

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI,
OFFICE OF THE COMMISSIONER OF EXCISE, ENT. & LUXURY TAX,
L-BLOCK, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI-110002**

No.F.1/Ex/PQ/2021-22/ 678

Dated: 24.03.2021

To,

The Deputy Secretary (Question Branch)
Delhi Vidhan Sabha Secretariat,
Govt. of NCT of Delhi,
Old Secretariat, Delhi-110054.

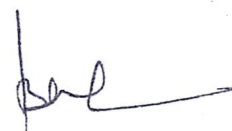
Sub: Reply with respect to Starred Question No.38 raised by Sh. Ajay Mahawar.

Sir,

Please refer to your letter No.F11(B-1) VI/2020-25/VSS/QB/3168 dated 17.03.2022 on the subject cited above. I am to enclose herewith reply of the above mentioned question.

This issues with the prior approval of the Competent Authority.

Encl: As above.



ASSISTANT COMMISSIONER (PQ)

का नाम :- आबकारी विभाग, दिल्ली सरकार

विभाग का पता :- L-ब्लॉक, विकास भवन, I.T.O., I.P.Estate, Delhi -110002

तारांकित प्रश्न संख्या :- 38

दिनांक :- 28.03.2022

प्रश्नकर्ता का नाम :- श्री अजय महावर

क्या उपमुख्यमंत्री / मंत्री यह बताने की कृपा करेंगे कि :-

प्रश्न	उत्तर
(क) क्या यह सत्य है कि माननीय उच्चतम न्यायालय ने अपने आदेश दिनांक 31.03.2017 में यह निर्देश दिए हैं कि शराब की दुकानें राष्ट्रीय राजमार्ग के 500 मीटर के दायरे में नहीं खोली जानी चाहिए;	15 दिसंबर, 2016 के दिए गए आदेशों से संबंधित अपील की सुनवाई करते हुए माननीय उच्चतम न्यायालय के आदेश दिनांक 31.03.2017 द्वारा यह निर्देशित किया गया कि यदि राष्ट्रीय राजमार्ग अथवा राज्य राजमार्ग किसी 20,000 या उससे कम आबादी वाले स्थानीय निकायों/निगम क्षेत्रों से होकर गुजर रही हो तो इस स्थिति में शराब की दुकानों की दूरी राष्ट्रीय राजमार्गों अथवा राज्य राजमार्ग से कम से कम 220 मीटर कर दिया जाए जो पहले 500 मीटर की दूरी निर्धारित की गयी थी। इस आदेश के अनुपालन में आबकारी विभाग द्वारा कई दुकानों को बंद करने का आदेश जारी किया गया था। परन्तु उच्चतम न्यायालय के आदेश दिनांक 11.07.2017 के द्वारा उपरोक्त आदेशों का स्पष्टीकरण किया गया था जो निम्नलिखित हैं:- "आदेश दिनांक 15 दिसम्बर 2016 में निहित निर्देशों का उद्देश्य नगरों, कस्बों और गांवों के बीच संपर्क प्रदान करने वाले राजमार्गों के साथ-साथ और उनके समीप शराब की बिक्री से निपटना है। आदेश नगरपालिका क्षेत्रों के भीतर लाइसेंस प्राप्त प्रतिष्ठानों को प्रतिबंधित नहीं करता है। यह स्पष्टीकरण अन्य नगरपालिका क्षेत्रों को भी नियंत्रित करेगा"। उपरोक्त स्पष्टीकरण के अनुपालन में आबकारी विभाग द्वारा आदेश संख्या F.No. 10 (311)/Ex/IMFL/2017-18/2693-96 दिनांक 30.08.2017 (प्रतिलिपि संग्रह (अनुलग्नक- क) द्वारा सभी सील की गए दुकानों को पुनः डीसील करने का आदेश दिया गया था परन्तु आबकारी नीति 2021-22 के अंतर्गत राष्ट्रीय राजमार्ग व राज्य राजमार्ग के समीप दिए गए दुकानों से सम्बंधित कई शिकायतें एवं प्रतिवेदन प्राप्त होने के पश्चात् इस विषय पर कानून व न्याय विभाग से सलाह/राय माँगा गया है कानून व न्याय विभाग से प्राप्त कानूनी सलाह/राय के अनुसार राष्ट्रीय राजमार्ग व राज्य राजमार्ग पर खोली गयी दुकानों पर उचित नियमानुसार कार्यवाही की जाएगी।
(ख) क्या यह सत्य है कि इन निर्देशों के बावजूद दिल्ली में ऐसी अनेक दुकानें खोली गई हैं, जिनमें घोंडा विधानसभा क्षेत्र	घोंडा विधानसभा क्षेत्र में खोली गई दुकानों का विवरण निम्नलिखित है, यह सभी दुकानें को लाइसेंस दिल्ली आबकारी

० दुकाने भी सम्मिलित हैं;

अधिनियम 2009, दिल्ली आबकारी नियम 2010 एवं नई आबकारी नीति 2021-22 में उल्लेखित नियमों एवं दिशानिर्देशों के अनुपालन के पश्चात दिया गया है ।

1. ए -1/4, आधार तल, मेन वजीराबाद रोड भजनपुरा, दिल्ली
2. ए-1236, आधार तल, मेन पुस्ता रोड, ए-ब्लाक साऊथ गामडी, दिल्ली
3. प्लॉट नंबर A-26, खसरा नंबर 92, आधार तल, दूसरा पुस्ता, न्यू उस्मान पुर दिल्ली
4. सी- 670, आउट ऑफ़ खसरा संख्या 392, गाँव घोंडा गुजरान खादर मेन वजीराबाद रोड भजनपुरा, दिल्ली
5. सी- 670, आउट ऑफ़ खसरा संख्या 392, गाँव घोंडा गुजरान खादर मेन वजीराबाद रोड भजनपुरा, शाहदरा दिल्ली
6. प्रॉपर्टी संख्या. J-25, आधार तल एवं प्रथम तल, 3 1/2 पुस्ता, मेन पुस्ता रोड, करतार नगर दिल्ली
7. यू-505, मेन पुस्ता रोड, दूसरा पुस्ता न्यू उस्मानपुर
8. दुकान संख्या- 1, मेन घोंडा चौक दिल्ली-110053
9. प्रॉपर्टी संख्या 231/सीखसरा संख्या 32, ब्लाक-डी मेन रोड गामडी एक्सटेंशन दिल्ली

(ग) इन्हें कब तक बंद कर दिया जाएगा;

यदि इन दुकानों द्वारा दिल्ली आबकारी अधिनियम 2009, दिल्ली आबकारी नियम 2010 एवं आबकारी नीति 2021-22 के किसी भी नियम या दिशा-निर्देश का उल्लंघन किया जायेगा अथवा इन दुकानों की स्थिति माननीय उच्चतम न्यायालय के संबंधित आदेशों के अनुरूप नहीं पाई गई तो तत्काल उन पर उचित नियमानुसार कार्यवाही की जाएगी.

