



SOUTH DELHI MUNICIPAL CORPORATION
OFFICE OF THE DEPUTY COMMISSIONER
SOUTH ZONE: GREEN PARK
NEW DELHI

No. D/ 1279 /DC/South Zone/SDMC/2020

Date: 4/9/2020

O R D E R

(Under Section 338 of the DMC Act-1957 for Revocation of Sanctioned Building Plans in respect of Property No. 193, CSP, Safdarjung Enclave, New Delhi vide Online ID No. 10070410)

Whereas an application through Online Mode for sanction of building plans for construction of a residential building on P.No. 193, CSP, Safdarjung Enclave, New Delhi, having area as 25.08 sq.mts., was submitted by you i.e. Shri Ashok Kumar through online mode vide ID No. 10070410. The application was acknowledged by the Department accordingly, and acknowledgement building plans was released on 20.11.2019.

Whereas according to the documents available on record, the building plans have been sanctioned, treating the same as residential plot, under 'Saras Scheme' having area upto 105 sq.mts., as per Circular No. D/07/Addl.Cm.I/South DMC/2017/SE(B)HQ dated 16.01.2017. This 'Saras Scheme' is application for plots situated in several categories of plots i.e. Residential Plotted Development, Village Abadi, Special Area and Unauthorised Regularized Colony.

Whereas it has been reported that the property under reference is a DDA Flat situated at ground floor, as also mentioned in the Conveyance Deed dated 09.12.2014 issued by the D.D.A., whereas the building plans for such D.D.A. Flats are not covered under the aforesaid Circular. There is separate distinct policy for sanction of building plans in respect of D.D.A. flats as per Office Order No. D/506/EE(B)HQ/2003 dated 13.08.2003.

Whereas from the above, it is evident that you are not entitled for getting the building plans sanctioned in respect of property under reference, under the scheme applicable for residential plots as per aforesaid Circular dated 16.01.2017. It is evident that the sanction of building plans has been obtained by you by concealment and mis-representation of facts and by adoption of such unfair means.

Whereas based on the above explained position, a Show Cause Notice bearing No. D/605/DC/South Zone/SDMC/2020 dated 20.07.2020 was issued to the applicant namely Shri Ashok Kumar, to submit their reply, as to why the sanction of building plans be not revoked, for the aforesaid reasons. Simultaneously, the Architect Shri Rakesh Kumar Vasudeva was also issued similar show cause notice bearing No. D/606/DC/South Zone/SDMC/2020 dated 20.07.2020 as to why the action of debarring him from practicing in the Municipal Corporations and referring the case to Council of Architecture be not taken against him. But no reply from the applicant Shri Ashok Kumar has been received, whereas the Architect has submitted a reply dated 31.07.2020 stating that he was not fully aware of the policy and assured that such an act will not be repeated in future.

Contd...2.

Now, therefore, I, Aman Gupta, Deputy Commissioner-South Zone - South Delhi Municipal Corporation, for the above mentioned reasons, hereby revoke the sanction of building plans accorded in respect of Property No. 193, CSP, Safdarjung Enclave, New Delhi vide ID No. 10070410 through Online Mode. The work, if carried out at site in pursuance of said sanction of building plans, shall now be treated as unauthorized / illegal and is actionable as per DMC Act-1957 / law.

As 2092

(AMAN GUPTA)
I.A.S.

Deputy Commissioner
South Zone

Shri Ashok Kumar
193, CSP DDA Flats
Safdarjung Enclave
NEW DELHI

Shri Rakesh Kumar Vasudeva
Architect
(Licence No. CA/1994/17500)
J-59, Ground Floor,
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Faridabad -121001

EE (Bldg)
AE (B)
(Plan)



SOUTH DELHI MUNICIPAL CORPORATION
OFFICE OF THE DEPUTY COMMISSIONER
SOUTH ZONE: GREEN PARK
NEW DELHI

No. D/1280/DC/South Zone/SDMC/2020

Date: 4/9/2020

ORDER

Whereas an application through Online Mode for sanction of building plans for construction of a residential building on P.No. 193, CSP DDA Flats, Safdarjung Enclave, New Delhi, having area as 25.08 sq.mts., was submitted by the applicant Shri Ashok Kumar through online mode vide ID No. 10070410 dated 20.11.2019 with drawings prepared by you, and documents etc. signed by you as Architect of the case.

