

# **CHAPTER–II**

## **Planning**



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### Planning

#### Introduction

**2.1** Planning plays an important role in quality of development for individual areas. Planned development of an urban area facilitates provision of support services such as drinking water, sewerage system, internal roads and proper transport, measures to tackle pollution, *etc.* Inadequate planning or frequent changes in Master Plan (MP) may lead to deficiencies in these services besides mismatch in resources such as land *vis-à-vis* demand or possible collusion with pressure groups such as private builders.

The Industrial Development Authorities must have its macro plan of the broad development framework in its MP showing various land uses within the notified development area. The land acquisition in a notified development area has to be planned and executed in sync with the approved land use based on expected demand and other related development guidelines. After the land is acquired, micro planning at the sector<sup>1</sup> level needs to be carried out.

#### Regulatory framework for development in National Capital Region

**2.2** The development area of GNIDA falls within the ambit<sup>2</sup> of the National Capital Region (NCR); therefore, it is required to follow the provisions of the statutes applicable for the development of NCR.

The National Capital Region Planning Board (NCRPB) Act, 1985 was enacted by the Government of India with the objective of constitution of a Planning Board for the preparation of a plan for the development of NCR<sup>3</sup> and for coordinating and monitoring the policies for the control of land uses and development of infrastructure in NCR so as to avoid any haphazard development of the region. The implementation of functions of this Act was incumbent upon its Board of which Union Minister, Housing and Urban Affairs is Chairman and Chief Ministers of participating States and Lieutenant Governor of NCT of Delhi are members. The composition of NCRPB is given in *Appendix 2.1*.

As per Section 7 of the NCRPB Act, 1985, NCRPB was required to prepare Regional Plan (RP) and arrange for preparation of Sub-Regional Plans (SRPs) by the participating States<sup>4</sup>. Section 10(2) of the NCRPB Act, 1985 provides that RP shall indicate the manner in which the land in NCR is to be used for various purposes by carrying out development thereon. RP includes the policy in relation to land use and the allocation of land for different uses to promote growth and balanced development of NCR. Specific reservation of areas for various land uses of sub-regional importance are detailed in the SRPs and MPs which are to be prepared by the respective participating States.

<sup>1</sup> Sector means any one of the divisions in which the industrial development area or part thereof may be divided for the purpose of development under the UPIAD Act, 1976.

<sup>2</sup> In accordance with Section 2 (f) and 2 (g) of the NCRPB Act, 1985 read with Para 2.1 (d) of the Regional Plan 2021.

<sup>3</sup> Comprises Union Territory of Delhi and certain areas of the participating States, *viz.*, Haryana, Rajasthan and Uttar Pradesh as per Section 2 (f) of the NCRPB Act, 1985.

<sup>4</sup> Haryana, Rajasthan and Uttar Pradesh as per Section 2 (f) and 2 (g) of the NCRPB Act, 1985.

NCRPB prepared (September 2005) RP 2021 to take care of urban developments with the perspective year 2021, incorporating maps, diagrams, illustrations and included regulatory elements needed to promote planned growth and balanced development of NCR. The hierarchy of RP, SRP and MP is shown in **Chart 2.1**.

**Chart 2.1: Hierarchy of Regional Plan, Sub-Regional Plan and Master Plan**

**Regional Plan**

- NCRPB prepares Regional Plan (Section 7 of the NCRPB Act, 1985).

**Approving Authority:** NCRPB

**Sub-Regional Plan**

- Participating State prepares and sends Sub-Regional Plan to NCRPB to ensure that the same is in conformity with Regional Plan (Sections 17 and 19 of the NCRPB Act, 1985).
- Sub-Regional Plan shall be sent to NCRPB for approval (Para 1.3.3 of Regional Plan 2021).

**Preparing Authority:** Participating States

**Approving Authority:** NCRPB

**Master Plan**

- Approval of the individual Master Plan is to be obtained from NCRPB to ensure that the same is in conformity with Regional Plan (Para 17.4.1 of Regional Plan 2021).

**Preparing Authority:** Respective Industrial Development Authority (IDA) prepares MP with concurrence of GoUP

**Approving Authority:** NCRPB

**Process of finalisation of Master Plan**

**2.3** A Master Plan<sup>5</sup> is a development plan which *inter alia* provides details of various land uses along with zoning regulations of each land use indicating permissible/prohibited uses. GNIDA has to prepare MP in conformity with the RP and get it approved by GoUP and then from NCRPB. MPs are prepared with time horizons of 10/20 years.

Land Acquisition Act, 1894 provides legal support for land acquisition whenever it appears to the appropriate Government that the land in any locality is needed or is likely to be needed for any public purpose<sup>6</sup>. Thus, existence of an MP for development of the notified area is an essential

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<sup>5</sup> Section 2(d) of Greater Noida Industrial Development Area (Preparation/Revision and Finalisation of Master Plan) Regulations, 1998 defines Master Plan as the plan prepared by the Authority for the Development of Industrial Development Area under Section 6(2) of the UPIAD Act, 1976.

<sup>6</sup> 'Public Purpose' under the Act has been defined to include provision of town planning, provision of land for any scheme of development sponsored by Government or with the prior approval of the appropriate Government, by a local authority (including a town planning authority by whatever name called).