(घ) क्या रेज़ीडेंट्स एसोसिएशनों और महिलाओं के विरोध को नज़रअंदाज़ करते हुए इन दुकानों को चलने दिया जा रहा है;

घोंडा विधान सभा क्षेत्र में खोली गई दुकानों से सम्बंधित शिकायतों को संज्ञान में लिया गया है व निम्न दुकानों पर पुनः निरीक्षण किया गया ।

संख्या	दुकानों का पता	पुनः निरीक्षण की तिथि	निरीक्षण टीम का अवलोकन रिपोर्ट
1.	सी-670, आउट ऑफ़ खसरा संख्या 392, गाँव घोंडा गुजरान खादर मेन वजीराबाद रोड भजनपुरा, दिल्ली	15.11.2021	पुनः निरीक्षण टीम द्वारा इस दुकान पर दिल्ली आबकारी अधिनियम 2009, दिल्ली आबकारी नियम 2010 एवं नई आबकारी नीति 2021-22 के तहत किसी भी नियम एवं दिशानिर्देशों का उल्लंघन नहीं
2.	सी-670, आउट ऑफ़ खसरा संख्या 392, गाँव घोंडा गुजरान खादर मेन वजीराबाद रोड भजनपुरा,		

	शाहदरा दिल्ली		पाया गया
3.	प्रॉपर्टी नो. . J-25, आधार तल एवं प्रथम तल, 3 1/2 पुस्ता, मेन पुस्ता रोड, करतार नगर दिल्ली	29.11.2021	पुनः निरिक्षण टीम द्वारा इस दुकान पर दिल्ली आबकारी अधिनियम 2009, दिल्ली आबकारी नियम 2010 एवं नई आबकारी निति 2021-22 के तहत किसी भी नियम एवं दिशानिर्देशों का उल्लंघन नहीं पाया गया
4.	ए-1/4, आधार तल, मेन वजीराबाद रोड भजनपुरा, दिल्ली		
5.	दुकान संख्या- 1, मेन घोंडा चौक दिल्ली-110053	20.11.2021	पुनः निरिक्षण टीम द्वारा निरिक्षण के दौरान दिल्ली आबकारी अधिनियम 2009, दिल्ली आबकारी नियम 2010 एवं नई आबकारी निति 2021-22 का उल्लंघन पाया गया जिस पर इस दुकान के जारी लाइसेंस को वापस ले लिया गया है, हालांकि इस विभागीय आदेश के विरुद्ध लाइसेंस धारक द्वारा माननीय उच्च न्यायालय में याचिका दायर किया गया है जोकि अभी माननीय उच्च न्यायालय के समक्ष विचाराधीन हैं ।
6.	यू-505, मेन	इन दुकानों से सम्बंधित कई	

	पुस्ता रोड, दूसरा पुस्ता न्यू उस्मानपुर	शिकायतें एवं प्रतिवेदन प्राप्त होने के पश्चात् इस विषय पर कानून व न्याय विभाग से सलाह/राय माँगी गयी है कानून व न्याय विभाग से प्राप्त कानूनी सलाह /राय के अनुसार राष्ट्रीय राजमार्ग व राज्य राजमार्ग पर खोली गयी दुकानों पर उचित नियमानुसार कार्यवाही की जाएगी ।	
7.	ए-1236, आधार तल, मेन पुस्ता रोड, ए-ब्लाक साऊथ गामडी, दिल्ली		
8.	प्लॉट नंबर A-26, खसरा नंबर 92, आधार तल, दूसरा पुस्ता, न्यू उस्मान पुर दिल्ली		
9.	प्रॉपर्टी नो. 231/सी खसरा संख्या 32, ब्लाक-डी मेन रोड गामडी एक्सटेंशन दिल्ली		
(ड) इन दुकानों को बंद कराने के लिए वह कौन-सी प्रक्रिया है, जिसे निवासी अपना सकते हैं;			किसी भी निवासी/जनप्रतिनिधि द्वारा यदि इन दुकानों पर दिल्ली आबकारी अधिनियम 2009, दिल्ली आबकारी नियम 2010 एवं नई आबकारी निति 2021-22 के तहत किसी भी नियम एवं दिशानिर्देशों का उल्लंघन पाया जाता है तो वह इसकी सूचना सक्षम प्राधिकारी आबकारी विभाग को दे सकते हैं, एवं विभाग द्वारा प्राप्त शिकायतों पर उचित नियमानुसार कारवाही की जाएगी ।
(घ) उन गतिविधियों का विवरण जिनकी मास्टर प्लान 2021 मिक्सड यूज, रेगुलेशन चेप्टर 15 के अनुसार अनुमति दी गई है; और			मास्टर प्लान 2021 मिक्सड यूस्ड रेगुलेशन चैप्टर 15 के अंतर्गत गतिविधियों का विवरण की प्रतिलिपि संगलग्न हैं (अनुलग्नक-ख)
(छ) क्या शराब की ये दुकानें इन 'मिक्सड यूज रेगुलेशन' के अंतर्गत आती हैं?			जी नहीं, शराब की दुकानें मिक्सड यूज रेगुलेशन के अंतर्गत नहीं आती हैं।

हस्ताक्षर



आबकारी आयुक्त

Arava Gopi Krishna
Commissioner (Excise)

ORDER

In compliance to the orders of Hon'ble Supreme Court of India issued on 15.12.2016 and 31.03.2017, this department has not renewed the licenses and sealed the store/bar area of the licensee which were found under the ambit of above judgment w.e.f. 01.04.2017.

Now, fresh directions have been issued by Hon'ble Supreme Court vide its order dated July 11, 2017 the operative part of which, as mentioned under para 7 is reiterated as under:

"The purpose of the directions contained in the order dated 15 December 2016 is to deal with the sale of liquor along and in proximity of highways properly understood, which provide connectivity between cities, towns and villages. The order does not prohibit licensed establishments within municipal areas. This clarification shall govern other municipal areas as well. We have considered it appropriate to issue this clarification to set at rest any ambiguity and to obviate repeated recourse to IAs, before the Court".

Keeping in view the above directions, In-charge alongwith the team constituted vide order No. F. 2 (92)/Ex/R/2016-17/Pt. File/1118 dated 31.03.2017 is hereby directed to open the liquor vend (falling within municipal area) alongwith National Highway which were closed in compliance of Hon'ble Supreme Court order dated 15.12.2016 and 31.03.2017 vide order dated 23.03.2017 and 24.03.2017. List of closed license premises is enclosed. Renewal process of these licences may be initiated. They are further directed to submit the compliance report to this effect before 30.08.2017.

This issues with the prior approval of Commissioner Excise.

(PRAVEEN MISHRA)
DY. COMMISSIONER (EXCISE)
LICENSING AUTHORITY

To,

All Team incharge and Excise Inspectors
Department of Excise, Entt. And Luxury Taxes,
Govt. of NCT of Delhi

Copy for information to:

1. PS to Pr. Secretary Finance, Delhi Secretariat
2. PA to Commissioner (Excise)
3. PA to Dy. Commissioner (Excise-II)
4. A.C.(IMFL)

Ac (Rm)

21 AS MODIFIED UPTO DATE

No.	Location	Area (In ha.)	Remarks
	Purana Qila / Bharion Road	2.7	Filled up
	Timarpur	16.0	Filled up
5.	Sarai Kale Khan	24.0	Filled up
6.	Gopal pur	4.0	Filled up
7.	Chhaterpur	1.7	Filled up
8.	S.G.T. Nagar	14.4	Filled up
9.	I.P. Depot	1.8	Filled up
10.	Sunder Nagar	2.8	Filled up
11.	Tuglakabad Extension	2.4	Filled up
12.	Halder Pur	1.6	Filled up
13.	Mandawall Fazilpur	2.8	Filled up
14.	Rohini Phase III	4.8	Filled up
15.	Near Hastal Village In West Delhi	9.6	In operation
16.	Site near Ghazipur Dairy Farm	28.0	In operation
17.	Site near Jhangipur / Bhalswa	16.0	In operation
18.	Okhla Phase I	12.8	In operation
19.	Crossing on G.T. Karnal Road	3.2	New
20.	Jaitpur / Tajpur	9.84	New
21.	Near Puthkhurd	55.0	New
22.	Bawana to Narela Road	28.0	New
23.	Sultanpur Dabas (Bawana)	16.0	New
24.			

Appropriate land should be earmarked for solid waste management keeping in view a long-term perspective.

The area required for solid waste disposal through various technologies including sanitary landfill sites shall be reserved in the Zonal Plans. This shall also include buffer zone of 'no development' around landfill sites. Keeping in view the fact that finding new sanitary landfill sites in Delhi is becoming extremely difficult, there is no option, but to resort to alternative and decentralised methods of waste treatment, reduction, recycle and use, which include vermiculture, fossilisation and composting. Pilot projects in this regard have been taken up by the MCD with the consultants.

