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आजादी का  
अमृत महोत्सव

**MUNICIPAL CORPORATION OF DELHI**  
Office of the Executive Engineer(Bldg.)-I, Civil Lines Zone  
3<sup>rd</sup> Floor, 16-Rajpur Road, Civil Lines, Delhi-54



No. D 689/EE(B)-I/CLZ/2024

Dated 29/5/2024

**ORDER**

**(Under Section 338 of the DMC Act -1957 for Revocation of Sanctioned Building Plans in respect of property bearing Plot No. Unit -D, Part of Bunglow No. 1, 45, Mall Road, Delhi.)**

Name of Applicant	M/s Active Dealers P Ltd. now known as Shiva Gems Pvt. Ltd. through its Director Mr. Prateek Sarraf.
Name of Architect, who sanctioned Building Plan	Sh. Rohit Bisht (E/00692)
Online ID No.	10108698
Area of Plot	290.278 sqm.

**Whereas,** as per Clause 3.1.1.2 of UBBLs-2016 & as per circular No. 685/Addl.Cm.Engg./NorthDMC/2016 dated 05.08.2016, circular no. South DMC/Addl.Cmr.(RG)/2019/217 dated 15.10.2019 and Circular No. South DMC/Addl.Cmr.(AAT)/2019/221 dated 04.11.2019, the Architect/Engineer are empowered to sanction building plan for residential building on plots up to 500 Square meters size after submitting the plan along with requisite documents and fees to the sanctioning authority in accordance with their qualification and competence specified in UBBL-2021 with the clear stipulation that consequences/responsibility, if any, on account of erroneous sanction shall be exclusory borne by Architect/Engineer. Under SARAL SCHEME, absolute reliance is made on the submissions of Owner(s) and his/her Architect/Engineer regarding compliance of relevant provisions of Building Bye Laws-2016/Master Plan/Zonal Plan in the submitted proposal. Therefore, Owner and Architect/Engineer are to remain responsible.

**Whereas,** Sh. Rohit Bisht, Architect/Engineer (E/00692) vide ID No. 10108698 dated 16.11.2022 has issued sanctioned building plan as per clause 3.1.1.2 (ii) of UBBL-2016 in favour of M/s Active Dealers P Ltd. now known as Shiva Gems Pvt. Ltd. through its Director Mr. Prateek Sarraf in respect of aforesaid property consisting of **Stilt, Ground to Second floor** on plot measuring 290.278 square meters in size.

Whereas, it has been brought in the notice of undersigned that during scrutiny of building plan sanctioned by the architect, it has been observed that the architect and applicant has misrepresented and concealed the following facts related to property under reference.

1. As per detail provided by Building HQ vide note dated 18.01.2024, the building plan was earlier sanctioned vide No. 947/B/HQ/96/AE-II/13 and released on 03.02.1997 in favour of M/s Rentiers & Financiers Pvt. Ltd. regarding property at Bunglow No. 1, 45, Mall Road, Delhi for an undivided area of 1719 sq. yrd..
2. The Architect Sh. Rohit Bisht (E/00692) has sanctioned the building plan for 290.278 sqm. out of 1719 sq. yrd. Plot under SARAL Scheme vide ID No. 10108698 and it is a case of sub-division of property.
3. It is specified in Clause 1.7.1 of UBBL 2016 that *"No person shall carry out any development or redevelopment including sub-division on any plot or land (not forming part of any approved layout plan or scheme) or cause to be done without obtaining approval from the Sanctioning Authority for the Layout Plan."*
4. The Architect has failed to upload the approval from the sanctioning authority for the layout plan regarding sub division of plot no. Plot No. Bunglow No. 1, 45, Mall Road, Delhi.

Therefore, it has been established that the owner/Architect/Engineer has failed to adhere with the requirements of UBBL-2016, MPD-2021, and the relevant circulars issued from time to time in this regard.

And whereas, it is also established that the applicant and architect/engineer have suppressed the material fact. There is sufficient material on record establishing gross misrepresentation of fact and for which both applicant & architect/engineer are equally responsible.



Whereas, based on certain anomalies, a show cause notice bearing No. 490/EE(B)-I/CLZ/2024 dated 14.03.2024 under section 338 of DMC Act was sent to the applicant as well as Architect/Engineer of the case. Further, the Director of M/s Active Dealer Pvt. Ltd. now known as Shiva Gems Pvt. Ltd., Sh. Prateek Sarraf on behalf of company submitted his reply on 29.04.2024 and requested for personal hearing. Accordingly the personal hearing was granted on 28.05.2024 and during hearing the Director of aforesaid firm submitted his written reply. Whereas, the Director of aforesaid firm has failed to submit, the copy of any approved layout plan showing sub-division of aforesaid plot. Further, the Architect/Engineer has also not responded in reference to the show cause notice dated 14.03.2024.

**And whereas** it is established that Owner and Architect/Engineer have suppressed the material fact. There is sufficient material on record establishing gross misrepresentation of fact and for which both applicant & Architect/Engineer are equally responsible.

**And Whereas** the undersigned, therefore, based on the reports of Department and in pursuance of provisions 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 Architect/Engineer has trespassed his assigned competency, thereby granting unlawful benefit to the applicant. The sanctioned building plans of the property under reference are, therefore, liable to be revoked under Section 338 of the DMC Act, 1957.

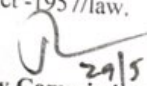
**Now, therefore,** I, Deputy Commissioner, Civil Lines Zone, Municipal Corporation of Delhi, in exercise of powers vested under Section 338 of the DMC Act-1957 for the above-mentioned reasons, hereby revoke the sanction of building plans accorded in respect of property bearing Plot No. **Unit -D, Part of Bunglow No. 1, 45, Mall Road, Delhi.** The work, if carried out at site in pursuance of said sanction of building plans, shall now be treated as unauthorised /illegal and is actionable as per DMC Act -1957/law.

M/s. Active Dealers P Ltd. now known as Shiva Gems Pvt. Ltd.  
through its Director Mr. Prateek Sarraf,  
Plot No. Unit -D, Part of Bunglow No. 1,  
45, Mall Road, Delhi

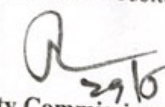
Sh. Rohit Bisht, Architect /engineer (E/00692)  
153 D/B4, Pilkholi Almora,  
Uttarakhand - 263645,  
Mobile No. 9773509740  
Email-rb6932@gmail.com

Copy to :-

1. Additional Commissioner (Engg.) Chief Engineer(B)/HQ, MCD for information.
2. Chief Engineer (Bldg.) HQ for information.
3. Director (IT)/MCD for necessary action regarding uploading the Order in the instant case on the website.
4. SE-I/CLZ for kind information.
5. EE(B)-I/CLZ for kind information.
6. AO-IT Department-for necessary action regarding uploading the Order in the instant case on the website.
7. Office Copy.

  
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Deputy Commissioner  
Civil Lines Zone

RAKESH KUMAR  
Deputy Commissioner  
CLZ/MCD

  
29/5  
Deputy Commissioner  
Civil Lines Zone

RAKESH KUMAR  
Deputy Commissioner  
CLZ/MCD

to adhere to  
issued from  
justice during  
of order No.

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