 21/89	List of condonable items	142
73.	o/o 24/89	Condonation of breaches	143
74.	o/o 3/95	Recovery of charges for the breach existing in the premises	144
75.	o/o 4/95	Reg. o/o 7/83	145
76.	o/o 5/98	Reg. o/o 1/96 & 3/98	146
77.	o/o 24/99	Condonation of breaches	148
78.	o/o 1/2000	-do-	149
79.	o/o 10/2000	Reg timely issuing of breach notices	150
80.	o/o 3/2001	Modification in r/o of condonable items connected with schools/ educational	151

		institutions	
81.	o/o 7/02 dt 16.1.02	Condonation of breaches	153
82.	o/o 7/02 dt 1.2.02	Inclusion of assembly of small radio transistor spare parts in the list of condonable items	154
83.	o/o 5/02	Policy for allowing educational institutions for running management/MCA/ professional courses	155
84.	o/o 9/02	-do-	157
85.	o/o 9/04	Terms for temporarily regularization of breaches in r/o leased premises-follow up action reg.	158
86.	o/o 3/06	Condonation of breaches	159
87.	o/o 6/09	Permissible coverage of condonation of breaches	160

(9)

LIST OF HOUSEHOLD INDUSTRIES WHICH MAY BE ALLOWED IN RESIDENTIAL AREAS SUBJECT TO SAFEGUARD AND RESTRICTIONS PRESCRIBED IN THIS BEHALF.

- | | |
|--|---|
| 1. Tailoring and garments making. <i>41</i> | 15. Vermicelli and macaroni. <i>55</i> |
| 2. Calico printing. <i>(42)</i> | 16. Cement-wares. <i>56</i> |
| 3. Hosiery. <i>43</i> | 17. Clay modelling. <i>57</i> |
| 4. Embroidery. <i>(44)</i> | 18. Lipidary work. <i>58</i> |
| 5. Manufacture of narrow fabrics and lace work. <i>(45)</i> | 19. Manufacture of ornamental leather goods, purses, hand-bags etc. <i>59</i> |
| 6. Coir and other fibre products <i>(46)</i> | 20. Pithworks - Manufacture of pith hats, garland and flowers. <i>60</i> |
| 7. Umbrella assembly. <i>(47)</i> | 21. Picture framing. <i>61</i> |
| 8. Thread bxxx balls & cotton fillings. <i>(48)</i> | 22. Manufacture of small radio <u>Arts</u> . <i>62</i> |
| 9. Wood carving and artistic wood-wares. <i>(49)</i> | 23. Manufacture of repairing of musical instruments. <i>63</i> |
| 10. Cane products. <i>(50)</i> | 24. Manufacture of brushes. <i>64</i> |
| 11. Paper toys, paper bags and envelopes. <i>51</i> | 25. Manufacture of crayons. <i>65</i> |
| 12. Decortivating of ground-nuts and dal. <i>(52)</i> | 26. Jewellery works. <i>66</i> |
| 13. Manufacture of jams, jellies or fruit preserves. <i>53</i> | 27. Manufacture of 'Blanco' in cakes. <i>67</i> |
| 14. Manufacture of ice cream and sweets. <i>54</i> | 28. Agarbatti and other incense. <i>68</i> |

(5)

Government of India
Ministry of Works, Housing & Urban Development
Land and Development Office
Nirman Bhavan
New Delhi.

No. Policy-6(1)-11/67

Dated: 15-3-67

Sub:- Condonation of breaches in lease terms - use of rooms
in residential premises for storage purposes.

A copy of Ministry of Works, Housing & Urban Development
Letter No. 27/2/66-L dated the 31st January, 1967, on the above
subject is forwarded herewith for information and guidance.
B. Parkash

(BUDH PARKASH)
Dy. LAND & DEVELOPMENT OFFICER.

All Officers/Section

No. 27/2/66-L
Government of India
Ministry of Works, Housing & Urban Development

New Delhi, dated the 31st January, 1967

To

The Land & Development Officer,
New Delhi.

Sub:- Condonation of breaches in lease terms - use of rooms
in residential premises for storage purpose.