15. MIXED USE REGULATIONS

The policy acknowledges the need for permitting use of land for purposes other than that for which it was originally envisaged and lays down the conditions under which this may be applied in different situations. The general procedure to be followed for implementation of the said policy, and mitigating measures to be taken to counter the effect of such non-intended use in such area also described.

15.1 GOVERNING PRINCIPLES FOR MIXED USE

- Mixed use means the provision for non-residential activity in residential premises.
- The policy aims to balance the socio-economic need for such activity and the environmental impact of the said activity in residential areas.

1. Also refer to Part II of this Book.

- 16
- (iii) Mixed use allows access to commercial activities in the proximity of the residences and reduces the need for commuting across zones in the city. However, at the same time, it needs to be regulated in order to manage and mitigate the associated adverse impact related to congestion, increased traffic and increased pressure on civic amenities.
 - (iv) The over-riding principles for permitting mixed use are the need to acknowledge and make adequate provision for meeting community needs, mitigating environmental impact and providing for safe and convenient circulation and parking.
 - (v) Mixed-use, (including small shops as per para 15.6.3.) shall not be permitted in the Lutyens' Bungalow Zone, Civil Lines bungalow zone, government housing, Institutional / staff housing of public and private agencies and buildings / precincts listed by the Heritage Conservation Committee.

15.2 MIXED USE IN RESIDENTIAL AREAS

15.2.1. DIFFERENTIATED APPROACH

- (i) The need for differentiated approach to mixed use policy arises from the fact that Delhi, being the country's capital and an important centre of economic activity has a large diversity in the typology of residential areas. Apart from the planned residential colonies built as part of Lutyens' Delhi as well as through the process of planned development undertaken by the Delhi Development Authority, there are authorized residential areas in the Walled City, Special areas and urban villages. Other planned areas include resettlement colonies and pre-Delhi Development Act colonies, including post-partition rehabilitation colonies and pre-1962 residential colonies as per list given in Annexure I. There are also regularized-unauthorized colonies; unauthorized colonies as well as slums and jhuggi jhopri clusters in various parts of Delhi.
- (ii) Moreover, the extent of non-residential activity seen as being necessary or desirable by the residents themselves varies from area to area based on the socio-economic status of the residents as well as the past pattern of development in that area. While certain colonies may need non-residential activity as an integral part of their livelihood, some others may wish to preserve the residential character of their colonies and neighbourhood.
- (iii) Hence, it is proposed to follow a differentiated approach in the application of the mixed-use policy in Delhi. The differentiated approach would be based on categorization of colonies from A to G as adopted by '[concerned municipal body] for unit area method of property tax assessment as applicable on 7.9.2006. Any change in the categorization of these colonies shall not be made applicable for the purpose of this chapter without prior approval of Central Government.

15.2.2 TYPES OF MIXED USE

Subject to the provisions of this chapter, the following three broad types of mixed use shall be permissible, in residential premises:

- (i) Commercial activity in the form of retail shops as per conditions given in para 15.6 in plots abutting notified mixed use streets.²
- (ii) "Other activity" broadly in the nature of 'Public and Semi-Public' facilities listed in para 15.7.1 and as per conditions specified in para 15.7, in plots abutting roads of minimum ROW prescribed in para 15.3.2.
- (iii) Professional activity as per conditions specified in para 15.8.

The above mentioned types of mixed use shall be subject to the general terms and conditions specified in the succeeding paragraphs.

1. Substituted for "MCD" vide MoUD, Delhi Division, Notification S.O. 3173(E) dt. 12.12.2014.
2. Also refer to Part II of this Book.

15.3 IDENTIFICATION OF MIXED USE AREAS IN EXISTING URBAN AREAS AND URBANIZABLE AREAS*

The identification of mixed use areas / streets in both the urbanized / urban as well as urbanizable areas of Delhi would be as follows:

15.3.1. In already urbanized / urban areas, mixed use shall be permissible in the following areas:

- (i). On all streets / stretches already notified by the competent authority.
- (ii). Residential areas and streets / stretches earlier declared as commercial areas / streets or where commercial use was allowed in MPD-1962 shall continue such use at least to the extent as permissible in MPD-1962.
- (iii). Commercial activity existing from prior to 1962 in residential areas, subject to documentary proof thereof.
- (iv). Identification and notification of mixed use streets in future shall be based on the criteria given in para 15.3.2 and as per procedure prescribed in para 15.3.3, and given wide publicity by the local bodies concerned.
- (v). Plotted development in pre-1962 colonies listed in Annexure I shall be treated as rehabilitation colonies in their respective categories (A to G) for the purpose of this Chapter.

15.3.2 The extent of mixed use permissible in various categories of colonies is further clarified as follows:**1. In colonies falling in categories A and B**

No commercial activities will be permissible in the colonies of A & B categories except the following:

- Professional activity, subject to conditions given in para 15.8, mixed use and commercial activity up to one plot depth, in plots abutting Master Plan roads that are notified as mixed use streets, and commercial streets respectively, since such roads are not internal to the colonies (provided that the request of the RWA concerned shall not be necessary for notifying the Master Plan roads abutting the colonies, as mixed use streets on commercial streets).
- "[Other activity]" restricted to guest houses, nursing homes and pre-primary schools, as defined in para 15.7.1, subject to conditions contained in para 15.7, in plots abutting roads of minimum 18m ROW in regular plotted development, since these activities are in the nature of 'Public and Semi-Public' facilities. New banks, fitness centres, wellness centres and NGOs will not be permissible. Banks which existed as on 7.9.2006, fitness centres [existed as on 12.8.2008], wellness centres and NGOs which existed as on 7.2.2007, (as defined in para 15.7.1), in accordance with notifications issued in this regard from time to time, and are on plots abutting roads of minimum 18m ROW, on the date of notification, shall however, continue.]
- Retail shops in terms of para 15.6 on such mixed use streets with a minimum 18m ROW, within the colony, in regular residential plotted development, as are notified in terms of para 15.3.3, if there is a specific request of the RWA concerned, in terms of para 15.10.

Note:

Commercial activity on mixed use streets, within A & B category colonies, earlier notified under MPD-2001 shall cease with immediate effect (other than in plots abutting Master Plan roads).

1. For list of notified streets refer to Part II of this Book.
Substituted for "Other activity" restricted to guest houses, nursing homes and pre-primary schools, as defined in para 15.7.1, subject to conditions contained in para 15.7, in plots abutting roads of minimum 18m ROW in regular plotted development, since these activities are in the nature of 'Public and Semi-Public' facilities. New Banks and Fitness Centres will not be permissible. Banks and Fitness Centres, which already exist, in accordance with notifications issued in this regard from time to time, and are on plots abutting roads of minimum 18m ROW, on the date of notification, shall, however, continue" vide MOUD Notification S.O. 2034(E) dt. 12.8.2008.
2. Inserted vide MoUD, Delhi Division, Notification SO. 1215(E) dt. 13.5.2013.

2. In colonies falling in categories C & D

- Mixed use in the form of Retail shops shall continue to be permissible as per conditions in para 15.6, in plots abutting notified mixed use streets.
- "Other activity" in terms of para 15.7 shall be permissible in plots abutting roads of minimum 18m ROW in regular plotted development, 13.5m ROW in rehabilitation colonies and 9m ROW in Walled City, regularized -unauthorized colonies, resettlement colonies, Special Areas, and urban villages, subject to conditions in para 15.7.
- Notification of mixed use streets in future, of minimum 18 m ROW in regular residential plotted development, 9 m ROW in rehabilitation colonies and any road in regularized-unauthorized colonies, resettlement colonies, Walled City, Special Area and urban villages in terms of para 15.3.3 shall be subject to consultation with RWAs concerned in terms of para 15.10.
- Mixed use shall be permissible in pedestrianized shopping streets as per para 15.3.3.
- Professional activities shall be permissible as per conditions laid down in para 15.8.

