

AGENDA ITEM NO. 26/01

CONFIRMATION OF THE MINUTES OF THE 25th MEETING OF THE BOARD HELD ON 05.12.2018.

The minutes of the 25th Meeting of the BOARD held on 05.12.2018 were approved by the Hon'ble Chairman, Delhi Urban Shelter Improvement Board / Chief Minister, Govt. of NCT of Delhi. The approved minutes was circulated vide letter No. Meeting Cell/DUSIB/DD(Board)2017/D-39 dated 14.12.2018 for the kind information of all Members of the BOARD. No observation/comment has been received from any Member.

Hence, Board may confirm the Minutes of the 25th Meeting held on 05.12.2018.

AGENDA ITEM NO. 26/02

ACTION TAKEN REPORT ON THE MINUTES OF THE 25th BOARD MEETING

DUSIB has initiated action on all the decisions taken in 25th Board Meeting held on 05.12.2018. Detailed action taken report will be submitted in the next Board Meeting.

AGENDA ITEM NO. 26/03

ALLOTMENT OF ALTERNATIVE ACCOMMODATION TO EVICTEES OF THE CPWD KOTHI NO.23, 25, 27 & 29 BARRON ROAD, MINTO ROAD

The brief history of the case is submitted as under:-

1. In the year 1983 Slum & JJ department had temporarily allotted the CPWD Kothies at Barron Road, Minto Road, DeenDayalUpadhaya Marg, Thomson Road, Mata Sundari Lane and Press Road etc. on licence fee basis to the evictees of the Walled City area, under the Slum Clearance Scheme. These persons were either licensees or paying damages to the Govt.
2. As and when the land of these kothies was required by the L&DO Department for the purpose, as the place of Shayama Prasad Mukherjee Civic Centre Building, AGCR Building, DDU Marg, these kothies were demolished by the Slum & JJ Department and the occupants of these kothies **were allotted alternative accommodation i.e. single Janta Flat to eligible families.** The land of CPWD Kothies belongs to L&DO Department, Govt. of India. They had allotted an alternative land of 2.5 acre at Dev Nagar, Karol Bagh to rehabilitate the remaining occupants/evictees of Chunk IV & V. This site is available with DUSIB for construction of flats for rehabilitation and the plans are underway for its development.
3. As per policy of slum clearance Scheme, a built up flat is provided as an alternative accommodation to each of the family and if the family has more than 05 members then the married person is provided an additional flat, provided that the name of the same is mentioned in the ration card. However, in no circumstances, more than 02 flats are provided to a family.
4. It is pertinent to mention here that as per records , available in Allotment Branch, the then Hon'ble Minister (UD)/GOI, Sh. Jagmohan had ordered to allot two small dwelling unit (EWS/Janta flats) to each family/ the eligible evictees of Chunk IV & V, due to enlargement of their families and smaller size of flats (Approx. 20-25 sq.mtr). In compliance to this order, the then Slum & JJ Department (Now DUSIB) had allotted a pair of flat to 66 eligible evictees of Chunk IV & V and one flat to 8 eligible evictee of Chunk IV & V at Kali Masjid in the year 2000-04. In this connection, it was also made clear that under the existing policy MCD Resolution No.521 dated 11.12.2000 of Slum Clearance Scheme, the entitlement of eligible family remains only for

one flat for one family and if there is an adult person (Married son) the eligibility was two flats.

5. However, since then, the Department has been allotting only one flat to each eligible occupant of CPWD Kothies in the DUSIB Colonies, situated at Jahangir Puri, Raghubir Nagar, Madipur, Ranjit Nagar, TilakVihar **as the present policy has provision of allotment of only one flat to each family based on their eligibility verification.** As per records available at least 27 Nos. of evictees have been given one flat as rehabilitation. **(Annex-A).**

6. The dwelling unit/flats, so allotted were given on license basis and construction cost had been charged from the allottees. As per record, the flats were allotted in difference localities by charging cost of the flat place to place as detailed below :-

S.No.	Name of the Colony	Cost originally fixed under Slum Clearance Scheme (in Rs.)
1.	Ranjit Nagar	Rs. 8,200
2.	Ranjit Nagar-II	Rs. 10,800
3.	Guddar Basti	Rs. 9,600
5.	Turkman Gate	Rs. 35,602 to 44,300.
8.	Raghubir Nagar	Rs. 54,400
9.	Jahangir Puri	Rs. 37,600
10.	Chunk IV & V (Kali Masjid)	Rs. 1,94,000 to 2,37,000
11.	Basti Narnaul	Rs. 37,200

7. Further on 20.08.2008, the Land & Development Office (L&DO) had allotted a land measuring 1431.3 sq. m. of CPWD Kothies 23, 25, 27 & 29 at Barron Road, Minto Road New Delhi to M/s Indraprashta Gas Ltd. for setting up of CNG filling station on licence fee basis.

