



LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI

COMMITTEE ON PETITIONS

EIGHTH REPORT OF THE SIXTH ASSEMBLY

SUBJECT: IN THE MATTER OF TRANSFER OF OWNERSHIP
RIGHTS OF FOUR STORYED DDA FLATS KALKAJI TO
RESIDENTS/ ALLOTEES

PRESENTED ON 02ND DECEMBER, 2019

ADOPTED ON 3RD DECEMBER, 2019

Legislative Assembly, Old Secretariat, Delhi – 110054

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COMMITTEE ON PETITIONS
(2019-2020)

Shri Saurabh Bhardwaj

Chairperson

COMPOSITION OF THE COMMITTEE
MEMBERS

2. Shri Akhilesh Pati Tripathi.
3. Smt. Bhavna Gaur
4. Smt. Bandana Kumari
5. Ch. Fateh Singh.
6. Shri Girish Soni.
7. Shri Raju Dhingan.
8. Shri Pankaj Pushkar.
9. Shri Shri Dutt Sharma.

Assembly Secretariat:

- | | |
|-----------------------|------------------|
| 1. Shri C. Velmurugan | Secretary |
| 2. Shri Sadanand Sah | Deputy Secretary |
| 3. Sh. Manjeet Singh | Deputy Secretary |

PREFACE

The Hon'ble Speaker referred a petition to the Committee on Petitions submitted by Mr. Mahesh, Zakir Ali and Suresh Gupta from 1248, JJ Tenements Resettlement, Residents Welfare Association (Regd.) on the issue of Transfer of Ownership/freehold rights to residents of the Resettlement J.J Colony, presently known as 'Four Storied DDA flats, Kalkaji, New Delhi-110019.

The Committee examined the issues in detail in its meetings held on 14.05.2019, 03.10.2019, 11.10.2019, 03.10.2019 and 22.11.2019.

The Committee considered and adopted the Draft Special Report at their sitting held on 29.11.2019

The observations/recommendations of the Committee on the above matter have been included in the Report.

I would like to thank all the Members of the Committee for their continued guidance.

The Committee places on record the profound appreciation for the valuable assistance rendered by Sh. Sadanand Sah, Deputy Secretary, Sh. Manjeet Singh, Deputy Secretary, Sh. Subhash Ranjan ,Section Officer, Mr. Siddharth Singh, Associate Fellow, Delhi Assembly Research Centre(DARC) and other staff of Delhi Assembly Secretariat in preparation of this report.



Date: 30.11.2019

Place: Delhi

(SAURABH BHARDWAJ)

CHAIRMAN

COMMITTEE ON PETITIONS

INTRODUCTION

1. Shri Mahesh, Sh. Zakir Ali and Sh. Suresh Gupta from 1248, JJ Tenements Resettlement, Residents Welfare Association (Regd.) filed a petition dated 13.12.2017 on the issue of Transfer of Ownership/freehold rights to residents of the Resettlement J.J Colony, presently known as 'Four Storied DDA flats, Kalkaji, New Delhi- 110019. The petition was countersigned and presented to the Hon'ble Speaker, Delhi Legislative Assembly by Sh. Raju Dhingan, Hon'ble MLA and was referred to the Committee of Petitions on 29.04.2019.
2. 1248 dwelling units known as "Four storied J.J Tenements" located in DDA flats, Kalkaji were constructed during the years from 1970 to 1974 under the Policy of Government of India and were allotted on Licence fee basis to the families evicted from various J.J Clusters i.e. from Bapu Dham and other J.J. clusters.
3. The Petitioner had mentioned that the residents of the said DDA flats colony had already paid dues for their accommodations but since 1970, the Right to property of these DDA flats has not been transferred to the Allottees. Furthermore, most of the tenements have already been occupied by non allottee(s) - (a) Successor(s); (b) Legal heirs to the original allottee(s) or by GPA holder(s). The petitioners prayed that ownership rights to all occupants (Allottees as well as GPA holders) may be granted.
4. The Colony was initially developed and maintained by DDA till the Slum and JJ department remained with DDA. The Slum and JJ Department was transferred to MCD and again transferred back to DDA from time to time as per the administrative arrangements between the two Departments. On formation of Delhi Government, the Slum and JJ Department was renamed as Delhi Urban Shelter Improvement Board(DUSIB) as a successor of Slum and JJ Department and came under the administrative control of Delhi

Government. At present the colony is under the management of the Delhi Urban shelter improvement Board (DUSIB).