3. In colonies falling in categories E, F and G

- Retail shops shall continue to be permissible as per conditions in para 15.6, in plots abutting notified mixed use streets.
- "Other activity" in terms of para 15.7 shall continue to be permissible in plots abutting roads of minimum 13.5m ROW in regular plotted development, 9m ROW in rehabilitation colonies and any road in Walled City, regularized-unauthorized colonies, resettlement colonies, Special areas, and urban villages subject to conditions in para 15.7.
- Professional activities shall be permissible subject to conditions in para 15.8.
- Notification of mixed use streets in future, of minimum 13.5m ROW in regular residential plotted development, 9m ROW in rehabilitation colonies and any road in regularized-unauthorized colonies, resettlement colonies, Walled City, Special Area and urban villages shall be in terms of para 15.3.3
- Mixed use shall be permissible in pedestrianised shopping streets as per para 15.3.3.

4. Group housing in all categories of colonies

- [Only professional activity, small shops in terms of para 15.6.3 and tuition centres for school children only shall be permissible. Retail shops specifically provided for in the lay out plan of group housing and activities permitted in group housing under para 15.4(II) would be permissible.]¹ In case of Employer Housing (government housing, Institutional/ staff housing of public and private agencies), the use activities permitted in Table 4.3 for 'Residential Plot- Group Housing' will be allowed as part of the approval of the Layout Plan. Non-residential activity will not be permitted within residential plot/flat]

5. In respect of colonies falling in NDMC area

Excluding Lutyens' Bungalow Zone², government housing, institutional and staff housing of public and private agencies and buildings / precincts listed by the Heritage Conservation Committee, existing mixed use streets / stretches will be notified by NDMC. Future notification of mixed use streets / stretches will be done on a field level survey to assess the community needs, environmental impact and traffic circulation/adequate parking and in consultation with Residents Welfare Associations concerned.

1. Substituted for "Only professional activity, and small shops in terms of para 15.6.3 shall be permissible. Retail shops specifically provided for in the lay out plan of group housing would be permissible" vide MoUD, Notification 8.0, 2034(E) dt. 12.8.2008.
2. Inserted vide MoUD, Delhi Division, Notification SO. 678(E) dt. 4.3.2013.
3. Also refer to Part II of this Book.

15.3.3 NOTIFICATION OF MIXED USE STREETS IN URBAN AREAS/

(i) Where more than 50% of the plots in a stretch / street, are having shops / offices and other activities permitted in Local Shopping Centres on ground floor, such streets / stretches shall be eligible for notification as mixed use street.]

(ii) The minimum ROW for identification of a street or stretch of road as mixed use street would be follows*:

In A & B Colonies: 18m ROW in regular plotted development on the specific request of RWAs.

In C & D colonies: 18 m ROW in regular residential plotted development, 9 m ROW in rehabilitation colonies and any road in regularized-unauthorized colonies, resettlement colonies, Walled City, Special area and urban villages; In consultation with RWA concerned.

In E, F & G Colonies: 13.5m ROW in regular plotted development, 9m ROW in rehabilitation colonies and any road in Walled City, regularized-unauthorized colonies, resettlement colonies, Special Areas, and urban villages.

* Provided that consistency shall be maintained by the local body in determining the ROW whether the street is bordered by service road, green verge, park or not.

(iii) Streets of less than 6 m ROW notified as mixed use streets or as commercial streets, in regularised-unauthorised colonies, resettlement colonies, Special Area, urban villages, will be declared as pedestrian shopping streets (PSS) and will not be open to motorized transport.

Note:

(a) Request of the RWA concerned or consultation with RWAs concerned, shall not be necessary for notifying the Master Plan roads abutting the colonies as mixed use streets, since such roads are not internal to the colonies.

(b) Specific request of or consultation with RWA concerned shall be governed by Para 15.10.

(iv) For the notification of mixed use streets, in areas that have not been surveyed or have been surveyed but streets have not been notified pursuant to notification dated 7.9.2006, local bodies shall be required to carry out within a reasonable time of the notification coming into force, and with due expedition, and not later than 90 days, a survey of all streets of the above-mentioned width, if not already done, with a view to identifying stretches of such streets as mixed use streets.

[Note-1 The local body shall carry out a survey in those streets / roads in urban villages and regularized-unauthorized colonies not surveyed pursuant to the provisions of MPD-2021 notified on 7.2.2007, within a period of three months of this Notification.]

(v) The field survey shall assess the extent of existing non-residential use on the streets, the stretch of the street to be notified, the additional requirement of civic amenities and the provision for traffic circulation and parking.

(vi) The notification shall be issued by the Urban Development Department, GNCTD immediately after the field survey is completed.

For list of notified streets refer to Part II of this Book.

Substituted for "where more than 50% of the plots in a stretch/street, are having shops on ground floor, such streets / stretches shall be eligible for notification as mixed use street" vide MoUD, Notification S.O. 2034(E) dt. 12.8.2008. Added vide MoUD, Notification S.O. 2034(E) dt. 12.8.2008.

15.3.4 NOTIFICATION OF MIXED USE STREETS IN URBANISABLE AREAS IN FUTURE

In new urbanisable areas, mixed use shall be permissible in the following areas:

- (i) In newly developed residential areas, mixed use as specified above shall be permitted only on residential plots abutting 18m. ROW roads.
- (ii) The layout plan in newly developed urban extension shall earmark such stretches / plots and notify them under the mixed use policy at the time of grant of permission for layout plan in the case of private development and at the time of disposal by allotment or auction in the case of areas developed by DDA.
- (iii) In the Abadi area of villages in urbanisable area, mixed use shall be permissible as per the provisions of urban villages and for this purpose, local bodies shall be required to carry out within a reasonable time of the notification coming into force, and with due expedition, and not later than 90 days, a survey of all streets of the above-mentioned width, if not already done, with a view to identifying stretches of such streets as mixed use streets

15.4 GENERAL TERMS AND CONDITIONS GOVERNING MIXED USE

In terms of the conditions prescribed for different categories of colonies, in para 15.3.2, and provided that the plot abuts a notified mixed use street (in the case of retail shops) or a road of prescribed minimum ROW (in the case of other mixed use activities), mixed use shall be permitted, subject to the following general terms and conditions:

In residential plotted development

- (i) Where there is only one dwelling unit in a residential plot, only one type of mixed use (i.e. retail shop as per para 15.6 or professional activity or one of the other activities listed in para 15.7) shall be permissible in that unit.
- (ii) Where there are more than one dwelling units in a residential plot, each of the dwelling units will be permitted to have only type of mixed use activity (either retail shop as per para 15.6 or professional activity or any one of the other activities listed in para 15.7).

In group housing

Only professional activity and small shops in terms of para 15.6.3 shall be permissible. Retail shops specifically provided for in the lay out plan of group housing would be permissible. [However, the entire ground floor of DDA flats on mixed use / commercial use area / stretches / roads is allowed for mixed use / commercial use. ²[as notified vide S.O.2034(E) dated 12.08.2008. Whereas w.e.f. 25.09.2013 only one retail shop of maximum size of 20 sqm is permitted and rest of the area may be used for professional activity]. No amalgamation of two or more DDA flats shall be allowed.]

Other terms and conditions

- (i) No encroachment shall be permitted on the streets or public land.
- (ii) Development control norms as applicable for the particular residential use will continue to be applicable, even if the plot / dwelling unit is put to mixed use.
- (iii) If the notified street is a Master Plan road, and if a service road is available or provided for by local bodies, then, the mixed use premises should be approached from such service road and not directly from the main carriageway.
- (iv) In plotted development, front setback should not have boundary wall, so that it can be used for additional parking.

1. Added vide MoUD, Notification S.O. 2034(E) dt. 12.8.2008.
2. Inserted vide MoUD, Delhi Division, Notification SO. 678(E) dt. 4.3.2014.

- (v) Parking @ 2.0 ECS per 100 sqm built up area shall be provided within the premises. [Residents/ traders organizations/ private parties shall be responsible for their own private parking facilities]. This condition shall apply even if residential premises are used only for professional activity.
- (vi) Common parking areas would be earmarked on notified mixed use streets taking into account the additional load on traffic and parking consequent upon notification of the street under Mixed Use Policy. If no parking space is available, land/ plot on the said street may be made available by [the concerned traders/ establishments and public shared parking facilities provided before approval/ notification of the said building/ project/ street as mixed use.]
- (vii) Issues related to mixed use streets for which conversion charges have already been levied by local needs to be addressed by the concerned local body.]

