



INFORMATION TECHNOLOGY
24th Floor Civic Centre
Diary No. 582
Date 22/4/22

NORTH DELHI MUNICIPAL CORPORATION
Office of the Deputy Commissioner, City SP Zone
Nigam Bhawan, 1st Floor, Old Hindu College,
Kashmere Gate, Delhi-110006

No. D-55/EECB-II/CSPZ/2022

Dated: 22/4/2022

REVOCATION ORDER UNDER SECTION 338 OF THE DMC ACT REVOKING SANCTIONED BUILDING PLAN DATED 14/02/2021 VIDE ID NO.10084029 OF PROPERTY NO.775-D1 & 447 (OLD) CHABI GANJ, NICHOLSON ROAD, KASHMERE GATE, DELHI-110006

Whereas, in this case, a building plan was sanctioned vide ID No.10084029 on 14/02/2021 concerning to Property No. 775-D1 & 447 (Old), Chabi Ganj, Nicholson Road, Kashmere Gate, Delhi-110006 by ignoring rules and regulations required under Saral Scheme.

And whereas, the Property No.775-D1 & 447 (Old), Chabi Ganj, Nicholson Road, Kashmere Gate, Delhi-110006 was collapsed on 14/03/2022.

And whereas, it is purely responsibility of the architect/engineer to ensure that the plot / property concerned meets the requirement of UBBL, Master Plan, Zonal Development Plan, LOP and the relevant circulars issued from time to time before sanction of plans.

And whereas, it is the duty of the architect/engineer to carry out safe and sound construction in the property followed by other precautionary norms of Unified Building Bye Laws, which were apparently not followed in the case, resulting the unfortunate collapse of property.

And whereas, upon perusal of the file of online sanctioned building plan in respect of Property 775-D1 & 447 (Old), Chabi Ganj, Nicholson Road, Kashmere Gate, Delhi-110006, it has transpired that the sanction/intimation has been procured without obtaining NOCs from the Delhi Urban Art Commission and Archaeological Survey of India, in gross violation of the UBBL and circulars issued from time to time.

And whereas, Architect / Engineer Sh. Bindeshwar Pandit, E/00099 is not even competent to get the building plan sanctioned for the property in question vide Circular No.South DMC/Addl.Cmr.(RG)/2019/217 dated 15/10/2019 as the NOCs are required from the DUAC & ASI being external agencies.

And whereas, in the instant case, building plan was procured vide ID No.10084029 in respect of Property No.775-D1 & 447 (Old), Chabi Ganj, Nicholson Road, Kashmere Gate, Delhi-110006 by ignoring the essential requirement for sanctioning of building plan i.e. No Objection Certificates from Delhi Urban Art Commission and Archaeological Survey of India, which is gross violation of the Unified Building Bye Laws under Saral Scheme (Ease of Doing Business).

And whereas, to seek contentions of applicant as well as architect, a detailed show cause notice bearing No.D-386/EE(B-II)/CSPZ/2022 dated 15/03/2022 was issued under section 338 of the DMC Act, and served on the available addresses through 'Special Messengers' of the department as well as through 'Speed Post' thereby asking Shri Gurcharan Singh, alleged owner of the property in question & Shri Bindeshwar Pandit, Architect/Engineer to show cause within a period of 3 days from the date of receipt of the same as to why Building Plan dated 14/02/2021 vide request ID No.10084029 of Property No.775-D1 & 447(Old), Chabi Ganj, Nicholson Road, Kashmere Gate, Delhi be not revoked, the charges already paid be not forfeited and further as to why action deemed appropriate be not taken against the Architect/Engineer.

And whereas, the special messengers reported that Shri Gurcharan Singh, alleged owner of the property is not residing on the address as mentioned in the SBP i.e. A-37, Oberoi Apartment, 2, Alipur Road, Delhi-54 and the address of the Architect / Engineer Shri Bindeshwar Pandit, is also wrong one, as no such address is existing in the locality. The 'Speed Post' sent to the addressee i.e. owner of the property Shri Gurcharan Singh is received back with the remarks "**Addressee left without instructions**".