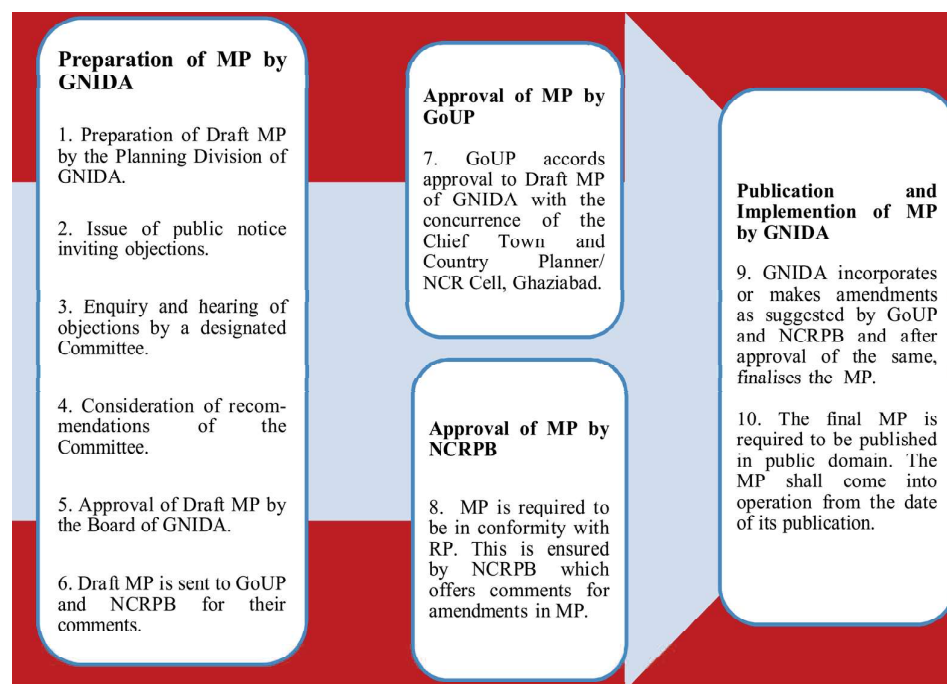


pre-condition for initiating process of land acquisition for establishing public purpose for land acquisition and development.

The Planning Division of GNIDA deals with preparation and implementation of MP and is responsible for ensuring compliance of the provisions of RP/SRP. NCRPB notified RP 2021 in September 2005 whereas SRP was published by GoUP in December 2013.

The process of finalisation of MP has been as depicted in **Chart 2.2** below:

**Chart 2.2: Process of finalisation of Master Plan**



*Source: Documented by Audit based on provisions of NCRPB Act, 1985, RP 2021 and GoUP order.*

The Board of GNIDA approved (February 1992) Outline Development Plan (ODP)/Master Plan (MP) 2001, which was approved (August 1996) by NCRPB. Subsequently, the Board of GNIDA approved (March 2001) MP 2021. In view of suggestions from public, MP 2021 was revised (July 2001), which was sent to NCRPB and GoUP in October 2001 and December 2001 respectively for approval. Thereafter, GNIDA made various changes in MP 2021 during June 2002 to May 2006 on the basis of suggestions of GoUP. The GoUP approved MP 2021 in June 2006 and forwarded it to NCR cell<sup>7</sup>, Ghaziabad for examination and approval by NCRPB.

MP 2021 was further revised from time to time by GNIDA for change in land use and in view of suggestions of NCRPB. In November 2011, GoUP approved all amendments proposed by GNIDA since 2001 and sent it to NCRPB. NCRPB accorded (August 2012) its approval to MP 2021.

<sup>7</sup> NCR Planning and Monitoring Cell, created in every NCR participating State, co-ordinates with the State Government for preparation of MPs to ensure conformity with RP and SRP. It also monitors implementation of RP and in case of any violation, brings the same to the notice of NCRPB.

### Status of implementation of Master Plan 2021

**2.4** During the period of Performance Audit, viz., 2005-06 to 2017-18, MP 2021 was being implemented by GNIDA. The category-wise planned land use in terms of area and its percentage of the total area, as conceived in the MP 2001 and MP 2021 of GNIDA, and the actual development up to September 2019 is depicted in **Table 2.1**.

**Table 2.1: Land use as per Master Plans of GNIDA and status of actual development (Area in hectare)**

Land Use	MP 2001 (proposed for implementation up to the year 2001)		MP 2021 (proposed for implementation up to the year 2021)		Increase of land uses from MP 2001 to MP 2021		Area Developed up to September 2019	Percentage development with respect to MP 2021
	Area	Percentage	Area	Percentage	Area	Percentage		
Residential	1310.00	25.8	4992.30	22.43	3682.30	281.09	5193.84	104.04
Industrial	1596.96	31.5	4008.59	18.01	2411.63	151.01	2595.36	64.74
Commercial	99.74	2.00	1096.23	4.93	996.49	999.09	360.28	32.87
Institutional Including:	570.63	11.20	3345.90	15.03	2775.27	486.35	2220.92	66.38
<i>Institutional</i>	570.63	11.20	2400	10.78	1829.37	320.59	Segregation of Institutional and IT/ITES was not available	
<i>IT/ITES</i>	0	0	945.90	4.25	945.90	New land use		
Green area	1361.90	26.80	3579.80	16.09	2217.90	162.85	541.58	15.13
Institutional green <sup>8</sup>	0.00	0.00	1420.20	6.38	1420.20	New land use	1007.69	70.95
Transportation	137.32	2.70	3423.33	15.38	3286.01	2392.96	1003.01	29.30
Multi Modal Transportation Hub <sup>9</sup>	0.00	0.00	52.69	0.24	52.69	New land use	81.37	154.43
Integrated Industrial Township <sup>10</sup>	0.00	0.00	335.96	1.51	335.96	New land use	335.95	100
<b>Total</b>	<b>5076.55</b>	<b>100.00</b>	<b>22255.00</b>	<b>100.00</b>	<b>17178.45</b>	<b>338.39</b>	<b>13340.00</b>	<b>59.94</b>

Source: MP 2021 of GNIDA and information furnished by the Planning Division of GNIDA.

It can be seen that while the area for residential sector has been developed more than that what was planned, however, those in industrial, commercial, institutional sectors and green areas were executed far less than that planned.

### Audit Coverage

**2.5** The records of preparation and approval of MP 2021 including land use changes were examined in Performance Audit.

### Audit findings

The audit findings, as a result of examination of the records of preparation and implementation of MP 2021 are structured as under:

- Deficiencies in finalisation and implementation of Master Plan 2021 (*Paragraphs 2.6 to 2.7.3*).

<sup>8</sup> 'Institutional green' land use has been mentioned separately from 'Green area' land use in MP 2021. The permitted activities under both land use are different. For example, amusement and entertainment park is permitted under 'Green area', while not permitted under 'Institutional green'. Similarly, educational institutions are permitted in 'Institutional green' whereas it is not permitted under 'Green area' land use.