SIR,

I am directed to refer to your U.O. No. Coord (46) dated
18-12-1965 on the subject mentioned above and to say that it has
been decided in consultation with the Ministry of Finance (DSD)
that no objection should be raised to the use of rooms in residential
premises, for storage purposes. Accordingly, the existing item 17
of this Ministry's letter No. 7(4)61-L dated 30-6-61 will be
re-numbered as 17(i) and the following item will be added there-
after :-

"17(ii) Rooms in residential premises being used for
storage purposes."

It is added by way of clarification that the occupant

Government of India
Ministry of Health Family Planning
Works Housing & Urban Development.
LAND & DEVELOPMENT OFFICE
Nirman Bhavan.

New Delhi, the 7.3.70

OFFICE ORDER NO. 200
FILE NO. 23/8/62 CDN

Subject: Putting up of tin shed - should it be objected
to or not ? Decision thereof:
.....

Attention is invited to this office order No. 156 of 1968-69 dated 14.5.1969. It has now been decided by the Deptt. of Works Housing & Urban Development that loose tin sheets put up without fixing nails, etc., internally on the ground floor of the premises, as a protection against sun and rain, removable as and when required, not visible from the main road (though likely to be visible from the back service-line), which do not affect the architectural features of the premises and are not objectionable under the municipal bye-laws, need not be treated as additions and alterations within the meaning of the lease-deed. Prior permission of the lessor in such cases, is, therefore, not necessary as this temporary arrangement is not being treated as any breach of the terms of the lease calling for levy of penalty.

Shtarkh

(SHITAL PRASAD)

Dy. Land & Development Officer

To

All Officers/Sections.

- Copy to:
1. Deptt. of WH&UD (Lands II) for information with reference their u.o. No. 7/14/68-III dt. 5.1.70.
 2. Ministry of Finance (DSD) with reference their u.o. No. 5/57/DSDS/69-3816 dt. 11.70.

Shtarkh

Dy. Land & Development Officer

Government of India
Ministry of Health & Family Planning and
Works & Housing and Urban Development;
(DEPTT. OF W.H. & U.D.)
LAND & DEVELOPMENT OFFICE
NIRMAN BHAVAN,

12-1-1971
New Delhi, the

OFFICE ORDER NO. 241 of 1970-71

SUB: Lessees request for temporary regularisation of breaches, issue of a show cause notice etc. & procedure thereof:-

In a case relating to Defence Colony, although the lessee had asked for the terms for the change of use in his residential premises to office, this office instead issued a show cause notice for the removal of breaches.

2. The matter has therefore been examined in consultation with A.L.A. and it has been decided that in such cases where the lessee has already expressed his willingness to pay the charges for the breaches, we should not issue a show cause notice for the removal of breaches only, but should also include the terms for temporary regularisation of the breaches in the enclosed proforma of such notices (para 6 and 7 of the notice to be retained only where upto date terms are not being given). For this purpose the date for commencement of a breach may be taken as two years prior to the date of inspection but an earlier date can be taken if known from the available record.

3. In some Rehabilitation cases, we may feel handicapped due to non-availability of building plans as the plans for existing construction are pre-requisite for calculating the damages/charges for the breaches. In such cases if we require any information from the lessees, for example, date of commencement of the breach, existing building plans etc; we should not wait for the actual calculation of the charges but issue the notice for removal of breaches. In that notice we should also ask the lessee to comply with our requirements. If the charges could be worked out, the charges should also be communicated in the notice itself as suggested in para 2 above. Expeditious action should be taken for calculating the charges.

The above instructions are therefore circulated to all concerned for guidance and strict compliance.

All Officers/Sections.

(Sd/-) (Sd/-)
Shitala
DY. Land & Development Officer

Copy forwarded for information to Min. of Fin. (DSD) with reference to their U.O. NO. 3452-DSDS/70 dt. 15.12.70.

Shitala
DY. LAND & DEVELOPMENT OFFICER

S. Prakash
5th Jan. 71

Government of India
Ministry of Works and Housing
LAND & DEVELOPMENT OFFICE
Nirman Bhavan;

NO. 6/4/69-CDN

New Delhi, the 19/1/72

OFFICE ORDER NO. 306

Subject: Treating the mazzanine floor as a breach
of the terms of lease or not.

