



MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE DEPUTY COMMISSIONER
KESHAV PURAM ZONE : DELHI

No. D/1484/DC/KPZ/2022

Dated: 13/12/22

ORDER UNDER SECTION 338 OF DMC ACT, 1957

Whereas, a complaint dated 09.03.2020 of Sh. Rajeev Gupta, Sh. Sachin Gupta & Sh. Naval Gupta regarding subdivision of plot and unauthorized construction at plot No. E-103, Kamla Nagar, received in Building Department, Keshav Puram Zone.

Whereas, upon receipt of the complaint, the status of building Plan in respect of the property in question was checked and found that the building plan of the plot under reference measuring 92.655sqm has been got sanctioned online vide ID No. 10072885 dt. 11.02.2020 under "Saral Scheme" for construction of residential building.

Whereas the clause 4.4.3 of MPD-2021 provides that "sub-division of plots is not permitted. However, if there are more than one buildings in one residential plot, the sum 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."

Whereas the actual size of the original plot as per the ownership documents uploaded by the Architect/applicant is 220 Sq. Yds. (183.946 Sqm.) and as per approved layout plan of colony, the plot no. E-103, Kamla Nagar has been shown as a single plot. However, the same was got sub-divided through a decree passed by the Hon'ble Court in 1979 in two equal portions of 110 Sq. Yds (33'X30').

From the ownership documents, it is observed that the building plan has been got sanctioned for a sub-divided plot measuring 110sq. yard in violation of the Policy/Guidelines/provisions of MPD-2021 without getting the layout plan approved /modified from the Town Planning /North DMC. Therefore, after following of due process of law, the sanctioned building plan vide ID No. ID No. 10072885 dt. 11.02.2020 under "Saral Scheme" was revoked vide letter No. DC/KPZ/2020/755 dated 03.02.2021 and architect, Sh. Ramesh Namdeo Rao Deshmukh was debarred from signing/submission any application for consideration/approval of Layout plan/site Plan/Building Plan, completion certificates/C-1 certificate, regularization etc. as Architect in respect of the properties situated in the areas under the jurisdiction of the then three corporations i.e. North DMC, South DMC & East DMC for a period of one year.

Whereas a revised online sanctioned building plan for construction of residential building at plot No. E-103, Kamla Nagar, Delhi vide ID No. 10072885 dated 01.02.2021 has also been obtained by Smt Madhu Gupta/Owner/Builder under SARAL SCHEME for a sub-divided plot (area 110sq.yard) in violation of the police of the guideline/provisions of the MPD-2021 & UBBL-2016 and without getting layout plan approved /modified from Town Planning Department, North DMC. Accordingly, show cause notice was served to the Smt. Madhu Gupta, owner/builder and Sh. Ramesh Namdeo Rao Deshmukh (E/1023) architect vide No. D/EE(B)-II/KPZ/2022/1275 dated 10.06.2022 as to why the revised sanction Bldg. Plan in respect of P. No. E-103, Kamla Nagar, Delhi obtained by them under Saral Scheme vide online ID No. 10072885 dated 01.02.2021 be not revoked and action against the Architect/Engineer Sh.

N/A



Ramesh Namdeo Rao Deshmukh(E/1023) be not initiated as per Law /DMC Act. owner/occupier/Architect was further directed to show cause as to why the work already commenced /erected or done be not treated as without any valid sanction.

In response to the show cause notice, Smt. Madhu Gupta submitted her reply in this office vide diary No. 32 dated 21.06.2022. The reply of Smt. Madhu Gupta has been found unsatisfactory and the architect Sh. Ramesh Namdeo Rao Deshmukh replied through whatsapp Message and requested for personal hearing. Thereafter, the personal hearing was granted to them on 07.07.2022. On dated 07.07.2022, the Hon'ble High Court of Delhi ordered in court case titled "Smt. Madhu Gupta Vs Sh. Sanjay Goel, CONT. CAS(C)/600/2022 wherein it was directed that *"the petitioner or her representative shall appear before the concerned Executive/Assistant Engineer of the Keshav Puram Zone on Monday i.e.11.07.2022 at 11:00AM. The said officer would then consider the representation afresh, and pass a reasoned order"*. In view of court order the personal hearing against revocation proceedings was suspended till the finalization of the order on representation.