<sup>9</sup> Multi Modal Transportation Hub is provided under MP 2021 for interconnecting a variety of inter-city, regional and local public transport system, all within a single facility.

<sup>10</sup> Integrated Industrial Township is an initiative of Delhi Mumbai Industrial Corridor (DMIC) to drive manufacturing activity in the region.

- Directions of NCRPB at initial stage of Master Plan 2021 were not complied with (*Paragraphs 2.6.3 to 2.6.4*).
- Conditions of NCRPB while approving Master Plan 2021 were not complied with (*Paragraphs 2.6.5 to 2.6.5.3*).
- Changes in Land use without approval (*Paragraphs 2.7 to 2.7.3*).

### Deficiencies in finalisation and implementation of Master Plan 2021

**2.6** Section 27 of the NCRPB Act, 1985 provides for the overriding effect of the provisions of this Act over the inconsistency in any other law for the time being in force, with regard to any development work being undertaken by the participating States in NCR. Section 29(1) of the Act clearly states that once NCRPB publishes its RP for NCR, no development work shall be made in the region which is inconsistent with RP. Section 29(2) also empowers NCRPB to direct the concerned participating State Government by giving a notice to stop any activity which is in violation of RP.

Para 17.4.1 of the RP 2021 provides that no development in the controlled/development/regulated zone can be undertaken except in accordance with the Master/Development Plans for the respective controlled area approved by NCRPB and duly notified by the State Government under their respective Acts. For this purpose, all the controlled areas/development areas declared by the respective State Governments from time to time within the purview of their own Acts will be deemed as the controlled/development/regulated zone. Therefore, as per provisions of Section 27 read with Section 29 of the NCRPB Act, 1985 and Para 17.4.1 of the RP 2021, GNIDA was required first to have its MP duly approved by NCRPB.

### Implementation of Master Plan 2021 without its finalisation and publication

**2.6.1** Regional Plans published by NCRPB have been considered as major instrument of regional development in various judicial pronouncements. The position laid down by Hon'ble Supreme Court and Hon'ble Allahabad High Court with regard to the NCRPB Act, 1985 and RP are as detailed below:

#### Judicial pronouncements

Hon'ble Supreme Court in its judgment<sup>11</sup> (31 March 1994) observed that “*the overriding effect of the Act by virtue of Section 27 and total prohibition of any activity of development in violation of the finally published Regional Plan provided in Section 29 of the Act is sufficient to indicate that any claim inconsistent with the finally published Regional Plan in the area cannot be sustained on any ground.*”

Hon'ble Allahabad High Court in its judgement<sup>12</sup> (1 October 1996) observed that “*one stipulation is inescapable that unless the NCRPB gives the green signal, nothing can go ahead. The necessary implication of this is also that at every stage in reference to the plans, aforesaid, each Constituent State, a part of the NCR Plan, has to keep a close consultation with the federal agency which is the Board.*”

The Hon'ble Allahabad High Court in its judgement<sup>13</sup> (18 December 1998) observed that “*... land uses cannot be changed except with the tacit permission and close scrutiny of the NCRPB. .... Whatever development is permissible must be strictly monitored under the NCRPB Act, 1985 by the authorities named and constituted under it.*”

<sup>11</sup> Judgement dated 31 March 1994 in case of Ghaziabad Development Authority vs. Delhi Auto and General Finance Private Limited {(1994) 4 SCC 42}.

<sup>12</sup> In case of Ravindra Singh vs. State of Uttar Pradesh (Writ Petition No. 26737 of 1993).

<sup>13</sup> Civil Miscellaneous Petition No.13899 of 1998.

**GNIDA executed land acquisition, development and allotments during 2005-06 to October 2011 under Master Plan 2021 without the approval of NCRPB.**

Audit noticed that land acquisition, development and allotments under MP 2021 were executed by GNIDA during 2005-06 to October 2011, before approval of MP 2021 by NCRPB in August 2012. GNIDA had to stop development during 21 October 2011 to 24 August 2012 in compliance with the orders of Hon'ble Allahabad High Court<sup>14</sup> directing that *'the GNIDA and its allottees are directed not to carry on development and not to implement the MP 2021 till the observations and directions of the National Capital Regional Planning Board are incorporated in MP 2021 to the satisfaction of the NCRPB.'*

In compliance with the above Order, NCRPB approved (24 August 2012) MP 2021 of GNIDA subject to five conditions (as detailed in **Paragraph 2.6.5**) to be complied before publishing the final MP 2021. GNIDA published the final MP 2021 on 12 March 2013. However, out of five conditions, three conditions of NCRPB were not complied with (November 2019), as discussed in **Paragraphs 2.6.5.1 to 2.6.5.3**. Further development of GNIDA restarted from 25 August 2012<sup>15</sup> but without complying with all the conditions of NCRPB. Thus, publication of MP 2021 and commencement of development work by GNIDA without complying with all the conditions of NCRPB were irregular.

In its reply, GNIDA stated (October 2020) that all the developments in GNIDA were as per approved MP 2021 and its Board was empowered to prepare MP under the Uttar Pradesh Industrial Area Development Act (UPIAD Act), 1976. Accordingly, MP 2001 and MP 2021 were prepared and implemented after approval of the Board. There was no statutory provision for approval of MP from NCRPB by the respective authorities. It further stated that GNIDA was also given reprieve by Hon'ble Supreme Court<sup>16</sup> as it left the question of law open. GNIDA further stated that if it had not started the development of the area on the basis of its plan, there was possibility of unplanned development and encroachment in the area.

