

Land pooling needs simple transactional procedures



If a provision is made to exempt stamp duty at the time when DDA returns land to the owners, it will make the land pooling policy more acceptable

Sunil Tyagi
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In September 2013, land pooling as an alternative to land acquisition for promoting housing development in the National Capital Territory-Delhi was notified by the ministry of urban development and incorporated as Chapter 19 of the Master Plan for Delhi 2021. Draft regulations for operationalisation of the land pooling policy are currently awaiting approval from the

hstestates LEGAL REMEDIES

ministry of urban development. The basic premise of the PPP model of land pooling would involve consolidation of numerous land parcels by a group of land owners or by a developer entity as the case may be, in accordance with norms to be prescribed. The owners/

developer entity would then be required to surrender their ownership rights in the consolidated land parcels in favour of the land pooling agency (i.e. Delhi Development Authority), which would later transfer ownership rights of part of the land back to the land owners for undertaking development of such areas. Each land owner would get an equitable return, irrespective of land uses assigned to their land in the zonal development plan, with minimum displacement. Land to be returned to the owners would fall within 5 km radius of the pooled lands, subject to planning requirements. In case of fragmented land holdings coming forward for land pooling in the same planning zone, land would be returned in the vicinity of largest land holding within the same zone. DDA's role would essentially be that of a facilitator to speed up integrated planned development in the proposed urbanisable areas of urban extensions for which zonal plans

MILESTONES AND EXPECTATIONS

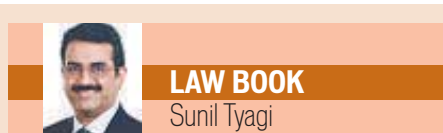
- In September 2013, land pooling as an alternative to land acquisition was notified by the ministry of urban development
- As per this scheme, the owners will be required to surrender their ownership rights in the consolidated land parcels in favour of the land pooling agency which is Delhi Development Authority
- The department of revenue has issued a notification dated 13.01.2015 exempting stamp duty payable under the Indian Stamp Act, 1899, in respect of the first transfer of pooled agricultural land parcels to DDA
- The Delhi government is expected to clarify the ambiguity surrounding stamp duty exemption at the time DDA returns the land to the owners

have been approved. The issue of stamp duty implications on the surrender of land to DDA and subsequent transfer of land from DDA has been long pending clarification. Landowners have been apprehensive of the stamp duty implications at various stages of the land pooling process. As hefty amounts towards stamp duty and registration fee would have already been borne by a land owner at the time of purchasing the land parcel, it remains unclear whether stamp duty would also be payable by a land owner at the stage of surrendering his/her ownership rights in such land parcel in favour of DDA.

In a welcome move, the department of revenue, government of Delhi has issued a notification dated 13.01.2015, exempting stamp duty payable under the Indian Stamp Act, 1899, in respect of the first transfer of pooled agricultural land parcels to DDA. Hence, any surrender of consolidated land parcels by land owners in favour of DDA, in accordance with the land pooling policy and prescribed

norms, shall not be chargeable to stamp duty. This step would ensure smooth and successful implementation of the land pooling model. However, the benefit of stamp duty exemption in this notification is currently limited in scope as the notification does not specify the stamp duty implications and exemptions (if any) subsequently payable at the time of transfer back/return of land by DDA in favour of land owners/DE. Provision of a similar stamp duty exemption at the time of transfer back/return of land by DDA in favour of land owners would no doubt be a financial incentive for landowners to come forward for participating in land pooling. Currently, further clarification on this aspect by the government of Delhi is awaited.

The author is a senior partner at Zeus Law, a corporate commercial law firm. One of its areas of specialisations is real estate transactional and litigation work. If you have any queries, email us at ht@zeus.firm.in and hstestates@hindustantimes.com



LAW BOOK
Sunil Tyagi

I have taken a house on rent. The lease agreement of the house gets over next month. I have installed many fixtures at my own cost such as a geyser, an air-conditioner, curtain rods, etc. Can I take these along with me when the lease ends?

— Sourabh Dayal
Fitting and fixtures installed at your cost will remain your property. As you are required to hand over possession of the property in the state in which the lessor had leased it to you, these fixtures/fittings may be removed before handing over possession, but without damaging the premises.

I am exchanging my property with my friend and we are executing an exchange deed. Do we need to pay any stamp duty on it and if yes, who will bear the cost?

— Resham Dua
Stamp duty is payable on transfer of property from one hand to the other. In case an exchange deed is executed, the stamp duty is liable to be paid by both your friend and you equally.