According to Office Order No. 230 dated
21.10.70 (Item No. 83), Mazzanines in floors were not
to be objected to provided they were permissible
under By-laws of the local body.

A doubt had arisen in the case of Plot No. 2
Block 'K' Connaught Place, New Delhi (File No. 35-9/10/2/
67) whether the mazzanine floors in the building which
were not objected to by this Office upto 1965, even
though they were beyond permissible limits under the
Municipal by-laws should now be treated as breach
of the terms of the lease in view of the above
Office Order.

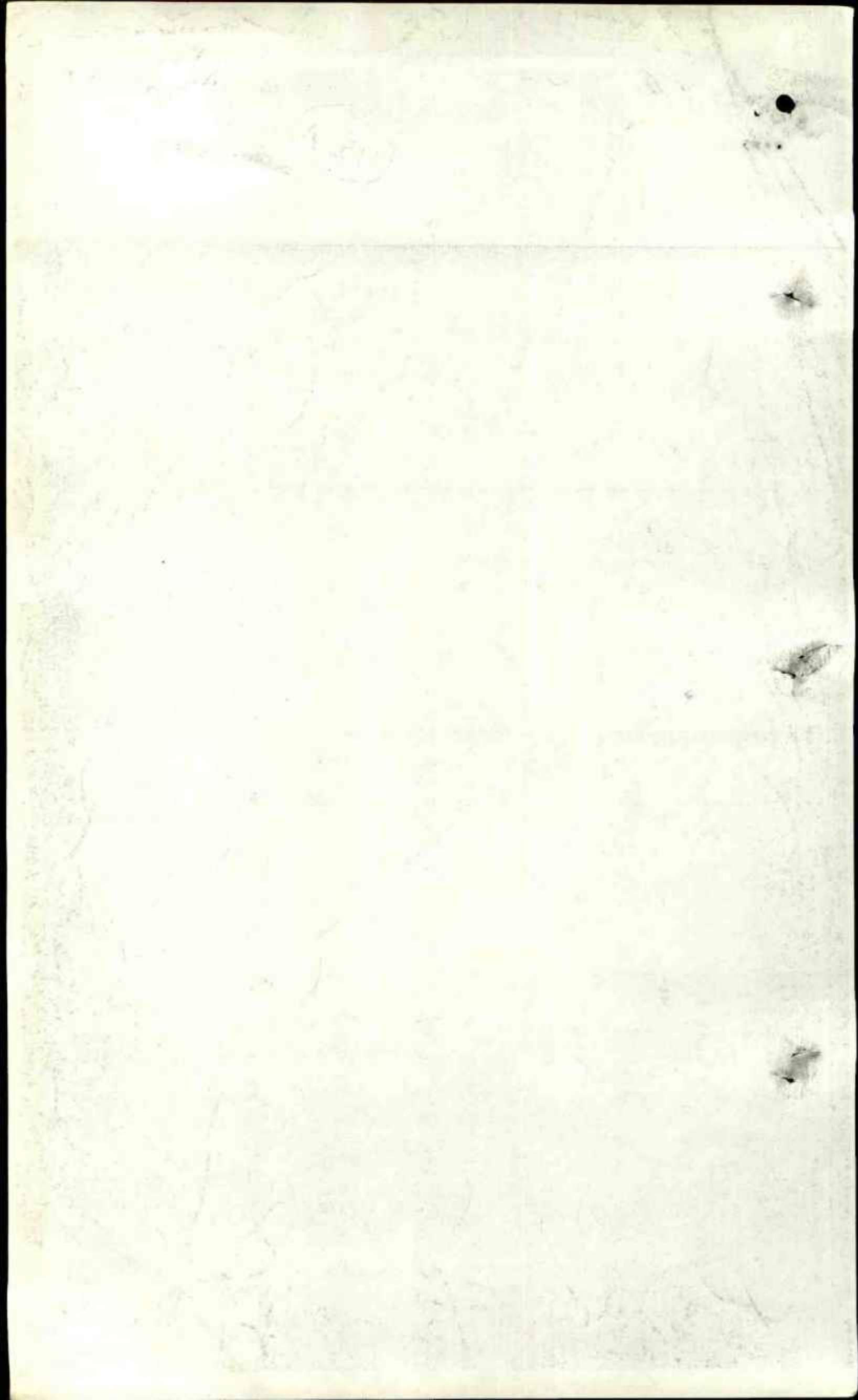
The matter was taken up with the Ministry
of Works & Housing, who after consultation with the
Ministry of Finance, have decided that the Mazzanine
floors which were overlooked previously by this
office should not be objected to, now even though
they exceed the limits of the Municipal by-laws.
However mazzanine floors constructed beyond permissible
limits after 23.10.70 will be objected to and con-
sidered as a breach of the terms of the lease.