The reply is not acceptable as Para 17.4.1 of RP 2021, which is prepared under the NCRPB Act, 1985, provides that no development in the controlled/development/regulated zone can be undertaken except in accordance with Master/Development Plans for the respective controlled area approved by NCRPB. Hon'ble Allahabad High Court has settled the matter in the case of Gajraj and Others vs. State of Uttar Pradesh and Others and observed that *"GNIDA cannot proceed to implement MP 2021 till it is permitted by NCRPB."* Subsequently, Hon'ble Supreme Court in the case Savitri Devi vs. State of Uttar Pradesh and Others, as referred to by GNIDA in its reply, observed that *"as a matter of fact, insofar as these cases are concerned, consent of the Board (NCRPB) had been obtained. Having regard to this position, while dismissing the appeals of the State/Authority, we have left the said question of law open, namely, whether permission of the deemed under the Act of 1985 is a pre-condition before acquisition of the land."*

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<sup>14</sup> Judgement dated 21 October 2011 in case of Gajraj and Others vs. State of Uttar Pradesh and Others (Writ Petition C. No. 37443 of 2011).

<sup>15</sup> GNIDA in its office order dated 24 August 2012 declared the period from 21 October 2011 to 24 August 2012 (date of approval of MP 2021 by NCRPB) as zero period with the exemption of penal interest during such period and automatic extension of scheduled completion/functional by such period.

<sup>16</sup> Judgement dated 14 May 2015 in case of Savitri Devi vs. State of Uttar Pradesh and Others (Civil Appeal no. 4506 of 2015 arising out of Special Leave Petition (C) No. 30969/2011).

*Therefore, that aspect also needs no elaboration at our end in these appeals.”* Hon’ble Supreme Court also affirmed the full Bench judgment of the Hon’ble Allahabad High Court disposing all appeals in terms of said judgment of the full Bench.

During the Exit Conference (January 2021), Audit drew attention to the judgement of Hon’ble Allahabad High Court in *Gajraj and Others vs. State of Uttar Pradesh and Others* and further judgement of Hon’ble Supreme Court and pointed out that GNIDA does not appear to be beyond the ambit of NCRPB. The State Government stated that there is no provision in the NCRPB Act, 1985 for approval of MP by it. However, the Government has assured that it would provide clarity on this matter, if required.

### ***Dilution of the objective of industrialisation in Master Plan 2021***

**2.6.2** The preamble of the UPIAD Act, 1976 provides for constitution of an Authority for the development of certain areas in the State into industrial and urban township and for matters connected therewith. Further, Section 6 of the UPIAD Act, 1976 mandates, “the objective of the Authority shall be to secure planned development of industrial development areas”. It further provides that the functions of the Authority shall be to demarcate and develop sites for industrial, commercial and residential purpose according to plan. However, the ‘industry’ has not been defined under the UPIAD Act, 1976. In this context, Hon’ble Allahabad High Court has observed<sup>17</sup> that *“development of industries being primary object, the activities of the Authority has to wear round along with industrial development. Any activity dehors the industrial development cannot be said to be within the bona fide and legitimate purpose of the Act. The development of the residential, commercial and other area, etc., have to be developed as subservient to industrial development.....The words ‘industrial and urban township’ used in the preamble are conjunctive and not disjunctive. The development of urban township is a corollary and conjunctive to industrial development”*.

**GNIDA focused on residential land use instead of its dominant objective of developing industrial land use in preparation of MP 2021 as well as during its implementation.**

In MP 2021, land use had been categorized under Industrial, Residential, Commercial, Institutional, Green Areas, Institutional Green, Transportation and Integrated Industrial Township (IIT). Audit further noticed that Information Technology (IT) and Information Technology Enable Services (ITES) were considered as industry in MP 2021, however, plots under these categories were planned and allotted under Institutional land use. In the absence of definition of ‘industry’ under the UPIAD Act, 1976 or MP 2021, industrial and IT land uses have been included in Audit analysis as industrial land use which revealed that the total planned Industrial land use (including new land uses for IT, ITES and IIT) in MP 2021 was reduced to 23.77 per cent from 31.5 per cent planned in MP 2001. Besides, as evident from **Table 2.1**, MP 2021 envisaged higher increases *vis-à-vis* MP 2001 in Residential (281 per cent) and Commercial (999 per cent) land uses as compared to the increase of Industrial (231 per cent) land use (including new land uses for IT, ITES and IIT). It makes the Greater Noida township as a primarily residential township instead of an industrial township at planning stage itself.

Audit further noticed that at the implementation stage also, GNIDA focused on developing residential sectors instead of developing industrial sectors. As

<sup>17</sup> Judgement dated 21 October 2011 in case of *Gajraj and Others vs. State of Uttar Pradesh and Others* (Writ Petition C No. 37443 of 2011).



on September 2019, even after 28 years of the formation of GNIDA, the development of Industrial land use (including IIT) was only 67.47 *per cent* of the Industrial land use planned in MP 2021 whereas the development of residential land use was 104.04 *per cent* of the residential area planned. The details of development of IT and ITES *vis-à-vis* MP 2021 could not be analysed in Audit as GNIDA did not maintain such detail which were included under Institutional land use.

In its reply (October 2020), GNIDA remained silent on the issue of change in its priority from the dominant objective of industrial development.

**Directions of NCRPB at initial stage of Master Plan 2021 were not complied with**

**2.6.3** The draft MP 2021 of GNIDA was discussed in 54<sup>th</sup> meeting (September 2006) of the Planning Committee of NCRPB which directed GNIDA to modify the draft MP 2021 after incorporating various suggestions made on the Master Plan. Audit noticed that the directions of NCRPB with reference to draft MP 2021 were not complied with as discussed in succeeding paragraphs:

***Green buffer along the River Hindon not provided***

**2.6.4** Para 17.4.1 (c) of RP 2021 provides green buffers along the expressways, national highways, state highways and railway lines or around/adjacent to any other area, as provided in the regulated zone along major transport corridors and other areas to be maintained and regulated as per the provisions of the respective State Acts/Master/Development Plans.

The Planning Committee of NCRPB in its 54<sup>th</sup> meeting (September 2006) advised GNIDA to keep green buffer of about two kilometer width between the urbanisable areas of NOIDA and Greater Noida area along river Hindon. GNIDA was required to modify MP 2021 accordingly and submit the same to NCRPB. In compliance with this observation, GNIDA informed (February 2007) NCRPB that ‘a green buffer of about two kilometer width has been kept between the urbanisable areas of NOIDA and Greater Noida along the Hindon river in the newly planned area’.

