

# 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**  
htestates@hindustantimes.com

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

## htestates 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

### 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.

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 htestates@hindustantimes.com or ht@zeus.firm.in

# 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

**Anurag Jhanwar**  
htestates@hindustantimes.com

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.

The author is a director, CRISIL Real Estate Ratings



## SMART PLANNING FOR SMART CITIES

- Some upcoming greenfield smart city projects in India are GIFT (Gujarat International Finance Tecity) and Dhrolera 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 Dhrolera 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.

### htestates 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.

Harsh Roongta is director, Apna Paisa. He can be reached at ceo@apnapaisa.com

## TO-LET

- SOUTH DELHI**
- FARM House in DLF Chattarpur**  
-1 Acre-4BHK +D/D + Pool + Guard SO + Garage + Stabilizer + Generator 7000s.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 Ventilation, Natural light suitable for Office/ Professional # 981033366
- A-1/54 Safdarjung Enclave,**  
Ground Floor 3 Bedroom D/D, M.N.C. Contact Salwan: 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 # 9811109023
- A-2/137, Safdarjung Encl. Modern**  
Const. Flr, Semi Furnished (with Bed) 3 BR at Baths, D/D (carbe 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

- 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.
- 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.
- D-60, East of Kailash opp Sapna**  
650 Yds, fully furnished G,Flr 5BHK, F,Flr 5BHK with S.Qtr, inside Parking for Long/ Short Stay. Kapoor 9812866126
- 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, Vasthi Kunj 400**  
Sqyd 5BRS, Kothi, living room, D/D, Kitch, Servant room, Suits Embassies / MNC vacated by embassy # 9312257084
- KAILASH Colony park facing**  
3Beds D/D, kitchen, SQ, Nr Metro also in Pamposh & GK1/3/4BHK Co. Lease Prei Anil 9818696395 Umesh 9810112947
- SAFDARJUNG Encl. Main Rd.**  
indp. building 321 yds 16 Beds att. Bath, Lift, Basement for Co. Guest House, Nursing Home etc # 9810022428, 9810854926
- ARADHNA Enclave -Opp. Hyatt**  
Regency, 4BHK, Ground Floor, S. Qtr, Silt Parking, High End Apartment, on Rent. 9810008209, 8826703863
- NEW Friends Col, Maharani**  
Vihar Indpr 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
- LAJPAT Nagar Ind K Block 1st**  
floor 3 bedrooms attach bath DD quarter, 2 car parking (silt), excellent construction. Contact: Abhishek 9136008584
- VASANT Vihar, C-6/8, Independ-**  
ent, 2 BR/L/D, Kitchen, S.Q., Garden : 9810209208

- FULLY Commercial Prime Loca-**  
tion LGC 2700 sft. in Saldarjung Encl. Nr Hotel Hyatt opp. Bhikaji Cama, Suitable For Offices, Clinics etc. # 9871331088
- PANCHSHEEL Park-500 yd**  
Independent House Newly Built, 4 Floor, 16BR/4DD, 14000 Sq.ft, Main Road. C.B. Singh - 9811539907, Utkarsh 9873228162
- WEST END & 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**  
CS1, 2Beds D/D att. bath, corner new Const 3rd Floor, Lift & P. backup, silt parking only for Diplomats. Emi. # 9810854926
- JASOLA TDI Center available**  
for long lease/ Rent 850sq.ft, 3rd floor/immediate possession agent welcome. contact - 9871027656
- 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 Silt. # 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.

- SHIVALIK/ Malviya Ngr Builder**  
Flrs 3Beds att. Baths, D/D, SQ, Silt, Co./ Personal & Comm Office 1000-2500 Sft Furn /Unfurn. 9650208838, 9811191901
- GREEN Park Mkt. S-35A, above**  
Madona Second floor, 1440sqft. Commercial Space for Rent. Rs. 2.50,000/-per month Call: 9810007008
- G.F. 1600 sft, b/mnt 1900 & 3rd**  
floor 800. Ample parking, Main Road location, J-27 Zamrudpur Comm. Cmplx Kailash Colony Ect. 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 sft. 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. Base-**  
ment+Ground 5 Bedrooms with Lawn separate driveway, Inside Car Parking, Furn/Un-Furn., Dheeraj Nishani 9854329309.
- 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, Avilbe for Rent**  
500 sqyd fully furnd/ unfurnd. 4BR dsgrn floor, carpark, equip bk-up, lift, security. Owner: 971116212, 9899186885.
- VASANT Vihar (500) 2nd Floor**  
beds 90k (600) 4beds 125k (800) 160k (1000) beds 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, 9810124134
- 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.

**VASANT Kunj, C-9, FF/SF corner**  
Dplex, 4 BHK, w/work, last-lytely done, ample water & parking, Reasonable Rent. Owner: 9810978299, 9810273028

**GREATER Kailash-II, North-**  
East fac First Floor 3 Beds att. bath, D/D, Dining, S. Qtr, Car Parking, Co./Personal Lease, Rent 35K. Sanjay 9891268669

**FOR rent 2nd floor 2 BHK**  
900 sq yd. lift car parking, gas connection 199, Vinoba Puri Lajpat Nagar-2. Contact owner 9871086782.

**GREATER Kailash-I, W-Block,**  
good Location New 2nd Floor, 4BR Drawing / Dining, S. Qtr, Car Parkings lift. Call Amir Chaddha 9811131166

**LAJPAT Ngr-IV, Main Rd Adj**  
ing pizza hut & CCD nr. lady Sri-ran college Commercial 900sqft, GF, long lease suits bank/MNC/ Estery. Owner 981103177

**4 Bed Rooms, Living/Dining**  
3rd Floor flat, Silt Parking, Sar. at Genset C - 733, Near Friends Colony. Contact: 981078300.

**EAST of Kailash Modern 2 Beds**  
DD Excellent construction fully furnished, new furniture, ACs, ready poss. MNC/ Foreigners Agents welcome 9811087165

**DEFENCE Colony, Brand New**  
Spacious 3-4BR, Lift, Corner, Facing Park, East facing Silt parking, Gopal Krishan # 981003025, 9999888248.