

October 16, 2018

RECENT CLARIFICATION ON LAND POOLING IN DELHI

BACKGROUND: The Delhi Development Authority (“DDA”) had proposed modification in the regulations for operationalization of the land policy and as required by law DDA had put up these regulations on the public domain vide a public notice S.O/No. 144 (E) dated 11.01.2018 in order to invite objections/suggestion/ with regard to the proposed modification. The Ministry of Housing and Urban Affairs vide Gazette Notification S.O.5220 (E) dated 11.10.2018, have amended chapter 19 of the Master Plan for Delhi – 2021 and approved the land pooling policy (“**Policy**”). The Policy is a new example for the urban development of Delhi, wherein the private sector will now play an active role in gathering land and developing physical and social infrastructure. Under this concept owners or groups of owners will pool land parcels for development as per prescribed norms, guidelines and regulations (a timeline of 30 days has been given to form these regulations) (“**Regulations**”). As far as the integrated planning of the sector is concerned the land required for development of roads, utilities, greens and other infrastructure shall be made available to the DDA or any service provider as per the zonal development plan and sector layout plans. The applicability of this Policy is in the proposed urbanizable areas of urban extension for which zonal plans have been notified.

ESSENTIAL FEATURES.

Guiding Principles:

- Pooling of land under this Policy will be done in the sectors and to be defined in the Regulations;
- The Policy is open to all landowners who own land in the areas notified by DDA/Government under the Policy. Landowners, with any size of land may register and

express their interest to participate as per the application process specified in the Regulations.

- A minimum of 70% contiguous land of the developable area within the sector, free of encumbrances, is required to be pooled to make the sector eligible for development.
- Then such landowners will have to form a consortium as to be defined in the Regulations.
- If any remote land parcels measuring 2 hectare or above falls in a sector and is not a part of the 70% contiguous land then they shall also be eligible for being part of the consortium based on feasibility of the layout plan.
- Of the pooled land, the consortium will retain 60% and the remaining 40% to be surrendered (free of encumbrances) as and when required to the DDA/service providing agencies for development of city level physical infrastructure, recreational and public/semi-public (PSP) facilities as per the zonal development plans and layout plan of a sector.
- Each landowner will surrender land proportionate to the area of land pooled, irrespective of land uses assigned to their original land in the zonal development plan.
- 60% land shall be developed for residential, commercial, public and semi-public facilities as per the Policy.
- For the implementation plan, the consortium has to mutually evolve a formula for redistribution of the developed land/built space.
- The landowners/group landowners can choose to work as a separate developer entities (“**DE**”), and they can develop the 60% land as a separate sub-projects, however, the consortium shall complete the overall integrated planning and should have obtained all due approvals
- The DE can be:
 - An individual;

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- A group of land owners who have voluntarily grouped their land together, through a valid and legally enforceable agreement for taking up development;
- An entity (developer/business/corporate entity) representing a group of landowners who have pooled one or more land parcels adding up to a minimum of 2 hectares, through a legally binding agreement.
- Adequate provision of EWS housing shall be ensured in the new development area as per the Master Plan.
- External Development Charges (EDC) shall be applicable on the entire area of pooled land.
- Un-pooled land may be allowed to develop at a later stage subject to:
 - Workability of the proposed layout;
 - Making 45% land available or as determined by the Authority from time to time;
 - Updated applicable EDC for infrastructure and services.

Role of DDA and/or Government:

- Acting as a facilitator for the DE/consortium for the entire process of planning and development by them. As per the process specified in the Regulations, there will be a single window system for application, verifications, approvals, licenses, etc. in a time bound manner,
- They can acquire any land, which has not been offered under Policy and is required for effectuating the Policy in any sector, in accordance with law. The cost of such acquisition shall be borne by the DE's/consortium.
- A dispute resolution mechanism will be setup to address grievances/disputes that may arise during the implementation of the Policy.

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- Ensure smooth and fair implementation of the Policy with respect to zonal development policy for provision of city level physical infrastructure, recreational and public/semi-public (PSP) facilities and revision of ZDPs and when required for new development areas.
- Overall monitoring of provision of relevant infrastructure for water supply, sewerage, drainage, power, transportation etc.
- Ensuring sale of EWS housing stock handed over by the DE/consortium to DDA as per Policy.

Role of Developer Entity/consortium

- Development and finalization of the Implementation Plan.
- Preparation of layout plans and detailed site plans for the remaining 60% land as per the provisions of the ZDP and prevailing Master Plan, through a consultative process involving all DE/landowners will be the responsibility of the consortium.
- Undertaking watch and ward of the land to be surrendered (free of encumbrances) as required by the DDA.
- Timely payment of external development charges (EDC) to DDA as per the timelines specified in the Regulations.
- Seeking necessary approvals through the single window system established by DDA.
- The deficiency charges, if any, shall be borne by the DE/consortium at the time of handing over of the services to the ULB.
- Time bound transfer of the share of built-up space/land to constituent landowners/Des as mutually agreed in the Implementation Plan.

Norms for land pooling and development control

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- A ratio for split of land between the DDA and the DE/consortium will be on a 40:60 basis and as per the below given table:

Land Use	Area of Pooled Land	
	Minimum 40%	Maximum 60%
Gross Residential	--	53%
Commercial	--	5%
Industrial	4%	--
Recreational	16%	--
PSP	8%	2%
Roads and circulation	12%	--

- Sub-division of gross residential areas and provision of facilities (local and city level) shall be as per the Master Plan. Land requirement for provision of neighborhood level internal roads/infrastructure/services (including water supply lines, power supply, rain water harvesting, STP, WTP etc.) as earmarked in the layout plan will be met equitably by all the landowners/DEs.
- 50% of the plots earmarked for neighborhood level health and education facilities, within the Gross Residential Use (53%) in a sector, to be returned to DDA for allotment to government agencies/departments.
- Amalgamation and sub-division of city level PSP plots as well as commercial plots shall be allowed.
- The DE/Consortium may also adopt innovative ways for achieving a vertical mix of uses (residential, commercial, PSP) within a building.

Framework for implementation of the Policy

- A website to serve as a single window system for implementing the Policy and a dedicated team for managing the implementation will also be appointed
- A detailed Regulations shall be formulated and put in the public domain for inviting views of the stakeholders within a period of 30 days.
- A two- stage grievance redressal mechanism will be constituted within the DDA.

This notification is notified on 11.10.2018 and as per it the detailed Regulations should be notified by 11.11.2018.

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