



MUNICIPAL CORPORATION OF DELHI
Office of the Deputy Commissioner
KeshavPuram Zone
A-1 Block, KeshavPuram
Delhi-110035

No.D- 174 /DC/KPZ/2025

Dated: 12/08/25

ORDER

(Proceedings Under Section 338 of the DMC Act-1957 for Revocation of revised Sanctioned Building Plan in respect of Property No. C-595, Saraswati Vihar, Delhi).

Name of Applicant	Shri Rajeev Kumar Rastogi
Name of Architect/ Engineer	Shri Shahnawaz (Licence No. E/01002)
Online ID No.	20013994 dated 24.09.2024 20013994 dated 07.01.2025
Area of Plot	133.33sq.yds. as per Conveyance-Deed

Whereas, an application for grant of sanction of revised building plan for construction of residential building was submitted by the applicant along with the Architect/Engineer in respect of above mentioned property, with relevant briefs reflected above.

Whereas the revised building plan of property in question was got sanctioned by the applicant from the Department.

Whereas it has been brought to my notice by the concerned official(s) that the property in question falls on notified commercial road as per Master Plan-2021 i.e. Mahatma Hans Raj Marg (Outer Ring Road via Sant Nagar Chowk to Road No. 43), while owner and Architect/ Engineer of the case has obtained the building plan and later on revised building plan, showing the property on non-notified road. To ascertain the factual position, the documents uploaded by the Architect/ Engineer on web portal for obtaining building plan, were examined by the AE(B)-I/Plan, KPZ, whereupon it was found that the applicant, in the both, Common Application Form (CAF) and E-Undertaking has declared that the property falls/abuts on non-Notified Road.

Whereas significantly, the Architect/Engineer, while uploading the building plan application and necessary documents, as mandated, is required to inspect the site and ensure that the building plan is as per the existing site conditions including existing construction, if any. For the said purpose, the applicant submits certain types of documents, duly signed by him and the Architect / Engineer, such as e-undertaking, Affidavit, ownership documents, etc.

And whereas it has brought to my notice that the property falls on a Notified Commercial Road as per Master Plan-2021 i.e. Mahatma Hans Raj Marg (Outer Ring Road via Sant Nagar Chowk to Road No. 43). However, the applicant, in the both, Common Application Form (CAF) and E-Undertaking has declared that the property falls/abuts on non-Notified Road. In such a way, the Architect/ Engineer has concealed the material facts that actually the property falls on notified commercial road instead of non-notified road, to led the benefit in favour of the applicant in terms of parking provision, however, at present, the property does not meet with

the parking provision, as mandated under the Master Plan-2021 in the following manner:-

ECS required	= 6.484
ECS available	= 3.592
Deficient ECS	= 2.89

Whereas in the sanction letter, a condition has been imposed as under:-

"Plan released. However, the plan can be revoked at any stage on any account including any kind of mis-representation of material facts and / or any false statements and the responsibility of the correctness of owners, title solely lies with the Architect / Applicant (s)"

Whereas according to the Provision No. 2.9 – Penal Action – 2.9.1-Revocation of Building Permit –it has been mandated as under:

"The sanctioning authority shall revoke any building permit including sanction of building plan and / or occupancy-cum-completion certificate and take action as per law, if there has been any false statement or any mis-representation of material facts in the application on which the building permit was based."

Whereas based on the anomalies noticed in the case, a Show Cause Notice under Section 338 of the DMC Act-1957 was issued to the applicant and Architect of the case, bearing No. D-70/DC/KPZ/2025 dated 21.05.2025, as to why the sanction of building plan be not revoked. In response, the Engineer Shri Shahnawaz submitted a reply dated 26.05.2025, contending that the error committed was unintentional as the status of road was assumed to be a non-notified road and the error was Bona fide. As per his version, he had taken due care to submit all requirements. In the interest of natural justice, an opportunity of personal hearing was afforded to the applicant and Architect. The hearing proceedings in the matter were held on 15.07.2025, 31.07.2025 and 04.08.2025. During the hearing proceedings, the Engineer Shri Shahnawaz initially requested to grant some time to upload the requisite documents and on last hearing held on 04.08.2025, the Engineer stated that he has nothing else to say in the matter. Thus, the hearing proceedings were concluded by the undersigned.

