



MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE DEPUTY COMMISSIONER, WEST ZONE

Dr. Sahib Singh Verma Nigam Bhawan
Near Shivaji College, Shivaji Place, Raja Garden,
New Delhi - 110027



No. : D-86 /EE(B)-I/DC(WZ)/2025

Dated : 19/6/2025

ORDER UNDER SECTION 338 OF DMC ACT, 1957

Whereas, an application through online mode for sanction of building plan was submitted by Shri Nitin Jolly through his Architect namely Shri Rahul Kochhar for construction of a residential building on P.No. F/15, Village Basai Darapur, Rajouri Garden, New Delhi vide I.D. No. 20011216 dated 21.05.2024.

And Whereas, the applicant, alongwith the application, had submitted requisite documents for sanction of building plan in respect of aforesaid property, which was examined and found that the building plan of the aforesaid property has been sanctioned in violation of the provisions of UBBL-16 on the following ground -

"The High Court of Delhi vide judgment dated 30.04.2024 had ordered the petitioner seeking sanction of building plan qua the property shall be duly considered by MCD in light of judgment of coordinate bench in Sanjeev Malhotra Vs MCD case. However, rather the applicant submitted his application in terms of the orders of Hon'ble Court before competent authority of MCD for consideration of sanction the building plan of his property, he had got sanctioned his building plan through the architect under Saral Scheme taking into consideration the plot size of 383.34 sq.yds. out of 1150 sq.yds., without considering proportionate coverage as per judgment. Thus, giving benefit of extra coverage and FAR to the owner for the plot size of 383.34 sq.yds."

Therefore, the sanction of building plan was obtained by the applicant through his Architect, is in violation of the provisions of Master Plan-2021 and Unified Building Bye-Laws-2016, by suppression and concealment of material facts, misrepresentation of facts. Thus, the applicant appears to have hoodwinked the Department to procure the sanctioned of building plan by adoption of such unfair means and by suppression and concealment of material facts.

And Whereas, based on aforesaid, a Show Cause Notice bearing No. D-08/EE(B)-I/DC(WZ)/2025 dated 04.04.2025 was issued to the Owner and the Architect of the case, to submit their reply on the ground as contained therein. But no reply to the said show cause notice was received from the applicant. However, a reply was received from Shri Rahul Kochhar, Architect on 15.04.2025, which was examined and considering it appropriate to allow the applicant & the Architect an opportunity of personal hearing in the matter to explain the facts alongwith supporting evidence. Further, the date of hearing was fixed for 07.05.2025 at 3.15 PM and they were intimated according vide letter No. D-71/EE(B)-I/WZ/2025/AE(B) dated 29.04.2025.

And Whereas, in pursuant to aforesaid letter, S/Shri Rahul Kochhar and Nitin Jolly had turned up to attend the hearing before the undersigned as per schedule on 07.05.2025. Further, during the hearing Shri Rahul Kochhar admitted that he was well aware about the sub-division of plot but he could not calculate the proportionate FAR and ground coverage. He further shows his willingness to re-submit a fresh plan. Whereas, the owner had stated that he want to submit a reply within a week time. The hearing was subsequently closed for passing further order in the matter.

And Whereas, based on the submission of the Architect, it is evident that he admitted that the building plan has been sanctioned in respect of P.No. F/15, Village Basai Darapur, Rajouri Garden, New Delhi in violation of the provisions of UBBL-16/MPD-2021. On the other hand, in compliance of the submission made by the owner that he will submit his reply in the matter within a week time, no reply has been received in this office so far, even after lapse of stipulated period.

Based on the aforesaid and in pursuance of provision of Unified Building Bye-Laws-2016 and for committing the violations of provisions of DMC Act, 1957, Master Plan-2021 as well as policy of the department, the building plan sanctioned through online mode needs to be revoked.

Now, therefore, in exercise of power vested in me under the DMC Act 1957, I, Deputy Commissioner, West Zone, MCD for the above mentioned reasons, hereby revoke the sanction of Building Plan so accorded to you through online mode vide I.D. No. 20011216 dated 21.05.2024 and work carried out, erected and done is treated as without any valide sanction and the action as per the provisions of the law will be taken without further intimation to you.

Deputy Commissioner
West Zone

Shri Nitin Jolly
Owner,
P.No. F/15,
Village Basai Darapur,
Rajouri Garden,
New Delhi

Copy to :-

1. Supdt. Engineer (Bldg.)/HQ, MCD.
2. AO-IT Department – for necessary action regarding uploading the order in the instant case on the website.
3. EE(Bldg.)-I/WZ – for necessary action.
4. Office copy.

Deputy Commissioner
West Zone

20/06/24
Subodh