All Officers and Sections may please
note for guidance and compliance.

Officers/All
SECTIONS.

(S. J. MOHANTY)
Asstt. Settlement Commissioner.

prakash



GOVERNMENT OF INDIA
MINISTRY OF WORKS AND HOUSING
LAND & DEVELOPMENT OFFICE;
NIRMAN BHAVAN

Recd. A. D.

60

No.
To

NEW DELHI, the

Sub: Notice served on the Lessee to remedy the breaches etc.
before exercising re-entry powers for unauthorised
construction/abuse of property etc. No.
New Delhi.

Dear Sir/Madam,

On inspection of the above premises on
the following breaches were Noticed at the site by the
inspecting officers:

- (i) _____
- (ii) _____
- (iii) _____

2. These breaches are in contravention of clause/clauses
_____ of the Lease Deed/Agreement for Lease.

3. You are, therefore, hereby required to remedy the
breaches within 30 days from the date of receipt of this
notice failing which action to re-enter the premises under
Clause _____ of the Lease Deed/Agreement for Lease will
be taken against you without any further notice in the matter.

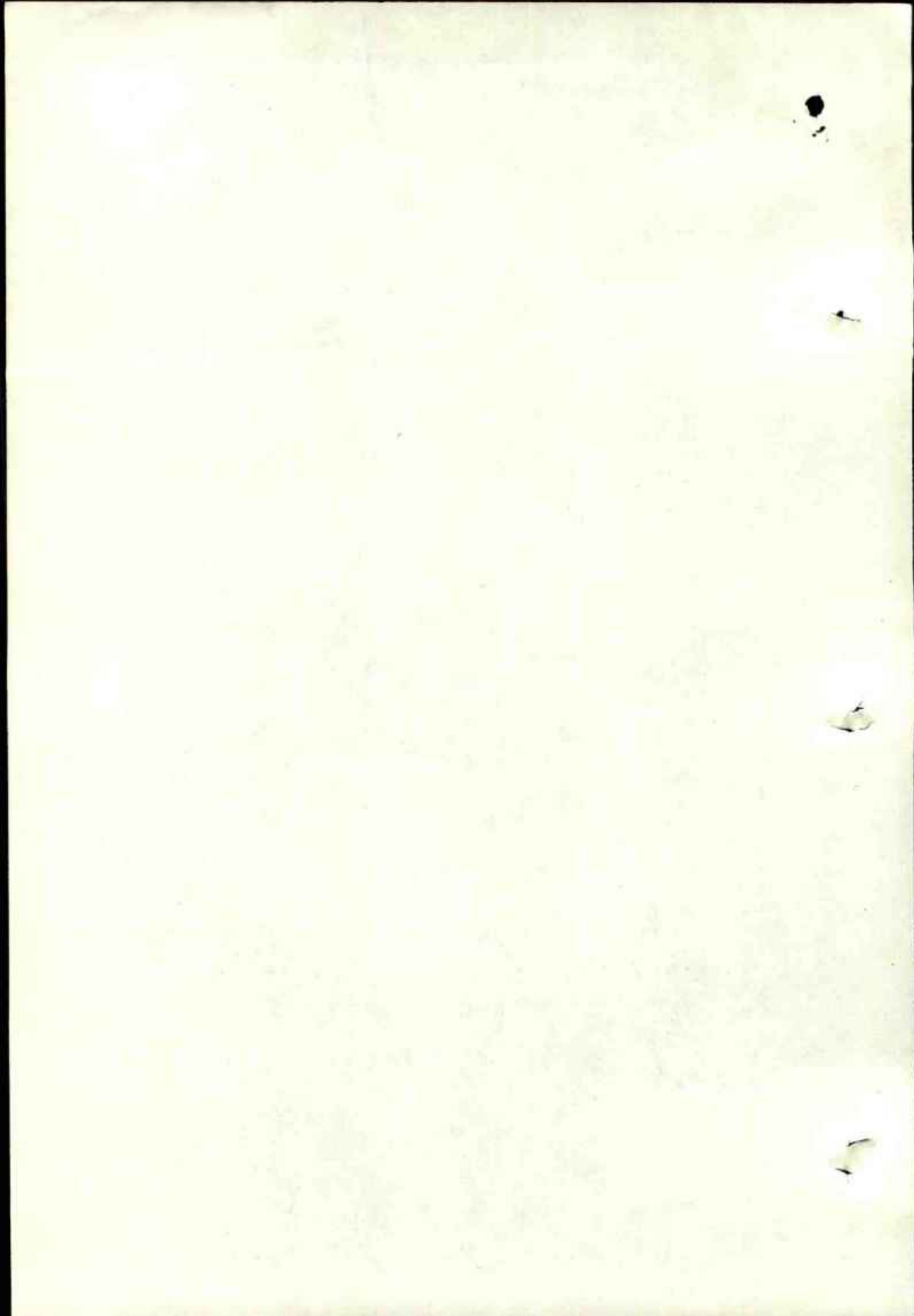
4. You are also liable to pay the charges (which will be
intimated to you hereafter) for having committed the breaches
of terms of the lease/Agreement for Lease shown in para 1 above
for the period of their existence.