15.5 PERMISSIBLE AND NON-PERMISSIBLE USES

Any trade or activity involving any kind of obnoxious, hazardous, inflammable, non-compatible and polluting substance or process shall not be permitted.

15.6 RETAIL SHOPS AND OFFICES

- 15.6.1. (i) Retail shops and offices shall be permitted on plots abutting streets notified for mixed use only on the ground floor upto the maximum permissible ground floor coverage.
- (ii) Mixed use from basement on such streets may be allowed, subject to relevant provisions of building bye-laws, structural safety and fire safety clearance. However, if such use of basement leads to exceeding the permissible FAR on the plot, such FAR in excess shall be used, subject to payment of appropriate charges prescribed with the approval of Government. Paras 15.3.2.1, 15.3.2.2, 15.3.2.3, 15.3.3(i) and 15.4 and any other relevant provisions shall be read alongwith the above provisions.]
- 15.6.2. The following activities shall not be allowed under Mixed Use:
- Retail shops of building materials [timber, timber products (excluding furniture), marble, iron and steel, (gravel, cement and sand 2), firewood, coal and any fire hazardous and other bulky materials.
 - Repair shops / workshops of automobiles, tyre resoling and re-treading, and battery charging 3.
 - Storage, go-down and warehousing.
 - Junk shop (except paper and glass waste)
 - Liquor shop
 - Printing, dyeing and varnishing
 - Any other activity that may be notified from time to time by Government.

- Substituted for "Where this is not available, cost of development of parking, shall be payable by the plot allottee / owner to the local body concerned." vide MoUD, Delhi Division, Notification S.O. 1914(E) dt. 14.07.2015.
- Substituted for "traders association, wherever possible, or acquired for construction of parking facilities, preferably, multi level parking. Development of such parking facilities shall be done by either the traders Association or by local bodies and may include public-private partnership as model for implementation" vide *ibid*.
- Inserted vide *ibid*.
- Substituted for "(i) Retail shops shall be permitted on plots abutting streets notified for mixed use only on the ground floor up to the maximum permissible ground floor coverage. (ii) Shops operating from basement on such streets may continue, subject to relevant provisions of building bye laws, structural safety and fire safety clearance. However, if such use of basement leads to exceeding the permissible FAR on the plot, such FAR in excess shall be used, subject to payment of appropriate charges prescribed with the approval of Government" vide MoUD, Notification S.O. 2034(E) dt. 12.8.2008.

Notes:

Will not include:

1. Business of finished marble products where cutting and polishing activity of marble is not undertaken will be permitted only on residential plots of minimum 100 sqm size abutting ROW of 18m and above. The maximum permissible ground coverage shall be 50%.
2. Retail shops of gravel, sand and cement shall be permissible in residential plots of at least 100 sqm abutting ROW of 18m and above in notified mixed use streets in E, F and G category colonies, provided that the material is kept entirely within the plot premises. The maximum permissible ground coverage shall be 50%. The shops which were in existence in consonance with MPD-2021 provisions prior to notification of this amendment shall be allowed to continue.
3. Repair shops and workshops in case of automobiles shall not be prohibited on plots abutting mixed-use streets or commercial streets of right of way (ROW) of 30m or more.

15.6.3

[Small shops of maximum 20 sqm area each, restricted to maximum permissible number of DUs in the plot or four numbers, whichever is less, trading in or dealing with the following specified 24 items / activities; are allowed on ground floor only in residential plot, excluding A & B category of colonies. However, small shops of maximum 20 sqm area each, restricted to maximum permissible number of dwelling units in the plot or four in number, whichever is less, trading in or dealing with specified items / activities existing as on 7.2.2007 may continue on ground floor only in a residential plot in A & B category of colonies but in future only one small shop of 20 sqm area shall be allowed on ground floor in a residential plot in A & B category of colonies.]

- (i) Vegetables / fruits / flowers
 - (ii) Bakery items / Confectionary items;
 - (iii) Kirana / General store;
 - (iv) Dairy product;
 - (v) Stationery / Books / Gifts / Book binding;
 - (vi) Photostat / Fax / STD / PCO;
 - (vii) Cyber café / Call phone booths;
 - (viii) LPG booking office / Showroom without LPG cylinders;
 - (ix) Atta Chakki;
 - (x) Meat / Poultry and Fish shop;
 - (xi) Pan shop;
 - (xii) Barber shop / Hair dressing saloon / Beauty parlour;
 - (xiii) Laundry / Dry cleaning / ironing;
 - (xiv) Sweet shop / Tea stall without sitting arrangement;
 - (xv) Chemist shop / Clinic / Dispensary / Pathology lab;
 - (xvi) Optical shop;
 - (xvii) Tailoring shop;
 - (xviii) Electrical / Electronic repair shop; and
 - (xix) Photo studio;
 - (xx) Cable TV / DTH Operation;
 - (xxi) Hosiery / Readymade Garments / Cloth shop;
 - (xxii) ATM
 - (xxiii) Cycle Repair Shop and
 - (xxiv) Ration shop & Kerosene Shop under PDS.
- Any other item / activity that may be notified by the Central Government.

1. Substituted for "Will not include: (1) Business of finished marble products where cutting and polishing activity of marble is not undertaken. (2) Retail shops of gravel, sand and cement shall be permissible in residential plots of at least 50 sq.m., in notified mixed use streets in E, F and G category colonies, provided that the material is kept entirely within the plot premises. (3) Repair shops and workshops in case of automobiles shall not be prohibited on plots abutting mixed-use streets or commercial streets of right of way (ROW) of 30m or more." vide MOUD Notification S.O. 2789(E) dt. 24.8.2016.
2. Substituted for "The small shops of maximum 20 sqm. area, trading in or dealing with the following items/activities, may be allowed on ground floor only, in residential premises, including in A and B category colonies" vide MOUD Notification S.O. 2034(E) dt. 12.8.2008.

15.7 OTHER ACTIVITY

15.7.1 Subject to the general conditions given in para 15.4 and additional conditions given in para 15.7.3, the following public and semi-public activities shall also be permitted in the residential plots abutting roads of minimum ROW prescribed in 15.7.2, whether or not the road is notified as mixed use street:

- (a) Pre-primary school (including nursery / Montessori school, creche.)
- (b) (i). Nursing home
(ii). Clinic, Dispensary, Pathology lab and Diagnostic center.
*[H]. Wellness Centers including Day Spas / Weight Loss Centres / Ayurvedic Centres offering Ayurvedic treatment / Salons offering fitness & aesthetic medical services and operating as on 7.2.2007.]
- (c) Guest house (including lodging houses) irrespective of number of rooms.
- (d) Bank
- (e) Fitness Centre (including gymnasium, yoga/meditation centre) *[as existed on 12.8.2008]
- (f) Coaching centres / tuition centres other than those imparting structured courses leading directly to the award of a degree or diploma or conducting classes such as a regular school.
- *(g) Non-profit making Non-Governmental Organizations (NGOs) existing as on 7.2.2007 and registered as such under Section 12A read with Section 12AA(1)(b) of the Income Tax Act, 1961.]
- *(h) Vocational Training Centre (ITI/Polytechnic/ Vocational Training Institute/Management Institute/Teacher Training Institute for the AICTE/NCTE approved courses (diploma level) as per AICTE/NCTE Norms.)
- *(i) Hostel/paying-guest accommodation.]
- *(j) Other activities which are non-polluting, non-hazardous and not prohibited by law in residential areas shall be permitted. This shall include the activities carried out by the differently-abled persons as per their individual skill sets.]

