

**COORDINATION SECTION**

**'CHANGE OF LAND USE'**

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Immediate.

No. 7(85)/62-LI.  
Government of India  
Ministry of Works, Housing & Rehabilitation  
(Department of W&H)

New Delhi, dated the 21 SEP 1963.

From

Shri H.S. Jain,  
Under Secretary to the Government of India

To

The Chief Commissioner,  
Delhi.

Sub: Permission to grant temporary change of purpose  
from residential to office in New Delhi.

Sir,

I am directed to refer to this Ministry's letter No. 28-L/37 dated the 12th January, 1957, on the subject mentioned above and to state that the question of delegation of enhanced powers to you to sanction temporary change of purpose in residential premises on nazul land has been under consideration of the Government of India. It has been decided that you may, in consultation with the Ministry of Finance (DS) accord sanction to temporary change of purpose for a period not exceeding three years in any case on year to year basis. Cases involving change of purpose exceeding three years should be referred to the Government of India.

Yours faithfully,

( H.S. Jain )  
Under Secretary to the Govt. of India.

Copy, forwarded to Accountant General, C.W.& Misc. New Delhi.  
This letter issues with the concurrence of the Ministry of Finance (DS) vide their U.O. No. DSD3/5(4)/62/4901 dated 7th September, 1963.

Copy also forwarded to:-

- 1) Ministry of Finance (DS) Delhi.
- 2) Land & Development Officer, Seiria House, New Delhi  
with reference to his u.o. No. 101-C&M-62 dated 26.10.62.
- 3) P.S. to H.M.
- 4) P.S. to H.M.
- 5) Information Officer, Ministry of W.H.&R. New Delhi
- 6) Six spare copies.

(H.S. Jain)  
Under Secretary to the Govt. of India.

Ministry of W.H.&R.

The intention behind delegating powers to the C.C. to sanction temporary change of purpose on year to year basis for a period not exceeding three years was to reduce the unnecessary references to the Govt. of India. So long as the position of Office of Commissioner in Delhi remains tight, there is little for the Govt. to do anything in the matter.

The L.&D.O. may kindly see with reference to Ministry of Finance (D.D.D) for comments, if any.

Sd/- H.S. Jain 7.1.64

R/L.&D.O.  
Ministry of W.H.&R. U.O. No. 7/85/62-L dt. 2.1.64.

Land & Development Office

No comments. As already stated if the period of 3 years is not to count from the date upto which the temporary charges were sanctioned with the approval of the Ministry the object underlying the delegation will be defeated. Powers for regularization of temporary change of purpose is to be given to Chief Commissioner on year to year basis.

Sd/- Manmohan Kishan  
13.1.64  
(Manmohan Kishan)  
Land Development Officer.

Ministry of W.H.&R.  
L.&D.O. U.O. Co-ord (4) dt. 14 Jan. 1964.

Ministry of W.H.&R.

Our intention in this matter was indicated at 'B' on prepage. The Ministry of Fin. (D.D) would not seem to object to A on page 10 ante, being confirmed.

The L&D.O. may kindly see.

Sd/- C.R. Bose.  
Sd/- H.S. Jain.

L&D.O.  
Ministry of W.H.&R. U.O. No. 7/85/62-LI  
dt. 21.1.64.

- 2 -

③

Ministry of Finance (DSD) may please see & confirm the position as at A on p. 13/ante of my note dated 26.11.63.

Sd/- Manmohan Kishan  
21.1.64.

Ministry of Finance (DSD)  
L&D.O. No. Coord (4) dt. 22.1.64

Ministry of Finance (DSD)

Our notes at p.14 ante refer. In view of the position indicated at 'B' and X in the Ministry of W.H.&R notes at page 14 ante, we may have no objection to the C.C. allowing the temporary change of purpose on year to year basis, upto 3 years, counting from the date upto which the breaches stand regularised with the approval of the G.I.

Illegible  
29.1.64.

Sd/- B. Kanwal  
30.1.64.

L&D.O.  
Ministry of Fin. (DSD) U.O. No. 505-DCD3/64  
dt. 30.1.64.

Land & Development Office

Seen, thanks.

