



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

No D- 167 /DC /KPZ/2025

Dated: 06/08/2025

ORDER

(Proceedings Under Section 338 of the DMC Act-1957 for Revocation of Sanctioned Building Plan in respect of P.No.506, Block-AG, Shalimar Bagh, Delhi)
Ref:

Name of Applicant	Shri Yash Marwah
Name of Architect, who sanctioned / issued the building plan	Mr./Ms. Lavenya (Licence No. CA/2021/131510)
Online ID No.	20012870 dated 18.07.2024
Area of Plot	70 sqm.

Whereas an application for sanction of building plan of above property was submitted by the above named applicant with the Architect for construction of a residential building through online mode vide online referred quoted above.

Whereas the Architect named above exercised his powers as per Circular No. No. D-304/COM/SDMC/2022 dated 22.08.2022 (earlier Circular No. South DMC/Addl.Cmr. (RG)/2019/217 dated 15.10.2019), which empowers the Architects / Engineers to sanction the building plans for fresh constructions of residential properties having area upto 500 sq.mts. (except the properties categorized in the said Circular) and sanctioned the building plans at his level. This Circular clearly stipulates that consequences / responsibility, if any, on account of erroneous sanction shall be exclusively borne by the Architect / Engineer. The aforesaid Circular / Office Order broadly also envisage as under:

- (a) *Through this module fresh building plans of the residential properties upto 500 sq.mt. (except the properties situated on Notified Commercial / MLU / PSS Roads and the areas in which NOC from any external Agency like DUAC, DMRC, AAI, ASI, Railway, HCC, Forest etc.) may be sanctioned by the Architect / Engineer 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;*
- (b) *It will be responsibility of the Architect / Engineer to ensure that the plot property concerned meets the requirements of Unified Building Bye-Laws-2016, Master Plan-2021, Zonal Development Plan, Layout Plan and the relevant Circulars issued from time to time before sanctioning of plans. It shall be ensured that there is no sub-division in the property in violation of the provisions of MPD-2021;*
- (c) *Besides, the Architect / Engineer shall also furnish online undertaking indemnifying that the Municipal Corporation (s) shall be kept harmless from any liability arising out from the sanction granted. Further, dispute, if any, arises in this behalf, it shall be solely defended by Architect / Engineer and liable for consequences / liability / responsibility arising out in any manner in this behalf;*

Whereas significantly, the Architect, while sanctioning the building plan application, is required to inspect the site and ensure that the building plans are as per existing site conditions including existing construction, if any".

And Whereas the applicant submitted certain documents, duly signed by him and the Architect, such as e-Undertakings, ownership documents, drawings etc.

Whereas the instant case has been scrutinized under test-check in Adherence of Circular No. D-17/CE(B)/HQ/2022 dated 20.07.2022. The following anomalies have been noticed in the case:

1. The applicants have not submitted the complete chain of ownership documents, as following documents have been found uploaded:

Conveyance-Deed dated 07.10.2002 executed by D.D.A. in favour of Shri Balraj Krishna S/o Late Shri Ram Lubhaya Marwah, showing the area of plot as 70 Sq Mtrs.

The chain of ownership documents in favour of the applicant has not been submitted.

2. The applicant has not deposited the entire applicable charges, as the following deficient charges have been noticed:
 - (a) C&D Charges Rs. 7,020/-
 - (b) Cess Charges Rs. 12,498/-
 - (c) Compensatory/ Regulatory Charges Rs. 3,857/-

The above anomalies are such in nature, which need to be rectified / removed by the applicant and the Architect being valid process for sanction of building plans as per the provisions of Master Plan-2021, Unified Building Bye-Laws-2016 and DMC Act-1957 to be read with relevant policy and Notifications etc.

Whereas based on the above violations, a Show Cause Notice, bearing No.D/399/DC/KPZ/2025 dated 14.02.2025, under Section 338 of DMC Act-1957 was issue to the applicant and Architect to show cause as to why the sanction of building plan be not revoked. In response, the applicant Shri Yash Marhwah, submitted a reply dated 18.03.2025, contending that the ownership documents could not be submitted due to some technical flaw on the portal of M.C.D. and also requested to grant him an opportunity of personal hearing. In the interest of natural justice, an opportunity of personal hearing was granted to him, which was fixed for 24.04.2025. The hearing proceedings in the matter were held on 24.04.2025, 15.05.2025, 20.06.2025, 27.06.2025, 03.07.2025. On the initial hearing on 24.04.2025, during the hearing Sh. Sunil on behalf of Architect Ms. Lavehya appeared in person contend the case and requested to grant some time to him. The applicant and the Architect did not attend the hearing on 15.05.2025, 20.06.2025, 27.06.2025 and 03.07.2025. The hearing proceedings were concluded by the undersigned on 03.07.2025.

Whereas the matter has been got examined. The applicant submitted certain documents relating to ownership of property, as briefed below:

Conveyance-Deed dated 07.10.2002 executed by D.D.A. in favour of Shri Balraj Krishna S/o Late Shri Ram Lubhaya Marwah, showing the area of plot as 70 Sq Mtrs.

On perusal of the said documents, it has been observed that the ownership of property is not established in favour of the applicant Shri Yash Marhwah.

Whereas it appears that sanction of building plan was obtained by the applicant and accorded by the Architect by suppression, concealment and mis-representation of material facts. The onus for genuineness and correctness of the ownership and other allied documents / information etc submitted by the applicant at the time of sanction of building plans 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 only. Moreover, the applicant have not got the revised building plan sanctioned from the competent authority despite having granted ample opportunities.

Whereas while Section 338 of the DMC Act-1957 mandates to revoke the sanction of building plan, the Provision No. 2.9 - Penal Action - 2.9.1-Revocation of Building Permit envisages 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."

Thus, in the light of hearing proceedings conducted and documents available on record, it has been observed that the sanction of building plan is liable to be revoked on the above grounds.

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 accorded to the applicant by the Architect, in respect of **P.No. 506, Block-AG, Shalimar Bagh, Delhi, vide online ID No. 20012870**. 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 / law.

Keeping in view the facts and circumstances of the case, in pursuance of Provision No. 2.9 - Penal Action - 2.9.1-of Unified Building Bye-Laws-2016 and the prevailing policy of the Department, and based on the above lapses leading to professional mis-conduct on his part, the Architect Ms. Lavenya (**License No. CA/2021/131510**) is hereby debarred from signing/ submission of Building Plan applications, application for Regularization of existing construction in the properties, Occupancy-cum-Completion Certificates applications as well as Layout Plan applications with the Municipal Corporation of Delhi for a period one year.


04/08/25


Deputy Commissioner
Keshav Puram Zone

Shri Yash Marwah
506, Block-AG, Shalimar Bagh,
DELHI - 110088

Mr./Ms. Lavenya, Architect
(Licence No. CA/2021/131510)
FLAT-52, BLK-E-1/PKT-11, SECTOR-15,
ROHINI, DELHI - 110085

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-I/KPZ)
8. AE (B-I) concerned, Ward No. 56 : for necessary action.
9. Office copy


04/08/25

Deputy Commissioner
Keshav Puram Zone


08/08/25
Subodh