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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 690 /EE(B)-I/CLZ/2024

Dated 29/05 2024

**ORDER**  
**(Debarring of Architect)**

(Proceedings 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, Owner, Architect/Engineer has failed to adhere with the requirement of UBBL-2016, Master Plan, Zonal Development Plan and the relevant circulars issued from time to time in this regard. The wrongdoing on the part of Owner, Architect/Engineer came to the notice during scrutiny of building plan sanction under Ease of Doing Business by Professional in compliance of order No. North DMC/Addl. Cmr.(Engg.)/2021/D-04/CE(B)/HQ dated 02.03.2022.

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. Whereas, the Architect/Engineer has not responded in reference to the show cause notice dated 14.03.2024. Further, it has been brought in the notice of undersigned that as per record, the architect has also not responded in reference to the show cause notice dated 14.03.2024 and it seems that the Architect/Engineer have nothing to say in the matter. However, the owner has responded to the show cause notice and submitted his reply with a request for personal hearing. In natural justice personal hearing was granted to the owner of the property 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.

**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, the violations committed by the Architect/Engineer are grave in nature, since the same are in blatant violations of the provisions of Master Plan -2021 and Unified Building Bye-Laws -2016 as well as policy of department, the Architect/Engineer has trespassed his assigned competency, thereby granting unlawful benefit to the applicant. As a matter of fact, it is the professional liability and conduct of the Architect/Engineer of the case to ensure that the case qualifies in terms of sanction of building plans and is eligible and competent for the same in all respects before according approval at his level. But the Architect/Engineer failed to do so at the time of sanction of building plans at his level in the instant case and committed the lapse of gross professional mis-conduct on his part.

Based on the aforementioned facts, 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 policy of the Department, the Architect/Engineer Sh. Rohit Bisht (E/00692) is hereby debarred from signing/submission of building plan applications, application for regulation of properties, Completion Certificate applications as well as Layout Plan Applications with the Municipal Corporation of Delhi for a period of three years.

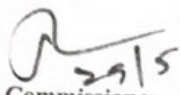
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**Copy to:-**

1. Additional Commissioner (Engineering) for kind information.
2. Chief Engineer (Bldg.)HQ for kind information.
3. All DC for kind information.
4. SE-I/CLZ for kind information.
5. Executive Engineer (Bldg.)/HQ(Concerned).
6. AO-IT Department-for necessary action regarding uploading the Order in the instant case on the website.
7. OI(B)-I/CLZ for record.
8. Office Copy.

  
29/5  
Deputy Commissioner  
Civil Lines Zone

**RAKESH KUMAR**  
Deputy Commissioner  
CLZ/MCD

  
29/5  
Deputy Commissioner  
Civil Lines Zone  
**RAKESH KUMAR**  
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