The application was acknowledged by the Department accordingly, which was released on 20.11.2019.

Whereas according to the documents available on record, the building plans have been sanctioned, treating the same as residential plot, under 'Saral Scheme' having area upto 105 sq.mts., as per Circular No. D/07/Addl.Cm.I/South DMC/2017/SE(B)HQ dated 16.01.2017. This 'Saral Scheme' is application for plots situated in several categories of plots i.e. Residential Plotted Development, Village Abadi, Special Area and Unauthorised Regularized Colony.

Whereas it has been reported that the property under reference is a DDA Flat situated at ground floor, as also mentioned in the Conveyance Deed dated 09.12.2014 issued by the D.D.A., whereas the building plans for such D.D.A. Flats are not covered under the aforesaid Circular. There is separate distinct policy for sanction of building plans in respect of D.D.A. flats as per Office Order No. D/506/EE(B)HQ/2003 dated 13.08.2003.

Whereas from the above, it is evident that the case is not entitled for getting the building plans sanctioned in respect of property under reference, under the scheme applicable for residential plots as per aforesaid Circular dated 16.01.2017. It is evident that the sanction of building plans has been obtained by the applicant through you by concealment and mis-representation of facts and by adoption of such unfair means.

Whereas the onus for genuineness and correctness of the documents and allied issues uploaded by you for the purpose of building plans lies with owner as well as with you jointly. The case, being related to the D.D.A flats, was never entitled for sanction of building plans under 'Saral Scheme', and it was your professional duty to ensure that the case qualifies the mandatory provisions and policy of the Department before its submission through online mode and uploading the application with documents etc.

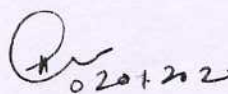
Whereas it can be derived that the building plans were got acknowledged by you on behalf of the applicant named above through online mode by suppression and concealment of facts and making material mis-representation of facts

Contd...2.

Whereas a Notice bearing No. D/606/DC/South Zone/SDMC/2020 dated 20.07.2020 was issued to you for the lapses as contained therein. In response, you have submitted a reply dated 31.07.2020 stating that the you were not fully aware of the policy.

Whereas the reply has duly been got examined. It has been reported that policy of DDA Flats and the building plans cases entitled under 'Saral' Scheme quoted above are distinct and different from each other, and there is wide gap between these two separately enacted policies. One category is DDA Flat, and one category under 'Saral Scheme' is residential plots. You, being an Architect, are required to know the policies of Building Department in terms of sanction of building plans, since while preparing the drawings, you inspect the site, study the documents of applicants and show the site in the part layout plan and submit the application with certain declarations and forms. Moreover, all such rules / regulations and policies are already integral part of the Unified Building Bye-Laws-2016 and Master Plan-2021, and these Statutes are significant in professional work of the Architect. Thus, such contentions of being ignorant have not been found satisfactory, as you have committed professional mis-conduct in the manner explained in the Notice referred in the foregoing para.

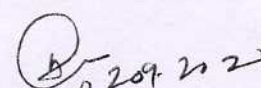
Based on the aforementioned facts, and in pursuance of provision of Unified Building Bye-Laws-2016 as well as policy of the Department, you are hereby debarred from signing / submission of building plan applications, Completion Certificate applications as well as Layout Plan Applications with the three Municipal Corporations namely South Delhi Municipal Corporation, North Delhi Municipal Corporation, East Delhi Municipal Corporation for a period of two years.


Deputy Commissioner
South Zone

Shri Rakesh Kumar Vasudeva
Architect
(Licence No. CA/1994/17500)
J-59, Ground Floor,
Sector-84,
Faridabad -121001

Copy to:

1. Chief Town Planner-South DMC, North DMC and East DMC – with the request to endorse a copy of the said Order to the Town Planning Departments of respective Municipal Corporation.
2. Suptg. Engineer (Bldg)HQ-South DMC, North DMC and East DMC – with the request to endorse a copy of the said Order to all Zonal Building Departments of respective Municipal Corporation for taking further necessary action.
3. Secretary, Council of Architecture, India Habitat Centre, Lodhi Road, New Delhi – for kind information and necessary action please.
4. AO – IT Department – for necessary action regarding uploading the instant Order on the website.


Deputy Commissioner
South Zone

o/c
EE(Bldg)
AE(Plan)