Sd/- P.D. Garg  
12.2.64.

Ministry of W.H. & R.  
L&D.O. U.O. Coord (4) dt. 13.2.64.



(4)

GOVERNMENT OF INDIA  
MINISTRY OF WORKS, HOUSING AND REHABILITATION  
LAND AND DEVELOPMENT OFFICE, EXHIBITION GROUND  
NEW DELHI,

No.L&D/Co-ord(4)/63

Dated the 3rd January, 1964.

OFFICE ORDER

The question of charges for temporary change of purpose to be recovered from 1st July, 1963 was discussed today in a Meeting held in J.S.(P)'s room when Shri N.V. Venkataraman, Deputy Secretary, Ministry of Finance (Delhi State Division) was also present. In spite of the practical difficulties pointed out by me in recovering these charges with retrospective effect on the basis of the schedule of land values sanctioned vide Ministry of W.H.&R. letter No.23(13)/62-L dated the 26th June 1963 read with their letter of even number dated the 29th July, 1963, it was decided that until these rates were revised, demand should be made from lessees on the basis of the rates sanctioned at present. (In other words the commercial rate of Rs.600/- per sq. yd. will generally be applicable). As it would not be possible to finalise these cases by the end of the current half year namely 14.1.1964, the charges may be worked out upto 14th July 1964 and intimated to the lessees. It was also agreed that while intimating the charges on this basis individual cases need not be referred to the Ministry of Finance(D.S.Dn.). In cases where the charges have already been intimated to the lessees with the concurrence of the Ministry of Finance, those cases need not be re-opened.

  
( Marmohan Kishan )  
Land and Development Officer

Copy to All Officers & Section for necessary action.

Copy also forwarded for information to:-

1. Ministry of Works, Housing & Rehabilitation (Shri V. Balasubrahmanyam).
2. Shri N.V. Venkataraman, Deputy Secretary, Ministry of Finance (Delhi State Division), Delhi.
3. The Chief Commissioner, Delhi.

  
( Marmohan Kishan )  
Land and Development Officer

No. Coord (166)/ASC-22  
Government of India  
Ministry of Works and Housing  
Land and Development Office

NEW DELHI: THE 17-2-66

Memo.

Subj: Use of residential premises for religious and community purposes.

A copy of Ministry of Works & Housing and Urban Development letter No. 27/8/65-L dated 10-2-66 on the above subject is sent herewith for information and guidance.

(Jagendra Gobindram)  
Assistant Settlement Commissioner

All Officer/All Sections,

GOVERNMENT OF INDIA  
MINISTRY OF WORKS, HOUSING & URBAN DEVELOPMENT

No. 27/8/65-L

New Delhi, -11, the 10th Feb., 1966

To

The Land & Development Officer,  
NEW DELHI.

Subj: Use of residential premises for religious and community purposes.

Sir,

I am directed to refer to your No. Coord (166) dated 10-11-1965 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 residential premises for religious and community purposes provided the other residents of the locality have no objection to such use. It may, however, kindly be ensured that the premises are not used for any commercial purpose in the garb of religious/community purpose.

Yours faithfully.

Sd/- A. Bhattacharjee  
Under Secretary to the Govt. of India.

Copy to:-

1. The Ministry of Finance (DSD), Delhi. That Ministry concurred vide their U.O. No. 5(5)/DSDS/66-457 dated 28-1-66.
2. P.S. to H.M./P.S. to D.M./P.S. to Secretary/P.A. to J.S.(S).
3. Information Officer.
4. Guard file.
5. Spare copies -20.

Sd/- A. Bhattacharjee  
Under Secretary to the Govt. of India.



For official  
use only

No. Policy-5(2)-8/67

GOVERNMENT OF INDIA  
MINISTRY OF WORKS, HOUSING & URBAN DEVELOPMENT  
LAND & DEVELOPMENT OFFICE  
NIRMAN BHAWAN, MAULANA AZAD ROAD  
NEW DELHI

DATED THE 10th March, 67

C I R C U L A R

1.1 Ministry of Finance advised in the case 186/10, Golf Link as follows:

"The formula for calculations of charges for temporary change of purpose is likely to be revised shortly. As such the case may be processed after formal orders in this regard are issued."