15.7.2 The minimum ROW of a street or stretch of road on which the above-mentioned other activities are permissible is as follows:

In A & B Colonies*: 18m ROW in regular plotted development;

Notes:

*Banks [and fitness centres] shall however, not be permissible, except those already operating as on 07.09.06.

In C & D colonies: 18 m ROW in regular residential plotted development, 13.5 m ROW in rehabilitation colonies and 9 m ROW in regularized- unauthorized colonies, resettlement colonies, Walled City, special area and urban villages; and in pedestrian shopping streets (of less than 6 m ROW).

In E, F & G Colonies: 13.5 m ROW in regular plotted development, 9 m ROW in rehabilitation colonies and 6m ROW in Walled City, regularized- unauthorised colonies, resettlement colonies, Special areas, and urban villages and in pedestrian shopping streets (of less than 6m ROW).

[Note: Coaching centres / tuition centres shall also be allowed to operate on a minimum ROW of 9m unless lesser ROW is specified, in all colonies planned and developed prior to 1962 including A and B category colonies.]

1. Added vide MoUD, Delhi Division, Notification S.O. 2034(E) dt. 12.8.2008.
2. Substituted for "7.2.2007" vide MoUD, Delhi Division, Notification S.O. 1215(E) dt. 13.5.2013.
3. Inserted vide MoUD, Delhi Division, Notification SO. 678(E) dt. 4.3.2014.
4. Inserted vide MoUD, Delhi Division, Notification SO. 2690(E) dt. 11.08.2016.
5. Inserted vide Ministry of Housing and Urban Affairs: Notification No. S.O. 3026(E) F. No. K-12011/4/2018-DD.I, dt. 21.06.2018.
6. Deleted vide MoUD, Delhi Division, Notification S.O. 2034(E) dt. 12.8.2008.

(iv) vide MoUD, Delhi Division, Notification S.O. 1215(E) dt. 13.5.2013, substituted for "phys"

15.7.3

¹[The above mentioned public and semi-public activities shall be subject to the following overriding conditions on the general conditions prescribed in preceding paras:]

- (i). Subject to the specific conditions mentioned in succeeding paras, the minimum size² of the plot on which these activities shall be permissible, on streets of prescribed minimum ROW, shall be 200 sqm in regular plotted development, 75 sqm in rehabilitation colonies, regularized unauthorized colonies, resettlement colonies, Walled City, Special Area & urban villages subject to the following specific conditions.
- (ii). ³[Banks shall be permissible on maximum 2/3rd of FAR subject to 500 sqm while guest house, nursing homes, Wellness Centres including Day Spas / Weight Loss Centres / Ayurvedic Centres offering Ayurvedic treatment/Salons offering fitness & aesthetic medical services will be permissible upto 3/4th of the floor area.]
- (iii). Nursing Homes, dispensaries, clinics, ⁴[Wellness Centres including Day Spas / Weight Loss Centres / Ayurvedic Centres offering Ayurvedic treatment / Salons offering fitness & aesthetic medical services], ⁵[multidisciplinary clinics for persons with learning disabilities (facilities for care of the elderly and disabled shall be permissible under this category) and pathology labs shall be permissible: on minimum plot size of 100 sqm in regular plotted development on 13.5m ROW in C & D colonies and 9 m ROW in E, F & G colonies. ⁶[However, the minimum plot size shall be 50 sqm for clinics, dispensaries and pathology labs shall be permissible on minimum plot size of 100 sqm in regular plotted development on 13.5m ROW in C & D colonies and 9m ROW in E, F & G colonies.] However, the minimum plot size shall be 50 sqm for clinics, dispensaries and pathology labs running in these colonies and also in E, F and G category colonies. In Walled City, Walled city extension, villages and unauthorized-regularized colonies, conditions of plot size and minimum ROW shall not be applicable.
- (iv). Nursing Homes, ⁷[Wellness Centres including Day Spas / Weight Loss Centres / Ayurvedic Centres offering Ayurvedic treatment / Salons offering fitness & aesthetic medical services] operating in plots abutting Master Plan roads and Zonal Plan roads shall be permissible up to 100% of built up area and the limit on the size of the plot would not apply.
- ^f[(v). Guest Houses operating in plots abutting streets of prescribed minimum ROW in Special Area and in plots abutting Master Plan roads and Zonal Plan roads shall be permissible up to 100% of built up area and the limits on the size of the plot shall not apply. Provided that except in LBZ and Civil Line Bungalow Zone, Guest House that were operating validly under provisions of MPD 2021, prior to 31.12.2010 would continue to the extent as was permissible at that time. For Guest Houses, which were already in existence prior to 07.02.2007, the requirement of RoW would be as provided for in notification dated 07.05.1999 subject to the provisions of the National Building Code, Building Byelaws, 1983, Delhi Fire Service Act, 2007, Delhi Fire Service Rules, 2010 and other statutory bodies as applicable under relevant Acts/Rules.]
- (vi). ⁸[Pre-primary school (other than those on plots abutting commercial streets) shall be restricted only to the ground floor upto the permissible ground coverage. Fitness Centre (including Gymnasium, Yoga / Meditation Centre), (other than those on plots abutting commercial streets) is permitted on all floors. It is also permitted in the basement subject to relevant provisions of Building Bye Laws, structural safety norms and fire safety clearance. In case the use of basement leads to exceeding the permissible FAR on the plot, such FAR in excess shall be used subject to payment of appropriate charges prescribed with the approval of Government.]

1. Substituted for "The above mentioned public and semi-public activities shall be subject to the following additional conditions in addition to general conditions prescribed in preceding paras" vide MoUD, Notification S.O. 2034(E) dt. 12.8.2008.
2. Substituted for "Banks shall be permissible on maximum 2/3rd of FAR subject to 500 sqm. while guest house and nursing homes will be permissible up to 3/4th of the floor area" vide MoUD, Notification S.O. 2034(E) dt. 12.8.2008.
3. Added vide MoUD, Notification S.O. 2034(E) dt. 12.8.2008.
4. Inserted vide MoUD, Delhi Division, Notification SO. 2866(E) dt. 10.12.2012.
5. Inserted vide *Ibid*.
6. Substituted for "Guest Houses operating in plots abutting streets of prescribed minimum ROW in Special Area and in plots abutting Master plan roads and zonal plan roads shall be permissible up to 100% of built up area and the limits on the size of the plot shall not apply. Provided that except in LBZ and Civil Line Bungalow Zone, Guest houses that were operating validly under provisions of MPD, prior to 7.9.2006 would continue to the extent as was permissible at that time." vide MoUD, Notification S.O. 1771(E) dt. 12.05.2016
7. Substituted for "Pre-primary school and fitness center (other than those on plots abutting commercial streets) shall be restricted only to the ground floor up to the permissible ground coverage" vide MoUD, Notification S.O. 2034(E) dt. 12.8.2008.

(vii). [Coaching centres and tuition centres referred to in para 15.7.1 (f) including computer coaching and language coaching centres shall be permissible upto 2/3rd of the maximum permissible FAR of the plot size subject to a maximum of 500 sqm built area and basement. There shall be no restriction on the size of the plot. Use of basement shall be subject to clearance from the fire authorities and other statutory bodies as per the relevant provisions of MPD 2021 and Unified Building Bye-Laws, 1983, amended from time to time. In case the use of basement for coaching centres and tuition centres including computer coaching and language coaching activity leads to exceeding the permissible FAR on the plot/such FAR in excess shall be used subject to payment of appropriate charges prescribed with the approval of Government. Other existing coaching/tuition centres may be allowed to continue till end of May, 2008 and shift to conforming locations by then. The tuition centres for school children only, shall also be permissible in the ground floor dwelling of any group housing on a maximum floor area of 100 sqm or 50% of the floor area of the flat, whichever is less.]

(viii). The above mentioned activities shall also be subject to any other specific terms and conditions, as may be prescribed in the relevant statutes / acts applicable to them.

(ix). It shall be the responsibility of the plot allottee / owner to make arrangements for parking so that the parking does not encroach / spill over on public land.