Audit noticed that despite having agreed to do so, GNIDA did not comply with the observation of NCRPB for keeping the green buffer between the urbanisable area of NOIDA and Greater Noida along the Hindon river. In April 2011, GNIDA carved three Institutional Farm Houses in the area to be kept as green buffer and allowed the activities which were not permitted in green buffer as defined in RP 2021, which is discussed in detail in **Paragraph 5.6.4.2** in Chapter-V (6) on Allotment of Farm Houses Plots.

In its reply, GNIDA stated (October 2020) that there was no provision in RP 2021 for keeping green buffer area. Despite this, it had earmarked the available area as green buffer. GNIDA further stated that in respect of earmarking green buffer, it makes provision at the time of preparing *talpat manchitra*<sup>18</sup>. Therefore, it is not correct to say that the provision of NCRPB had not been complied with by GNIDA.

**GNIDA did not comply with the observation of NCRPB for keeping green buffer between the urbanisable area of NOIDA and Greater Noida along the Hindon river as it did not earmark green buffer in the published MP 2021. It also allotted Institutional Farm Houses in the area envisaged by NCRPB as green buffer and allowed the activities which were not permitted in green buffer.**

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<sup>18</sup> Sector layout.

The reply is not acceptable as RP 2021 mandates green buffer as a sub zone within controlled/regulated zones whose precise delineation will be undertaken by the respective Master/Development Plans for the controlled/development/regulated areas. Further, NCRPB specifically suggested (September 2006) for delineating green buffer of two kilometer width along the Hindon river. However, GNIDA did not earmark green buffer in the published MP 2021 and sector layout<sup>19</sup> despite assurance to NCRPB. Besides, it allotted farm houses in the area which were envisaged by NCRPB as green buffer.

**Conditions of NCRPB while approving Master Plan 2021 were not complied with**

**Conditions relating to achieving density level, provision for EWS and LIG housing and preservation and protection of Green area imposed by NCRPB while approving MP 2021 were not complied with.**

**2.6.5** NCRPB approved (24 August 2012) the draft MP 2021 of GNIDA subject to incorporation of following conditions in the Final Master Plan:

- (i) In order to achieve the targeted population and density as per RP 2021 for NCR, density levels may be increased by various measures like increase in Floor Area Ratio (FAR), creating conducive climate for industrial/economic activities, integration of Delhi Mumbai Industrial Corridor (DMIC) project and improved connectivity.
- (ii) GoUP/GNIDA may ensure provision of 20 to 25 *per cent* of Economically Weaker Section (EWS)/Lower Income Group (LIG) housing while preparing sector layout plans and development of Greater Noida area.
- (iii) GoUP/GNIDA may ensure to prepare the Environment Master Plan of Greater Noida which would be integral part of the notified MP 2021.
- (iv) Green area proposed is 3,580 hectare out of total urbanisable area of 22,255 hectare which constitutes about 16 *per cent* of the total area. This area should be preserved/protected and not subject to any land use change at any future date.
- (v) Action Plan for implementation and its phasing should be done before notification of the final plan<sup>20</sup> by GoUP/GNIDA.

GNIDA complied with the conditions in respect of preparation of Environment Master Plan (sl. no. iii above) and preparation of Action Plan (sl. no. v above). However, GNIDA did not comply with the conditions in respect of achieving density level, provision for EWS and LIG housing and preservation and protection of Green area (*i.e.*, sl. no. i, ii and iv above) as detailed in succeeding paragraphs:

***Township density and population norms of RP 2021 not complied with***

**2.6.5.1** Depending upon the potential for development of the towns, NCRPB specified population assignment for various towns under RP 2021 which were agreed by the respective State Governments. In case of GNIDA, RP 2021 had density norm of 150 to 200 Persons Per Hectare (PPH) for the assigned population of 10 to 50 lakh. The projected population of GNIDA was assigned as 12 lakh for the year 2021 in RP 2021. Master Plan 2021 of GNIDA was, therefore, required to be prepared on the basis of the assigned population of 12 lakh with density 150 to 200 PPH.

<sup>19</sup> In sector layout map, green belt of 15 meter had been earmarked in agriculture green sector which is along Hindon river.

<sup>20</sup> Master Plan 2021.

Audit noticed that in order to achieve the suggested density norm of 150 to 200 PPH for the assigned population of 12 lakh, GNIDA was required to plan for development of 6,000 to 8,000 hectare in MP 2021. Against this, GNIDA planned for an area of 22,255 hectare in MP 2021 at the density of 54 PPH. Thus, an excess area of 14,255 hectare was planned in MP 2021.

GNIDA acquired 15,259.65 hectare land up to September 2019 out of which 13,808.67 hectare was acquired during November 1991 to September 2013 under urgency clause. Further, GNIDA allotted plots/flats for residential units for catering to 25.45 lakh population as detailed in **Table 2.2**.

**Table 2.2: Summary of allotments and population size catered**

Sl. No.	Category of allotment	No. of plots/units allotted	Area in hectare	Population size catered <sup>21</sup>
1	Residential plots	29197	500.59	376144
2	Residential Built-up houses/flats	27801	177.79	328381
3	Group Housing schemes	77	272.25	91884
4	Builder Residential Schemes	205	980.57	1637687
5	Sports City-01	13	14.74	24321
6	Sports City-02	4	19.67	41307
7	Recreational Entertainment Park	3	21.73	45633
<b>Total</b>				<b>2545357</b>

*Source: Allotment data provided by System Division and scheme files provided by GNIDA.*

**Against an area of 6,000 to 8,000 hectare required to be planned in MP 2021 at density norm of 150 to 200 PPH for the assigned population of 12 lakh, GNIDA not only planned for 22,255 hectare at the density of 54 PPH but also implemented excess development of residential shelters for population size of 25.45 lakh.**

It is evident from **Table 2.2** that GNIDA implemented excess development of residential shelters for population size of 25.45 lakh against the population assignment of 12 lakh in RP 2021.

