

Restoration  
E.S. G. G.P.

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI  
OFFICE OF THE COMMISSIONER OF INDUSTRIES  
'UDYOG SADAN' 419, FIE, PATPARGANJ, DELHI-110092

F.No. DDU (Land)/ Policy/CV97/76-31

Dated: 31-01-2008

**ORDER**

In partial modification of the Order No: F.36(Misc.)/15/94/LB/ULCR/254 dated 09.1.1998, the Hon'ble Lt. Governor of Delhi is pleased to modify Para relating to "Restoration Charges" of the above mentioned order as under :-

| Existing Provision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Modified Provision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>"No restoration would generally be allowed to the ex-allottee, once the lease has been cancelled. However, the Lt. Governor may review the order of cancellation of lease on the basis of a restoration appeal filed within 30 days of cancellation of lease. In cases where restoration is allowed by the Lt. Governor, restoration charges equivalent to the payment for the whole plot at the market rate to be decided from time to time by the Lessor will be recovered. However, a period of only two years will be allowed for construction after the restoration is allowed. If construction is not completed even during this period, the lease will be cancelled by the Lessor, the premium and the lease money forfeited and the plot will be resumed by the Industries Department.</p> <p>In case the allotments are cancelled on account of breach of other terms and conditions of the lease including misuse, the Lt. Governor may allow restoration on the payment of 25% of the market rate as decided from time to time by the Lessor."</p> | <p>"Cases where the allotments are deemed to have been cancelled either on account of default in payment or failure to take over the possession within the permissible period or any other reason, if a subsequent decision was taken to restore the allotments then the restoration charges @ Rs. 300/- per sq. mtr. will be levied.</p> <p>In relation to the properties which have been re-entered by way of having them sealed and where a subsequent decision has been taken with the approval of the Lessor to restore the properties subject to realization of all the charges including de-sealing charges, the de-sealing charges would be Rs.15000/- per plot/unit for plots/units above 100 sq. mtr. and Rs.10000/- per plot/unit for the size of 100 sq. mtr. or less. In addition to that Rs.5000/- per month as additional charges will be leviable towards maintenance cost.</p> <p>However, a period of only two years will be allowed for construction after the restoration is allowed. If construction is not completed even during this period, the lease will be cancelled by the Lessor, the premium and the lease money forfeited and the plot will be resumed by the Industries Department."</p> |

- 2 18% simple interest shall be charged on all belated payments except in those cases where specific rate of interest has been prescribed in the lease / rent agreement. However, cases where Compound Interest has already been charged shall not be reopened.
- 3 Further, interest rate on belated payment of Restoration Charges shall be charged @ 12.5% per annum where delay is 30 days or less or @ 15% per annum for the period exceeding 30 days.

  
3-10-05  
(NARENDRA KUMAR)  
SECRETARY & COMMISSIONER (INDUSTRIES)

Copy forwarded to:

- 1 P.S to Hon'ble Lt. Governor, Raj Niwas, Delhi
- 2 Vice Chairman, Delhi Development Authority, Vikas Minar, New Delhi
- 3 Secretary to M.I., Govt. of NCT of Delhi, Delhi Sachivalaya, I.P. Estate, New Delhi
- 4 Managing Director, DSIDC, N-16, Bombay Life Bldg. Connaught Place New Delhi
- 5 All Officers of the Commissioner of Industries, Udyog Sadan,
- 6 Consultant, Industries Department, Udyog Sadan, Delhi

7201

OFFICE OF THE COMMISSIONER OF INDUSTRIES  
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
UDYOG SADAN, 419, EHE, PATPARGANJ INDL. AREA, DELHI

No. Land/HI/3(75)/77-C1/1529-30

Dated: 29 August, 2007

ORDER

It has been observed in the past that restoration of leases have been got approved from Hon'ble Lt. Governor with the condition that the applicant will have to pay all the outstanding dues including restoration charges. Later, the applicants have disputed the demand raised by the Department for payment of outstanding dues alleging the demand raised is not lawful which has resulted in litigation and delay in finalisation of cases. In order to avoid such a situation, Hon'ble Lt. Governor, Delhi has been pleased to approve the following guidelines for processing cases for restoration of leases:-

- (1) All outstanding dues including restoration charges should be calculated and indicated in the proposal for restoration proposed to be submitted to Hon'ble Lt. Governor
- (2) The applicant shall be asked to file an undertaking on the non-judicial stamp paper to the effect that the entire dues as calculated by the Department shall be paid by him on demand within the prescribed time.
- (3) After the case is approved by the Hon'ble Lt. Governor for restoration of lease hold rights in favour of the applicant, demand for entire outstanding dues will be raised giving 60 days time for making the payment. Another one month time can be allowed for making the payment on payment of interest @ 18% from the date of raising the demand.
- (4) If the outstanding dues are not paid within the aforementioned maximum stipulated period of 90 days the restoration letter would be treated as withdrawn and indication to this effect shall be made in the restoration letter itself.
- (5) It shall be ensured by the Joint Commissioner (Land) concerned with the case that after receiving the orders of the Hon'ble Lt. Governor to restore the Lease rights, the demand is raised within a period of 15 days without fail.

  
23/08/07  
(NARENDRA KUMAR)

SECRETARY & COMMISSIONER (INDUSTRIES)

All Officers of Industries Department.

No. Land/HI/3(75)/77-C1/1529-30

Dated: 29 August, 2007

Copy forwarded for information to

- 1 Secretary to Lt. Governor, Delhi, Rajniwas, Delhi
- 2 Secretary to Minister (Industries), Government of NCT of Delhi, Delhi  
Sachivalaya, 1 P.Estate, New Delhi

  
23/08/07  
(NARENDRA KUMAR)

SECRETARY & COMMISSIONER (INDUSTRIES)