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And whereas, the 'Show Cause Notice' was also forwarded on the active mobile numbers of Shri Gurcharan Singh (9811333333), alleged owner of property and Shri Bindeshwar Pandit (9810988628), Architect/Engineer of the property through 'Whatsapp' on 15/03/2022.

And whereas, a reply dated 22/03/2022 to the said show cause notice has been received in the office from Shri Bindeshwar Pandit, Architect/Engineer stating that he is registered architect/engineer vide Regn. No.E/00099 with MCD and the building plan in question was got sanctioned after completing all required formalities under the law and he is competent to get the building plan sanctioned being license holder. It has been further stated that as the plot area of the property in question was below 100 sqm, therefore, there was no requirement of NOC from DUAC & ASI. It has also been stated that property in question falls beyond 300 meter from the monument, if any. It has been stated further that DUAC has no role in sanction of plan of the property in question and he had taken all precaution while getting the approval and after satisfaction of official concerned, the sanctioned plan was approved vide request ID No.10084029 dated 14/02/2021. It has been stated further that as per his knowledge there was no sub-division of property in question and the chain of documents produced by the owner clearly suggested that the partition, if any, was between the family members prior to year 2007 and therefore, there was no sub-division of property in violation of provisions of the MPD-2021. It has been stated further that all building materials were purchased by the owner by their own and he was not aware about the quality of the material and as per his knowledge entire precautions were taken by the owner for construction of the building. It has been stated further that he was regularly visiting the property in question as per the provisions of the DMC Law and building bye laws. It has been stated that the said building was not collapsed due to his negligent act and might have collapsed due to sub-standard cement and other raw material used while raising the construction. It has been stated further that he had taken all precautions.

And whereas, a notice dated 22/03/2022 was issued to Shri Gurcharan Singh, alleged owner and Shri Bindeshwar Pandit, Architect / Engineer granting them personal hearing on 25/03/2022 in the interest of justice. The said hearing notice was duly forwarded to them through 'Speed Post' at their respective addresses. On 25/03/2022, a letter was received from Shri Gurcharan Singh, alleged owner stating that he is senior citizen aged 79 years and had outsourced construction and supervision to the four persons i.e. Mohd. Bakir, Contractor, Engineer Shri Bindeshwar Pandit, Site Supervisor Shri R.V.Singh (Architect / Engineer), Shri Deepak Gola Material Supplier. The owner informed that the contractor/engineer/architect/material supplier are responsible for supplying substandard material, incorrect design, not keeping the proper foundation as well as lack of supervision and therefore, said building collapsed.

And whereas, on 28/03/2022, a personal hearing was granted to the noticees wherein Shri Gurcharan Singh, alleged owner and Shri Bindeshwar Pandit, empaneled Engineer appeared. During the course of hearing, it was observed that in the application under Saral Scheme, Shri Gurcharan Singh, owner, mentioned the residential address as A-37, Oberai Apartment, 2 Alipur road, Delhi, however, when the officials of the department went at this address to serve Show Cause Notice to the owner, it was found that the owner was not residing at the address and he has given false residential address. It was informed at that address that the property i.e. A-37, Oberai Apartment belongs to Shri Harish Vashist. During the hearing, Shri Gurcharan Singh, owner informed that he is presently residing at 27, Bungalow Road, Kamla Nagar, Delhi since 9 years. He also informed that he left A-37, Oberai Apartment in the year 2001. In this case, the application for sanction plan has been applied in the year 2021, therefore, it is a clear case of mis-representation of the facts and misleading the department. The application for sanction of building plan was submitted in this case through empaneled Engineer Shri Bindeshwar Pandit. In the application Shri Bindeshwar Pandit mentioned his address as P.No.264 DDA Flats, Nimri Colony, Phase-IV, Ashok Vihar, Delhi. However, while visiting this address by the officials, he was not found residing at the said address. During the hearing, he informed that he is presently residing at C-70, LIG Flats, Nimri Colony, Ashok Vihar-IV, Delhi since 5 years. This plan has been applied in the year 2021 therefore, the empaneled Engineer is completely responsible for misrepresentation and fraudulent statements of facts to the department and liable for strict action as per law.