I have mortgaged my house. The mortgagee has repainted the walls and renovated the bathroom at his own cost. Now I have repaid the loan (to him) and wish to take back possession of

the house. The mortgagee is demanding further payment for repainting and renovation. Am I liable to pay for the same?

— Shekhar Pal
As per the applicable law, unless agreed to the contrary, the mortgagor is entitled to improvement of the mortgaged property made during the continuance of mortgage. He shall not be liable to pay costs for the same except in cases where the improvement was made by the mortgagee to either preserve the property from damage or to prevent the security from becoming insufficient. The mortgagor is also liable to pay money if the changes were made in compliance with the lawful order of any public authority. Therefore, the mortgagee is wrongfully demanding cost of repainting and renovation.

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Just 100 smart cities are not enough

By 2050, nearly half of India's population will live in urban areas, for which it will need 500 new cities

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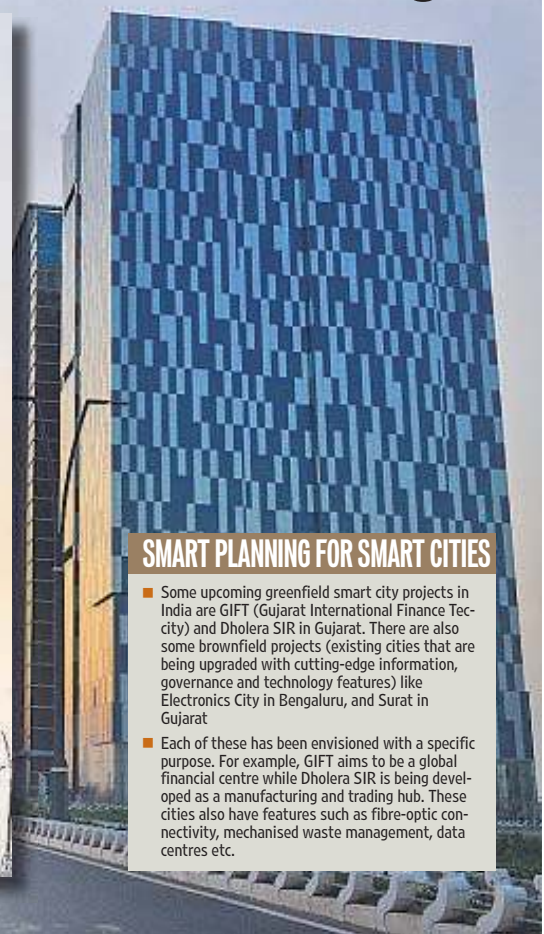
The idea of an India dotted with smart cities has tremendous appeal. We all aspire to live in futuristic metropolises where smart planning and cutting-edge technology converge to eliminate distances, multiply convenience, reduce pollution, and create a safe and sustainable environment for all. Set against the backdrop of India's gradual urban migration, and the potential of such cities to generate greater levels of economic activity and better standards of living, there has been a strong advocacy for smart cities for quite some time.

And India's experiment with the concept has begun, albeit on a tentative note. The government has announced plans to build 100 smart cities across India and various projects are purported to be in the pipeline. The time is now ripe to ask some 'big questions'. Some of these questions are— why do we need smart

cities? How exactly are they different from regular cities? And most importantly, how should we go about planning, financing and building them to achieve the desired goals? It is estimated that half of India's population by 2050, or over 800 million people, will live in urban areas. Experts estimate that we need 500 new cities by then to accommodate this enormous population. These cities need to be exponentially better than our current big cities, which are poorly planned, bursting at the seams, and offer low standards of living to the vast majority. They also need to promote commerce, sustainability, seamless communication and technology-enabled governance. Smart cities, by definition, include all these features. Considering that India will account for a large chunk of the global population by 2050, we need advanced cities that will translate our demographic advantage into economic and social advantage as well.

With that vision in mind, the Union government has allocated ₹70.6 billion for smart cities in Budget 2014-15. This is a fraction of the trillion-dollar investment that experts say would be required over the next two decades to build flourishing urban centres. However, it's still a beginning, and the success of the concept in India will hinge on how well the first few smart cities are received by stakeholders. Smart cities are a great concept, but in India, they are an extremely complex proposition, given the socio-economic realities today. Getting all stakeholders on board will not be an easy task, and there exist several roadblocks, not the least of which will be financial. However, by doing the required homework, regularly tracking progress and making authorities accountable, India could forever transform its cityscapes into ultra-modern living and working spaces.

