

**NORTH DELHI MUNICIPAL CORPORATION
OFFICE OF THE DEPUTY COMMISSIONER
KAROL BAGH ZONE**

No. D/2461/DC/KB2

Date: 11.12.2020

**ORDER UNDER 338 OF DELHI MUNICIPAL CORPORATION ACT,
1957 (66 OF 1957)**

Whereas the building plan for construction on Plot No. 12/20, WEA, Karol Bagh was sanctioned by the Building HQ of North Delhi Municipal Corporation vide File No. 18/OL/(B)HQ/NDMC/2013/D-230/AE-VI dtd 08.05.2013 for construction of Basement, Stilt, Ground Floor, First Floor, Second Floor and Third Floor. During the construction, the owner/builder carried out deviation from the sanctioned building plan which was booked under section 343/344 of the DMC Act vide file no. B/UC/KBZ/13/420 dated 07.10.2013 for deviation/excess coverage against SBP,

And Whereas M/s Hightime Marketing Pvt. Ltd. And M/s Bliss Equity Pvt Ltd applied for regularization of the above said property on 25.04.2014 which was considered and the existing construction at that point of time was regularized by the Building Department and regularization plan was issued on 10.12.2014 with the direction that the owner/builder shall not be allowed to carry out further construction/addition/alteration etc. except repairs and finishing of the existing structure as per regularization plan only,

And whereas a show cause notice under Section 338 of the DMC Act 1957 was issued on 17/02/2015 mentioning details of irregularities and violations in the premises,

And whereas vide letter No. D/A.E(B)/KBZ/2015/6506 dated 16/09/15 the regularization plan vide No. 862/B/KBZ dtd 10.12.14 and vide regularization letter no. D/AE(B)/KBZ/2014/7848 dated 10.12.2014 was revoked with immediate effect,

And whereas the applicant had filed an appeal at Appellant Tribunal MCD wherein an order was passed on 19.11.15 for Deputy Commissioner to pass the speaking order with all the submission, pleas and the defences raised by the appellant and to complete the proceedings within maximum 3 months.

(Signature)

And whereas, since the matter got delayed, the applicant approached Hon'ble High Court which disposed off the matter on 17.02.2017 with direction to dispose off the matter positively within an outer limit of three weeks

And whereas the matter was also referred to Additional Commissioner (Engineering) who gave his comments on 16.09.2015 which are as follows:

" May please see that the instant case is for revocation of regularization plan in r/o 12/20 WE, Karol Bagh, New Delhi whose compounding fee was approved by the Zonal Dy. Commissioner in December 2014 on the report of Zonal Building Department on page 3/N. As per the office order No. 56/SE(B)/HQ/97/UDC-II dated 02/06/1997, the power of revocation of the sanctioned building plan and sanction of regularization plan accorded by Zonal Office has been delegated to Zonal Dy. Commissioners. Therefore the file may kindly be sent back to Karol Bagh Zone for deciding this case at their own level and for granting approval as per law for the revocation of above regularization."

And whereas I have gone through the replies submitted by the applicant.

And whereas I have gone through the report of the Junior Engineer (Building) dated 05.02.2015 where it was brought on record that the violation of the building bye laws and non compoundable deviations were also existing which could not be regularized.

And whereas in this matter, a joint inspection team under the approval of Additional Commissioner (Engineering) was constituted to verify the status of construction in 12/20 WEA Karol Bagh vide no. North DMC/SE(B)HQ/2015/D-43 under which the following observations were made on 19.10.2015 :

1. The height of the building/Lift room/Mummtty are more than the approved height
2. Toilet Blocks have not been provided in any floor except for temporary toilet in open portion at 2nd Floor
3. Both staircases of basement portion are defective
4. Headroom of one staircase to the basement is defective
5. No car lift provided in basement. So ECS not provided in basement although opening for car lift is provided in the stilt portion
6. Additional staircase from stilt floor to the ground floor is defective

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7. Beam and column frames has been extended on 2nd and 3rd floor beyond covered areas
8. Water harvesting has not been provided
9. At present the building is occupied at ground floor, 1st floor, 2nd floor and 3rd floor
10. The coverage at ground floor is more than the permissible limit

And whereas, the applicant had submitted for regularization of excess area which was within the compoundable limit but there were lot of deviations which were non compoundable and were not brought into notice of the approving authority later.

And whereas, I am satisfied that the regularization plan No. 862/B/KBZ dtd 10.12.14 which was approved vide regularization letter no. D/AE(B)/KBZ/2014/7848 dated 10.12.2014 was accorded based upon misrepresented facts by the applicant,

Now, therefore, Under the powers vested upon me under Section 338 of DMC Act, I Himanshu Gupta, Deputy Commissioner Karol Bagh Zone **hereby revoke** the regularization plan No. 862/B/KBZ dtd 10.12.14 which was approved vide regularization letter no. D/AE(B)/KBZ/2014/7848 dated 10.12.2014.

I authorize the Assistant Engineer (Bldg), Karol Bagh Zone, to execute the above order in the manner prescribed by under various rules of the DMC Act and report immediate compliance to the undersigned.

Issued under my hand seal on this day of 11th December 2020.



Himanshu Gupta IAS
Deputy Commissioner
Karol Bagh Zone: N.D.M.C

(HIMANSHU GUPTA)
IAS
DEPUTY COMMISSIONER
KAROL BAGH ZONE
NORTH DMC, NEW DELHI