(x). NGOs as referred to in Clause (g) of Sub-para 15.7.1, if not registered as yet, should get themselves registered within one year from the date of Notification. Activities of NGOs will be allowed to continue only from that part of the premises which was in use as on 7.2.2007 without permitting any further increase subject to the condition that it is less than 3/4th of the floor area.]

(xi) The activity given in Para 15.7.1 (h) shall be permitted on individual residential plots of size 1000 sq.m. and above.]

Note:

* Variation of $\pm 5\%$ in plot size may be disregarded.

15.7.4 BANQUET HALL¹

Banquet Hall shall also be permissible in industrial and commercial areas including notified commercial streets under Mixed Use Regulations. Development control norms in respect of ground coverage, FAR, height and basement shall be applicable as per master plan norms for the specific land use for that premises till specific regulations are notified for this purpose.

15.8 PROFESSIONAL ACTIVITY

Subject to the general terms and conditions specified in para 15.4, professional activity is permissible in plotted development and group housing under the following specific conditions:

- (i). Professional activities shall mean those activities involving services based on professional skills namely Doctor, Lawyer, Architect, and Chartered Accountant, Company secretary, Cost and Works Accountant, Engineer, Town Planner, Media professionals and Documentary Film maker *[Management Professionals.*] *[and Dietician/ Nutritionists]

1. Substituted for "Coaching centres and tuition centres referred to in para 15.7.1 (f) shall be permissible in up to 2/3rd of the maximum permissible FAR in plots of less than 250 sqm. There shall be no restriction as to minimum size of plot. Other existing coaching/ tuition centers may be allowed to continue till end of May 2008 and shift to conforming locations by then" vide MoUD, Notification S.O. 2034(E) dt. 12.8.2008.
2. Added vide MoUD, Notification S.O. 2034(E) dt. 12.8.2008.
3. Inserted vide MoUD, Delhi Division, Notification SO. 678(E) dt. 4.3.2014.
- f. Also refer to Part II of this Book.
4. Inserted vide MoUD, S.O. 1135(E) dt. 14.5.2008.
- @. Inserted vide MoUD, Notification S.O. 2789(E) dt. 24.08.2016.

- (ii). In group housing, and plotted development with multiple dwelling units, professional activity shall be permitted on any floor subject to maximum of 50% of the permissible or sanctioned FAR, whichever is less, of each dwelling unit.
- (iii). In the case of plotted development with single dwelling unit, professional activity shall be permissible on any one floor only, but restricted to less than 50% of the permissible or sanctioned FAR whichever is less on that plot.
- (iv). [Professional activity in basements is permissible in plotted development, subject to relevant provisions of Building Bye-Laws, structural safety norms and fire safety clearance. In case, the use of basement for professional activity leads to exceeding the permissible FAR on the plot, such FAR in excess shall be used subject to payment of appropriate charges prescribed with the approval of Government.]

*[Note : * Management professional shall be the one holding MBA degree / diploma from AICTE/ UGC/ Centrally recognized Institutions or Institutes of national importance and having membership of Delhi Management Association.]

15.9 REGISTRATION OF MIXED USE PREMISES AND PAYMENT OF CHARGES*

- (i) In respect of a residential premises already under mixed use or intended to be put to mixed use, the owner / allottee / resident of the plot / dwelling unit, in case of plotted development and dwelling unit in the case of group housing, shall be required to declare such mixed-use by filling up a form in this respect and depositing it with the local body concerned any pay one-time registration charges at rates to be notified with the approval of the Central Government.

- (ii) The premises under mixed use shall also be liable for payment of mixed-use charges every year to the local body concerned at the rates notified with the approval of Central Government, for the period during which the property is put to mixed use. Such payment will be made by the property owner / allottee voluntarily before 30th June of every year in respect of the previous assessment year (April - March).

*[For mixed use for the year 2006-07 and 2007-08, the property owner / allottee shall be allowed to pay one time registration charges and annual conversion charges without payment of any penalty under Clause 15.9 (v) for mixed use on or before 30.6.2009.]

- (iii) No modification to the building for using residential premises for non-residential activities, under the mixed use policy, shall be permitted unless the allottee / owner has obtained sanction of revised building plans and has paid necessary fees or charges.

- (iv) The local body concerned shall be responsible for the conduct of test check of properties, under mixed use, whether registered with it or not.

*[(v) In addition to other penal action available under the relevant act, properties found to be under mixed use, without registration or in violation of the terms of this notification shall be liable to pay, to the local body, a penalty amounting to 1.5 times the applicable charges for mixed use.]

*[(vi) In respect of residential premises already under mixed use on 7.2.2007 in Special area, the owner / allottee / occupier of the plotted development shall be required to declare such mixed use by filling up a form in this respect and depositing it with local body concerned and pay one time registration charges and conversion charges without penalty on or before 30.6.2009 at the rate to be notified with the approval of the Government from time to time.]

1. Substituted for "Existing professional activity in basements may continue in plotted development, subject to relevant provisions of Building bye laws, structural safety norms and fire safety clearance. In case the use of Basement for professional activity leads to exceeding the permissible FAR on the plot, such FAR in excess shall be used subject to payment of appropriate charges prescribed with the approval of Government" vide MoUD Notification S.O. 2034(E) dt. 12.8.2008.
2. Inserted vide MoUD Notification S.O. 1135(E) dt. 14.5.2008.
- f. Also refer to Part II of this Book.
3. Added vide MoUD, Delhi Division, Notification SO. 2034(E) dt. 12.8.2008.
- * Substituted for "In addition to other penal action available under the relevant act, properties found to be under mixed use, without registration or in violation of the terms of this notification shall be liable to pay, to the local body, a penalty amounting to 10 times the annual conversion charges for mixed use." vide Ministry of Housing and Urban Affairs Notification No. S.O. 3026(E) F. No. K-12011/4/2018-DD-I, dt. 21.06.2018.

15.10 CONSULTATION WITH RWAs

- (i) The Residents Welfare Association (RWA) shall be a body registered before 21.07.06, or registered for at least three years under any statute, such as Societies Registration Act.
- (ii) Consultation with the RWA concerned for the purposes of declaring mixed use streets shall be done by the local bodies concerned.
- (iii) Genuine efforts for meaningful consultation with RWAs shall be made by the local bodies. Such efforts may include wide publicity to the proposed consultations, maintenance of record of consultation and providing access to those records to RWA concerned and public.
- (iv) Consultation with the RWA concerned shall be limited to identification of mixed use streets, and not for grant of permission in individual cases. However, RWAs shall have a right to be heard in cases of complains of public nuisance and non-permissible uses.

15.11 CONDITIONS FOR DENIAL/WITHDRAWAL/RESTRICTIONS OF MIXED USE

15.11.1. Permission or registration for mixed use can be cancelled or suspended by the concerned local body in case of violation of any of the conditions under which such mixed use is permissible / permitted.

15.11.2. The following non-residential activities, not covered under the mixed use policy, shall be permissible in residential areas under the following conditions:

- (i). All such non-conforming schools operating on private lands and existing on or before 01.07.06 shall be required to conform to the prevailing norms within three years. Such schools shall apply to the concerned local body to consider for regularisation by modification in the layout plan, failing which these shall be closed down / shift to conforming premises.
- (ii). In addition, coaching centers and tuition centers referred to in para 15.7.1, running in residential premises, shall be allowed to continue till the end of May, 2008.

15.12 COMMERCIAL STREETS AND AREAS*

15.12.1 The following streets / stretches of streets or areas may be notified as commercial streets or commercial areas by the local authority:

- (a) Where more than 70% of the plots abutting roads of ROW of 24m or more, in a stretch of at least 300m, in regular plotted development are under commercial use, provided that no street in colonies in A and B categories shall be notified as commercial street.
- (b) Where more than 70% of the properties abutting roads of less width than 24m ROW, in a stretch of at least 100m, in rehabilitation colonies, regularized-unauthorized colonies, resettlement colonies, Walled City, Special Area and urban villages and local commercial streets / areas declared under MPD-1962 as per para 15.3.1; and
- (c) [In E, F and G category colonies, where, 80% of residential plots are under mixed use, or if there are 150 shops, within a contiguous area of 1²[ha], the Local Body shall carry out a survey in such areas within a period of three months from the date of this Notification.]
- (d) Any street less than 6m ROW if declared as commercial streets shall be a pedestrian shopping street and not open to motorized transport.