Whereas, as per direction of the Hon'ble High Court, Smt. Madhu Gupta attended personal hearings on 11.07.2022, 15.07.2022 and 18.07.2022. On 18.07.2022, Smt. Madhu Gupta attended the personal hearing and stated that she has nothing to submit in support of her contention and requested to close the personal hearing. Accordingly the personal hearing was closed on 18.07.2022. Thereafter, the case was examined and put up before the Competent Authority i.e. Deputy Commissioner, Keshav Puram Zone. Smt. Madhu Gupta was also granted an opportunity for personal hearing before the Deputy Commissioner, Keshav Puram Zone on 04.11.2022 at 3:00PM. On 04.11.2022, Smt. Madhu Gupta attended personal hearing along with Architect Sh. Ramesh Namdeo Rao Deshmukh, they have informed that they have already submitted all the documents in support of their representation and they have nothing to say more on the subject matter. Thereafter, the hearing was closed. Accordingly, a reasoned order was communicated to Smt Madhu Gupta vide letter No. DC/KPZ/2022/1449 dated 15.11.2022 wherein it has been ordered that the sanctioned building plan vide ID No. 10075885 dated 11.02.2020 was revoked due to building plan was sanctioned for a sub-divided plot (area 110 sa. Yard) in violation of the policy of the guidelines / provisions of MPD-2021 & UBBL-2016 and without getting layout plan approved/modified from Town Planning Department, North DMC and the work stop notice was issued in furtherance of revocation order. Therefore relief sought in her representation can not be considered.

Whereas, the personal hearing on dated 23.11.2022 at 3:00PM regarding revocation of the revised Building Plan sanctioned online under Saral Scheme vide ID No. 10072885 dated 01.02.2021 in respect of property No. E-103, Kamla Nagar, Delhi was communicated to Smt. Madhu Gupta and Sh. Ramesh Namdeo Roa Deshmukh vide letter No. D/AE(B)/KPZ/2022/1110 dated 15.11.2022. Accordingly, the personal hearing was attended by Smt. Madhu Gupta on 23.11.2022 and submitted that she has nothing to submit any documents in support her contention. Therefore, the hearing was closed on 23.11.2022.

Now, therefore, Dr. Naveen Aggarwal (IAS) Deputy Commissioner, Keshav Puram Zone, MCD 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 there under hold that the online revised sanctioned building plan for construction of residential building at Plot No. E-103, Kamla Nagar, Delhi vide ID No. 10072885 dated 02.02.2021 has been obtained by false statement /misrepresentation of material facts for a sub-divided plot in violation of the Policy/guidelines /provisions of MPD-

2021/UBBL-20
Planning Di
conser
/r

MC Act.
work already
in this
nd

2021/UBBL-2016 and without getting the layout plan approved/modified from the Town Planning Department/ MCD and therefore, I hereby revoke the same with immediate effect and consequent upon revocations of sanctioned building plan, the construction work commenced /erected or done so far in the plot will be treated as unauthorized/without any valid sanction. The amount deposited by the noticee for sanction of the building plan 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. Ramesh Namdeo Rao Deshmukh(E/1023) is hereby debarred from signing/submission any application for consideration/approval of Layout plan/site Plan/Building Plan, completion certificates/C-1 certificate, regularization etc. as Architect in respect of the properties situated in the areas under the jurisdiction of the MCD for a period of one year from the date of issuance of this order. During the said period, no building plan application under your signature shall be entertained by MCD.

Issued under my hand and seal on this ____ day of ____ 2022.



Sd/-
(Dr. NAVEEN AGGARWAL (IAS)
Deputy Commissioner
Keshav Puram Zone

1. Sh. Ramesh Namdeo Rao Deshmukhu,(E/1023),
E-mail:- m.deshmukh@yahoo.co.in
Address: 3211, 4th floor,
Dispensary Lane, Sarita Vihar,
Delhi-110076.
(Mobile No. 9971018166)

2. Mrs. Madhu Gupta, Owner/occupier,
Property No. E-103, Kamla Nagar,
Delhi-110007.

3. Mrs. Madhu Gupta W/o Sh. Jai Raj Gupta,
R/o 435, Sunehri Apartments,
Sector-13, Rohini,
Delhi-110085.

Copy to:-

1. Secretary, Council of Architecture, India Habitat Center , Lodhi Road, New Delhi with the request to initiate necessary action against the above named Architect please.
2. All Zonal DCs MCD for kind information.
3. CTP-MCD for necessary action.
4. SE's (Bldg.) HQ/MCD for necessary action.
5. SE-II/KPZ for necessary action.
6. All Zone EE(Bldg.)/MCD -for necessary action.
7. Director (IT) with request to upload the same on MCD Website/Portal.
8. Office copy

Handwritten notes and signatures:
A-0117-8
Khatrisala
15/12/22
Fudrakat (DRA)

Handwritten signature: N A
Deputy Commissioner
Keshav Puram Zone