During the hearing, the owner, Shri Gurcharan Singh could not give any reason for not obtaining the NOC from DUAC & ASI while applying for sanctioned plan, which are essential requirements for sanction of building plan. He informed that he was advised by empaneled engineer Shri Bindeshwar Pandit and accordingly he took the action. Shri Bindeshwar Pandit empaneled engineer also could not give any plausible explanation with regard to this issue. Therefore, this is a clear case of obtaining the sanction plan through Saral Scheme by suppression of facts and in fraudulent manner. The owner informed that the total area of the plot is 1375 square yards, whereas the sanction plan was obtained for a part of the plot i.e. 87 square meter

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(100 square yards). However, the empaneled engineer in his reply dated 22/03/2022 has stated that as per his knowledge there was no sub-division in the property in question and the chain of documents produced by the owner of the property clearly suggest that partition, if any, was between the family members prior to the year 2007 and therefore, there is no question of sub-division of property in violation of provisions of MPD-2021. Regarding NOC from DUAC & ASI, it has been stated in the reply dated 22/03/2022 that the same are not essential requirement in the present case as the plot area was below 100 square meter.

I have gone through the entire record of the case, which includes documents related to sanction of building plan under Saral Scheme vide request ID No.10084029 dated 14/02/2021, reply dated 22/03/2022 of Shri Bindeshwar Pandit, Architect / Engineer, report of the department, Circular No.South DMC/Addl. Cmr.(RG)/2019/217 dated 15/10/2019 regarding development of online module for sanction of plan upto 500 sqm by the professionals (Architects / Engineers). A perusal of ownership documents i.e. copy of Registered Sale Deed dated 08/09/1997 reveals that property No.775-D (New) & 447 (Old), area measuring 209 square yards situated at Chabi Ganj, Nicholson Road, Kashmere Gate, Delhi was sold by Shri Banarasi Dass Garg to Shri Jitender Pal Singh, s/o Shri Gurcharan Singh. A perusal of copy of un-registered GPA dated 10/09/1997 reveals that Shri Jitender Pal Singh appointed his father Shri Gurcharan Singh as his attorney for management of Plot no. 775-D (New) & 447 (Old), area measuring 87 sqm out of Property No.775-D situated at Chabi Ganj, Nicholson Road, Kashmere Gate, Delhi. It is settled position of law that un-registered documents like the present GPA do not convey any title to any person. In spite of GPA dated 10/09/1997, the ownership of property in question still remains with Shri Jitender Pal Singh and noticee Shri Gurcharan Singh cannot be treated as owner of the property in question or any part thereof. It appears that the said GPA has been created to obtain undue advantage to which the applicant is otherwise not eligible. It is pertinent to mention here that by way of unregistered GPA dated 10/09/1997, no case for valid sub-division can be created. The Architect / Engineer Shri Bindeshwar Pandit (E/00099) has not only failed to verify the ownership of Shri Gurcharan Singh but also failed to verify the case of valid sub-division in terms of provisions of MPD-2021 and obtained the sanction wrongfully through misrepresentation. A perusal of Circular dated 15/10/2019 clearly stipulates that the qualified and licensed Architect / Engineer is empowered to issue building permit subject to fulfillment of codal formalities in respect of residential properties upto 500 sqm (except the properties situated on notified commercial / MLU / PSS road and the areas in which NOC from any external agency like DUAC, AAI, ASI, Railway, HCC, Forest etc.). In the present case as the property falls under 'Shahjahanabad' (Old City), therefore, NOC from DUAC & ASI are mandatory and as such in terms of Circular dated 15/10/2019 irrespective of property size, Shri Bindeshwar Pandit, Architect / Engineer was not competent / empowered to issue the sanction plan under Saral Scheme in respect of property in question vide request ID No.10084029 dated 14/02/2021.

Shri Gurcharan Singh, alleged owner and Shri Bindeshwar Pandit, Architect / Engineer procured sanctioned building plan for part portion of the property having an area of 87 square meter through mis-representation and in violation of the UBBL & Saral Scheme as mentioned below:

"As per intimation letter clause (b) "any material misrepresentation or fraudulent statement by the owner (s)/Builder/Architect/Engineer contained in this intimation under Saral Scheme shall lead to be automatic cancellation of the undertaking forfeiture of the building permit fee besides other penal action" and as per clause (d) "the owner(s)/Builder/Architect/Engineer shall be solely responsible for the correctness and genuines of the plan & documents, details and particular submitted by them and for obtaining all requisite NOC from the concerned Department."

