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**NORTH DELHI MUNICIPAL CORPORATION  
OFFICE OF DEPUTY COMMISSIONER  
KESHAV PURAM ZONE, DELHI-110035**

No. DC/KPZZ/2020/ 749

Date 30/12/2020

**ORDER UNDER SECTION 338 OF THE DMC ACT 1957**

A court case titled as Smt. Santosh Sharma & Anr. Vs North-DMC & Anr. (Suit No. 462/2020) has been filed before ASCJ, Rohini Court requesting the Hon'ble Court to pass orders thereby restraining defendants from harassing, creating troubles and/or stopping the construction work being carried out by the plaintiffs at suit property No. 4548/12 area measuring 190 sq. yards, Ram Nagar, Tri Nagar, Delhi as per sanction plan till the disposal of the case.

Upon receipt of the court case, the building plans have been scrutinized and observed that 02 different building plans vide ID No. 10071131 in the name of Smt. Deepti Sharma and 10071133 in the name of Smt. Santosh Sharma have been got sanctioned under Saral Scheme on 17.12.2019 for subdivided plots measuring 80.75 sqm. each.

However, as per the ownership documents uploaded online in both the cases, sale deed dated 07.04.2010 has been executed by Smt. Sato W/o. Sh. Surja in favour of (i) Smt. Santosh Sharma and (ii) Smt. Deepti Sharma for P.No. 4548/12, Ram Nagar, Tri Nagar area measuring 190 sq. yard. Further the property in question booked for unauthorised construction "in the shape of halls and stairs at ground floor and first floor without SBP" on 11.12.2019 vide file No. 1285/C-71/UC/KPZ/B-II/2019 i.e. before getting the building plans sanctioned under Saral Scheme on 17.12.2019. Hence, the building plans has been got sanctioned by misrepresentation regarding size of plot and existing construction in the plot at the time of sanctioned of building plan.

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Further, MPD-2021 clause 4.4.3 provides that "sub division of plots is not permitted. However, if there are more than one building in one residential plot, some of the built up area and ground coverage of all such buildings shall not exceed the built up area and ground coverage permissible in that plot".

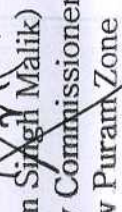
From the above, it is observed that the building plan has been got sanctioned by way of misrepresenting the size of plot and existing construction in the plot and also in violation of the provisions of MPD-2021 and without getting the layout plan approved/ modified from the Town Planning Department/ North-DMC.

Accordingly, a show cause notice bearing No. DC/KPZ/2020/9297 dated 24.08.2020 was issued to the Architect and owner/applicant u/s 338 of the DMC Act. to explain why the online building be not revoked for getting the building plan sanctioned online under Saral Scheme by way of misrepresentation regarding size of plot and without showing existing construction in the plot which is in violation of the policy/ guidelines/provisions of MPD-2021 and without getting the layout plan approved/ modified from the Town Planning Department/ North-DMC. But reply of the same has not been received so far.



Now, therefore, I, Vikram Singh Malik, Deputy Commissioner, Keshav Puram Zone, North-DMC in exercise of powers vested in me u/s 338 read with section 491 of the DMC Act 1957 and the rules and regulations made thereunder hold that the online building plans sanctioned under Saral Scheme vide ID No. 10071131 and 10071133 dated 17.12.2019 in respect of P.No. 4548/12, Ram Nagar, Tri Nagar, Delhi for construction of residential building have been obtained by misrepresentation and in violation of the policy/ guidelines/provisions of MPD-2021 and without getting the layout plan approved/ modified from the Town Planning Department/ North-DMC. Therefore, I hereby revoke the same with immediate effect and consequent upon revocation of sanctioned building plan, the construction work commenced/ erected or done in the plot will be treated as unauthorized/without any valid sanction. The amount deposited by the noticee for sanction of both the building plans also stands forfeited.

Further, after taking into consideration all facts and circumstances of the matter and in consonance with the relevant provisions of Unified Building Bye-Laws-2016/ policy of the Department, Sh. Niranjana Kumar Sharma, Architect/Engineer (E-2066) is debarred from signing/ submission any application for consideration/ approval of Layout Plan/ Site Plan /Building Plan as Architect in respect of the properties situated in the areas under the jurisdiction of the three Municipal Corporations i.e. South DMC, North DMC and East DMC for a period of one year from the date of issuance of this Order.

  
(Vikram Singh Malik)  
Deputy Commissioner  
Keshav Puram Zone

1. Sh. Niranjana Kumar Sharma, Architect/Engineer (E-2066)

Email: nksharma\_era@yahoo.com

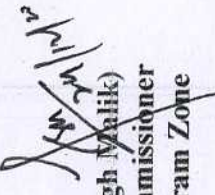
2. Smt. Santosh Sharma & Smt. Deepti Sharma, Owner/ Occupier

P.No. 4548/12, Plot No. 69

Ram Nagar, Tri Nagar, Delhi-110035

Copy to:

1. Secretary, Council of Architecture, India Habitat Centre, Lodhi Road, New Delhi- with the request to initiate necessary action against the above named Architect please.
2. All Zonal DCs, North, South and East DMC for kind information.
3. CTP - South DMC, North DMC and East DMC - for necessary action.
4. SE's (Bldg.)HQ North, South and East DMC - for necessary action.
5. S.E.-II/K.P. Zone for necessary action.
6. All Zonal EE's(Bldg.)- North, South, & East DMCs - for necessary action.
7. Director (IT) with request to upload the same on MCD Website/ Portal.
8. Office Copy.

  
(Vikram Singh Malik)  
Deputy Commissioner  
Keshav Puram Zone