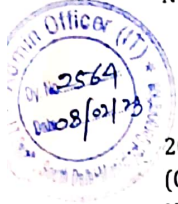




MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE DEPUTY COMMISSIONER
KESHAV PURAM ZONE : DELHI

No. D/DC/KPZ/2023/1550

Dated: 24/01/2023



ORDER UNDER SECTION 338 OF DMC ACT, 1957

Whereas, online Sanction Building Plan under Saral Scheme as per chapter 4 & 7 of UBBL-2016 under Clause 336 of DMC Act was granted by Architect Sh. Niranjn Kumar Sharma (CA/e/2066) in favour of Smt. Neena Goel vide online ID No. 10097867 for property No. 1982, Gali No. 154, Ganesh Pura-A, Tri Nagar, Delhi-110035 measuring Ground floor back portion measuring 50.00sq. yard (41.8 sqm) and first floor with roof right measuring 85 sq. yards approx., (71.31 sqm) as per clause 3.1.1.2 (i) and (ii) of UBBL and office order No. 078/COM/MCD/2022 dated 21.06.2022.

Whereas, on scrutiny of document submitted by owner/architect it is revealed that originally property No. 1982, Gali No. 154, Ganesh Pura-A, Tri Nagar, Delhi-110035 measuring 193.00 sq. yards was in the name of Sh. Duli Chand and Sh. Devi Chand by virtue of sale deed registered as document No. 3179 in additional book no. 1, volume No. 88 on page No. 92-96 on dated 15.12.1957. Thereafter, Smt. Manju Gupta Purchased the ground floor back portion measuring 50.00sq. yard (41.8 sqm) and first floor with roof right measuring 85 sq. yards approx., (71.31 sqm) from Sh. Duli Chand and Sh. Devi Chand out of the total plot of 193 sq. yards, portion of old Plot No. 86, out of Khasra No. 620/552/243/49, situated in the area of village chowkri Mubarkabad colony, known as Ganesh Pura-A, Tri Nagar, Delhi-110035 by way of sale deed registered as document No. 13462 in additional book No. 1, volume No. 4417 on page 26-29 on dated 12.11.2012. Subsequently Smt. Neena Goel (the present owner who got the building plan sanction) purchased the portion owned by Smt. Manju Gupta i.e. Ground floor back portion measuring 50.00sq. yard (41.8 sqm) and first floor with roof right measuring 85 sq. yards approx., (71.31 sqm) vide sale deed dated 26.11.2012. Hence, it is evident that the portion measuring 50.00sq. yard (41.8 sqm) and first floor with roof right measuring 85 sq. yards approx., (71.31 sqm) has been carved out of a bigger plot measuring 193sq.yards.

From the above property documents it is evident that Smt. Neena Goel (owner) and architect Sh. Niranjn Kumar Sharma (CA/e/2066) got the sanctioned plan for the sub-divided plot by misrepresentation of the facts about the actual layout plan of the original plot. As per clause 4.4.3.A (iv) of MPD-2021 the sub-division of plot is not permitted for sanction of building plan. Moreover, no valid layout plan has been submitted by the owner/ Architect in respect of the legality of sub-division of the plot.

WHEREAS, a show cause notice u/s 338 of the DMC Act, 1957 was issued vide No. D/1433/DC/KPZ/2022 dated 31.10.2022 to the Architect, Sh. Niranjn Kumar Sharma (CA/e/2066) and Smt. Neema Goel, owner/occupier to show cause as to why sanction/permission in respect of property No. 1982, Gali No. 154, Ganesh Pura-A, Tri Nagar, Delhi obtained by you vide online ID No. 10097867 be not revoked and action against the Architect/Engineer Sh. Niranjn Kumar Sharma be not initiated as per Law /DMC Act.

Whereas, in response to the show cause notice, Smt. Neena Goel (Owner) submitted reply on 11.01.2022 and requested to grant three weeks more time to submit the relevant documents. Sh. Niranjn Kumar Sharma also submitted a reply on 15.11.2022 and requested to grant some time to submit valid layout plan.

In the interest of justice, the personal hearings were given on 12.12.2022, 29.12.2022 and 10.01.2023. Sh. Niranjn Kumar Sharma (Architect) and Smt. Neena Goel (Owner) failed to attend the hearings. However, Sh. Niranjn Kumar Sharma (Architect) submitted a letter dt. 29.12.2022 wherein he stated that due to not given proper information by the property owner so I am withdrawing from this case. Therefore, the hearing was closed.

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 sanctioned building plan for construction of residential building at Plot No. 1982, Gali No. 154, Ganesh Pura-A, Tri Nagar, Delhi-110035 vide ID No. 10097867 dated 12.02.2022 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-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. Niranjana Kumar Sharma (CA/e/2066) 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.

Issued under my hand and seal on this ____ day of ____ 2023.

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

1. Smt. Neena Goel (Owner)
Property No. 1982, Gali No. 154,
Ganesh Pura-A, Tri Nagar, Delhi-110035
aditya47@gmail.com
2. Smt. Neena Goel (Owner)
C/o Dharam Goel,
113 4th floor, Pocket 4 & 5,
Sector-23, Rohini, Delhi-82
(opposite Maxfort Public School, Rohini)
aditya47@gmail.com
2. Sh. Niranjana Kumar Sharma (Architect)
A-603, 6th floor, Sikka Classic Home,
Koshambi Pancha Engineering consultant,
Gaziabad, Uttar Pradesh-201010.
nksharma_era@yahoo.com

Copy to:-

1. Secretary, Council of Architecture, Indira 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

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NA
Deputy Commissioner
Keshav Puram Zone
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