1.2 This was discussed with U.S.(L). U.S.(L) mentioned that the Ministry of Finance has agreed to the revised formula in regard to levy of charges for temporary change of use as from 28.3.66. He advised that the L&D Office should not hold up work and start calculating charges for misuse/temporary change of purpose on the basis of revised formula proposed by L&D.O. i.e. 1% of the land value per sq. yd. for commercial purposes should be the charges per sq. ft. per annum of the carpet area misused or under temporary change of purpose. For example, the commercial value of land in a particular locality is Rs.600/-, misuse charges shall be levied at the rate of Rs.6/- per sq. ft. per annum of the carpet area misused or under temporary change of purpose.

2.1 On the above basis the following schedule of rates has been drawn up which may be adopted for claiming charges on account of misuse/temporary change of purpose.

Schedule of Rates for Misuse/Temporary change of purpose.

SIL No.	Area in which land value per sq. yd. for commercial purpose is	Rate per sq. ft. per annum of the carpet area misused or under temporary change of purpose
	Rs.	
1.	600	
2.	400	Rs.6/-
3.	350	Rs.4/-
4.	300/-	Rs.3.50
5.	250	Rs.3/-
6.	200	Rs.2.50
7.	150	Rs.2/-
8.	100	Rs.1.50
9.	50	Rs.1/-
10.	50	80 Paisa
		50 Paisa

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2.2 These rates will be applicable with effect from the 28th March, 1966.

*Prakash Chandra Suri*  
(Prakash Chandra Suri) 10/3/67  
Land & Development Officer,

*M.M. Sahai Verma*  
(M.M. Sahai Verma) 10/3/67  
Accounts Officer.

1. Copy to U.S.(L) for record.
2. Copy to Ministry of Finance (D.S.D).
3. Copy to All Offices/Sections.



(8)

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

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

Dated: 15-3-67

Sub:- Use of residential premises for religious  
and community purposes.

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A copy of Ministry of Works, Housing & Urban Development  
Letter No. 27/8/65-L dated the 10th February, 1966, on the above  
subject is forwarded herewith for information and guidance.

*Budh Parkash*  
(BUDH PARKASH)

Dy. LAND & DEVELOPMENT OFFICER.

All Officers/All Sections.

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GOVERNMENT OF INDIA  
MINISTRY OF WORKS, HOUSING & URBAN DEVELOPMENT  
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No. 27/8/65-L.

New Delhi-11, the 10th February, 1966.

To

The Land and Development Officer,  
New Delhi.

Sub:- Use of residential premises for religious and  
community purposes.

Sir,

I am directed to refer to your U.O. No. Coord (166)  
dated 10-11-1965 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 residential  
premises for religious and community purposes provided the other  
residents of the locality have no objection to such use. It may,  
however, kindly be ensured that the premises are not used for any  
commercial purpose in the garb of religious/community purpose.

Yours faithfully,  
Sd/-

(A. Bhattacharjee)

Under Secretary to the Govt. of India

Copy to :-

1. The Ministry of Finance (DSD), Delhi. That Ministry concurs  
vide their U.O. No. 5(5) DSDS/66-157 dated 28-1-1966.

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2. P.S. to H.M./P.S. to D.M./P.S. to Secretary/P.A. to J.S.(S).
3. Information Officer.
4. Guard file.
5. Spare copies - 20.

Sd/-(A. Bhattacharjee)  
Under Secretary to the Government of India.

(10)

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

Dated: 2-5-1968

Office Order No. 47 of 1967-68  
File No. Policy-5(2)-8/67

Sub: - Recovery of charges for temporary change of purpose -.

Extract from File No. 31 and 32, Panchkuin Road, New Delhi.  
are circulated for information and necessary action.

*M. M. Sahai Varma*  
( M.M. SAHAI VARMA )  
ACCOUNTS OFFICER. 2/5/68

ALL OFFICERS/ALL SECTIONS.  
SUPERINTENDENT ADMINISTRATION (10-COPIES).