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SMART PLANNING FOR SMART CITIES

- Some upcoming greenfield smart city projects in India are GIFT (Gujarat International Finance Tecity) and Dhrola SIR in Gujarat. There are also some brownfield projects (existing cities that are being upgraded with cutting-edge information, governance and technology features) like Electronics City in Bengaluru, and Surat in Gujarat
- Each of these has been envisioned with a specific purpose. For example, GIFT aims to be a global financial centre while Dhrola SIR is being developed as a manufacturing and trading hub. These cities also have features such as fibre-optic connectivity, mechanised waste management, data centres etc.



hstestates CHEQUE BOOK
Harsh Roongta

I am working in a multinational company. As part of my CTC, the company provides a facility of partial interest payment in case one avails a bank loan. I have a few queries: Do banks provide a loan for purchasing plots? If yes, will it be offered as a housing loan? Will I get income tax rebate under the home loan category?

— Sarvechan Shah
Lenders are more selective when it comes to giving loans for plots. But these are available for a lower tenure as compared to a home loan and are sometimes more expensive (upto 2% higher) than normal home loans.

Plot loans are available only when the plot is purchased directly from statutory authorities or from developers who are pre-approved by the concerned lender. Even the down payment requirement is normally higher at around 30% to 40% for such loans.

If you are planning to construct a house on that plot of land, you can take a composite loan from any bank to cover the cost of the plot as well as the construction, but you will have to commence the construction within a reasonable period

which is between one to two years from the date of purchase of the plot.

A composite loan offers more benefits in terms of financing as well as tax sops. The loan financing in case of a composite loan goes up to 80% to 90% of the property value as compared to the plot loan's 60% to 65%. Moreover, you can get tax benefits under section 80C for the principle repayment and section 24 for the interest paid on the composite housing loan, including the cost of the plot, only from the year in which construction is completed. Pure plot loans are not eligible for any tax benefits.

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The great NPA sale

recover the amount due from the borrower and in case the bid amount is more than the outstanding amount, the margin is returned to the borrower. Buyers can even avail of a loan for such properties. "While no loan can be availed for the initial deposit, the remaining amount can be taken as a loan from a bank and is like any other housing loan," he adds. "The recent e-auction only goes to prove that there are enough buyers in the market who are waiting to buy ready-to-move-in properties available at the right price. Most of these

units have minimal development and approval risks associated with them. Banks generally do the due-diligence for these properties themselves through their asset reconstruction departments or sell the 'bad loans' to asset reconstruction companies who derive monetary value out of these 'dead' assets. However, they do not give any warranty and the buyer has to bear any unknown risks associated with it," says Anckur Srivastava of GenReal Advisors. What explains the discounts that are offered in e-auction? Discount is a function of problems associated with such assets. There could be some liabilities associated with the property that is being auctioned. These could include society dues and other liabilities unknown to the lenders. There is always a deficit in information and the discount on offer is due to that. On an

average such properties sell at a discount of 15%, says Siby Anthony (CEO-ARC) Edelweiss Financial Services. Banks get the premises vacated before they are auctioned and have to get possession of the house through a collector or a district magistrate to avoid any law and order issues.

Since those bidding for the property in an e-auction are allowed to inspect the property, they should check from the society if there are any dues pending against the property in question. There could be cases of subletting that may not be known to the bank. If that is the case, the buyer who purchases such a property will not be in a position to sell without the tenant's approval. Sub-tenancy can create its own share of problems. No buyer will know that until he actually goes and resides in that property, he adds.