PROCEEDINGS

1. With the admission of petition alleging transfer of Ownership right of “Four Storied DDA flats, Kalkaji” New Delhi to the residents/Allottees pending since 1970, Hon’ble Chairperson of the Committee of Petition forwarded the copy of the petition vide letter dated 02.05.2019 to The Commissioner, South Delhi Municipal Corporation(SDMC); The Chief Executive Officer, Delhi Urban Shelter improvement Board (DUSIB) and Vice Chairman, Delhi Development Authority (DDA) seeking comments from the respective departments in the alleged petition to be submitted by 13.05.2019 for the kind perusal of the members of the Hon’ble Committee.
2. SDMC vide letter No.DC/L&E/SDMC/2019/D-57 dated 13.05.2019 informed that as per the available records, the ownership right of the said Four Storey DDA Flats, Kalkaji does not vest with South Delhi Municipal Corporation. Therefore, the comments of SDMC may be treated as “NIL”.
3. DDA vide letter No. F. 2 (2018/PMAY/3393), dated 14.05.2019 informed that JJ wing which was earlier part of Delhi Development Authority (DDA) has now been merged with the Delhi Urban Shelter Improvement Board (DUSIB). As such, the matter is being dealt by DUSIB.
4. DUSIB vide Dir (JJR) DUSIB /19/D-103 dated 10.05.2019, DUSIB has stated as under:-
 - I. Secretary (UD-II), Department of Urban Development, GNCTD vide letter dated 12.07.2013 sent a letter to Joint Secretary (Delhi Division), Government of India, Ministry of Urban Development for grant of Freehold/Ownership rights to the residents of JJ

tenements to six colonies. The name of colony under reference exist at Sl. No. 6 i.e. Kalkaji (Four Storeyed).

- II. Deputy Secretary (DD), ministry of Urban Development, Government of India vide letter dated 07.08.2013 addressed to the Chief Secretary, GNCTD sought the detailed proposal i.e. number of allottees, present conditions of allotment, relief and terms of allotment etc.
- III. DUSIB vide letter dated 12.11.2015 sent detailed information i.e. approval of DUSIB board etc which were already sent vide letter dated 20.05.2013.
- IV. Thereafter the correspondence on this issue was made with the Urban Development Department, GNCTD vide letters dated 17.05.2016, 28.07.2016, 09.01.2017, 22.09.2017, 27.03.2018, 11.09.2018, 01.10.2018, 22.11.2018 and 17.01.2019 respectively. A letter to this effect was also sent to Hon'ble Chairman, Privileges Committee, Delhi Legislative Assembly vide diary no. DD(JJR)/2018/D-680 dated 15.02.2019.
- V. Project Officer (BSUP) vide letter F No. 391(7)/UD/BSUP/2013/4100 dated 13.02.2019 sought certain information on this issue from DUSIB, reply of which was sent to DY. Secretary (Urban Development) by Dy. Director (JJR) vide no. D-699 dated 06.03.2019.
- VI. Deputy Secretary (BSUP), GNCTD, further vide letter F. No. 391(7)/UD/BSUP/2013/4803 dated 20.03.2019 sought present status of these tenements i.e. realization of conversion charges up to 31.12.2018. It was also mentioned therein that since the model code of conduct was in force, it would not be appropriate to send in the proposal, for approval of Govt. of India. Hence the requisite information is being updated, which shall be sent after the Model Code of Conduct of General Elections, 2019.
- VII. It was significant to note that "Four Storeyed DDA Flats, Kalkaji exists in the list of 06 other tenements for which the correspondence is being made amongst DUSIB Urban

Development Department GNCTD and Urban Development Ministry, Government of India to arrive at a conclusion.

5. In order to ascertain the facts and investigate the issues mentioned in the said Petition, The Committee on Petitions conducted its meetings on 14.05.2019, 03.10.2019, 11.10.2019, 03.10.2019 and 11.10.2019.
6. In the meeting dated 14.05.2019, Officers of Delhi Urban Shelter Improvement Board appraised the Committee about the 6 tenements which were under Slum and JJ Department, under DDA which came under the jurisdiction of DUSIB in 2010. The officer pointed out that since these lands were Nazool Land, hence it was under the control of Government of India. However, in 2013 a detailed proposal giving out the indicative cost to this effect was sent to Ministry of Urban Development, Government of India from Department of Urban Development, GNCTD. The Officer also pointed out that Proposal from DUSIB goes to Urban Development Department and the communication with Government of India is done through Urban Development Department, hence it has to be pursued by Urban Development Department, GNCTD. It was informed to the Committee that DUSIB had already submitted the requisite information/clarification sought by UD Department, GNCTD vide letter F. No. 391(7)/UD/BSUP/2013/4803 dated 20.03.2019 in the prescribed proforma as desired by Urban Development Department. The Committee directed the officer to expedite and pursue this matter aggressively as this was one of the promises made by the elected government. Also, it was agreed that an officer of the rank of Director will pursue the matter with the concerned officer.
7. In the meeting dated 03.10.2019 CEO, DUSIB assured the Committee that he will take up the matter on priority with the concerned officer of the Department of Urban Development and will meet himself to resolve the matter expeditiously. The Committee pointed out that some information sought by UD Department vide letter F. No. 391(7)/UD/BSUP/2013/4803 dated 20.03.2019 was not given in the

prescribed proforma. The Committee directed to seek Action Taken/Progress report.