MINISTRY OF FINANCE  
DELHI STATE DIVISION

With reference to portion sidelined 'A' of the preceding it may be observed that in the case of unrestricted leases, it will be quite reasonable to treat the premium originally paid as the transaction value while calculating charges for permanent change of purpose as had been done in the case of the premises known 25-Curzon Road. In this case, however, the change of use is only temporary and, moreover, the mutation at one stage had already been allowed in anticipation of the removal/regularisation of breach regarding change of use. It would, therefore, be in line with the date of the last transaction, i.e., 1.12.1961 (page 29/ adopted for calculating the charges both in the case of the lease which the lease is unrestricted as well as that for which the lease is restricted.

2. It is seen that revision of ground rent has already been done for both the sites. As was done in the case of 68, Baber Road L.&D.O. should obtain an undertaking from the prospective purchaser that he is agreeable to pay the revised ground rent @ 2 1/2 % of the market value (to be specified) from the date of the execution of the sale deed).

3. Subject to these remarks, we agree to the terms of the letter on pages 64-65/ante.

Sd/- ( K.L. GUPTA )  
23-3-68

I&DO  
Min. of Fin. (DSD) U.O. No. 236/DSDS/68 dt. 25/3/68



Government of India  
Min. of Health Family Planning and  
Works, Housing and Urban Development  
(Deptt. of W.H.&U.D.)  
Land and Development Office  
Nirman Bhavan

New Delhi, dated 26-3-1970  
OFFICE ORDER NO. 204 of 1969-70  
FILE NO. 6 D -4/67-CDN.

Subject -

Change of purpose - use of residential  
premises for running of classes in Short  
hand/Schools.

A copy of Deptt. of W.H.&U.D. letter No. 7/7/68-LII  
dated 7.3.70 on the above subject is circulated to all concerned  
for information and necessary action.

*R.L. Gupta*  
( R.L. GUPTA )  
VIGILANCE OFFICER.

ALL OFFICERS /ALL SECTIONS.

Copy to -

- 1) Deptt. of WH&UD w.r.t. their letter No. 7/7/68-LII dt.  
7.3.70.
- 2) Ministry of Finance (DSD) for information.

*R.L. Gupta*  
VIGILANCE OFFICER.

Government of India  
Ministry of Health And Family Planning  
and Works, Housing and Urban Development  
(Department of Works, Housing & W.D.)

No. 7/7/68-LII

New Delhi, dated the 7th March, 1970

To

The Land and Development Officer  
Nirman Bhavan,  
New Delhi.

Sub -

Change of purpose - use of residential premises  
for running of Classes in short hand/Schools.

P.T.O.

Sir,

12

I am directed to refer to your u.o. No P Policy-6 (1)-4/67 dated the 19th September, 1969 and to say that it has been decided that running of classes in shorthand, typewriting, music, painting, dance and functioning of schools i.e. Nursery, Primary, etc., in residential premises may not be objected to so long as these classes / schools are run by the resident lessees themselves or by the resident tenants of the lessees.

This issues with the concurrence of the Ministry of Finance (DSD) vide their U.O. No. 32 DSDS/69/21 dated the 1st January, 1970.

Yours faithfully,  
Sd/-

(Tirath Ram)

7-3-70

Under Secretary to the Government of India.

Copy forwarded to -

1. The Accountant General, Commerce, Works and Misc., New Delhi (2 copies).
2. The Ministry of Finance (DSD), New Delhi (5 copies).
3. Lt. Governor, New Delhi.
4. The Department of Rehabilitation, New Delhi.
5. The Delhi Development Authority, New Delhi.
6. U.D. Section, Department of Works, Housing and Urban Development.
7. Lands-I Section, Department of Works, Housing and Urban Development.

Copy also to -

1. P.S. to H.M.
2. P.S. to M.S.
3. P.S. to Secretary.
4. P.S. to H.S. (H)
5. P.A. to Dir. (LP).

Sd/- Tirath Ram

7/3/70

Under Secretary to the Govt. of India.



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

NO.6/6/71-CDN

New Delhi, the 13.9.71

OFFICE ORDER No.278 of 70-71

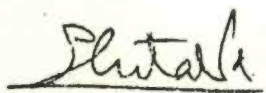
Subject: Use of residential premises for  
religious purposes.

