

ITEM NO. 06 (A- 29)

1. Name of the Subject / Project :

Sub : Unauthorized construction in Bengali Market, New Delhi.

2. Name of the Department :

Civil Engineering Department, EE(E-BR)

3. Brief History of the Subject / Project :

3.1 Bengali Market is one of the oldest market of NDMC, originally consisting of front verandah, shop and residential quarters at backside and an open courtyard behind the shop. With time the front verandah has been amalgamated into the shop area and lot of unauthorized construction has taken place in the backside quarters as well as in open courtyard including amalgamation into the shop area.

3.2 Some unauthorized construction as well as misuse of the residential quarters has been noticed by the L&DO in their inspection during 1960's, 1970's and 1980's. The unauthorized constructions are also being carried out recently, in the grab of repair/renovation under section 6.4.1 of the BBL 1983, in some shops and quarters.

3.3 In May 2014, major fire broke out in the market and a number of shops were gutted out. Afterwards, in cover of repair and renovation some unauthorized construction was observed in some shops. A number of complaints are also received regarding the unauthorized construction and the survey of Shop No. 3-4-5 (Krishna Store), 6-7 (Bee Kay Dry Cleaners), 10-11 (Tent House), 18-19 (General Store) and 49 (Costa Coffee) have been carried out. Some complaints have been received through the office of Lt.Governor and Vigilance Department of NDMC. After considering the old L&DO inspection reports and the provision of Punjab Municipal Act 1911, action under the NDMC Act 1994 is in process. Personal hearings are granted to all the affected parties.

3.4 A proposal from Bengali market Traders Association (Regd.) has been forwarded to the Chairperson NDMC by Sh.Satish Upadhyay, President, BJP Delhi Pradesh for considering the request of the traders association sympathetically. In this letter it has been requested to regularize the current structure of shop and to give permission for adding another floor in Bengali Market.

CEC  
EE (E-BR)

4. Detailed proposal on the subject / project.

- 4.1 A number of cases of unauthorized construction in Bengali Market are pending for inspection/study to find out the extent and age of unauthorized construction and to take decision on action as per NDMC Act 1994. The occupants have extended their shops unauthorizedly, horizontally and vertically in piece meal manner, leading to unplanned construction and unauthorized construction.
- 4.2 The department cannot be a mute spectator on such violations as it might lead to safety and security issues of unplanned construction.
- 4.3 The serious issues which concern NDMC at present are as under :
- (a) The safety and security concern of the occupiers and the public using these shops.
  - (b) Enhanced requirement of electricity, and further requirement of additional loads.
  - (c) Parking problems and pedestrian problems.
  - (d) Water supply requirements and scarcity of filtered water.
  - (e) The capacity of sewer lines and more problems of choking/overflowing.
- 4.4 As proposed, redevelopment plan may be prepared statutorily as per MPD 2021, with the approval of L&DO.
- 4.5 To regularize the existing old/recent unauthorized construction, and for allowing additional floor in the LBZ area is a policy issue of Central Government and therefore, further action will be taken as per the prevailing rules/guidelines.
- 4.6 Detailed survey of each premises is to be carried out as per prevailing guidelines. However, no action is being taken against old unauthorized construction of 1960's, 1970's and 1980's under the provision of PM Act 1911 and for further unauthorized construction, the action will be taken under NDMC Act 1994.

5. Financial implications of the proposed subject/project.

Nil.

6. Implementation schedule with timelines for each stage including internal processing :


N/A

7. Comments of Finance Department on the subject.  
N/A
8. Comments of the department on comments of Finance Department.  
N/A
9. Final views of Finance Department.  
N/A
10. Legal implications of the subject / project.  
NIL
11. Details of previous council resolution / existing law of parliament and assembly on the subject.
12. Comments of the Deptt. on the comments of Law Department.  
N/A
13. Final view of Law Department (wherever necessary).  
N/A
14. Certification by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.  
N/A
15. Recommendations.  
For information of the Council and necessary directions.

COUNCIL'S DECISION

Deferred.

This is a public policy decision having political implications, and may be considered and discussed when all the elected representatives viz. Hon'ble MP and both the MLAs are present.

  
For Secretary  
New Delhi Municipal Council  
Pauze Chowk, New Delhi