Committee in the meeting dated 11.10.2019 expressed its displeasure over the absence of Principal Secretary, Department of Urban Development, GNCTD from the meeting dated 03.10.2019. The CEO, DUSIB, submitted to the Committee that all requisite information in the prescribed proforma as desired was submitted to Department of Urban Development, GNCTD vide letter D-126/DIR(JJR)/19 dated 09.10.2019. The Committee also reiterated the observation and directed that Urban Development Department, GNCTD shall pursue the matter with the concerned officer of the Ministry of Urban Development, Government of India and expedite the pending transfer of Ownership rights to the Allottees of the Multi Storeyed Tenements.

8. Urban Development Department, GNCTD in its submissions vide letter no. F. No 391(7)/UD/UD/BSUP/2013/9474-9475 dated 18.10.2019 reiterated its earlier point that was communicated vide letter dated letter F No. 391(7)/UD/BSUP/2013/ 4100 dated 13.02.2019 and in another letter dated 20.03.2019 that clearly stated that “Since the model code of conduct was in force, it would not be appropriate to send the proposal for the approval of Government of India. Hence DUSIB was requested to update the conversion charges upto 31.03.2019. However, it was informed to the Committee that DUSIB has not submitted the complete details due to which Urban Development Department was not able to process the matter further for approval of the competent authority. Thereafter, DUSIB vide DFR(JJR)/DUSIB/2019/D-133 dated 13.11.2019 submitted the entire updated information.

OBSERVATIONS AND CONCLUSIONS

From the scrutiny of the responses filed by the concerned Government departments, Government records the following observations are brought on record:

1. The Committee observed that the ownership of the tenements lies with the Delhi Urban shelter improvement Board (DUSIB). The Colony was initially maintained by DDA till the Slum and JJ department remained with DDA. Subsequently it was transferred to MCD and again transferred back to DDA from time to time as per the administrative arrangement between the two departments- DDA & MCD. Consequent to its establishment in 2010, all assets and liabilities of the erstwhile Slum and JJ wing/Department (attached to the DDA and MCD at different times) were transferred to the Delhi Urban Shelter Improvement Board.
2. "Four Storeyed DDA Flats, Kalkaji exists in the list of 06 other tenements for which the correspondence is being made amongst DUSIB Urban Development Department GNCTD and Ministry of Urban Affairs, Government of India to arrive at a conclusion.
3. The Committee observed that the competent authority in the matter is Ministry of Urban Affairs, Government of India and the correspondence with Government of India is done by the Urban Development Department, GNCTD.
4. The Committee observed that multi storeyed JJR tenements were constructed from 1968 by the DDA/Government of India on a license basis for 11 months and thereafter the Transfer/Grant of Freehold/Ownership to the allottees of the Multi Storey Tenements in Delhi was agreed, but since then 40 years have passed and no seriousness or urgency is shown by any of the concerned government Departments- DUSIB, Urban Development Department, GNCTD and Ministry of Urban Development, GOI. Hence, this matter still remains pending.

5. The committee expressed its displeasure with regard to unavailability of a senior official of the department present in the Committee meetings leading to subordinates shifting the blame on other officers apart from not being fully informed about the issue, which amounts to wasting precious Committee time.
6. The Committee observed that despite Urban Development Department, GNCTD communicated to DUSIB its information regarding updation of conversion charges upto 31.03.2019 way back in 20.03.2019, DUSIB failed to update the Conversion charges as required by Urban Development Department, GNCTD in time. Even when DUSIB did submit it vide letter D-126/DIR(JJR)/19 dated 09.10.2019 it submitted upto 31.12.2018 and completely overseen the observation made by Urban Development Department. In this regard, Director, JJR DUSIB should be made accountable for the delay in sending the requisite information for the approval of the competent authority in GNCTD and Government of India.

RECOMMENDATIONS

1. The Committee recommends that Departmental action should be taken against the officer concerned of Delhi Urban Shelter Improvement Board(DUSIB) who had overseen the observations made by Department of Urban Development, Government of National Capital Territory of Delhi regarding updation of the conversion charges in the letter vide letter F. No. 391(7)/UD/BSUP/2013/4803 dated 20.03.2019.
2. The Committee also recommends that there should be better Inter-Departmental coordination between Department of Urban Development, Government of National Capital Territory of Delhi and DUSIB so that such delays does not occur in the future and the citizens should not be denied of their legitimate rights.
3. GNCTD should ensure that this matter is followed up and concluded in the interest of people.
4. The Committee requests Chief Secretary of GNCT of Delhi to submit Action Taken Report on the recommendations of the Committee to Legislative Assembly of Delhi within thirty working days of adoption of this report.



Date: 30.11.2019

Place: Delhi

(SAURABH BHARDWAJ)

CHAIRMAN

COMMITTEE ON PETITIONS