8. As stated above, in the year 1983, Slum & JJ Department had temporarily allotted these kothies on licence basis to evictees of walled city area. A total of 12 Nos. families were residing in these 4 CPWD kothies No. 23, 25, 27 & 29 Minto Road, Barron Road wherein the 9

Nos. of families were found eligible for rehabilitation and DUSIB had offered alternative flats at Tilak Vihar, Inderlok, Sarai Phoos, Gudar Basti etc. Later on the revised offer was given at Tilak Vihar/ Dwarka.

9. These families had filed LPA No.121/2016 and CM Nos. 6787-6788/2016 in Hon'ble Delhi High Court with the request not to dispossess them from the present location i.e. CPWD Kothi No. 23, 25, 27 & 29 at Barron Road, Minto Road, New Delhi. The Hon'ble High Court of Delhi **vide its order dated 23.02.2016** observed that the appellants eligibility was already determined and allotment letters were issued to the eligible families and flats were offered to them. The Hon'ble High Court directed that DUSIB has already undertaken to hand over the possession of allotted flats within a week time provided they surrender possession and shift to the alternative accommodation within 15 days of receiving the allotment letters; and disposed off the appeal.
10. These families again filed an appeal before the Delhi High Court vide CM No. 10621-10622/2016, requesting that the flats, offered to them, at Tilak Vihar, Inderlok, Guddar Basti, Sarai Phoos, Swami Dayanand Colony are not habitable and also not safe for residential purpose. However, after filing a report by the Ex. Engineer/C-10 and Ex. Engineer/C-7 of DUSIB in this regards, declaring the flats habitable and safe, the Hon'ble court **vide order dated 26.07.2016**, directed the petitioners that, they should approach DUSIB and collect the offer letters within two weeks. Further the allottees should accept the offer within stipulated period or face the eviction by the department.
11. Thereafter, on **27.02.2017**, the Indraprastha Gas Ltd.(IGL) also filed a civil writ petition vide No. 3640/2017 and C.M. No. 16044/2017 before the Hon'ble High Court of Delhi requesting for implementation of the aforesaid order.
12. In this regard, it was proposed by the then CEO, DUSIB, that :
“In order to hand over the possession for the CNG station to M/s IGL in compliance of the orders of Hon'ble Supreme court and High Courts, all the eligible allottees (presently 08 nos.) can be offered flats at TilakVihar/Dwarka. As another alternative this offer can be a temporary allotment and they can be shifted to Dev Nagar site whenever the flats are constructed by DUSIB at Dev Nagar.” and the saidproposal was submitted to Hon'ble Minister of UD, GNCT/Vice Chairman , DUSIB with reference to meeting held on 16.05.2017 with Hon'ble Minister of Environment, Food & Supply, GNCTD. **On 01.09.2017, the Hon'ble**

Minister of UD, GNCTD, and Hon'ble Chief Minister approved the above-mentioned proposal of the department.

13. Accordingly, on **29.09.2017**, the offer letters were issued to all 08 eligible occupants as well as notices were also issued to other 04 occupants for submission of their documents for verification/alternate allotment. However, none of the above turned up.

14. In view of the various court orders and to resolve the issue DUSIB offered flats at Tilak Vihar and at Dwarka also but the occupants have not even accepted these locations. A series of meetings were taken by Hon'ble Minister of Urban Development , Delhi Govt. on 23.12.2017, 15.01.2018 and 08.02.2018 to allot some piece of land in Kali Masjid area old Delhi so that these occupants can construct their own flats at the same site. The matter was finally considered in the Board meeting vide Agenda item no. 23/06 on 01.10.2018.**(Annexure-B)** After detailed deliberations, **the Board decided to follow the existing policy of allotment of flats to eligible beneficiaries and accordingly offer letters were again issued seeking the choice at Tilak Vihar or Dwarka, dated 11.10.2018 but these notices were not accepted by the occupants and all notices returned undelivered.**

Finally an eviction programme was fixed on 01.12.2018 but the same could not be carried out as Hon'ble Minister, UD directed to defer it after the end of winters.

15. **Hon'ble High Court of Delhi in WP (C) 2640/2017 vide its orders dated 03.12.2018 had given a last opportunity for evicting the illegal occupants within a period of 10 weeks' from today (date of order) and ensure that the site is vacated on or before 20.02.2019 under any circumstances with further observation that if this order is not complied with the Petitioner would be at liberty to move an appropriate application under the Contempt of Courts Act, 1971.**

16. Accordingly, an eviction program was successfully carried out on 11.02.2019 and the site was handed over to IGL in compliance of orders of Hon'ble Court.