TO-LET

SOUTH DELHI

- FARM House in DLF Chattarpur** -1 Acre-4BHK +D/D + Pool + Guard SO + Garage + Stabilizer + Generator 7000sq.ft. for Rs.25 Lac pm. Owner: 9810056471
- NEW Friends Colony Three** Bedrooms drawing/ dining lobby, lounge servant qtr car parking MNC/ Ltd. Co. Cont. 29855250, 29853381.
- KOTLA Mubarakpur, Sher Singh** Bazar Avail. for Rent Bmt., FF, 2nd Flr 140-550sqft, Suits Office/ Godown, Parking, Owner # 981008917, 9999462602
- SAFDARJUNG Encl. 250 Yrd.** lower GF. with Bath, Corner Bldg. B-3/95, fully Vantilation, Natural light suitable for Office/ Professional # 981033366
- A-1/54 Safdarjung Enclave,** Ground Floor 3 Bedroom D/D, M.N.C. Contact Sakhawat: 9810034566, 9810063891
- SOUTH - Delhi Independent** Bungalow Four/ Five Bedroom Drawing/ Dining lobby lounge S.Qtr. lawn prking MNC/ Ltd. Co. lease. # 29835381, 29835103
- GK-1, 3BHK SQ Parking,** Pamposh Encl. 3BHK SQ Parking, Chitrangan Park Newly Built 3 BHK SQ Silt Prkg. also 2BHK, reasonable rent. # K.Lal 9899039435, 9871075115, mantec@vsnl.com
- SOAMI Nagar 1 Room & 1BHK** (First Floor)-9K-18K, C.P. Park 2BHK (SF) 18K & 3BHK (Lift) -35K, Saket 4BHK FF 65K & Service Apartment # 98111-09023
- A-2/137, Safdarjung Encl., Modern** Const. Flr, Semi Furnished (with Bed) 3 BR at Baths, D/D (carbo give 2 BR, D/D separately), Owner 9810882784
- 5650 Sq ft fully furn office for rent** Avail at 817 Devika Tower, Nehru place. Rent Rs. 80 per sqft for detail. # Rajiv 9811027160, J.P. 9953265637, Amit-9015524742
- 4000 Sq ft fully furn office for rent** Avail at 190, Neel Kamth Place, 1 BR, 1 study, new kitchen, big sq. Ft. # Rajiv 9811027160, J.P. 9953265637, Amit-9015524742

2/28, Shanti Niketan, 430sqyds, 2nd Floor, 4 Beds D/D equipped with AC's, generator & terrace garden, Suits Expat/ Diplomat. # 9810063891, 9810034566

G.K.-1, E-Block 208 Yds SF & TF 3 BR, DD att. Baths Mod. Kitchen, S.Q. Parking, Lift, Each Floor, Newly Const. Call-Owner: 9873210333

GUEST House for Rent in Saket, South Delhi, Available: 17 Rooms running guest house for Rent / Corporate tie up. Contact Owner # 9650774333 or Email at: guesthouse.saket@gmail.com

PANCHSHEEL Encl. B'smt 834 sq ft, well furn, pantry, toilet ind. access from main Rd. Nr. Mkt. ready possession, Suits professionals. # 9853910345

VASANT VIHAR (1) 1Rm 1Room Wklt., Bath (2) 1Rm FF 4B/P, Att. Bath D/D, Kit., Balcony & Storage. Prel Interiors/MNC/ Transit Home # 9811033924

TO LET 2/3 BHK Nizza, East, Jangpura Ext. Also 4/5 Bedroom Sundar Nagar Furnished/ Unfurnished. Sauram Prop. 9958938196.

NEW Friends Colony, spacious 3BR, 3baths, 2bty terrace etc FF in desirable DBlock. Suitable for MNC's. # 26912435, 9871075115, mantec@vsnl.com

E-21 Greater Kailash Enclave Part-I, G.F. 3 Bedrooms attached Baths Kitchen Drawing Room 2 Stores Very Airy 1 Parking Company Lease. # 9811033924

KAILASH Colony Nr. Metro stn. Comm Space Two Flr each 2500 sq ft. Semi Furnished AC, vacated by British NGO. Rent 1.50Lac each owner 9810395063, 9811273667

1600 sqft European styled, GK 1, 2BHK, D/D, 3-Side Open, 2 Side Garden, SF Semi-Furn., Ample Parking, Suits MNCs/ Expts @ 55K. # 9310811000.

Y-67, Hazrat Nizamuddin, Third Flr. Fully furnished Ultra modern Separate living, separate dining, 1 BR, 1 study, new kitchen, big balcony suitable for foreigners/ diplomats. Owner 9810031577

7 Munirka Marg, Vasant Vihar, 60sqyd, Bungalow comprising 3 Beds, study, D/D, 2 SO & 2 Garage, Suits Expat/Diplomat. Salwan: 9810063891, 9810034566

VASANTKUNJ 3B/R C-1-S.Floor, B-2-F.Flr, S-3- 8th Floor Also LIQ E-2-G.Flr. Available on Co./ Prent. Lease. Cont. K.K. Asso. # 9811339291, 9654321119.