5. In case you have any point to clarify in connection with
the abovenotice you may kindly see the undersigned (Telephone
No. 376768) between 2.00 and 3.00 in the afternoon within a week
of the date of receipt of this Notice. It may, however, be
clearly understood that your inability to avail of this opportunity
of personal hearing/discussion will not be accepted as a ground
for not taking further action in the matter under the terms of
the Lease/Agreement for Lease.

This notice is being given for and on behalf of the
President of India.

Yours faithfully,

Dy. Land & Development Officer.



96 A

No.L&DO/6(38)/77-CDN
Government of India
Ministry of Works and Housing
Land & Development Office
Nirman Bhawan

New Delhi, the 23.3.1981

CORRIGENDUM

OFFICE ORDER No. 15 dated 15.3.1980

Subject: Withdrawal of Pan on issuance of notice etc.

In confirmation of this office Order No. 15/80 dated 31.5.80, it is further clarified that, no cognizance may be taken of the unauthorised construction which has been found by the Technical Staff on its inspection which is within permissible limit and can be regularised by the Municipal Body/D.D.A. The Ground Rent in such cases may be accepted when tendered by the lessors and sale permissions also granted.

At the end of para 3 of this office Order No.15/80 dated 31.5.1980, the following lines may be added:-

- * A copy of the letter addressed to the Lessee may also be endorsed to the Local Body concerned with the direction to take further action in the matter.