NCRPB issued (January 2016) a notice under Section 29 (2) of the NCRPB Act, 1985 to GNIDA for not complying the density norm as per RP 2021. GNIDA in its reply (March 2020) submitted to NCRPB various measures taken to increase in PPH from 1,650 to 2,100 and FAR from 2.75 to 3.5 in Group Housing schemes. NCRPB accepted (December 2020) the reply of GNIDA and advised the State Government to ensure these strategies for increasing population density in future detailed plan.

In its reply, GNIDA stated (October 2020) that MP 2021 was prepared with the objectives of 'supply precedes demands' and 'infrastructure provisions ahead of the land population'. NCRPB had approved MP 2021 with the condition to increase density level which was complied in March 2020 by increasing FAR and density of Group Housing Schemes.

The reply is not acceptable, as GNIDA not only planned excess area for the assigned population but also acquired excess land under urgency clause and overdeveloped residential plots/units which only served to facilitate the builders for obtaining allotment for Group Housing plots. Besides, on the basis of GNIDA's own estimation (March 2020) which was accepted by NCRPB, the population of GNIDA may be around 29.78 lakh that too by 2031 but even then the population density would be 134 PPH for 22,255 hectare.

During the Exit Conference (January 2021), the State Government assured compliance with the conditions of NCRPB in the new Master Plan.

<sup>21</sup> Worked out by Audit on the basis of density norms specified in scheme brochures for allotment of plots.



GNIDA ignored norms for development of weaker sections housing.

### ***Provision for EWS and LIG housing not made***

**2.6.5.2** One of the conditions laid down by NCRPB while approving MP 2021 was provision for 20-25 *per cent* of EWS/LIG housing in sector layout plans of GNIDA. Accordingly, GNIDA specified in MP 2021 that provision for LIG and EWS housing stock will be made for 20-25 *per cent* of the total planned dwelling units while preparing detailed sector layout as per the State Government guidelines and National policies.

Audit noticed that GNIDA did not comply the provision of MP 2021 with regard to EWS/LIG housing. This condition was neither included in the brochures nor part of the lease deeds of the Builder plots allotted till 2014-15, for developing 20-25 *per cent* EWS and LIG housing stocks. Thereafter, no allotment was made under Builders/Group Housing category till date (March 2021).

In its reply, GNIDA stated (October 2020) that 15,000 EWS/LIG dwelling units were constructed and allotted under *Kashi Ram Yojna*. It further stated that in future schemes of allotments, it would make provision of 20-25 *per cent* EWS and LIG housing in brochure of Builders/Group Housing schemes.

The fact remains that the construction of 15,000 EWS/LIG dwelling units under *Kashi Ram Yojna* are much less than 1.13 lakh<sup>22</sup> EWS/LIG dwelling units required to be developed in view of 5.66 lakh dwelling units<sup>23</sup> allowed to be constructed under Residential/Group Housings schemes allotted upto 2017-18. Therefore, GNIDA ignored norms for development of weaker section housing in its plan. GNIDA included provision of EWS and LIG housing in its scheme BRS 2021-22 'Builders Plot for development of Pradhan Mantri Avas Yojana unit in Greater Noida' launched in October 2021.

### ***Green area not preserved and protected***

GNIDA failed to comply with the condition laid down by NCRPB to preserve green area as it did not compensate for reduction of 107.76 hectare recreational green area due to launch of Sports City and irregular allowance of residential and commercial activities in the Recreational Entertainment Park.

**2.6.5.3** One of the conditions of NCRPB while approving (24 August 2012) MP 2021 of GNIDA was to preserve proposed green area which constitutes about 16 *per cent* of the total area. Accordingly, MP 2021 earmarked 3,983 hectare of green areas with the condition that no land use change shall be allowed in green areas. The break-up of green areas is given in **Table 2.3**.

**Table 2.3: Break-up of Green Areas as depicted in Master Plan 2021**

Sl. No.	Green areas	Area (Hectare)
1	Recreational Green	2016
2	Park and open spaces, green belt, nursery and horticulture	952
3	Reserve Forests	1015
<b>Total</b>		<b>3983</b>

*Source: MP 2021 of GNIDA.*

Audit noticed discrepancy of 403.20 hectare in planning for green area under MP 2021, as the land use break-up of 22,255 hectare area planned for development under MP 2021 earmarked only 3,579.80 hectare for green area.

Audit further noticed that GNIDA proposed (April 2011) for a new land use 'Sports City' (122.90 hectare) in the area earmarked for Recreational Green in

<sup>22</sup> At 20 *per cent* of the dwelling units.

<sup>23</sup> Calculated at the rate of 4.5 persons per dwelling unit in respect of total population of 25.45 lakh being catered as per scheme brochures.

draft MP 2021 with the compensation of 30 *per cent*<sup>24</sup> area for reduction in Recreational Green area. GoUP approved (May 2011) the new land use for Sports City on the basis of recommendations of the Chief Town and Country Planner (CTCP), Uttar Pradesh. This approval was subject to the condition of making provision of full compensation, *i.e.*, 122.90 hectare for the reduction in recreational green area due to the creation of Sports City. However, GNIDA did not comply with the directions of GoUP and compensated only 36.87 hectare for reduction in Recreational Green area as discussed in detail in **Paragraph 5.4.4.2** in the Chapter-V(4) on ‘Allotment of Sports City and Recreational Entertainment Park’. This resulted in reduction of Recreational Green area by 86.03 hectare in violation of conditions of NCRPB and GoUP to preserve green areas.

Further, in another scheme of Recreational Entertainment Park launched in June 2014 under Recreational Green area, 25 *per cent* of the total area allotted was irregularly allowed for residential and commercial activities in the brochure, as discussed in detail in **Paragraph 5.4.7.2** in the Chapter-V(4) on ‘Allotment of Sports City and Recreational Entertainment Park’. GNIDA did not provide equivalent compensation for consequent reduction in the Recreational Green area (21.73 hectare).

Thus, GNIDA failed to comply with the condition laid down by NCRPB as well as MP 2021 and reduced green area by 107.76 hectare<sup>25</sup> in the total provisioned Recreational Green of 2,016 hectare in MP 2021.