FOR Rent 2500 sqft independent space in D5/4 okhla phase 2. Contact Ankush 9811199234, 9891066027

SDA HauzKhas VIII. Rd., Metro 2mns., 3Side Parks, 3200sq.ft. UG.Flr. NGO/Diagnostic Centre/ Nursing Hme/Guest Hse (Coaching) vocation/Inst.07027441040

LAJPAT Nagar / East of Kailash 2/3 Beds Drawing Dining Floors with /without Lift & Parking # 991022110 (Surya Associates) C-49, Laipat Nagar-I.

NEHRU Place, Fully Furnished Office 700 Sq.Ft. & 1600 sqft with AC, cabins, chairs, work stations Conference Room for Rent # Rs. 55per Sft. # 9811036186.

LAJPAT Nagar / East of Kailash 2/3 Beds Drawing Dining Floors with /without Lift & Parking # 991022110 (Surya Associates) C-49, Laipat Nagar-I.

VASANT Vihar, D-5/1, Ultra modern Fully Furnished & Renovated Second Floor, 2 BR/ L/D, Kitchen, Terrace. 9810031577

SAFDARJUNG Encl. Main Rd. indp. building 321 yds 16 Beds att. Bath, Lift, Basement for Co. Guest House, Nursing Home etc # 98110022428, 9810854926

KAILASH Colony park facing 3Beds D/D, kitchen, SQ. Nr Metro also in Pamposh & GK1 3/4BHK Co. Lease Pre! Anil 9818696395 Umesh 9810112947

ARADHNA Enclave -Opp. Hyatt Regency, 4BHK, Ground Floor, S. Qtr, Silt Parking, High End Apartment on Rent. 9810008209, 8826703863

NEW Friends Col., Maharani Vihar Indpt Bungalow / Builder Flrs, Newly Built, 2-8 Beds. Also Office/ Godown. # 9810415053

KAILASH Colony Newly Const. 311yds Fully A/C Gr. Floor. 4BHK Drawing/Dinning Lobby Lift Silt. 2 Car Parking Servant Qtr Call: 9891388047

CORNER House Three Bed Rooms + study, Drawing/ Dining, Lounge, Servant Qtr, Parking, newly built modern constn. Contact: 29843023, 29835250.

C-115, Anand Niketan, 2nd Floor with roof Garden/terrace, 4 BHK, Italian flooring, Air-Conditioned & power backup, Siddiqui Estates 9810265671.

MEHAR Chand Mkt, Avail 1750 Sq Ft. Space on Ground & 1st Flr, Suits for Retailers, Banks, Office Space, Restaurants, Kamal M. 9873436197

D-60, East of Kailash opp Sapna 650 Yds, fully furnished G. Qtr 5BHK, F.FLR 5BHK with S.Qtr, Inside Parking for Long Short Stay. Kapoor 9818266126

RECENTLY vacated rental space for coaching 160 sq. ft, accommodate 30 students Ring Road Market, Sarojini Nagar. # 9811716753, 8010509496.

A-54/2 Saket New Delhi 2 BR DDA SFS Flat available for immediate Company lease. Contact Col. P.S. Sharma. M: 9871562025/9412833664.

SHANTI Kunj, Vasant Kunj 400 Sqyd 5BRS, Kothi, living room, D/D, Kit, Servant room, Suits Embassies / MNC vacated by embassy # 9312257084

CALL CENTER SPACE NEAR METRO STATION (MOHAN CO-OP (MAIN ROAD)) PLUG AND PLAY 12000 Sq Ft/400 SEATS State-of-the-Art IT Infra. suits IT/E-commerce

12000 Sq. Ft. Warehouse also avbl. 9999798708

UDAY Park -Foreigners or Embassy Employees. Very Reasonable Rent.3BR-D/D, 6 ACs Each Floor, Lift, Security, New Construction. 9811023280

LAJPAT Nagar Indl K Block 1st floor 3 bedrooms attach bath DD quarter, 2 car parking (silt), lift, excellent construction. Contact: Abhishek 9136008584

VASANT Vihar, C-6/8, Independent House-2 BR/L/D, Kitchen, S.Q., Garden : 9810209208

FULLY Commercial Prime Location LGC 2700 sqft. in Saldarjung Encl. Nr Hotel Hyatt opp. Bhikaji Cama, Suitable For Offices, Clinics etc. # 9871331088

PANCHSHEEL Park Janta Flat, Ground Flr main Rd, 500 sq.ft, Office space suits, CA, Doctor, Professional for Rent, Utkarsh 9873228162, 9711952100

NAVJEEVAN Vihar/ Geetanjali Encl./ Saket 5/4/3 bedroom att. Bathroom, D/D, kitchen Furnished/Unfurnished, prking, SQ, with toilet. 9891167046.