17. These occupants have met with Hon'ble Minister (UD) on 11.02.2019 and demanded 02 flats for each 12 families at Dwarka without any cost, stating that the other occupants, those were shifted from these kothis , had also been given 02 flats without cost.

18. Though , as per record, and as stated above, two flats were only allotted once, thats too for evictees of chunk IV &V, in Kali Masjid area

due to smaller units (20-25 Sqm) and enlargement of families , on the direction of the then Hon'ble Minister (UD),Govt of India. Thereafter , only single unit/flat is allotted in such cases.

Further , the cost of the flats have also been charged from those allottees. So, the contention of the Minto Road evictees is far from facts.

19. The Hon'ble Minister (UD) again took a meeting on 12.02.2019 and issued minutes dated 12.02.2019 and **has desired to allot one flat to all 12 evictees at Dwarka at a cost of Rs.1.42 Lakh each, under JJ basti dwellers scheme (Mukhya Mantri Awas Yojna). It was also desired to put up the issue of allotment of 02 flats to these occupants/evictees before the Board. (Annexure-C)**
20. The earlier occupants of similarly situated Kothis, as stated above, have been allotted rehabilitation flats while charging the cost of construction of the flats. In case they are to be treated as similarly placed to the JJ basti dwellers, a policy decision will have to be taken in the Board meeting regarding to extend the benefit of the cost of Rs. 1.42 lakh against the tentative cost of the flat at Dwarka, which is around Rs. 5-6 Lakhs per unit. **(Annexure-D)**. While taking this decision it may be also kept in view that there are around 200 such families in various similarly situated Kothis in the Minto Road and Barron Road areas who may claim parity.

The present status of the case :-

- i. The said site has been evicted from the occupants on 11.02.2019 on the direction of the Hon'ble Delhi High Court dated 03.12.2018 and the site has been handed over to Indraprastha Gas Limited on the same day.

Board is requested to consider & divide the following :-

- ii. Out of the 12 occupants of that site, only 09 have been found eligible. Out of rest of 03, two do not have any valid documents to prove their occupancy at the site and third has not been found eligible on technical ground of succession by the Eligibility Determination Committee (EDC), constituted for this purpose. The minutes of the Meeting of EDC dated 18.05.2018 & 21.06.2018, having all the facts of the all 03 cases alongwith the observations and findings of the EDC is annexed as **Annexure-E**.

A decision is requested to be taken whether all those who have an allotment slip may be considered for alternative allotment in respective proof of documents at the allotted site.

- iii. Under Slum Clearance policy , only one built up flat to each family may be provided in such cases.
- iv. The cost of the construction of flat is charged from such allottees and land cost is not charged.

21. Proposal:-

- i. **Eligibility:** As stated above the Eligibility Determination Committee has found only 09 cases eligible for alternative rehabilitation and rejected rest 03 cases due to the reasons recorded in its minutes dated 21.06.2018, elucidated above. Thus only 09 cases are eligible for alternative rehabilitation. As regards rest of 03 cases, the Board may take a view, in the light of the minutes of the meeting dated 12.02.2019, held by Hon'ble Minister (UD) dated 12.02.2019.
- ii. **Cost of Allotment:** As stated above, previously, the cost of the construction of flats have been charged from the allottees, therefore, the same policy shall be continued in the present cases too, to maintain the parity in all such cases. The Board may take a view regarding cost of construction in the light of decision of Hon'ble Minister (UD) dated 12.02.2019. **(Annexure-F)**
- iii. **Allotment of second flat:** As stated above, the two flats were allotted only once, in the year 2000-2004, that's too for the evictees of chunk IV & V at the Kali Masjid Area due to smaller size of the flats (around 20-25 Sqm) on the direction of the then Hon'ble Union Minister (UD), Govt. of India . After that, only one flat is being allotted. Therefore, in the aforementioned cases, only one flat can be allotted to each family as per prevalent policy. However, in accordance with minutes of meeting of Hon'ble Minister (UD) dated 12.02.2019, the Board may take a view in this matter, keeping in view that around 200 such families are still residing in such CPWD kothis and they may also be rehabilitated in future.

The board may take a view in this matter accordingly.

AGENDA ITEM NO. 26/04

RELOCATION OF JJ BASTI ADJACENT TO BANGLOW NO.12, SUNEHRI BAGH LANE.