During the Exit Conference (January 2021), the State Government stated that in case the Board was in deviation of the conditions imposed by GoUP, it should have come again to GoUP to seek its approval. Further, the State Government also assured that the matter would also be referred to CTCP.

#### **Changes in Land use without approval**

**2.7** The cases of land use changes without obtaining prior approval from the Government and launching various schemes prior to the Government’s approval to the land use changes, are brought out below:

##### ***Land use conversion without approval of GoUP and NCRPB***

**2.7.1** GoUP issued order (September 1997) to NOIDA and GNIDA that as these Authorities were working in the ambit of the NCR, the regulations applicable to NCR are also applicable to the Authorities and therefore, land use may not be changed without prior approval of the Government. If any change in the zoning regulation is required, the same may be done only with the prior approval of NCRPB.

Section 10 (i) of the Greater Noida Industrial Development Area (Preparation/Revision and Finalisation of Master Plan) Regulation, 1998 (Master Plan Regulation, 1998) provides that GNIDA may make such amendments in the MP which do not affect important alterations in the character of the MP and which do not relate to the extent of land uses or standards of population density.

Audit noticed that GNIDA launched (16 January 2009) a Builders Residential Scheme (BRS-01/08-09) in Chi-V sector by changing land use of area

**GNIDA launched Builders Residential scheme (BRS-01/08-09) by changing land use from Recreational Green use to Residential use, without requisite approval of Board as well as GoUP.**

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<sup>24</sup> GNIDA had proposed to compensate 30 *per cent* green area on the analogy that 70 *per cent* land of Sport City will be used for developing sports infrastructure.

<sup>25</sup> 86.03 hectare in Sports City and 21.73 hectare in Recreational Entertainment Park.

earmarked for Recreational Green into Residential use. This scheme was launched before approval for change in land use from the Board of GNIDA (21 January 2009) and GoUP (16 June 2009). Audit further noticed that GNIDA launched (24 February 2011) yet another Builders Residential Scheme (BRS-05/10-11) in Chi-V sector. Both these schemes were launched with changed land use before approval of MP 2021 by NCRPB (24 August 2012). The details of allotments under these two schemes are summarised in **Table 2.4.**

**Table 2.4: Details of allotments to Builders by changing the land use in Chi-V sector**

Sl. No.	Name schemes	Name of sector	Date of opening of the scheme	Date of closing of the scheme	GH plots allotted	
					Number of plots	Area (sqm)
1.	BRS-01/08-09	Chi-V	16.01.2009	06.02.2009	6	59935
2.	BRS-05/10-11	Chi-V	24.02.2011	18.03.2011	5	201000
<b>Total</b>					<b>11</b>	<b>260935</b>

*Source: Compilation by Audit from the records provided by GNIDA.*

Thus, launching schemes and allotment of plots to the Builders by the CEO without obtaining approval of the Board, GoUP and NCRPB on the land use change was in violation of the order (September 1997) of GoUP. This was also tantamount to extending undue favour to the Builders by effecting change in land use and launching schemes without due approvals.

It may also be mentioned that Hon'ble Allahabad High Court directed<sup>26</sup> (21 October 2011) the State Government 'to conduct a thorough inquiry regarding to the acts of GNIDA – (a) in proceeding to implement MP 2021 without approval of NCRPB, (b) decision taken to change the land use, (c) allotment made to builders and (d) indiscriminate proposals for acquisition of land, and thereafter the State Government take appropriate action in the matter'. In compliance with the above directions, GoUP examined (November 2011 to September 2012) and directed (November 2012) GNIDA to obtain explanation of the officers of GNIDA (except IAS and PCS cadre) involved in the matter and submit its clear cut recommendations so that appropriate action may be taken against the erring officers. Rationale for excluding senior officers in fixing responsibility was not known to Audit.

In compliance with above directions of GoUP, GNIDA issued (April 2013) show cause notices and charge sheets against 21 officers upto April 2018. However, the responsibility against the erring officers was not fixed so far (November 2019).

During the Exit Conference (January 2021), the State Government agreed with the audit observation and stated that action has been taken (January 2021) against 17 officers. The State Government further informed that action against other erring officers/officials is also being proposed.

#### ***Undue favour to Builders by major alteration in MP 2021 from Industrial use to Residential use***

**2.7.2** GNIDA in 81<sup>st</sup> Board meeting approved (November 2009) interchange of various land uses to the extent of 2,774.58 hectare. The interchange was mainly due to conversion of a large chunk of land along 130 metre road earmarked for Industrial use to Residential use on the ground that the land

<sup>26</sup> In case of Gajraj and Others vs. State of Uttar Pradesh and Others (Writ Petition C No. 37433/2011).

would fetch good rates in the bids and it would improve the cash flow/liquidity. GNIDA sent (December 2009) the revised MP 2021 to GoUP for approval with the request to send the same to NCRPB. The interchange of land use was approved by GoUP on 30 March 2010 and these land uses were approved (24 August 2012) by NCRPB while approving MP 2021.

Audit noticed that GNIDA launched various Builders/Group Housing schemes in the changed land uses and created third party rights by making allotments prior to obtaining approval of GoUP to the revised MP 2021. Details of these schemes are summarised in **Table 2.5**.

**Table 2.5: Builders/Group Housing schemes launched in the changed land uses**

Sl. No.	Name schemes	Name of sector	Date of opening of the scheme	Date of closing of the scheme	Date of approval of the swapping of land uses		GH plots allotted	
					Board	GoUP	No.	Area (in sqm)
1	RTS-01/2010	Sector-4	22.01.2010	15.02.2010	6.11.2009	30.03.2010	7	679306
2	BRS-01/2010	Sector-4	22.01.2010	16.02.2010	6.11.2009	30.03.2010	2	406725
3	BRS-02/2010	TZ-IV	06.03.2010	23.03.2010	6.11.2009	30.03.2010	5	705961
		Sector-16B			6.11.2009	30.03.2010	6	402989
		Sector-16C			6.11.2009	30.03.2010	4	100000
Total							24	2294981

*Source: Compilation by Audit from the records provided by GNIDA.*

**In violation of the order of GoUP, GNIDA launched three Builders/Group Housing schemes by changing land use of area earmarked for Industrial use into Residential use before obtaining approval of GoUP.**

Audit also noticed that GNIDA did not conduct comparative study of benefits from the proposed interchange of land use. Further audit findings relating to the allotment of Builders/Group Housing plots by interchange of industrial area with the residential area indicating adverse impact of the decision of GNIDA are brought out in detail in **Paragraph 5.2.4.2** in the Chapter-V (2) on 'Allotment of Builders/Group Housing Plots'. Thus, GNIDA exceeded its authority and harmed its own interests as well as of the State Government by launching three schemes for sale of Builder plots prior to approval of the land use change/swapping and allotted 24 plots measuring 229.50 hectare.