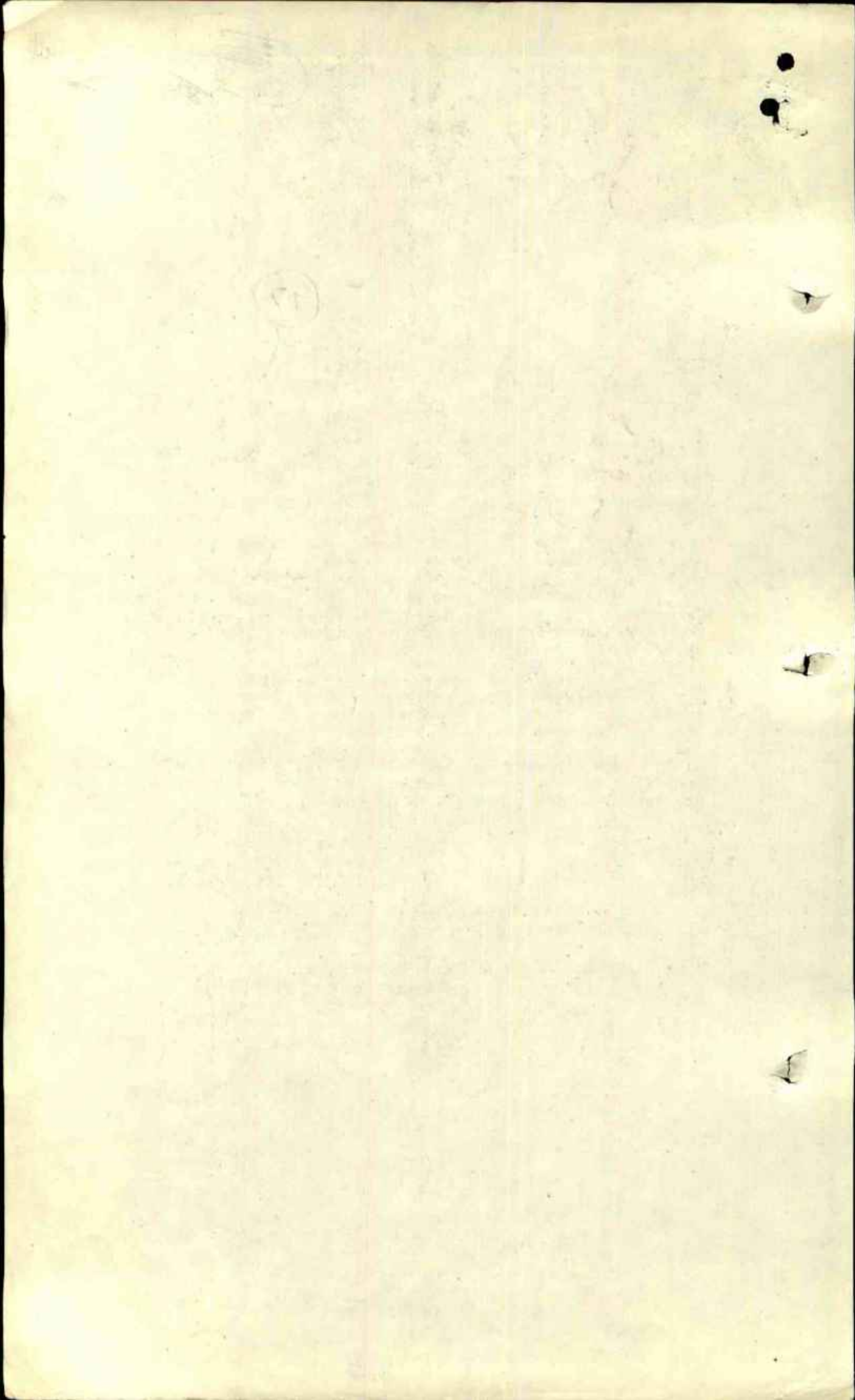
When inspection is carried out, in each Inspection Report the Assistant Engineer will himself record whether the unauthorised construction observed, if any, is such that it is within the provision of the byelaws and which are likely to be regularised by the local bodies with or without charging compounding fee. These remarks will be written by the Asstt. Engineer himself and not left to the Overseer. In all cases of the breach, the Technical Section will indicate the date of commencement of the breach and the proof on the basis of which the date was established. In the event of date not being established, the steps taken by the Technical Staff to ascertain the dates shall be indicated. These should be incorporated in the Inspection Report itself with a view to avoid back reference. Failure to adhere to these instructions will be viewed seriously and appropriate action taken accordingly.

Cases already decided otherwise and complied with need not be re-opened. These instructions will be followed uniformly in respect of all cases including sale permission cases.

(D. S. RAIZADA)
VIGILANCE OFFICER.

All Officers/Section.

Copy to: 1. P.S. to Secretary, Ministry of Works & Housing, New Delhi.
2. Lands Division, Ministry of Works and Housing,
Nirman Bhawan, New Delhi.



5
Whether any concession
in charges given, if so
details thereof.

Date of re-entry

Date of action initiated
under P.P.E.Act. Remarks

10.

11,

12.

13

102

No.J-23015/1/82-LD.II
Government of India
Ministry of Works & Housing
(Lands Division)

106

New Delhi, the 26th June, 1982.