*Provided that consistency shall be maintained by the local body in determining the ROW whether the street is bordered by service road, green verge, park or not.

f. For list of notified streets refer to Part II of this Book.

1. Substituted for "In E, F and G category colonies, where, 80% of residential plots are under mixed use, or if there are 300 shops, within a contiguous area of 1 hectare" vide MOUD Notification S.O. 2034(E) dt. 12.8.2008.
2. Substituted for "hectare" vide MoUD, Delhi Division, Notification S.O. 3173(E) dt. 12.12.2014.

15.12.2. For the notification of commercial streets / areas, in areas that have not been surveyed or have been surveyed but streets have not been notified pursuant to notification dated 7.9.2006, local bodies shall be required to carry out within a reasonable time of the notification coming into force, and with due expedition, and not later than 90 days, a survey of all streets of the above-mentioned width / areas, if not already done, with a view to identifying stretches of such streets / areas as commercial streets / areas.
 [Note 1 : The local body shall carry out a survey in those areas / streets / roads in urban villages and regularized-unauthorized colonies not surveyed pursuant to the provisions of MPD-2021 notified on 7.2.2007, within a period of three months of this notification.]

15.12.3 After identification is done, notification of commercial stretches / streets by the Urban Development Department, GNCTD would necessitate compliance to the following terms and conditions:

- (i). Preparation of revised layout plan / Scheme for such areas / streets with the approval of the local body / Authority;
- (ii). The lay-out plan / Scheme for such areas / streets should indicate adequate provision for circulation, parking, open spaces and other planning norms;

(iii). Common parking areas would be earmarked taking into account the additional load on traffic and parking consequent upon notification of the street as commercial area / street. If no parking space is available, land / plot on the said street / area may be made available by traders association, wherever possible, or acquired for construction of parking facilities, preferably, multi level parking. Development of such parking facilities may be done by either the traders association or by local bodies and may include public-private partnership as a model for implementation.

*[iv. On notification of a commercial street / area under this clause, such streets / areas shall be considered as local shopping centres as mentioned in Chapter 5 of this Plan. The plot owners / allottees on these commercial streets / areas shall have to pay conversion charges as prescribed by the Government from time to time, in respect of the built up area which shall not exceed the residential development control norms applicable to the plot. This is a one-time facility for plot allottees / owners in such commercial areas / streets and shall not be construed as relaxation of the development control norms in future.]

(v). Any other condition that may be prescribed by Government from time to time.

(vi). One time facility for all activities permitted in Local Shopping Centres shall be permissible in commercial streets and areas including multi-level parking. In addition, banquet halls shall also be permissible for which regulations may be prepared.

*[(vii) Commercial activity in basement on such streets / areas (later designated as CC/LSC/CSC) shall be permitted, subject to relevant provisions of building bye-laws, structural safety and fire safety clearance etc. However, if such use of basement leads to exceeding the permissible FAR on the plot, such excess FAR shall be used subject to payment of appropriate charges as prescribed with the approval of Government.]

1. Added vide MOUD Notification S.O. 2034(E) dt. 12.8.2008.

2. Substituted for "On notification of a commercial street/area under this clause, such streets/areas shall be considered as local shopping centres as mentioned in Chapter 5.0 of this Plan. The plot owners/allottees on these commercial streets/areas shall have to pay special conversion charges at rates approved by the Central Government, in respect of the built up area used for commercial purpose, provided that such built up area shall not exceed the residential development control norms applicable to the plot. This is a one-time facility for plot allottees/owners in such commercial areas/streets and shall not be construed as relaxation of the development control norms in future" vide MOUD Notification S.O. 2034(E) dt. 12.8.2008.

3. Substituted for "Shops operating from basement on such streets may continue, subject to relevant provisions of building bye laws, structural safety and fire safety clearance. However if such use of basement leads to exceeding the permissible FAR on the plot, such FAR in excess shall be used subject to payment of appropriate charges prescribed with the approval of Government" vide MOUD Notification S.O. 2034(E) dt. 12.8.2008.

Substituted for, " *[(vii). Commercial activity in basement on such streets shall be permitted, subject to relevant provisions of building bye laws, structural safety and fire safety clearance. However, if such use of basement leads to exceeding the permissible FAR on the plot, such FAR in excess shall be used subject to payment of appropriate charges prescribed with the approval of Government. vide Ministry of Housing and Urban Affairs Notification No. S.O. 3026(E) F. No. K-12011/4/2018-DD.I, dt. 21.06.2018.

ANNEXURE '[15.0](i)

LIST OF PRE-1962 BUILT UP RESIDENTIAL AND REHABILITATION COLONIES

1. Aliganj	20. Kishan Ganj	39. Prem Nagar
2. Andha Mughal	21. Kishan Nagar	40. Punjabi Bagh
3. Balbir Nagar	22. Lajpat Nagar - I to IV	41. Rajouri Garden
4. Bharat Nagar	23. Malka Ganj	42. Rana Pratap Bagh
5. B. K. Dutt Colony	24. Malviya Nagar	43. Ramesh Nagar
6. Dishad Garden	25. Mansarovar Garden	44. Ram Nagar
7. Gandhi Nagar	26. Model Basti	45. Rohtas Nagar
8. Geeta Colony	27. Model Town	46. Roop Nagar
9. Gulabi Bagh	28. Moti Nagar	47. Sarai Rohilla
10. Inderpuri	29. Multan Nagar	48. Shahdara
11. Jangpura - A	30. Nanakpura	49. Shakti Nagar
12. Jangpura - B	31. Nicholson Marg	50. Sheikh Sarai
13. Jangpura Extn.	32. New Rajinder Nagar	51. Shivaji Park
14. Jawahar Nagar	33. Old Rajinder Nagar	52. Subhash Nagar
15. Kalkaji	34. Outram Lines	53. Tilak Nagar
16. Kamla Nagar	35. Patel Nagar (E)	54. Timar Pur
17. Karol Bagh	36. Patel Nagar (W)	55. Tihar - I & II
18. Kingsway Camp	37. Patel Nagar (S)	56. Vinoba Puri
19. Kirti Nagar	38. Pratap Nagar	57. Vijay Nagar

16. LAND USE PLAN

16.0 LAND USE PLAN-2021

The Land Use Plan-2021 has been prepared based on-

- (i) The policies enunciated for different urban activities,
- (ii) Requirement of additional social and physical infrastructure,
- (iii) Transportation and work centres,
- (iv) Already approved Zonal Development Plans and land use modifications.

In order to control the development, the areas have been designated as one of the 27 use zones identified in the Development Code. These use zones have been classified broadly in nine categories of land uses namely Residential, Commercial, Industrial, Recreational, Transportation, Utility, Government, Public & Semi - Public Facilities and Agriculture & Water Body. The development in these use zones would be carried out in accordance with the regulations as laid down in the Development Code and respective chapters.

16.1 ZONAL DEVELOPMENT PLANS

The NCTD has been divided in 15 Zones (Divisions) designated 'A' to 'P' (except Zone 'I') in the Master Plan 2021. The Zonal Plans of eleven zones for the perspective year 2001 have been approved and notified whereas the Zonal Plans for the zones 'N' (North West Delhi-III), 'K' (part between Dwarka & Rohini, 'J' (South Delhi- II), L (West Delhi- II), O (River Yamuna), P- II (North Delhi) are at various stages of preparation and process. The boundaries of the zones 'O', 'P' and 'N' as given in the MPD-2001 have been modified and accordingly, the areas have been computed approximately as given in the Table 16.1

1. Substituted for "I" vide MoUD, Delhi Division, Notification S.O. 3173(E) dt. 12.12.2014.