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In a case where a lessee has been using a 'C' type tenements i.e. single room units as Gurdwara which was open to public a question arose whether such use of a residential premises is covered under item No.38 of condonable items circulated in this office Order No.129 dt.26.12.68.

The matter was referred to the Deptt. of WH&UD and Ministry of Finance who have decided that in such cases the permission to use the Gurdwara may be given only for one year in the first instance on payment of a token penalty of Rs.1/- P.M. and a condition should be stipulated to the effect that permission to use the premises as Gurdwara would be subject to a trust deed being executed relinquishing the personal interest of the lessee as also that of his family and successors in the income of the Gurdwara and that if this condition is not complied with, Govt. would be justified in treating the location of the Gurdwara open to public as a breach of the lease terms and normal penalties will be imposed.

All Officers/Sections to please note for information and guidance.

  
( SHITAL PRASAD )  
Dy. Land & Development Officer

P.T.O.



Copy forwarded to:-

- (i) Ministry of Finance (DSD) with reference to their U.O.NO.1618/DSDS/71 dt. 7.8.71.
- (ii) Ministry of Works and Housing with reference to their U.O.NO.4486-LII/71 dt. 17.8.71.

*Shitalk*  
DY. LAND & DEVELOPMENT OFFICER

\*Prakash\*  
Sept., 10, 1971

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

NO. 22/1/71-CDN

New Delhi, the 16.9.71

OFFICE ORDER NO. 280/22-71

Subject: Change of used being termed as misuse in  
all communications to the lessees - L&DO's  
instructions thereof:-

It has been decided that in future all  
notices in regard to misuse of the premises should refer  
to the misuse as "being used for the purpose other than  
that provided on the lease".

All concerned may please note carefully that  
no notice should in future be issued containing any words  
other than the above to describe the misuse. The same  
expression should also be used in communicating charges  
to the lessees guilty of breach of misuse.

All show cause notices and demand notices  
may be amended accordingly.

All Officers/Sections to please note for  
guidance and strict compliance.

*Shitala*

(SHITAL PRASAD)

Dy. Land & Development Officer

All Officers/Sections.

\*Prakash\*

15th Sept., 71

62

10-71

11/8-  
20/1/71

11



GOVERNMENT OF INDIA  
MINISTRY OF WORKS AND HOUSING  
LAND & DEVELOPMENT OFFICE: NIRMAN BHAWAN

NEW DELHI, the 18.12.73

No. 23/103/73-CDN.

OFFICE ORDER No. 419

Subject: Procedure for change of land use under the Delhi Development Act, 1957.

A copy of note recorded by the Director (UD) and forwarded to this office vide J-13011/3/73-II dated 21st November, 1973 is circulated for guidance and compliance of all.

Attn: Office: 6/Sections.

(R. L. Gupta)  
Vigilance Officer.

Copy to Ministry of Works & Housing.

Vigilance Officer.

(COPY)

PRIORITY

No. J-13011/3/73-II.  
Government of India  
Ministry of Works & Housing  
(Nirman Bhawan, Mantralaya)

New Delhi, dated the 21st Nov. '73

MEMORANDUM

Subject: Procedure for change of land use under the Delhi Development Act 1957.

A copy of a note recorded by the Director (UD) clarifying the procedure under the Delhi Development Act, 1957 in regard to the change of land use prescribed in the Master Plan or Zonal Development Plan is enclosed. As stated therein, reference to D.D.A. seeking their approval is not necessary for any change in land use.

L&DO/C&D is requested to see and bring the contents of the note under reference to the notice of all officers concerned in his office.

Sd/-

(Prithvi Pal Singh)

for UNDER SECY. TO THE GOVT. OF INDIA.

1) L&DO, Nirman Bhawan, New Delhi, (10 spare copies).  
2) C&D, CR&D, Nirman Bhawan, New Delhi, (10 spare copies).

Copy to:-

1) L.I. Section (10 spare copies) 2) PA to DS(H).  
3) PA to US(L). 4) 50 spare copies.

Sd/- Prithvi Pal Singh

for UNDER SECY. TO THE GOVT. OF INDIA.