- 1 DUSIB is relocating JJ dwellers of different JJ bastis as per provisions of *Mukhya Mantri Awas Yojna* (Erstwhile Delhi Slum and Jhuggi Jhopri Rehabilitation and Relocation Policy-2015). Hon'ble Minister of Urban Development, Govt. of NCT of Delhi vide order dated 18.10.2018 has approved that,
“Land Owning Agencies of 04 JJ Bastis namely (i) Havlok Square, Kali Bari Marg (CPWD), (ii) Sunehri Bagh Lane, adjacent to Bangalow No. 12 (CPWD), (iii) Dhobi Ghat No. 7 & 9, DDU Marg (CPWD) and (iv) STD Booth, Shalimar Bagh (Delhi PWD), have already deposited full Land Owning Agency contribution @ Rs. 1.5 lacs per flat. This is also in accordance with Board decision taken in 16th Board meeting held on 11.04.2016.”
- 2 In compliance of said order JJ Basti C-33, Havlock Square, G Point, Kali Bari Marg has already been relocated on 15.02.2019 and 57 eligible JJ dwellers who have deposited their dues have been allotted flats at Sector-16, Dwarka.
- 3 The Land Owning Agency of JJ Basti Adjacent to Banglow No.12, Sunehri Bagh Lane is among the above said 04 JJ bastis for which Hon'ble Minister has approved for relocation @ Rs. 1.5 lacs per flat. In this JJ Basti, there are 87 surveyed units out of which 71 JJ dwellers appeared before Eligibility Determination Committee (EDC). EDC has declared 57 JJ dwellers eligible and 40 JJ dwellers ineligible. 55 JJ dwellers have deposited full/ part payment and 02 JJ dwellers have not deposited demanded amount.
- 4 Some of the JJ dwellers of JJ Basti Dhobi Ghat No. 7 & 9, DDU Marg, JJ Basti C-33, Havelok Square, G Point, Kali Bari Marg, New Delhi, JJ Basti adjacent to Banglow No. 12, Sunehri Bagh Lane appeared in the public hearing of Hon'ble Chief Minister as well as in the public hearing of CEO, DUSIB. These JJ dwellers have requested that they are ready to shift in the allotted flats at Dwarka. Accordingly, Hon'ble Minister of Urban

Development, Govt. of NCT of Delhi vide order dated 04.02.2019 approved that the JJ dwellers of 08 JJ bastis, including JJ Basti adjacent to Banglow No. 12, Sunehri Bagh Lane, may be relocated after annual examinations are over by 10.04.2019.

5 It has been decided that JJ Basti adjacent to Banglow No. 12, Sunehri Bagh Lane may be relocated before Lok Sabha Elections as most of the JJ dwellers have already deposited their dues.

6 The Board is therefore, requested to consider and grant approval for relocation of JJ Basti adjacent to Banglow No. 12, Sunehri Bagh Lane at Dwarka site immediately.

AGENDA ITEM NO. 26/05

APPROVAL OF FUNDS REQUIRED FOR ADDITIONAL WORKS FOR 1024 EWS FLATS AT SITE –II & SITE-III, SECTOR- 16 B, DWARKA.

1. The two Housing Projects having 1024 EWS houses (i.e. 736 EWS houses at Site No. II & 288 EWS houses at Site No. III) at Sector -16B, Dwarka were sanctioned by the Ministry of HUPA, Government of India under the JNNURM Scheme in the year 2008 for the rehabilitation of jhuggi dwellers. The amounts sanctioned for these Housing Projects were Rs. 29.31 crore & Rs. 10.99 crore respectively.
2. The 288 EWS flats at site no.- III and 736 EWS flats at site no- II dwarka were completed on 05.10.2011 and 31.12.2011 respectively The works of services / facilities such as roads, water –line network, sewerage system, street lights, parks, livelihood centre, community centre, informal market etc. were also completed subsequently.
3. However in these EWS flats the provision of kitchen sink, WC cistern & glass pane in window were neither considered in the original DPRs at the time of sanction being low cost houses and nor these items were provided later on at the time of the construction. However, it is pointed out that the glass panes in windows have been provided in 288 EWS houses in the year 2014-15 at the time of temporary allotment of these houses to ITPF.
4. Now, authorities have decided that these EWS houses to be allotted to jhuggi dwellers of East Kidwai nagar for which requisite amount has been deposited by the beneficiaries. It is pertinent to mention that the flats constructed after 2012 have been provided with kitchen sinks, WC cistern and window glass panes and so far these EWS houses are given to jhuggi dweller after reallocation. To make these flats at Pocket II & III Dwarka Sector- 16 B at par with the EWS houses allotted so far under reallocation policy. The above items are required to be provided in all these flats for which estimate to the tune of Rs. 73,50,400/- has been prepared by the Executive Engineer, Civil Division No.-1. The Ex. En C-01/SE-1 and Chief Engineer-I has requested decided the head of account under which the capital expenditure

has requested and simultaneously requested for sanction of Rs. 73,50,400/-
The detail of estimate for two sites are given below:

1.	288 EWS houses at Site No. III	Rs. 14, 33,700/-
2.	224 EWS houses at Site No. II (out of 736 EWS houses)	Rs. 1998900/-
3.	512 EWS houses at Site No. II (out of 736 EWS houses)	Rs. <u>39,17,800/-</u>
	Total	<u>Rs. 7,350,400/-</u>

5. The aforesaid work is necessary for making these flats habitable for JJ dwellers on urgent basis in the said projects at Dwarka.

6. It is for the information of the Board that DUSIB receives beneficiary share Rs. 1,12,000/- and Rs. 30,000/- as maintenance charges from the JJ Dwellers to whom the EWS flats were/are allotted and also recovered amount from the Land Owing Agency for shifting of JJ Clusters from their land. At present funds received under beneficiary share and land owing agency are kept in separate accounts and both the funds are invested in fixed deposits for earning interest. In the year 2016 out of total beneficiary share received, Rs. 22.00 Cr. was transferred in the DUSIB Estate Management Fund with the approval of the competent authority and remaining Rs. 27.00 Cr. are kept in separate accounts.

7. It is also pertinent to point out here that UD Deptt. vide their letter dated 01/09/2016 had stated that Govt. of NCT of Delhi has given an amount of Rs. 273.00 Cr. (Now Rs. 373.00 Cr.) as an interest free advance/loan which is required to be refunded by DUSIB to GNCTD after recovering from beneficiary and land owing agency. The UD department again vide their letter dated 14.10.2016 has stated that the amount recovered from beneficiaries and land owing agencies as and when received, shall be accounted for against total project cost and releases so far and shall be deposited to GNCTD account (copies annexed).

8. DUSIB in its 16th Board Meeting vide Agenda Item no. 16/03 has approved the "Delhi Slum Rehabilitation and Relocation Policy 2015". In said policy, provision has been kept for creating a corpus fund in the name of DUSIB Estate Management Fund in DUSIB. Contribution of Rs. 30,000/- per

dwelling unit will be charged from the allottee as maintenance charges which will be deposited in Delhi Estate DUSIB Management Fund. The contribution of Rs. 1,12,000/- per dwelling unit for carpet area of 25 sq. mtr. will also be recovered from the allottee. According to the "Delhi Slum Rehabilitation and Relocation Policy 2015", DEMF will be utilized for water supply, road, street, electricity and electric supply system, drainage and sewer works etc., for a period of five years after allotment. The **"Delhi Slum Rehabilitation and Relocation Policy 2015" has been approved by the cabinet vide cabinet decision on 2384 and also by the Hon'ble Lt. Governor, GNCT of Delhi. The policy has now been renamed as Mukhya Mantri Awas Yojna.** The maintenance share kept in DEMF cannot be used for the purpose specified in the present estimates.

9. Further funds to be tune of Rs. 179.80 Cr. received from land owing agencies upto December 2018 are to be kept separately as no resolution has been passed by the Board for depositing the same in Delhi Estate Management Fund.

10. The Vice Chairman, DUSIB vide order dated 13.11.2017 has approved the rates calculated by the Committee consisting of representatives from Engineering Branch of DUSIB, Officers from DSIIDC and Finance wing, DUSIB on the basis of principle laid down by the "Delhi Slum Rehabilitation and Relocation Policy 2015". The rates have been calculated on the DDA's standard costing pattern. As such final disposal of cost of flats constructed by DUSIB and DSIIDC as communicated vide letter No D/33/DD(Rehab.)HQ/DUSIB/2017 dated 11.12.2017 have to be recovered/demanded from the concerned Land Owning agencies which comes to the tune of Rs.8,54,900/- to Rs.9,63,000/- in Dwarka Location.

11. Approval from the Govt. is required for utilization of beneficiary's shares and Land owing agency shares for the purpose now specified by the Chief Engineer-I for making EWS flats at Dwarka habitable for the JJ Dwellers, in view of the letter of UD deptt., dated 01/09/2016 and 14/10/2016.

12. Proposal for approval the Board in anticipation of Cabinet approval :-

1. Board. may allow DUSIB to use land Owning agency share recovered as the disposal cost as specified in para 11 above for the works as mentioned in para 2 and 4 above.