As per above, it is clear that while applying the plan under Saral Scheme following violations have been established: -

1. The mandatory requirement of NOCs from DAUC & ASI were not fulfilled.
2. Ownership of the property in question in favour of applicant Shri Gurcharan Singh was not verified.
3. SBP was obtained by ignoring fact being part property, which is the violation of provisions of MPD-2021.
4. The Architect/Engineer Shri Bindeshwar Pandit was not competent to issue building permit in respect of property in question.
5. Wrong addresses were mentioned in the application, which are either not in existence or the applicant do not reside therein.

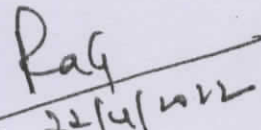
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6. The Architect/Engineer/Owner/Applicant were to supervise the construction on regular basis, which was not done.

Due to collapse of Property No. 775-D1 & 447 (Old), Chabi Ganj, Nicholson Road, Kashmere Gate, Delhi-110006, heavy damages caused at the adjoining properties / shop existing in the area. Though, no casualty occurred during the unfortunate collapse of property but 4 people were injured, which were admitted in the Hospital and later on discharged after getting medical treatment. None of you reached the site (collapsed property) despite vide publicity through leading newspapers, TV channels as well as mouth publicity, which shows inhumanity as well as delinquency on your part. The rescue operation was done by the officials of North Delhi Municipal Corporation w.e.f. 14/03/2022 to 20/03/2022 in your absence for which you are liable to pay damages amounting to Rs.9,98,400/-.

And now, therefore, in view of the discussions made herein above, I, Raajesh Goyal, Deputy Commissioner, City SP Zone, Delhi exercising power under section 338 read with section 491 of the DMC Act hold that the above said building plan under SARAL SCHEME vide I.D. No. 10084029 as per Chapter-4 Unified Building Bye Laws of Delhi, 2016 in respect of property No. 775-D1 & 447 (Old), Chabi Ganj, Nicholson Road, Kashmere Gate, Delhi-110006 is hereby revoked due to deliberate concealment of facts & mis-representation as stated herein above including the forfeiture of Rs. 1,87,505/- the charges already paid and further debarring Shri Bindeshwar Pandit, Architect/Engineer (E/00099) from the panel of registered Architect of all the three Delhi Municipal Corporations for a period of three years from the date of issuance of this order. You are also directed to pay Rs.9,98,400/- within seven days of the receipt of this Order failing which adequate action for recovery of the said amount shall be taken in accordance with law at your risk and cost.

Issued under my hand and seal on this _____ day of April , 2022.


(Raajesh Goyal)
Deputy Commissioner
City SP Zone, North DMC

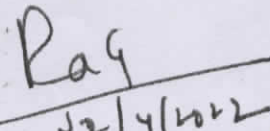
To,

1. Shri Gurcharan Singh,
R/o 27, 2nd Floor, Bungalow Road,
Block-UA, Jawahar Nagar, Kamla Nagar,
Delhi-110007 (above Croma Centre)
(Mobile No.9811333333).
2. Sh. Bindeshwar Pandit, Architect/Engineer
MCD License No.E-00099,
C-70, LIG flats, Ashok Vihar-IV,
Delhi-110052 (Mobile No.9810988628).

Copy to: -

1. Secretary, Council of Architecture, India Habitat Centre, Lodhi Road, New Delhi- with the request to initiate necessary action against Architect please.
2. All Zonal DCs, North South & East DMC for kind information.
3. CTP-South DMC, North DMC and East DMC-for necessary action.
4. SE's(Bldg.), HQ North, South & East DMC- for necessary action.
5. All Zonal EE's (Bldg.)-North, South & East DMC for necessary action.
6. A.C(IT) with the request to upload the same on North DMC Website/portal.
7. Office Copy

Asoc(UT)


(Raajesh Goyal)
Deputy Commissioner
City SP Zone, North DMC