Ministry of Works & Housing

Subject: Procedure for change of land use under the  
Delhi Development Act, 1957.

(17)

Section 11-A of the DD Act provides that the Delhi Development Authority may make any modification to the master plan or the zonal development plan as it thinks fit, being modifications which, in its opinion, do not effect important alterations in the character of the plan and which do not relate to the extent of land use or the standards of population density. Sub-Section (2) of the same Section provides that the Central Government can make any modification to the master plan or the zonal development plan including change of land use. Before making any such modification, the procedure prescribed under sub-section (3) of that Section has to be followed, viz. the Central Government has to publish a notice inviting objections and suggestions from any person with respect to the proposed modification and the objections and suggestions so received are required to be considered before making the final decision. Thus, it is clear that any modification for land use can be made only by the Central Government and it is not necessary at all that the approval of DDA should be obtained for such changes. When any such land use change is proposed to be made by the Central Government the same should be sent to UDI Section with necessary justification for the same. The proposal would be examined, in consultation with TCPO from the view-point of planning, so as to take a decision whether notice under section 11A(3) should be issued.

2. While the Central Government has to take the final decision in the matter of change of land use, under the rules prescribed by it, the power to issue public notice on behalf of the Central Government has been delegated to DDA. Thus, after a decision has been taken to change the land use of an area, the DDA is asked to publish a notice under Section 11A(3) inviting objections and suggestions. These objections and suggestions are received by DDA and forwarded to the Ministry for a final decision in the matter. If after taking into account such objections and suggestions it is finally decided that such a change in land use is necessary, a notification is published by the Central Government notifying the changes.

3. In view of the above procedure, it is desirable that any proposal for change of land use is shown to DD Section at a suitable stage, so that further action in the matter could be taken under the DD Act. The DD Section should give necessary assistance in processing the matter.

No. L&DO.6(48)/80-CDN  
Government of India  
Ministry of Works and Housing  
Land and Development Office  
Nirman Bhawan

New Delhi, the 30.7.82

OFFICE ORDER NO. 19 /82

Subject:-Change of purpose in respect of Fuel Depot  
Sites - Procedure to deal with.

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Change from one trade to another except in the case of Hotels and Cinema is not objected to. The rates of allotment of sites for coal depots are however not at par with commercial rates. Hence when a coal depot site is used for any other commercial purpose it should be objected to and misuse charges are to be levied.

All sections may please note for strict compliance.

*Dina Nath Singh*  
(D.N.ASIJA)  
LAND & DEVELOPMENT OFFICER.

All Officers/All Sections



(19)

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

NO.L&DO/24(3)/75-CDN(pt)

NEW DELHI DATED 23.2.83

CIRCULAR NO. 7 / 83

Subject:-Use of residential premises as Boarding/  
Lodging purposes- objected to.

Extracts of notes at page 31-33/N from file  
No.LI-9/39(8)/81 relating to plot No.8 Block No.39  
Diplomatic Enclave, New Delhi are circulated for  
information and future guidance.

*Sudershan Kumar*  
(Sudershan Kumar)  
Accounts Officer.

All Officers/Sections

Extracts taken from File No.LV-9/39(8)/81 at page  
No.31 to 33/N

Land & Development Office

Ministry of Works and Housing may kindly  
refer to their UO No.7996-LD and 8203/LD/81 dated  
30.9.81 at page 23/N. for taking decision in the  
matter. The next date in the court of Competent Authority  
is fixed for 15.1.82, thus this file may kindly be  
returned well before the aforesaid date so that the court  
of the Competent Authority may be attended on the due  
date. The case for excess land has been taken by the  
Competent Authority under Urban Land Ceiling Act 1976  
vide notes at p-30/N.

Sd/-Mrs.R.S.Alquadri  
8.12.81

Min.of Works & Housing (Lands Divn)  
L&DO UO No.LIV-9-39(8)/81/Dt.9.12.81.

Min.of Works & Housing  
Lands Division.

The notes at p-16-18/ante may please be perused  
regarding the request for use of a portion of the  
property No.8 Block No.39 Diplomatic Enclave as  
a lodging house.

...Contd.