To

The Land & Development Officer,
Nirman Bhawan,
New Delhi.

Subject: List of condonable items-rationalisation of formula
for recovery of misuse charges in respect of residen-
tial premises used for purposes indicated against
item No.71.

.....

Sir,

Representations have been made to the Govt. from time
to time by individual lessees as well as their associations
that the business of property brokers/property dealers should
be included in the list of condonable items. It has since
been decided by the Govt. that the business of property
brokers/property dealers may be included in the list of
trades mentioned in item 71 of the list of condonable
items.

This issues with the approval of the Finance Division
vide their U.O.No. 5(5)/FD(L/80-82/Vol.II/355 dated
25.6.1982.

Yours faithfully,

Sd/-R. Krishnaswamy
Under Secretary to the Govt. of
India.

Copy to:-

1. A.G.C.W.&M, New Delhi (2 copies)
2. Finance Divn.(Lands) M/W&H, New Delhi(5 copies).
3. Vice-Chairman, DDA, New Delhi.
4. Municipal Corporation of Delhi, Delhi.
5. Administrator, NDMC, Town Hall, New Delhi.
6. Lt. Governor, Delhi.
7. Information Officer, M/W&H, New Delhi.
8. All Desk Officers/in Lands Divn., M/W&H, New Delhi.
9. P.S. to Secretary (for Reader's file).
10. P.S. to J.S.(DD).

87. Huts for storing materials or for the residence of Chowkidar or labourers for the construction of a building. Such huts etc. may not be objected to till the buildings completed to the extent of the completion certificate or is occupied by the lessee or let out to a tenant or both, whichever is earlier.

88. Construction of 3' wide balconies in front of the essential amenities in one half of the rear set back of 100 sq.yds. plot in Rehabilitation Colonies to serve as a passage. This concession is admissible in cases laid down in D.O. letter No.D/O D.E./561 dated the 9th November 1970, from Shri G.D. Bahri to Shri Parkash Narain, Land & Development Officer.

89. Construction of a bath covered with CGI/Asbestos sheets in servant quarters provided it is within the permissible coverage under the municipal bye-laws.

90. Manufacturing of shoes:

If the above breach is committed by the resident lessee resident tenant of the lessee and that the portion where the change of use takes place is only a small part of the premises not exceeding 300 sq.ft. in area.

91. Munti on Barsati Floor if it is within permissible coverage,

92. Running of classes in shorthand, typewriting, music, painting, dance and functioning of schools i.e. Nursery Primary etc. provided schools are run by the resident lessees/ tenants.

N.B. The restriction of residence by the lessees/tenants need not be insisted upon provided Nursery, Primary, Middle, Higher Secondary Schools are recognised as distinct from unrecognised schools.

93. Accommodation used by Professionals like Artists, Painters, Writers, Sculptors and Beauty Specialists, Scientists, Technologists and Research Workers for carrying out research subject to the condition that they will not be allowed to set up any laboratory in the House.

94. Personal offices of residents i.e. land-lord retired persons social workers and persons engaged in literary pursuits.

95. Manufactures of various types of Handicrafts indicated below:-

i) Textiles: Handprinting & traditional dyeing of textiles, Brocades; Himroo; carpets and Druggets; rugs, gabbas & namdas Embroidary (Cotton, silk, wool & Zari); lace & lace work including nakhi and gota, making shawls.

ii) Metalware: Silver & Gold-ware; Bidri; Filigree; Brassware & Copperware; Bronze work.

iii) Wood work: Wood carving & inlay; Lacquer work including nirmal work; Decorative Furniture.

...Contd.

L&DO/6/(54)/82-CDN
Government of India
Ministry of Works and Housing
Land and Development Office
Nirman Bhavan

New Delhi, dt 8.9.83

Circular. No. _____ 18/83.

Subject : Recovery of Charges for ~~East~~ breaches
in Appendix XI Lease- Action for

The extracts in Min. of Law, Department of
Legal Affairs, Advice (B) Section's advice, taken
from page 9-16/N of File No. L&DO/6(54)/82- CDN
on the above subject are circulated for information
and guidance for all.

Ganar
(V.R. Mahajan)
Estate Officer

All Officers/Sections.