GoUP, in compliance with the Hon'ble Allahabad High Court initiated action against the erring officers/officials as discussed earlier in **Paragraph 2.7.1**.

During the Exit Conference (January 2021), the State Government agreed with the audit observation on land use conversion and stated that action has been taken against 17 officers and informed that action against other erring officials is also being proposed.

Such action including those against senior officers needs to be taken and completed in a time bound manner, so that it serves as a due deterrent.

#### ***Launch of Sport City-1 without approval of land use change***

**2.7.3** A Committee comprising 12 officers<sup>27</sup> of GNIDA recommended (17 February 2011) the proposal of the Planning Division to bring in a scheme for development of Sports City on the areas earmarked for Recreational Green in MP 2021. The Committee proposed 30 *per cent* of this Recreational Green land use to be utilised for residential and commercial uses and 70 *per cent* for sports infrastructure. GNIDA proposed to provide for this Recreational Green land by swapping an equivalent area in other sectors. The proposal was

<sup>27</sup> Chief Executive Officer, Two Deputy Chief Executive Officers, General Manager (Finance), General Manager (Project), General Manager (Property), General Manager (Planning/Architect), Officer on Special Duty (Project), Deputy General Manager (Planning), Manager (Marketing), Tehsildar and Assistant Law Officer.

approved by the CEO on the same date (17 February 2011) and was approved by the Board in the 87<sup>th</sup> Board meeting dated 25 February 2011.

A brief summary of the allotment of Sport City plots is given in **Table 2.6**.

**Table 2.6: Summary of the allotment of Sport City plots**

Sl. No.	Name schemes	Name of sector	Date of opening	Date of closing	Date of approval of the Scheme by the Board	Date of approval of change in MP 2021 by GoUP	SC plots allotted	
							No.	Area (sqm)
1	Sports	SC-01	01.03.2011	23.03.2011	29.03.2011	26.05.2011	1	526512
2	City	SC-02	10.06.2014	01.07.2014	12.08.2014		1	702544

*Source: Compilation by Audit from the allotment files provided by GNIDA.*

**In violation of the order of GoUP, GNIDA launched Sports City 01 for a new land use in the area earmarked for Recreational Green before obtaining approval of GoUP. Further, GNIDA launched the schemes for Sports Cities, viz., SC-01 and SC-02, before the approvals of its Board.**

As Sports City involved the change in land use of Recreational Green, it was required to be approved by GoUP in terms of the orders of GoUP dated 23 September 1997. However, GNIDA sought the approval of GoUP in April 2011, *i.e.*, subsequent to launch of Sports City in MP 2021. Thus, Sports City-01 was launched and allotment was made before approval of GoUP (26 May 2011) for change in land use.

Audit further noticed that the schemes for Sports City (Sports City-01 and Sports City-02) were launched before the approval of the Board of GNIDA, as are brought out in detail in **Paragraph 5.4.4.1** in the Chapter-V (4) on 'Allotment of Sports City and Recreational Entertainment Park'.

In its reply, GNIDA stated (October 2020) that 30 *per cent* area for Residential and Commercial use do not fall in green area. Residential, Commercial and green area were planned in the scheme of Sports City to make it financially viable. Thus, no change has been made in the residential and commercial area. Further, it was stated that in case the whole area of the Sports and Recreational Green use is kept green it would increase the development cost of land and would consequently deprive the city of green lands such as golf course.

The reply of GNIDA does not address the issue of launch of Sports City schemes without obtaining prior approval of the Board and GoUP.

## 2.8 Conclusion

**Master Plan 2021 (MP 2021) for the development area was to be prepared by GNIDA as per Regional Plan 2021 (RP 2021). However, MP 2021 was not in conformity with RP 2021 as it planned development of much larger area in violation of the density norms of RP 2021. Further, during implementation of MP 2021, GNIDA executed development and allotted residential plots/group housing plots far in excess of the population assigned as per RP 2021 and that too after acquiring land under urgency clause. GNIDA also did not comply with the conditions/suggestions of NCRPB while preparing and implementing MP 2021. It failed to make required provision for Economically Weaker Section and Low Income Group housing. Further, at the planning stage itself, GNIDA failed to focus on the industrialisation, which was mandated as its main objective.**

**Despite the orders (September 1997) of GOUP and judicial pronouncements (December 1998) of Hon'ble Allahabad High Court that land uses cannot be changed except after scrutiny and permission of**

GoUP/NCRPB, GNIDA changed the land uses without obtaining requisite prior approval for allotment of plots to the private builders.

## **2.9 Recommendations**

<b>Recommendation Number</b>	<b>Recommendation</b>
<b>3.</b>	<b>GNIDA should ensure preparation of Master Plan in alignment and conformity with the corresponding Regional Plan and Sub-Regional Plan, including for population density norms of the township, maintaining the prescribed stock of Economically Weaker Section and Low Income Group housing and green buffers. The State Government has accepted the recommendation.</b>
<b>4.</b>	<b>In the light of the large scale development of residential area, Government may like to review, whether the dominant objective of GNIDA has been served, if not, whether action is required. The State Government has accepted the recommendation.</b>
<b>5.</b>	<b>GNIDA and GoUP may like to expedite the action against the erring officers/officials including senior officers responsible for launch of scheme without prior approval of GoUP for change in land use.</b>