WEST- & JORBAGH - Exclusive & Elegant Brand New Appl. lush green surroundings, 4 beds Living suits Foreigners & HNIs # 9953991477, 9811560156

PRIME COMMERCIAL PROPERTY For Rent on AUROBINDO MARG. Fully Furnished, A/C, In House Parking, @ 200 Workstations. up-to 8600 Sq. Ft. Reasonable Rent 99104 82934 99900 15532

FRIENDS Colony West 1400 Sq Yds 4 BHK Indp. Bungalow On Lease. MNC, Embassies, Expts Suits French/ British families. Reasonable Rent. # 9873556512

DEFENCE Colony Second Floor Two rooms kitchen Bathroom with Terrace single prefer contact Agreement. contact- 9811139479

GRAND Vasant Kunj 300 yd CS/1, 2Beds D/D att. bath, corner new Const 3rd Floor, Lift & P. backup, silt parking only for Diplomats. EMB. # 9810854926

JASOLA TDI Center available for long lease/ Rent 8500sq.ft, 3rd floor/immediate possession agent welcome. contact- 9811027656, 9871987367

SAINIK Farm near gate-1, 3000 SFT, FF, 3BHK+D, SQ+Garage, 2Balkonies, Lawn, Parking, Drive-way, PLOT-2500SQm, Suitable MNC, Embassy etc. 9818637770

LAJPAT Nagar 1st Floor 3 Bed Rooms D/D, A/B beautifully built with reserved parking near Metro Stn. # 9811626267, 9810714939, 9810269666

D-37 South Extension-II First Floor 4 / 5Bedrooms, D/D, Lounge, kitchen, Pooja Room, Stores, SQ, 2 Car Parking, Shiv: 9810517668 Anil: 9811227027.

PANCHSHEEL Park-500 yd Independent House Newly Built, 4 Floor, 16BR/4DD, 14000 Sq.ft, Main Road. C.B. Singh - 9811-539907, Utkarsh 9873228162

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G.F. 1600 sqft, b'ment 1900 & 3rd floor 800. Ample parking, Main Road location, J-27 Zamrudpur Comm. Cmplx Kailash Colony Ext. 9958884470, 9717897500

DUPLEX House, GF + FF, 1000 sq.yd. plot, W-Block, GK-2, 4 BR, DD, att. bath & balcony, lounge, exclusive drive-way, big kitchen, P'backup, pantry & lounge on FF, rear garden, approx 3400 sqft. Rent- Rs. 2 Lac. Call:- 9873927090, 9810981455

HAUZ Khas Independent Two Rooms set with Balcony for Bachelor/ Working couple on big reputed company lease. Contact Owner 9810116622

CHIRAG Enclave 800Yds. Basement-Ground 5 Bedrooms with Lawn separate driveway, Inside Car Parking, Furn/Un-Furn., Dheeraj Nishani 9854329390.

SOUTH Extension One, 2nd Floor Independent Set having 2 Rooms, Verandah, Kitchen, Bath, WC for rent. Suitable for small family. Cont: 9818897499

SARITA Vihar Corner GF, B-190, 3 Beds Dining / Dining Fully Furnished, AC's, parking, Good location Ready Possession. Contact: 9811087765

SOUTH Ex-2, Avible for Rent 500 sqyd fully furnd/ unfurnd. 4BR dsgrn floor, car park, Equip bk-up, lift, security. Owner: 971116212, 9899186885.

VASANT Vihar (500) 2nd Flr beds 90k (600) 4beds 125k (800) 160k (1000) 5beds 175k furnished short stay also business welcome. # 9818962603

BABAR Road Near Connaught Place Fully Furnished Flat D/D, 3 BRs attached toilet with AC, SQ, Lift. Suitable for guest house. 8510020227, 9810214314

FIRST floor 1 BHK, A/C, Front Portion, Fully Furnished, for 1 or 2 student or Working Executive in South Ext.-1. Rent- 30000 + other chrgs. M - 9650488943.

OKHLA PH-I FOR RENT 3000 sq. ft. 1st floor 80 ft. Road Furnished Beautiful builtup/ Lift Commercial Approved Excellent location/ elevation Suits MNC's Contact Owner 9811010712

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SOUTH Delhi, Park fac. newly constructed ultra modern basement, for rent suits: CA, Architect, Lawyers & other Professionals. # 9818002709

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