Whereas upon getting the matter examined, it has been reported that the applicant and the Engineer have not rectified the anomalies, as parking provision, with deficient ECS of 2.89, has not been incorporated or rectified drawings with documents have not been uploaded or submitted by them despite sufficient opportunities have been granted to the applicant and Engineer. Therefore, the violations reflected in the Show Cause Notice dated 21.05.2025 still persist in the case. Thus, it is established that the grant of sanction of building plan was obtained by the applicant and Architect/ Engineer by suppression, concealment and mis-representation of material facts about the status of the road on which the property in question abuts / falls. The onus for genuineness and correctness of allied documents uploaded with the application for grant of building plan and ensuring that the case qualifies for sanction of building plan in terms of prevalent regulations notified in the Master Plan-2021, Unified Building Bye-Laws-2016 and DMC Act, 1957 jointly lies with the applicant as well as Architect/Engineer/Professional only.

Whereas in view of above expounded reported facts, the sanction of building plan is liable to be revoked under Section 338 of the DMC Act-1957 as well as bye-law No.2.9 – Penal Action – 2.9.3 of Unified Building Bye-Laws-2016.

Whereas the professional i.e. Engineer Shri Shahnawaz has committed lapses and professional mis-conduct on his part, and thus, necessary punitive action is warranted against him also in terms of the bye-law No.2.9 – Penal Action – 2.9.3 of Unified Building Bye-Laws-2016, as already incorporated in the Show Cause Notice quoted above.

Now, therefore, in exercise of powers vested in me under Section 338 of the DMC Act-1957, I, Sandeep Kumar, Deputy Commissioner, Keshav Puram Zone, Municipal Corporation of Delhi, for the aforementioned reasons, hereby revoke the sanction of building plan, in respect of **Property No. C-595, Saraswati Vihar, Delhi vide online ID No. 20013994 (revised sanction of building plan)**. The work, if carried out at site in pursuance of said

sanction of building plan, shall now be treated as unauthorized / illegal and is actionable as per DMC Act-1957.

It has been observed that there is professional lapse and mis-conduct on the part of **Engineer Shri Shahnewaz**, in the manner as stated above and in the Show Cause Notice dated 21.05.2025. He has failed to remove the anomalies contained in the said Show Cause Notice despite passage of considerable time period. Thus, for the said reasons, he is hereby debarred from practicing in the M.C.D. for a period of one year, and during the said period, he is not allowed to submit the applications for sanction of building plans, regularization of existing construction, occupancy-cum-completion certificate as well as layout Plan with the M.C.D.




Deputy Commissioner
Keshav Puram Zone

Shri Rajeev Kumar Rastogi
P.No. C-895, SaraswatiVihar
Pitampura, DELHI

Shri Shahnewaz, Engineer
Licence No. E/01002
297, DDA Flat, Pocket-13, Sector-1
Dwarka, New Delhi

Copy to:

1. All Zonal Deputy Commissioners - for further necessary action at their end
2. Chief Town Planner-Municipal Corporation of Delhi - with the request to endorse a copy of the said Order to the Zonal Town Planning Departments of respective Municipal Corporation.
3. Chief Engineer (Bldg)HQ for further necessary action at their end
4. Suptg Engineer (Bldg)HQ- with the request to endorse a copy of the said Order to all Zonal Building Departments of for taking further necessary action.
5. Director - IT Department - for necessary action regarding uploading the Order in the instant case on the website.
6. Registrar Council of Architecture, India Habitat Centre core 6A, 1st floor, Lodhi Road, Delhi-110003
7. EE (B-4/KPZ)
8. AE (B-4) concerned, Ward No. 58 : for necessary action.
9. Office copy


Deputy Commissioner
Keshav Puram Zone



8/5/25