

(b) whether the Municipal Corporation of Delhi allows such balconies in their colonies with some minor penalties and the Haryana Government proposes to allow the same for its colonies under HUDA in NCT of Delhi; and

(c) if so, whether Government proposes to allow DDA also for uniformity, if so, by when and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA ROY): (a) and (b) The Building Bye-laws relating to projections into open spaces *inter-alia* provide that:—

- (i) Every open space provided either interior or exterior shall be kept free from any erection thereon and shall be open to the sky nothing except cornice, Chajja or weather shade (not more than 0.75mtrs, wide) shall overhang or project over the said open space so as to reduce the width to less than the minimum required. Such projections shall not be allowed at a height more than 2.2m from the corresponding finished floor level.
- (ii) In case of Residential Buildings only, a balcony or balconies at roof level of a width of 0.9m over hanging in set-backs within one's own land and courtyards provided the minimum area required shall not be reduced by more than 30% of such open spaces as in Bye-law No. 12.3 and 12.4.

MPD 2021 was modified on 12.8.2008 to provide that projections/Chajjas/covered Chajjas, built up portion which existed before 07.02.2007 upto 1 m above 3 m height from the ground level shall be regularized for plot size upto 175 sqm on roads below 24 m ROW in pre-1962 colonies (except for A and B category), in unplanned areas (including special area, village abadi and unauthorized regularized colonies) and re-settlement colonies.

The Haryana Urban Development Authority (HUDA) has informed that balcony, Chajja or Sun-shade have been defined in Clause 1(vii), Clause 1(xv) of the HUDA (Erection of Buildings) Regulations, 1979 and the same are allowed on HUDA plots.

(c) No such decision has been taken in respect of DDA colonies and the amendment to the Master Plan dated 12.08.2008 was restricted to pre-1962 colonies, unplanned areas and re-settlement colonies.

#### **Status of third floor under MPD-2021**

2231. SHRI MANGALA KISAN: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) the present status of the third floor in Delhi, as per Master Plan 2021 and Supreme Court directions;

(b) whether due to MPD-2021, the threat of demolition on such properties that was hanging for long has finally receded;

(c) if so, the details of the proposals that benefit such property owners;

(d) whether Government has informed the local bodies of the benefits that MPD-2021 brings to third floor property owners so that they can modify their policies/decisions accordingly; and

(e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA ROY): (a) to (c) MPD-2021, notified on 7.02.2007, *inter-alia*, prescribes the Development Control Norms for buildings in residential plotted housing on different size of plots in respect of maximum ground coverage, Floor Area Ratio (FAR) and maximum height of the building as 15 metres. These parameters subject to fulfillment of other terms and conditions, determine the number of floors which could be constructed on a given size of plot. The Supreme Court in W.P.No. 4677 of 1985 in the case of M.C. Mehta Vs. Union of India and others *vide* orders dated 14.03.2008 has permitted construction of third floor subject to fulfilling the requirements of height and FAR permitted under MPD-2021 with reduction in number of dwelling units from 6 to 5, 9 to 7 and to 10 in respect of categories providing more dwelling units under MPD-2021. This is further subject to filing of an undertaking that no equity shall be claimed, if ultimately it is found that the MPD-2021 suffers from infirmity, and demolition of unauthorized and or impermissible construction is to be made, the same shall be carried out.

(d) and (e) The provisions of MPD-2021 are in the knowledge of the Government of NCT of Delhi and local bodies who are also parties in the said Court case.

#### **Regularization charges**

2232. SHRI MANGALA KISAN: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether Government had notified regularization charges that are to be paid by property owners in Delhi who have done excess coverage or built additional dwelling units in plotted residential housing plots;

(b) if so, the details thereof;

(c) whether it is a fact that the regularization charges that have been proposed are extremely high;

(d) whether Government is considering bringing down the proposed regularization charges so that more and more people make use of the policy and get their unauthorized constructions regularized;

(e) if so, the details thereof, of reductions, category-wise; and

(f) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA ROY): (a) and (b) DDA *vide* Gazette Notification S.O. No. 2955(E) dated 23.12.2008, with the approval of the Central Government had notified the rates to be applied for use conversion, mixed land use and other charges for enhanced FAR arising out of MPD-2021 *inter-alia* in