

F.No.24026/7/17/259  
Government of India  
Ministry of Housing & Urban Affairs,  
Land & Development Office  
Nirman Bhavan, New Delhi.

Dated 22.01.2021

**OFFICER ORDER NO. 1/2021**

**Subject : Issues concerning 'C' type tenements – regarding.**

The Property Section has referred the following proposals for recovery of charges in respect of 'C' type tenement for clarification by Coordination Section: -

- (i) If the leased area is misused and property was converted into free hold, we may recover the misuse charges one day before the execution of Conveyance Deed.
- (ii) In case property is lease hold and the leased area is misused and property was sealed by SDMC as per direction of Monitoring Committee constituted by Hon'ble Supreme Court of India, we may recover the misuse one day before the date of sealing of property.
- (iii) If there is encroachment in front and rear side, if it is within permissible limit as per guidelines of 'C' type tenement, and is being used for residential purpose, no charges are recoverable.
- (iv) If there is encroachment in front and rear side and if the encroachment area beyond the permissible limit as per guidelines of 'C' type tenement, and is being used for residential purpose, we may recover the unauthorized occupational charges for excess area beyond the permissible limit on residential land rates.
- (v) If the encroachment in front and rear side is used as commercial, we may recover the unauthorized occupational charges on commercial land rates.
- (vi) In case, the area leased out at the time of execution of lease deed is less than the original allotted area, we may recover the charges for the excess area at the rate of land at the time of original allotment of tenement plus interest thereon.
- (vii) If there is a possibility to allot 9.98 sq.mts. (10'-0" X 10'-9") in front side instead of 7.98 sq.mts. (8'-0" X 10'-9") in some of the blocks of 'C' type tenements, then, supplementary lease deed to be executed for the front side of the tenement will be for common area in front of tenement irrespective of its length. The charges for common area have already been recovered from the lessee. So, no charges are recoverable.
- (viii) As pointed out by IAC regarding recovery of charges beyond the period of sealing of property as encroachment still exists, it is submitted that after sealing the property, there is no commercial (misuse) activity in the sealed property. However, we may recover the charges as per point (iii) and (iv) above.
- (ix) Supplementary Lease Deed will be executed only when the encroachment in front and rear side is within the limit of policy guidelines.

2. The points (i) to (ix) enumerated in para 1/ante have been examined and regarding point (viii) it is clarified that leases of the 'C' type tenements are residential and if the property is used as commercial, this office as per extant policy levies 'misuse charges' for violation of terms and conditions of lease and conveyance deed. In respect of properties which were being used as commercial and were sealed by SDMC on the directions of Monitoring

Committee constituted by Hon'ble Supreme Court, the conditions stipulated in point (II) of note on pre-page will be applicable.

3. Regarding encroachment subsisting in the above mentioned properties it is clarified that the encroachment charges will be calculated only after the property is desealed and lessee has been given opportunity to remove the same and if he does not remove the encroachment, the charges, if any, will be levied from the date of inspection after desealing. The previous encroachment charges will be levied till one day before desealing. The CDN Section has no objection to other points.

This issues with the approval of Land & Development Officer.



(G.K. Babbar)

Dy. Land & Development Officer

To

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