

## **Delhi Development Authority (Fixation of Charges for Mixed Use and Commercial Use of Premises) Regulations, 2006**

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## **Delhi Development Authority (Fixation of Charges for Mixed Use and Commercial Use of Premises) Regulations, 2006**

S.O.1993(E).-In exercise of powers conferred by Section 57 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority with previous approval of Central Government, hereby makes the following Regulations:--

### **1. Short Title and Commencement :-**

(i) These Regulations shall be called "The Delhi Development Authority (Fixation of Charges for mixed use and commercial use of premises) Regulations, 2006".

(ii) These Regulations shall come into force with effect from the date of publication of this Notification in the Gazette of India.

(iii) All words and expressions used in these Regulations but not defined shall have the meaning assigned to them in the Delhi Development Act, 1957 or the Master Plan prepared and approved under the said Act or the Delhi Municipal Corporation Act, 1957 or the New Delhi Municipal Council Act, 1994, as the case may be.

(iv) If any, question arises relating to the interpretation of these Regulation's it shall be decided by the Central Government.

### **2. Definition :-**

In these Regulations, unless the context otherwise requires,

(i) "Act" means the Delhi Development Act, 1957 as amended from time to time.

(ii) "Assessment Year" means a year starting from the 1st day of April each year and expiring on 31st day of March of the next year.

(iii) "Category of colonies" means categorization of colonies from (A) to (G) as adopted by the MCD for unit area method of property tax assessment.

(iv) "Declaration" means a statement given by the owner/allottee/resident/ user of the premises subject to mixed use on the prescribed form.

(v) "Escrow Account" means a dedicated savings account held by the Local Body concerned not being operative unless the conditions for which it has been opened are fulfilled in accordance with the provisions of these Regulations.

(vi) "Local Authority" means the concerned local authority such as Delhi Development Authority, Municipal Corporation of Delhi and New Delhi Municipal Council depending on the location of the property.

(vii) "Master Plan" means Master Plan for Delhi framed and notified under the provisions of Delhi Development Act.

(viii) "Mixed Use" means the provision for permitting nonresidential activities in residential premises, and includes non-residential activities in residential premises abutting notified commercial streets/areas, but shall not include those activities, which are not permissible as per the Master Plan.

(ix) "User" of the premises shall mean only an authorized occupant of the said premises.

### **3. Application :-**

These Regulations shall apply to residential premises being used for non-residential activity in accordance with the Mixed Use regulations contained in the Master Plan of Delhi, as amended vide Notification SO No.1456 dated 07.09.2006.

### **4. Registration of Mixed use Premises :-**

In respect of residential premises already under mixed use or intended to be put to mixed use/commercial use, the owner/allottee/resident /user of plot/dwelling unit in the case of plotted development and dwelling unit in the case of group housing

shall be required to make a declaration to this effect in the prescribed format and deposit one-time registration charges with the local authority concerned at the following rates: -

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

## **5. Annual Mixed use Charges :-**

(1) The premises under mixed use shall be subject to levy of Annual Mixed Use charges for the period up to which the premises remain/likely to remain under mixed use. The annual mixed use charges for the financial year 2006-07 for different categories of colonies shall be as under:-

(Rates in Rs. per sqm built up area)				
S. No.	Type of mixed use	A&B Category of colony	C&D Category of colony	E, F & G Category of colony
1.	Retail Shops	2300	1533	575
2.	Other Activities	1150	767	288
3.	Professional Activities	575	383	144

(2) The payment of annual mixed-use charges shall be made by the owner/allottee/resident/ user of the premises to the local authority voluntarily before 30th June of every year in respect of the previous assessment year, or part thereof, in proportion to that part.

(3) These rates will remain in force in respect of subsequent years unless specifically revised and notified with the approval of the Central Government.

## **6. Special Conversion Charges :-**

(1) The owner/allottee/resident/ user of the plot/dwelling unit on the notified commercial streets/areas shall be liable to pay Special Conversion Charges in the manner provided for in para 10.12.3(iv)

of the notification dated 7.9.2006.

(2) The annual special conversion charges for permitting commercial use on upper floors in residential premises on notified commercial streets/areas would be twice the annual mixed land use charges applicable in the relevant category of colony for mixed use streets as mentioned in para 5 above.

(3) Retail shops on ground floors, other activities and professional activities being carried out in residential premises on notified commercial streets and commercial areas would only be liable for payment of annual mixed use charges to the extent of mixed use, as applicable to the relevant category of colonies as indicated in para 5 above.

## **7. Onetime Cost for Development of Parking :-**

(1) As provided in para 10.4 and para 10.12.3 of the Notification dated 7.9.2006, the owner/ allottee/ resident/ user of the plot/dwelling unit under mixed land use shall also be liable to pay one time cost for development of parking and such rate for 1 ECS per 50 sqm of plot area shall be as under for the year 2006-07:-

A & B category of colonies	Rs. 2,10,500/-
C & D category of colonies	Rs. 1,49,750/ -
E, F & G category of colonies	Rs. 66,500/-

(2) These rates will remain in force in respect of subsequent years unless specifically revised and notified with the approval of the Central Government.

(3) One time parking charges would not be required to be levied in streets notified as pedestrian shopping streets.

## **8. Utilization :-**

(1) The amount so collected shall be deposited in an ESCROW ACCOUNT by the local body concerned for incurring expenditure for developing parking sites, augmentation of amenities/ infrastructure and environmental improvement programmes, for the areas in which the mixed use/ commercial use streets fall, after consulting all stakeholders including traders in the area.

(2) A separate account of the income and expenditure of the Escrow Account shall be maintained by the local authority and a quarterly statement of the same shall be rendered by the local authority to the Government.

**9. Penalty :-**

(1) The delay in payment of Mixed Use and special conversion charges beyond 30th June of the relevant financial year shall be compoundable on payment of interest at 8%, provided it is paid before 31st March of the same financial year.

(2) The property found under mixed-use that is without declaration or Registration or in violation of the provisions of the Notification dated 07.09.2006 and these Regulations, shall be liable for penal action available under the relevant Act by the local body concerned and also a penalty amounting to 10 times the annual conversion charges for mixed-use shall be imposed.