2. Briefly, the above said property was leased out to Shri W.L.Kohli, for use as residential building. On inspection by L&DO it came to notice that 14 rooms were being used as lodging house, on a charge of Rs.60.00 per day as rent for a room. The lessee continues to stay in the ground floor of the building. L&DO has stated that no meals are being served to guests. The guest house is stated to be running from 22.10.1975. Delhi Development Authority has no objection to the lessee's using a portion of the house for lodging the paying guests. This No objection was however subject to the lessees' seeking permission for the local laws/regulations, if any.

3. The question arises whether the running of the guest house will be treated as breach of the lease terms particularly clauses II and XIII. Ministry of Law who were consulted in the matter were of the views that it should be possible for the administrative Ministry to establish that the use of the premises as paying guest house was qualitatively different from that where premises were let out on leave or licence basis or on sub-lease terms for residential purposes. There was an element of commercialisation involved in the transaction in the former case. In such transaction, the compendious expression "room service" is also included. The sum and substance of the opinion given by the Law Ministry indicates that the premises cannot be used as guest house/lodging house.

4. The comments of the finance division were also invited. They wanted to see the volume III of the correspondence portion of this case. As desired, the necessary volume is placed below. Finance Divn may please see for their comments. Since the hearing of the court is fixed for 15th January 1982, an early return of the file will be appreciated.

Sd/-S.Mukherjee  
30.12.81

Fin.Divn (Lands)  
Dy, No.10324/LD/81 dt.31.12.81

Finance Divisions  
(Lands Unit)

For a brief history of the case notes from pp-16 to 18/N may kindly be seen. In short, this relates to whether the lessor and lessee in that of running of a lodging House known as "Rishi International Guest House" on property No.8 Block No.39 Diplomatic Enclave leased out to Shri Wilayat Lal Kohli for residential use violates the provisions of the lease terms, particularly clauses II and XIII or involves any change in land use. ALA of L&DO's office vide his note dated 28.8.1980 is of the view that in case it is held that the relation to be that between the intending lessor and intending lessee then the later would



be treated as a mere licensee and any of his interest in the property would be violative of the terms of the lease agreement. Lands Division have also obtained the advice of the Law Ministry and the sum and substance of which is that premises leased out for residential purpose cannot be used as guest house/lodging house. The file stands referred to us for our comments.

2. Since the premises in the instant case has been put to a use other than provided in the lease deed we, in Finance, are of the view that this may be treated as a misuse and usual misuse charges in this case according to formula for the purpose may be claimed from the lessee.

SDA-T.D.Kalra  
4.1.82

DS(F)  
Sd/-Ghai  
5.1.82

Dir(Lands)  
UO No.5(5)/FD(L)/80-82/751 dt.5.1.82  
Sd/-M.Shanker  
5.1.82  
(Lands Division)

L&DO may please see for further action. The court case is fixed for hearing 15.1.82.

Sd/-S.Mukherjee  
6/1/82

L&DO(Sh.D.N.Asija)  
Ly.No.148/LD/82/dt.7/1/82

## PERMANENT CHANGE OF PURPOSE

Permanent change of purpose is generally sought for from residential to commercial purposes in business areas. If the Master Plan permits such change according to the land use of the area, the same shall be allowed on the following terms and conditions:-

- (i) Payment of additional premium equal to 50 % of the difference between the commercial value of land at the time of offering the terms for change of purpose and the value thereof at the time of last sale or transfer.
- (ii) Payment of additional ground rent @ 2 ½ of full difference of values as mentioned in item (i) above.
- (iii) If the lease is un-restricted, the lessee agreeing to execute a supplemental lease providing for prior permission of the lessor for sale or transfer of the property.

Additional premium may be recovered in four equal installments, the first installment immediately, the second after the completion of two years, and the third and fourth installments before the completion of fourth and fifth years. Additional ground rent shall be charged only after the completion of the third year or after the completion of construction of the commercial building whichever is earlier. [7//2/64-L dated 6.7.1965]

N.B.: No additional premium or ground rent shall be recovered for additional construction permissible on the date of grant of permission under the bye-laws for commercial purposes in cases of grant of permanent change of purpose.

[WI-42(476) dated 5.7.1954]